

ARTICLE II. DEFINITIONS

Section 200. Purpose. It is the purpose of this Article to define words, terms, and phrases contained within this Ordinance.

Section 201. Word Usage. In the interpretation of this Ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A.** Words used or defined in one tense or form shall include other tenses and derivative forms.
- B.** Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C.** The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- D.** The word “shall” is mandatory.
- E.** The word “may” is permissive.
- F.** The word “person” includes individuals, firms, corporations, associations, trusts, and any other similar entities.
- G.** The word “Lincoln” means The City of Lincoln, Alabama.
- H.** The words “governing body” refer to the City Council of Lincoln.
- I.** The words “Planning Commission” shall mean the Lincoln Planning Commission.
- J.** The word “Board” refers to the Board of Zoning Adjustment of the City of Lincoln.
- K.** In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.
- L.** The word “permitted” refers to uses with the designation “P” as shown in Table 4-1.
- M.** The word “conditional” refers to uses with the designation “C” as shown in Table 4-1.
- N.** The words “Planning Department”, “Building Inspections” or “Inspections Department” shall refer to the department of Planning & Development Services.
- M.** The term “Building Code” shall refer to the Residential and Commercial building codes currently adopted by the City of Lincoln.

Section 202. Abbreviation.

The following abbreviations are used in this Ordinance and are intended to have the following meanings:

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|-------------|--------------------------|
| FAR: | Floor Area Ratio |
| ISR: | Impervious Surface Ratio |
| OSR: | Open Space Ratio |
| ADT: | Average Daily Traffic |
| AC: | Acre |
| LUI: | Land Use Intensity |

Section 203. Definitions.

When used in this Ordinance, the following terms shall have the meanings herein ascribed to them:

Abutting: Having a common border with, or being separated from such common border by an alley or easement.

Access: Any means of ingress/egress to a parcel of property for pedestrians and/or vehicles.

Access, Legal: The form of access which qualifies a development site for a building permit or certificate of occupancy, attesting that such property is legally accessible from a public street by means of direct road frontage, or a recorded easement across one (1) or more intervening properties. (See Section 906).

Accessory structure: A detached subordinate structure or building, located on the same lot as the principal structure, the use of which is clearly incidental to that of the principal structure.
(See Figure 1)

Accessory use: A use that is incidental and subordinate to that of the main building or use of land and that is located on the same lot, in the same zoning district and under the same ownership in all respects.

Alcoholic Beverages: See “Liquor”

Alley: A thoroughfare either used or shown on any recorded description of the subject parcel(s) which is at a minimum not more than 20 feet wide and which affords only a secondary means of access to abutting property.

Alteration/Altered: Any addition to the height, width, or depth of a building or structure; or any change in the location of any of the exterior walls. A building or structure shall be classified as altered when it is repaired, renovated, remodeled or rebuilt at a cost in excess of 50 percent of its fair market value prior to the commencement of such repairs, renovation, remodeling, or rebuilding.

Antenna: Electronic devices, whose purpose is to receive or transmit signals directly from ground-based sources, which are freestanding or mounted on a structure.

Apartment: A building designed for occupancy by three (3) or more families living independently of one another.

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Section 1009.

Applicant: One (1) individual who is duly authorized to submit development plans for review, request variances or changes in zoning classification, and apply for any form of development approval with respect to a development site. An applicant may be the property owner(s), or any person having written authority from the property owner(s). This written authority shall be provided in any form that the Planning Director determines to be appropriate.

Arterial Roadway: A roadway which typically has a relatively high traffic volume with traffic signals at major intersections. The primary function of arterials is rapidly moving traffic.

Assisted Living Facility: A special combination of housing, support services, and personalized health care designed to assist individuals needing help with daily living activities

Attic: The non-habitable part of a building immediately below, and wholly or partly within, the roof framing.

Basement: The lowest habitable story of a building usually below, or partially below, ground level.

Bed and Breakfast Inn: A private, owner-occupied business with 4 to 20 guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed and breakfast inn is operated primarily as a business.

Bedroom: A room marketed, designed, or otherwise likely to function primarily for sleeping.

Brew Pub: Any premise upon which beer, malt or brewed beverage, is actively and continuously manufactured or brewed for consumption on the premise where manufactured, or for sale to any designated wholesaler licensee for resale to retail licensees. The brewpub must contain and operate a restaurant or otherwise provide food for consumption on the premises.

Buffer/Bufferyard: A unit of land, together with a specified type and amount of planting thereon, and any fence, wall, or berm which may be required between land uses to eliminate or minimize conflicts between them.

Building: A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, plant materials, or property of any kind. The term is inclusive of any part thereof.

Building, Accessory: See Structure, Accessory.

Building Area: The portion of the lot occupied by the principal building including carports, porches, accessory buildings and other structures.

Building Envelope: Designated area within a lot, as shown on a subdivision plat for zero lot line, single family attached, and twin house development, wherein all principal and accessory structures (including swimming pools) will be built, except fences and/or walls enclosing yards or patio areas.

Building Frontage: The exterior wall of a building that faces a front lot line of the lot.

Building Height: See Height of Structure.

Building Line: A line shown on a plat indicating the minimum allowable distance between any structure and a lot line, as established by requirements of the developer and/or this Ordinance.

Building Line, Front: A line, generally parallel to the front lot line, which passes through the most forward point of the principal structure.

Canopy: A roof-like cover extending over a pedestrian way or right-of-way as a shelter or shield. This definition shall include the term “awning” and shall apply regardless of the materials used in its construction.

Carport: An unenclosed and covered space for the private use of the owner or the occupant of a principal building and situated on the same lot as the principal building, intended for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature.

Carrier/Provider: See Wireless Communication Service Provider.

Cellar: An uninhabited room used for storage, usually beneath the ground or under a building.

Certified Survey: Scaled drawing of a parcel or lot, showing property lines, dimensions, building locations, and other features of the property, which has been signed and sealed by a professional surveyor licensed in the State of Alabama.

Church: See Place of Worship.

City: The City of Lincoln, Alabama.

City Council: Elected City Council of Lincoln, Alabama.

Collector Road: A road which serves as feeders between arterials as well as provides access to the local streets. These are typically lower volume roadways that accommodate short distance trips.

Conditional Use: A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Commission and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity

Condominium: Property ownership arrangement in which a buyer receives a percentage interest in a development on an undivided parcel of land, resulting in the right to exclusive use of a specific dwelling unit or portion of the undivided parcel, such as a mobile home or recreational vehicle site. Common areas of the site which are not assigned to a specific owner, such as pools, clubhouses, parking areas and other amenities, are the collective responsibility of all owners or members of the condominium development.

Corner Lot: See Lot, Corner.

Curb Cut: Vehicular entrance onto a public right-of-way.

Day Care Center: A commercial or non-profit facility whose purpose is to care for children in a group setting, where education may be involved and meals may be served. Such facility shall be licensed by the State of Alabama.

Dedication: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Density, Gross: The quotient of the total number of dwelling units divided by the gross site area of the site, expressed as dwelling units per acre.

Developer: The legal or beneficial owner(s) of a lot or parcel or any land proposed for inclusion in a development, including the holder of an option, contract to purchase, or a lease.

Development: The division of a parcel of land into two (2) or more parcels (See Subdivision); the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which an approved development plan is required pursuant to this Ordinance or other regulations, codes and ordinances of the City.
(See Also: Article V "Landscape & Bufferyard Requirements" Section 504 Definitions)

Development Site: One (1) or more parcels of land included in a single development plan, and preferably under common ownership, which constitute the entire area of development shown on a site plan or subdivision plat. The development site must include all land needed for required open space, bufferyards, landscaping, parking (except as provided for in Sections 610.03 & 610.04), internal access roads or driveways, and other physical design features needed to serve the proposed development.

Drainage: The removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

Drainageway: Minor watercourses, natural or man-made, that are defined either by soil type or the presence of intermittent or perennial streams.

Drive-In Restaurant: See Restaurant, Fast Food.

Duplex: Residential structure, divided horizontally or vertically, and designed for or occupied by two (2) dwelling units, contained entirely under one (1) roof on one (1) lot.

Dwelling: Any building or portion thereof which is designated or used for residential purposes.

Dwelling, Single-Family Detached: See Single Family Detached Dwelling Unit.

Dwelling Unit: A room or group of rooms, providing or intended to provide living quarters for not more than one (1) family except as otherwise provided by this Ordinance. All rooms within the dwelling unit shall have internal access, and the unit shall have no more than one electrical meter.

Easement: Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property. No easement shall be recognized under this Ordinance which has not been created through a valid legal instrument and recorded in the Office of the Judge of Probate of Talladega County and those established by the City through continuous historic use.

Eave Height: The distance as measured from grade level to the top of the fascia.

Erosion: The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.

Exterior Storage: Outdoor storage of fuel, raw materials, vehicles, products and equipment. In the case of lumberyards, exterior storage includes any impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Family: One (1) or more persons related by blood, marriage, adoption or guardianship plus one (1) unrelated person occupying a dwelling unit and living as a single housekeeping unit; or not more than three (3) unrelated persons occupying a dwelling unit and living as a single housekeeping unit in zoning districts where residential uses are permitted

Family Child Care Home: A child care facility which is a family home, and which receives not more than six (6) children for care. Such facility shall be licensed by the State of Alabama. Said child care facility may be administratively approved by Planning & Development Services, subject to meeting all requirements of Section 608.02.

Filling: The depositing of sand, gravel, earth, or other materials to alter the elevation of a given site.

Floodplain: For the purposes of this Ordinance, "Floodplain" shall mean areas adjacent to a river, stream, or other drainage way which lie within the 100-year flood elevation contour, as established by Flood Insurance Rate Maps or by certified survey. (*See Figure 2*)

Floor Area: The sum of the gross floor area for each story of a building measured from the exterior limits of the faces of the structure. The floor area of a building includes basement floor area and includes attic floor area only if the attic area meets the current building code standards of the City of Lincoln for habitable floor area. It does not include cellars and unenclosed porches or any floor space in

an accessory building or in the principal building, which is designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

Floor Area Ratio (FAR): An intensity measure expressed as a ratio derived by dividing the total floor area of a building by the base site area. Where the lot is part of a larger development and has no buffer, that lot area may be used instead of the base site area. (*See Figure 3*)

Forestry: A premises, or portion of a premises, occupied by an establishment primarily engaged in the commercial operation of timber tracts, forest nurseries and related activities such as reforestation services and the gathering of gums, barks, balsam needles, maple sap and other forest products.

Garden Center: A place of business where garden-related products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, bring in most items offered for sale from other locations. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm tools and utensils.

Garage: A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Gasoline Service Station: Buildings and premises where gasoline, oils, greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with private operation), where no part of the premises is used for paint spraying, body or fender repair, or the storage of dismantled or wrecked vehicle parts, and also where minor services are rendered; such as, sale and servicing of spark plugs, batteries, and distributors; tire repair and servicing, but no recapping; replacement of minor items of equipment such as mufflers, and tail pipes, water hoses, fan belts, brake fluid, etc.; radiator cleaning and flushing; minor servicing and replacing of carburetors; car washing and waxing.

Gross Density: See Density, Gross.

Group Home: Any home, located in an RE, or RS zoning district, in which three (3) or fewer disabled persons, including their caretaker, reside who may or may not be related to one another, (See Section 409.E.3). Homes for the elderly or disabled persons in nonresidential zoning districts are addressed elsewhere in this Ordinance (See Assisted Living).

Group Child Care Home: A child care facility which is a family home and which receives at least seven (7), but no more than 12, non- resident children for care where there are at least two (2) adults present and supervising the activities. Such facility shall be licensed by the State of Alabama.

Height of Structure: For the purposes of this ordinance, the height of a building shall be measured from the average finished ground elevation at the base of the structure to eave height. Spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, mechanical equipment or other such structures, unless otherwise specified by this ordinance, placed above the roof levels and not intended for human occupancy shall not be subject to the height limitations.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

Hotel: A building, or portion of a building, containing sleeping units, which are occupied on a daily or short-term basis. A hotel may include a restaurant and banquet or ballrooms, and one (1) self-contained dwelling unit for the use of a resident manager.

Impervious Surface: A surface that does not absorb water. Buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt are impervious surfaces. For the purpose of this Ordinance, impervious surface measurements shall exclude the water surface area of swimming pools.

Impervious surface ratio (ISR): A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a development site by the site area.

(See Figure 4)

Internal Access: Physical design of a dwelling unit in which the kitchen, bathrooms, and all other rooms intended for human habitation, are connected internally.

Junkyard: Any land or structure used for a salvaging operation, including but not limited to the storage and sale of waste paper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage and/or sale and salvage of two (2) or more unlicensed, inoperative vehicles.

Kennel: Any place in or at which any number of dogs, cats or other domestic animals are kept for the purpose of sale or in connection with boarding, care or breeding, for which any fee is charged.

Kindergarten (private): See Day Care Center.

Lakes and Ponds: Natural or artificial bodies of water which retain water year round. A lake is a body of water of two (2) or more acres. A pond is a body of water of less than two (2) acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.

Liquor: Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations, or mixtures intended for beverage purposes, which contain one-half ($\frac{1}{2}$) of one percent (1%) or more of alcohol by volume, except beer and table wine as defined herein.

Local Street: A street the sole function of which is to provide access to the land uses that are immediately adjacent to the roadways.

Lot: Refers to a single undivided portion of land that is either legally recorded in the office of the Talladega County Probate Judge, or is being proposed in good faith by well-prepared plan drawings for

the purpose of being legally recorded. It is the responsibility of the property owner (or his/her agent) to insure that the property is legally recorded with the office of the Talladega County Probate Judge.

Lot Area: The area contained within the boundary lines of a lot.

Lot, Corner: A lot abutting two (2) or more streets at their intersection. If the two (2) streets form an angle of more than 135 degrees, as measured at the point of intersection of their center lines, the lot shall not be considered a corner lot. *(See Figure 5)*

Lot Depth: The distance between the midpoints of the front and rear lot lines.

Lot, Double Frontage: A lot, other than a corner lot, which has frontage on more than one street. *(See Figure 5)*

Lot Frontage: Lot width measured at the street lot line.

Lot Line: A line bounding a lot which divides one lot from another or forms a street or any other public or private space.

Lot Line, Front: In cases where the lot fronts on only one street, the lot line adjacent to the street; for corner lots, the side meeting minimum width requirements. For double frontage lots and corner lots meeting width requirements on both frontages, the property owner may choose one (1) as the front lot line for the purposes of front setback and placement of accessory structures. *(See Figure 6)*

Lot Line, Rear: That lot line which is opposite to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line. *(See Figure 6)*

Lot Line, Side: Any lot line other than a front or rear lot line. *(See Figure 6)*

Lot Line, Street: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of the two opposing yards shall be a rear yard. *(See Figures 5 & 6)*

Lot of Record: Any validly recorded lot meeting current requirements for size and/or width.

Lot Width: The horizontal distance between side lot lines measured at the required front setback.

Lounge: Any premise upon which beer, wine and liquor is served. May permit dancing or provide other lawful entertainment on the licensed premises. No person under 19 years of age shall be admitted on the premises of any lounge liquor licensee as a patron or employee, and it shall be unlawful for any such licensee to admit any minor to the premises as a patron or employee.

Malt or Brewed Beverages: Any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent (.5) or more of alcohol by volume and not in excess of five (5) percent alcohol by weight and six (6) percent by volume, by whatever name the same may be called.

Manufactured Home: A dwelling, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any dwelling which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary (HUD). For mobile homes built prior to June 15, 1976, a label certifying compliance to NFPA 501, in effect at the time of manufacture is required.

Manufactured Home Park: A parcel of land under single management which has been planned and improved for the provisions of services for manufactured homes for transient and/or non-transient use. A manufactured home park may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities and amenities, including roads, clubhouse or recreation facilities, and bufferyards, are privately owned or owned in common by residents of the park.

Marina: An establishment for mooring, servicing, and storing recreation boats, as well as for providing supplies, provisions, and fueling facilities. A marina may include a restaurant and/or boat and motor sales store. Boat building or facilities for the dry docking or repair of watercraft exceeding two tons in weight are not included.

Master Development Plan: A conceptual plan, meeting the requirements of Section 605 and depicting a mixture of land uses, showing an entire development site and all component stages or phases which express the overall development concept for the site at build-out.

Minimum Finished Floor Elevation: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

Mini-Warehouse: A building, or group of buildings, in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized stalls or lockers for the “dead” storage of a customer’s goods or wares. (See Section 409.M.7)

Mixed-Use Development: The development of a tract of land and/or structure with two (2) or more uses of different land use categories. Such developments include, but are not limited to, combinations of residential, office, retail, public entertainment, and/or manufacturing uses in a compact urban form such as an office or research park.

Mobile Home: See Manufactured Home.

Modular Building: (Also known as a "manufactured building.") A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for other than residential purposes, including without limitation commercial and industrial purposes, and which bears a seal of compliance with the regulations of the Alabama Manufacturing Housing Commission. Modular buildings must be constructed to meet the requirements of the city's building code and construction regulations as well as any other design standards the city may adopt which apply to conventional construction.

Modular Home: (Also known as a "manufactured home" and a "modular home.") A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with the regulations of the Alabama Manufacturing Housing Commission. Modular panelized homes must be constructed to meet the requirements of the city's building code and construction regulations as well as any other design standards the city may adopt which apply to conventional construction.

Motel: See Hotel.

Nonconforming/Nonconformity: See Article VIII.

Nonconforming Lot of Record: Any lot, validly recorded in the public records of Talladega County, which complied with all applicable laws, ordinances, and regulations in effect on the recording date. See also Lot of Record.

Nursery for Children: See Day Care Center.

Nursery: An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

Nursing Home: A building in which nursing care and related medical facilities are provided for individuals who because of illness, disease, injury or physical or mental infirmity need such care.

Office-Warehouse: A facility combining office and warehouse functions in a single structure, for the primary purpose of wholesale trade, display, and distribution of products. Said facility is characterized by occasional truck deliveries and does not create nuisances such as dust, noise, or odors. Any warehouse activity with heavy trucking activities or nuisances shall be considered under the term "warehousing or wholesaling" (See Section 409.M.8)

On-Site: Located within the boundaries of the development site.

Open Space: Any parcel or area of land or water, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Package Store: Those liquor retail licensees who declare to the ABC Board that their primary business shall be the sale of alcoholic beverages for off-premises consumption.

Parcel: See Lot, Development Site.

Parking Lot or Garage: An open area or a structure used exclusively for the temporary off-street storage of motor vehicles. Such area or structure may be an independent business or may be used in conjunction with any other business or commercial use. A fee may be charged.

Perennial stream or Perennial River: is a stream or river (channel) that has continuous flow in parts of its bed all year round during years of normal rainfall.

Place of Worship: A building used for regular religious worship, by the congregation or parts thereof, of an organized religion.

Pond: See Lakes and Ponds.

Principal Building: See Structure, Principal.

Principal Use: See Use, Principal.

Private Club: A corporation or an association organized or formed in accordance with the Code of Alabama.

Provider/Carrier: See Wireless Communication Service Provider.

Public Improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Rain Garden: See Article V “Landscape and Bufferyard Requirements”

Recreational Vehicle: A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes. (See Section 409.I)

Recreational Vehicle Park: A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation. No recreational vehicle park shall be platted or otherwise divided by fee simple ownership; however, the sale of memberships and assignment of campsites on a condominium basis is permitted. All facilities and amenities, including roads, clubhouse or recreation facilities, and bufferyards are privately owned. (See Section 409.I)

Restrictive, More (Less): A regulation imposed by this Ordinance is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications. For example, regulations governing single-family uses would be more restrictive than the regulations governing business uses.

Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state: (1) for consumption within the restaurant building, or within a motor vehicle parked on the premises or off the premises as a carry-out order; or (2) to be served through a drive-up window, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

Restaurant, Standard Sit-Down: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Resubdivision: See Subdivision.

Right-of-way: An area dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities.

Satellite Dish Antenna: Parabolic or spherical antenna whose purpose is to receive and/or transmit audio and/or television signals to or from satellites.

Setback: The required minimum distance between a structure and the front, side, or rear lot line.

Shopping Center: A group of commercial-retail establishments planned, developed, and managed as a unit, under single ownership or control, and built in accordance with a unified architectural plan and with off-street parking provided on the property.

Shopping Center, Neighborhood: A mixture of uses or structures on the same lot designed and built to contain commercial uses compatible with residential neighborhoods, including but not necessarily limited to variety stores, hardware stores, grocery stores, etc.

Shopping Center, Regional: A shopping center having in excess of 500,000 square feet of gross floor area.

Shoreline: The shortest horizontal straight line that can be established between points on the side lot lines at the waterfront end of a lot or parcel abutting a lake or stream. At least one point along the horizontal straight line must line on the ordinary high-water mark, and its entire extent must lie wholly within the lot or parcel. (*See Article V Landscape & Bufferyards*)

Shrub: For the purpose of meeting landscape-planting requirements under this Ordinance, any species listed in Table 5-1 as either a deciduous or evergreen shrub.

Sign: See Article VII.

Single-Family Detached Dwelling Unit: Freestanding structure, completely separate from all other structures, designed to house one (1) family as a single housekeeping unit. Single-family detached units may be constructed in subdivisions pursuant to Section 603.

Site Plan: A plan, drawn to scale by a licensed engineer or other qualified professional, showing uses, structures, and all other physical features proposed for the development site, including but not limited to, bufferyards, parking, landscaping, drainage facilities and utilities, in accordance with the requirements of Section 902. Site plans shall include, in written form, all information necessary to determine whether the proposed development meets the requirements of this Ordinance, such as proposed use(s) of the site, impervious surface and floor area, number of employees, hours of operation, and calculations of parking requirements.

Steep Slopes: Land area where the inclination of the land's surface from the horizontal is 30 percent or greater. Slope is determined from on-site topographic surveys prepared with a two-foot contour interval.

Stream, Perennial: A natural watercourse which contains flowing water, year around.

Street: Any public or private way dedicated or set aside for public travel.

Street Centerline: That line surveyed and designated by the City as the centerline of a street.

Structure: Anything constructed or erected that requires rigid and permanent location on or attachment to the ground; including, but not limited to, buildings, signs, towers, monuments, statues, walls and fences; but not including telephone and other utility poles, overhead wires, retaining walls and terrace walls, wire fences, and any other object less than three (3) feet in height.

Structure, Accessory: A subordinate structure, detached from but on the same development site as the principal structure, the use of which is incidental and secondary to that of the principal structure. (See Section 608; See Also Accessory Structures/Accessory Uses)

Structural Alteration: Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls. Also, see Alteration/Altered.

Structure, Principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located. There shall be internal access to all interior portions of a single family detached dwelling unit. An outlying structure shall be considered an accessory building unless connected to the principal building by fully enclosed living space. (*See Figure 1*)

Subdivision: Any division or re-division of a tract, parcel, or lot of land into two (2) or more parts by means of platting of boundaries in accordance with the City of Lincoln Subdivision Regulations.

Telecommunications Facilities, Wireless: Any and all buildings, structures, fixtures or other accessories (such as electrical boxes, equipment sheds, guy wires, etc.) Installed, used or intended for use in conjunction with any of the following:

- A. Cellular Communications facilities – low power transmitters used to transmit signals in a cell of cellular radio-telephone services (cellular phones), personal communications services (PCS), enhanced specialized mobile radios (ESMR), trunk mobile cellular radios, paging services and similar cellular-based communications to the general public.
- B. Commercial Satellite facilities – satellite earth stations which are greater than two (2) meters in diameter, and are used to send and/or receive satellite signals and similar communications.
- C. Microwave Relay facilities (Repeater) – used to transmit radio signals between two or more fixed points by microwave antennas and similar transmission services.

Telecommunications Tower: Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more Communications Antennas. Communications Towers shall include:

- A. Monopole Towers – cylindrical self-supporting towers constructed as a single spire.
- B. Self-Supporting or Lattice Towers – self-supporting towers with multiple sides of open-frame supports.
- C. Guyed Towers – towers anchored with guy wires.
- D. Camouflaged Towers – self-supporting towers concealed such that they blend with their surroundings. Such towers may be constructed to resemble objects, such as a tree or a street light, or may be concealed within another structure, such as a clock tower, church steeple or lamp post.

Temporary Use: See Use, Temporary.

Town House: A single residential unit sharing a common wall with at least one other unit in a structure consisting of not less than three (3) or more than six (6) dwelling units and having no other dwelling unit directly above or below. Such units shall be developed under Performance Residential standards set forth in Section 603.

Twin House: Residential dwelling units sharing a common side wall with one (1) other unit, and located in a structure containing no more than two (2) units. Such units shall be developed under Performance Residential standards set forth in Section 603.

Travel Trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use. For purposes of these regulations, the term includes pick-up campers, camping trailers, pop-up-trailers, and motorized home living facilities constructed as integral parts of self-propelled vehicles. *See Also Recreational Vehicle*

Traditional Downtown Development: A development type, typically found in city centers and historic downtowns, characterized by structures built at, or very close to, the street and covering the lot from side lot line to side lot line. Structures may have adjoining walls with the buildings on neighboring lots or have narrow alleys along one or more property lines.

Understory Tree: For the purpose of meeting landscape planting requirements under this Ordinance, any species listed in Table 5-1 as either a deciduous or evergreen understory tree.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory: An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same development site as the principal structure or use served, and (4) is customarily incidental to the principal structure or use. See Section 608; See also Accessory Structures/Accessory Uses above.

Use, Principal: The specific primary purpose for which land is used.

Use, Temporary: A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Variance: Permission to depart from the literal requirements of this Ordinance granted pursuant to Section 1008.

Warehouse: A building intended for the storage, wholesale, and distribution of manufactured products supplies, and equipment.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. (Wetlands generally include swamps, marshes, bogs, and similar areas).

Wine: All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States containing not more than 24 percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors and like products. Fortified Wine – Any wine containing more than 14.9 percent alcohol by volume, but not more than 24 percent. Table Wine – Any wine containing not more than 14.9 percent alcohol by volume.

Wireless Communications Service Provider: Any private company, corporation or similar such entity providing two-way interactive communications services to the general public by way of Cellular Communications facilities.

Woodland: An area of natural vegetation or planted material, at least 50 feet in depth, covering one (1) acre or more and consisting substantially of canopy trees.

Yard: The open space between a lot line and building line.

Yard, Front: A yard extending the full width of the front of a lot between the front (street) right-of-way line and the front building line. (*See Figure 6*)

Yard, Rear: A yard extending the full width of the lot in the area between the rear lot line and the rear building line. (*See Figure 6*)

Yard, Side: The yard extending along a side lot line, from the front yard to the rear yard, between the side building line and a side lot line. In the case of corner lots, the yard along all established or future street lines shall be termed a front yard and shall meet requirements herein for such. (*See Figure 6*)

Zoning Certificate: A permit, license, certificate of occupancy or other form of approval issued or signed by Planning & Development Services or his/her designee after all Zoning Ordinance requirements, as stipulated in Section 904, have been met, which permits a requested use at a specific location.