

MINUTES
CITY-COUNTY COMMON
Tuesday, February 3, 2004 – 8:30 a.m.
County-City Building, Room 113

County Commissioners Present: Bernie Heier, Deb Schorr and Ray Stevens

Absent: Larry Hudkins and Bob Workman

City Council Members Present: Jon Camp, Glenn Friendt, Patte Newman, Ken Svoboda and Terry Werner

Absent: Jonathan Cook and Annette McRoy

Others Present: Mayor Coleen Seng; Corrie Kielty, Mayor's Office; Kerry Eagan and Gwen Thorpe, County Board Office; Russ Shultz, Weed Superintendent; Bruce Dart, Judy Halstead and Gary Walsh, Lincoln-Lancaster County Health Department; Marvin Krout, Duncan Ross, Mike DeKalb, Kent Morgan and Steve Henrichsen, Planning Department; Dale Stertz and Chuck Zimmerman, Building & Safety Department; John Large, Lincoln Airport Authority; David Fitz, Coffman Associates; Don Killeen, County Property Manager; and Cori Beattie, County Board Secretary

MINUTES & ELECTION OF OFFICERS

Approval of the minutes from the December, 2003, meeting and the election of the 2004 Common Chair and Vice Chair was postponed until a quorum was present.

ANNUAL WEED REPORT

Copies of the 2003 Annual Report and Recommendations for the Combined Weed Program were previously distributed. **(See Exhibit A)**

Shultz noted more weed complaints and abatement violations were received in the City during 2003. Maps were displayed showing weed abatement and noxious weed sites. A total of 5,500 inspections were performed on 2,500 sites.

Camp arrived at 8:35 a.m.

Shultz next discussed multiple violators. Last year, Ridge Development Company recorded 53 violations. The City of Lincoln had only 13 - a much lower number than in the past. Weed Control staff continue to work on lowering the number of multiple violations. A system is now in place whereby a fax is sent to violators. This process is saving time and money for all involved.

Heier asked when Canadian thistle became a noxious weed. Shultz said it has always been on the list. It was first designated a noxious weed by the State of Nebraska in the late 1800's. He added Canadian thistle is not very predominant in Lancaster County.

Svoboda arrived at 8:38 a.m.

It was noted that weed abatement violations have dropped by 400 cases over the past five years while voluntary compliance has remained at about 93%.

With regard to recommendations, Shultz said many areas with natural drainage ways are often in violation of the City's Weed Abatement Ordinance and Nebraska Noxious Weed Control Act during the development period and transition to the homeowners association. He suggested:

1. Requiring developers to restore vegetation to an acceptable condition prior to transfer to homeowners association; and
2. Providing information to homeowners associations about management needed to address the declining habitat, maintaining flood flow capacities and the requirements of the City's Weed Abatement Ordinance and the Nebraska Noxious Weed Control Act.

Heier asked for a breakdown of violations in the City versus in the County. Shultz said approximately 25% of noxious weed violations are inside the City limits, although, more complaints are being registered about overgrowth on County acreages. For informational purposes, he noted Douglas County has an 18" growth requirement.

Stevens inquired about the implementation of the recommendations. Shultz said the best time would be when the Preliminary Plat is submitted so there is a clear understanding of what the City/County desires.

Svoboda asked if fact sheets could be mailed to homeowners associations which would provide information related to this issue. Shultz felt this was a great idea. He added the County Weed Control website does include a short fact sheet which provides some preliminary guidance but more could be done. Work will commence on a more detailed sheet.

Schorr questioned whether complaints about overgrowth of vegetation in rural areas will be monitored with a report given next year at this time. Shultz said he could certainly come forth with information on this issue in an attempt to quantify what type of complaints are being received and so forth.

MINUTES

Moved by Friendt, seconded by Stevens to approve the minutes of the December 1, 2003 Common meeting. Motion approved by unanimous consensus.

ELECTION OF 2004 CHAIR & VICE CHAIR

Moved by Heier, seconded by Werner to nominate Ms. Schorr as 2004 Common Chair. Motion approved by unanimous consensus.

Moved by Werner, seconded by Stevens to nominate Ms. Newman for 2004 Common Vice Chair. Motion approved by unanimous consensus.

Seng arrived at 8:48 a.m.

UPDATE ON LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT BUILDING EXPANSION

Dart said the City Council approved a resolution yesterday to begin the RFP process for architectural design services for the expansion. This will go before the County Board for approval on Tuesday, February 17, 2004.

Dart noted the expansion process started in the summer of 2002 with the Space Needs Master Plan for the City and County developed by Sinclair Hille. The Health Department's future needs were thoroughly assessed at that time. He stressed the expansion planning process has been very public - 13 meetings have taken place and included such groups as the Woods Park Neighborhood Association, local businesses and LIBA. Many City departments have also been involved. Nine different building configurations were developed. Dart said the north and east concept would take less than one acre of Woods Park land. Much consideration was also given to moving traffic out of the neighborhood. He added Sinclair Hille has gone above and beyond its call by attending all the public meetings and listening to the residents' concerns. The LLCHD holds the health of the community sacred and believes the building expansion will be of great benefit.

Stevens asked how the RFP for design differs from what was previously done. Dart said additional meetings were held with all the LLCHD divisions. Basically, the amount of shell space was increased from earlier estimates. The preliminary cost estimate for the project is \$8-9 million.

Stevens said officials have heard a lot of information about the building expansion. He was aware of only one person expressing a strong displeasure with the project's direction. He wondered what the next step(s) would be. Halstead noted with the approval of the County Board and Public Building Commission, RFPs would be issued for architectural services. It is anticipated the RFP would be open for responses for 3-4 weeks. Interviews would be done after which negotiations would take place with the successful firm. This entire process is expected to take 3-4 months (or about mid-August) according to the draft timeline. The proposal from the architectural firm would include more detailed information about the actual layout of the building. Sinclair Hille has only addressed space needs and uses. A full appraisal of the property acquisition would also need to be performed - only estimates have been received to date. Once the cost is known, action by the City and County would be necessary to issue the revenue bonds - the point at which the project receives official permission to move forward. Halstead anticipated this would take place in the Fall of 2004. An RFP would then be issued for construction. The earliest ground would be broken is late winter/early spring of 2005. Sinclair Hille estimated 16 months for construction and renovations. Tentatively, the new expansion would be ready for occupancy in late 2006.

BRIEFING ON LINCOLN AIRPORT NOISE COMPATIBILITY STUDY & IMPLEMENTATION ACTIVITIES

The following materials were distributed:

1. Proposed Changes in Noise District Map **(See Exhibit B)**
2. Airport Noise Plan Presentation **(See Exhibit C)**
3. Draft Changes to Airport Environs Noise District Section of City Code **(See Exhibit D)**
4. Summary of Proposed Text & Map Amendments **(See Exhibit E)**

Krout stated this community receives millions of dollars annually from the federal government for air and surface related transportation projects. One restraint in receiving this money is that a small percentage must be used to do planning studies. The Lincoln Airport Authority is currently doing a couple studies - one being the Federal Aviation Regulation Part 150 Noise Compatibility Study which deals with noise around the airport. He noted the airport doesn't have authority over zoning and regulation of land use so they are relying on local government to put in place the kind of mechanisms that will assure the best plan is carried out. To do this, staff refers to the Lincoln-Lancaster County Comprehensive Plan, existing City ordinances with regard to air navigation and noise and a subdivision process which notifies property owners in the area that they are going to be subjected to noise from normal air operations.

Krout indicated the 150 Study is also looking at the possibility of whether some existing ordinances need to be amended. For example, it was suggested to change land uses in locations in close proximity to the airport. Doing so would require amendments to the Comprehensive Plan. The area impacted is south of the airport. The land change would permit residential uses on what is now zoned commercial. In conjunction, noise standards in relation to land uses will be reviewed. The Airport Authority has another consultant reviewing the area west of the airport. This is a more extensive study also involving City staff.

It was noted an open house will be held today at 6:00 p.m., at Roper Elementary School for people who are potentially impacted by these changes.

Krout said the Federal Aviation Administration will be reviewing the 150 Study in the next few months. After it is approved, an ordinance will be brought back to officials recommending changes in the airport noise ordinance.

Large provided background information. In 1980 the Lincoln Airport performed the first noise study. It looked at many operational aspects from which noise contours were developed. Land use compatibility recommendations were also developed which were the genesis for today's airport environs noise ordinances. He added over the last twenty years significant changes have taken place, for example, the fact that military and commercial aircrafts are much quieter. The airport, which began in the 1940's, has also seen surrounding neighborhood development - the Highlands, Autumn Heights, Olympic Heights, West "A" Neighborhood, etc. These changes provoked the need to revisit the contours and land use compatibility recommendations. Coffman Associates, airport consultants from Kansas City, was hired to assist with the project.

Camp inquired about the future with regard to noise and development. Large said in the old study, the 65 DNL (day-night average sound level) noise contour was adequate. The consultant has made strong recommendation to reach out further to the 60 contour versus allowing things to shrink in order to maintain control over some the properties controlled in the past, thus, making it easier for residential development.

Fitz discussed the 150 Study process. The study covers not only land use but noise abatement for aircrafts. An advisory committee of stakeholders reviewed the draft documents. Extensive public outreach was also made. Two final documents were derived from the process, one being the Noise Exposure Map Document which basically established the noise exposure contours. The second part was the Noise Compatibility Program which looked at noise abatement and land use planning.

Fitz noted in doing the study, most noise complaints registered at the airport were outside of the concourse, i.e., overflight issues. Thus, disclosure procedures for homeowners become very important. He added Lincoln is by far a more advanced community with respect to having an airport environs district already in place.

Noise Compatibility Program recommendations were as follows:

1. Update Airport Environs District Boundaries
2. Update Airport Environs District Regulations
 - a. Reflect update noise exposure contours
 - b. Incorporate the 60 DNL
3. Update the Comprehensive Plan
4. Maintain compatibly zoned areas within the 2002 60 DNL noise exposure contour

Werner left the meeting at 9:20 a.m.

Newman asked if disclosure for airport purposes is the same as for floodplain purposes. Fitz said it is similar but they are targeting future property owners more than existing as it is easier to have regulations placed on a large development during the planning stages.

Friendt inquired what "60" means and asked what level of noise is allowed before it is considered too much. Fitz said DNL is a cumulative metric. Airport operations based on an average 24-hour period are reviewed. This is then calculated into the noise contours. Night time events are obviously more annoying, thus, those occurring after 10 p.m. and before 7 a.m., are penalized ten-fold as compared to daytime events.

Friendt questioned the methodology of the process. Fitz said noise monitoring was done for a period of time by using an integrated noise model on the computer, as required. Svoboda asked if in-flight or ground noise is measured. Fitz indicated both are considered. The model is based on actual measurements with military aircrafts generating the most significant noise.

With regard to Comprehensive Plan amendments, Ross stated the Lincoln Airport Noise Compatibility Study would need to be included as a subarea plan and would require changes to land use and zoning regulations to ensure consistency. Work will be done with residents in the south area, which focuses on the area of SW 27th and West "A" Streets, to identify land use changes. Infrastructure capacity for those land uses is also being evaluated. Under current zoning rules, residential development is prohibited but under the new plan it would be permitted.

Heier questioned the reason for the land use change to residential. Ross indicated it has been designated commercial for many years and other issues have arisen which have prevented it from developing, such as infrastructure and sewer capacities. Krout added the demand is really for residential use. Heier asked if infrastructure costs are greater for residential than commercial. Ross was unsure. He noted the 80-90 acre site is located on the south side of West "A" Street and would accommodate roughly 3-4 dwelling units per acre. South of this property is the Lincoln Correctional Center.

Friendt wondered if people would be more upset with noise and flyover if the area was changed to residential. Ross said this is a possibility. Krout added people will certainly be exposed to noise but officials should consider the fact that, to date, there is no viable use for commercial development at this location.

Friendt asked if the Airport Authority would ever consider buying a piece of land and keeping it undeveloped. Krout said this has not been an issue in Lincoln since the airport preceded surrounding development but, it has occurred in other cities where areas were subjected to a much higher noise level. Friendt added he would hate to see a conflict created with such an unknown future. Ross noted residential designations are a conditional use between 60-65 DNL but they must meet higher building standards to help combat the noise.

Ross said proposed zoning changes include minor revisions, map revisions, noise-related and use regulations, figures which allow "uses" matrix and easement language and signage. Staff is currently evaluating what needs to be done to include signage in this area so people are aware of the noise potential. Minor revisions include changing acronyms, eliminating the site plan review, updating sound attenuation requirements and updating notice and acknowledgment text. Map revisions will incorporate the 60 DNL. Approximately 680 acres are being added which did not have noise restrictions and 2,900 are being deleted from current restricted areas.

Camp asked if changing these land areas poses any kind of liability for the City and County. Krout indicated staff pushes the consultants pretty hard to help justify the standards. He felt there is a good legal basis for the regulations. Other communities have adopted 60 DNL as their standard and 65 DNL as the cutoff for residential areas. In response to Camp's inquiry, Fitz noted the definition of a "taking" is removal of all viable use of the property. Lincoln's goal is to get sound insulation standards and fair disclosure to owners. Camp questioned the potential diminish of property values. Fitz said the property in this area is not highly sought after. Krout added the current Comprehensive Plan does not recognize residential zoning in the area, thus, there are no plans for public sewer and water connections.

Svoboda asked for clarification regarding the existing District 1 boundary. Fitz said this area is affected by flight and ground noise. The green areas also receive a lot of over flights by the military. It was prudent to fill in those areas for the purpose of disclosure as they are in the district but not within the 60 DNL range.

Ross confirmed the red areas on the map are part of the 2,800 acres being deleted because the noise contours have shrunk. The area goes up to 65 DNL and some residential development is prohibited. While much of this area is on the airport boundary, deleting the area from the restrictions would enhance residential development. Krout noted changes of this nature do pose some questions. Another study will be looking at developing more land west of the airport. It will be complex but interesting and may indicate a better use for the land other than residential.

In response to Schorr's inquiry about the blue areas added to the noise restrictions, Ross said much of it is around Capitol Beach. He did not believe there was any residential in the expanded area to the east, although, there may be some individual acreages to the north. In addition, there are commercial areas east of the airport but they are committed up to 75 DNL. Future development in this area would require higher noise conditions for some structures such as residential, offices, educational and religious facilities.

In summary, Ross indicated residential uses will be prohibited above 65 DNL. Also, a change to the residential condition between 60-65 DNL is being proposed which requires building and construction standards to incorporate acoustical features. Uses permitted up

to 65 DNL will include outdoor sports, entertainment and public assembly, as well as educational, religious health and childcare facilities. Uses permitted up to 70 DNL will be cemeteries, indoor recreation, spectator sports facilities and race tracks for motorized vehicles. Uses permitted up to 75 DNL would be offices, retail and service and restaurants.

With regard to a timeline, Ross said the FAA is in the process of reviewing the study. Once staff hears back, the recommendations will be forwarded to the City Council and County Board with potential changes, if necessary. The Planning Commission will conduct a public hearing later this Spring. He reminded those in attendance that a public information meeting will be held tonight at Roper Elementary School beginning at 6:00 p.m. The proposed regulations and supporting documentation can also be found on the Internet.

FUTURE MEETING DATES

Stevens suggested starting future Common meetings at 9:00 a.m. It was noted the LPED Investors' meetings are the first Tuesday of the month at 8:00 a.m. The consensus was to start meetings at 8:30 a.m., and to revisit the issue if attendance problems arise.

With regard to the March Common meeting, Beattie noted it will include the Planning Commission, thus, an offsite location may be desirable to accommodate more seating. Due to scheduling conflicts, the consensus was to meet on Monday, March 1st at 8:30 a.m., in Room 113 of the County-City Building. Ms. Newman will Chair the meeting as Ms. Schorr will be out-of-town.

No other date changes were noted. Beattie was asked to send out a revised 2004 schedule and to include meeting times.

There being no further business, the meeting adjourned at 10:00 a.m.

Submitted by,



Cori R. Beattie
County Board Secretary

2003 ANNUAL REPORT AND RECOMMENDATION
COMBINED WEED PROGRAM
CITY OF LINCOLN
 Lancaster County Weed Control Authority

Year in Review

2003 was a good year for weeds, more complaints were received and more weed abatement violations were found.

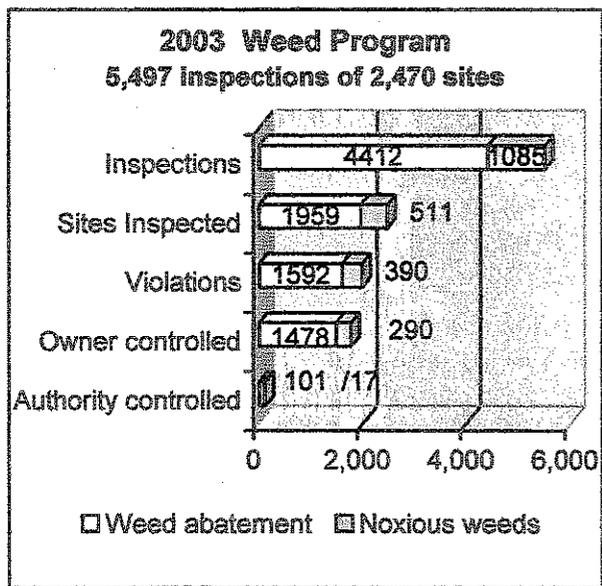
Inspection Activity

5,497 inspections were made of 2,470 sites on 4,428 acres during the year. 1,982 violations were found on 1,550 acres. Violations dropped

- 283 sites received multiple complaints.
- Sent 687 notices, 966 letters, published 75 notifications and made 128 personal contacts.
- 1,478 sites cut by landowners.
- 142 sites were contracted.
- 41 cut by landowners before contractor arrived.
- 101 sites force cut at the cost \$12,824.
- 74 properties were assessed for non-payment.

Noxious Weeds

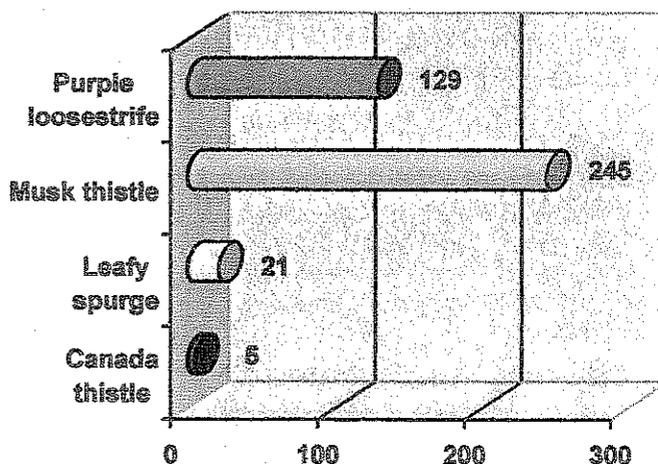
390 infestations were found on 418 acres. The



134 from last year, but acres of violations increased by 846.

2003 NOXIOUS WEEDS

390 Infestations on 418 acres



Weed Abatement Program

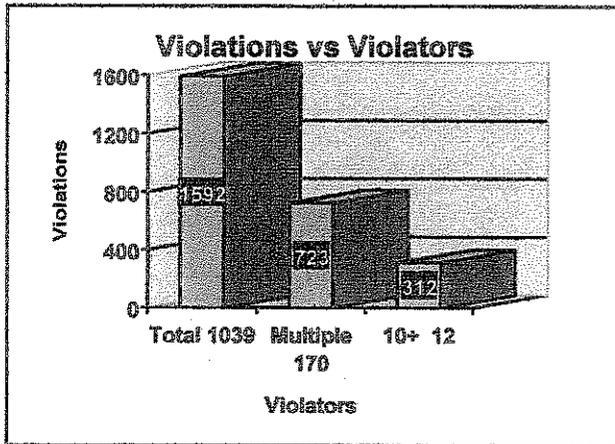
There was a continuing emphasis on obtaining voluntary compliance of landowners. 93% of owners cut their overgrowth after notification. This was accomplished with 43% legal notifications.

- * Made 4,412 inspections on 1,959 sites on 1,848 acres.
- Found 1,592 violations on 1,132 acres.
- Found no violations on 366 sites.
- 1,920 complaints received on 1,637 sites.

number of infestations found decreased by 237 and the acres decreased by 275. The number of infestations found by noxious weed is shown below. 300 of these sites were controlled by landowners. The Authority controlled 12 sites and 7 were contract controlled and owners billed \$10,570. 5 properties were assessed for non-payment.

Multiple Violators

1,039 landowners had a total of 1,592 violations.



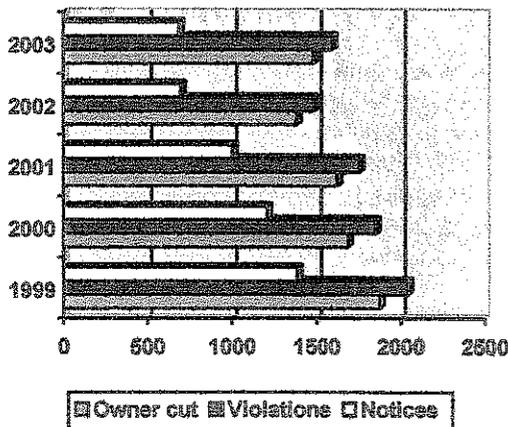
The 170 multiple violators were 16% of all violators and had 45% of the total violations. The 12 landowners with 10 or more violations had almost 20% of the violations. The City departments only had 13 violations as compared to 24 last year.

Letters will be sent and contacts made to increase cooperation of past multiple violators. Information Services has completed automating the use fax's instead of letters and legal notices to notify large developers and owners of multiple parcels having weed abatement violations.

Five Year Trend

Weed Abatement violations have dropped about 400 over the past five years. Voluntary compliance has remained about 93%. The percent of legal notices issued has dropped from 68% to 43%.

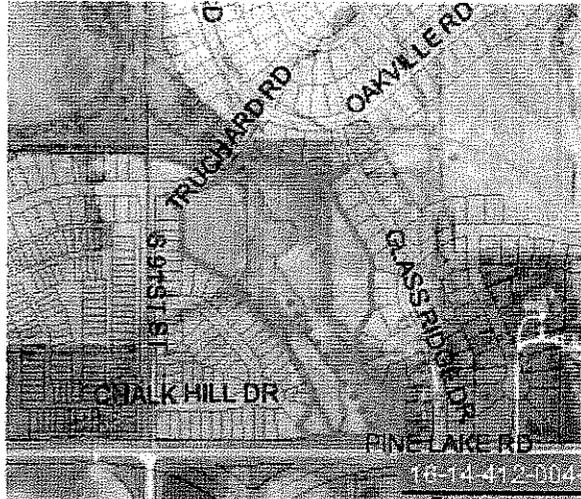
TREND 1999 - 2003



Recommendations

Natural Drainageways

There is an increased emphasis on natural areas in and around Lincoln for drainageways, green space, parks, residential landscaping etc. Some



Vintage Heights

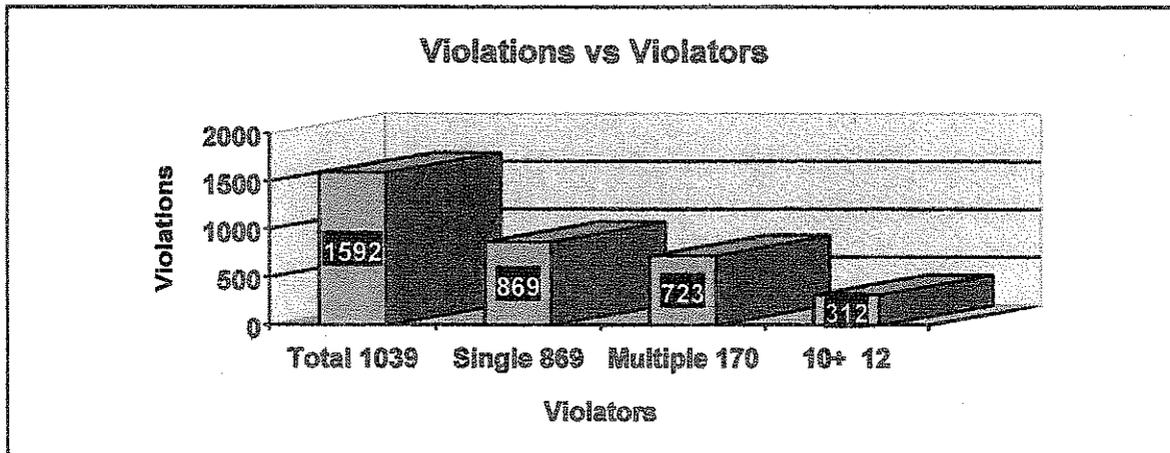
recent subdivisions have set aside fairly large areas as open space. These areas are along drainageways and that have been determined to be unbuildable. Most of these areas are not federally designated wetlands but have intermittent water flow in the drainage. These areas are not "natural" drainageways. Most areas have been disturbed, drainages altered and have been invaded by non-native plants and weeds. These areas are being turned over to homeowners associations without restoration and determination of what management is needed to address the declining habitat and/or maintaining flood flow capacities. These areas often violate the City of Lincoln's Weed Abatement Ordinance and Nebraska Noxious Weed Control Act during the development period and transition to the homeowners association.

Recommendation:

1. Require developers to restore vegetation to an acceptable condition prior to transfer to homeowners association, and
2. Provide information to homeowners association about management needed to address the declining habitat, maintaining flood flow capacities and the requirements of the City of Lincoln's Weed Abatement Ordinance and Nebraska Noxious Weed Control Act.

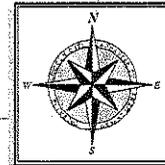
WEED ABATEMENT MULTIPLE VIOLATIONS 2003

Owner	Violators	Violations	Owner cut	Force cut
Ridge Development Co (2002)	1	53 (31)	52 (31)	1 (0)
Hampton Development	1	45	45	0
Mega Corporation (2001)	1	39 (16)	39 (15)	0 (1)
Champoux (2002)	1	37 (18)	35 (18)	2 (0)
Lincoln Land & Mortgage (2002)	1	27 (24)	27 (24)	0 (0)
Home Realty (2002)	1	22 (35)	22 (35)	0 (0)
Hub Hall (2002)	1	19 (32)	19 (32)	0 (0)
Mann Custom Homes	1	16	16	0
Hartland Homes	1	14	14	0
Paul Hunt	1	14	14	0
Burlington Northern Sante Fe	1	13	10	3
City of Lincoln (2002)	1	13 (24)	13 (24)	0 (0)
10 + Violations	12	312	306	6
2-10 Violations	158	411	374	37
Total multiple violators	170	723	680	43
Single violators	869	869	829	58
Total all Violators	1039	1592	1491(93.7%)	101(6.3%)



- The 12 landowners with 10 or more violations had 19.6% of the violations.
 - Had 312 violations, 121 more than last year
 - Six forced cutting compared to 1 last year
- The 170 multiple violators
 - Are 16% of all violators
 - Had 45% of the total violations
 - Had 43% of the forced cuttings

PROPOSED CHANGES IN NOISE DISTRICT MAP



WORK IN PROGRESS

DNL 60
DNL 65
DNL 70
DNL 75

WORK IN PROGRESS

... LEGEND ...

- Streets
- Major Streets & Highways
- Streams & Water Bodies
- Railroads
- Lincoln Corporate Limits
- Proposed DNL 60 Noise Contour
- Proposed DNL 65 Noise Contour
- Proposed DNL 70 Noise Contour
- Proposed DNL 75 Noise Contour
- Proposed Allport Environs Noise District

Proposed Changes

- ▨ Areas To Be ADDED To Noise Related Restriction (882.6 Acres)
- ▨ Areas To Be DELETED From Noise Related Restriction (26744 Acres)
- ▨ Areas ADDED to District 1 Boundary (6484.5 Acres)

FEET

0 1500 3000 4500

Airport Noise Plan

City-County Common

February 3, 2004

Lincoln/Lancaster County Planning Department
Lincoln Airport Authority



Airport Noise Plan

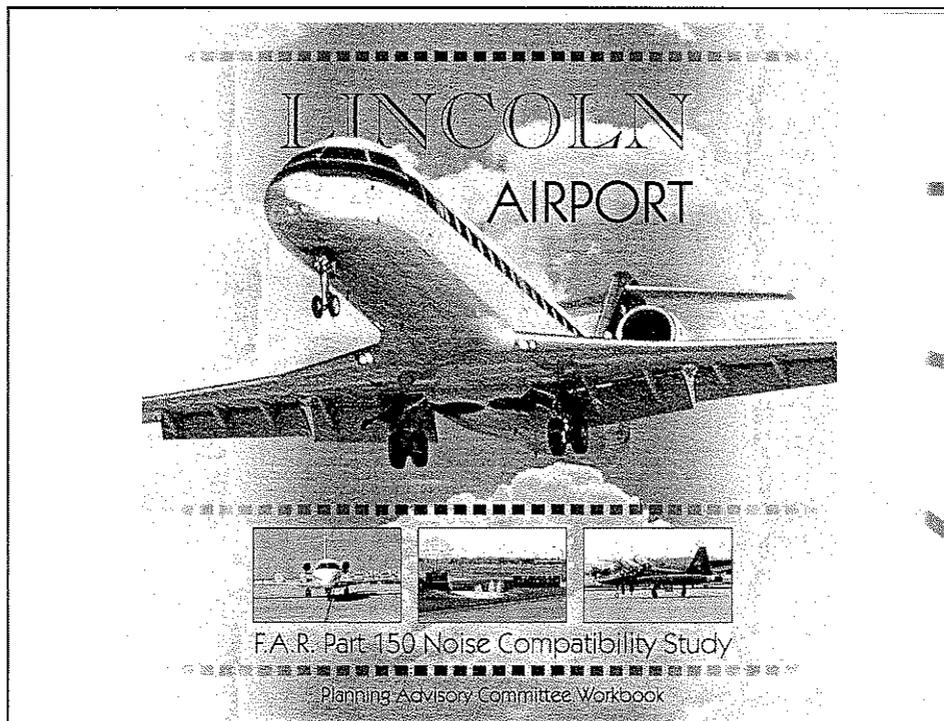
Presentation Outline

- *Introduction*
- *Lincoln Airport Authority*
 - *Noise Compatibility Study*
- *Planning Department*
 - *Comprehensive Plan amendments*
 - *Zoning Ordinance amendments*
- *Timeline/ Community Involvement*

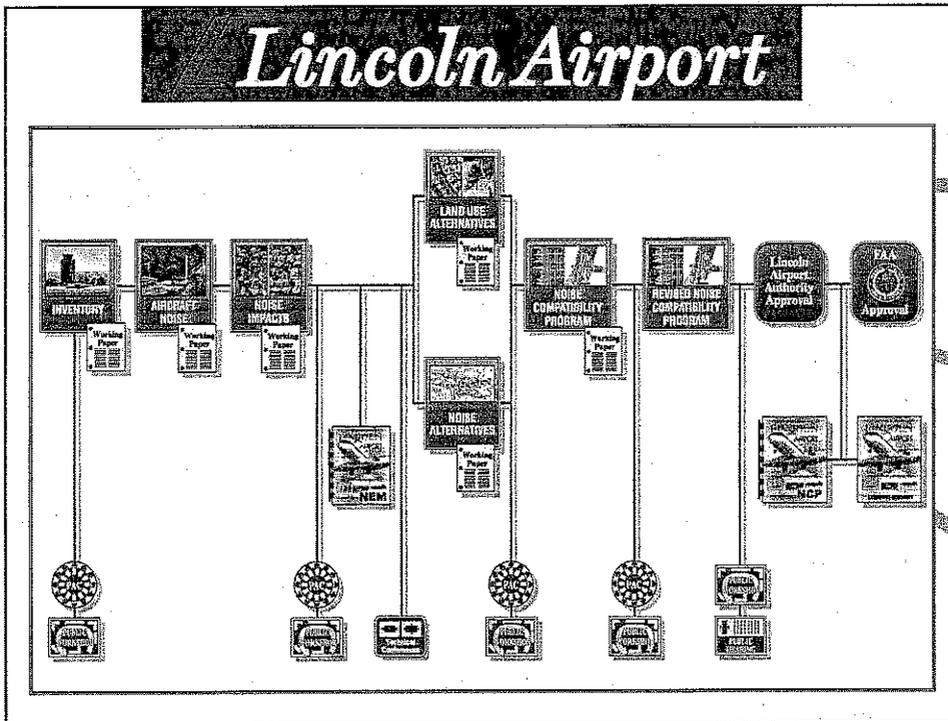
Lincoln Airport Authority

- *Background*
 - *ANCLUC Study, 1980*
 - *Airport Operations*
 - *Lower civilian aircraft noise*
 - *Growing community*
 - *Change of military mission*

Lincoln Airport



Lincoln Airport

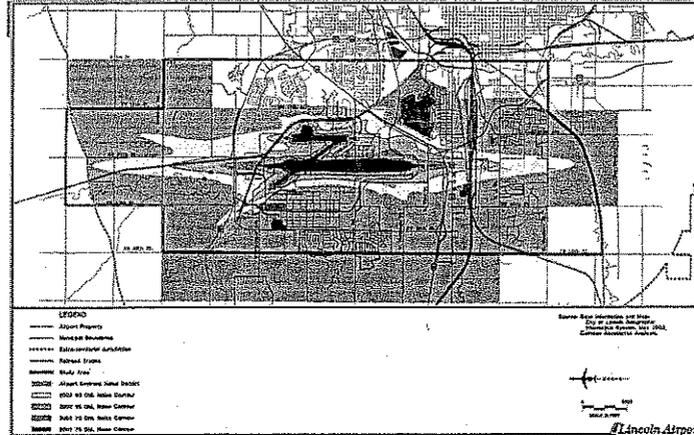


Day-Night Average Sound Level (DNL)

- *FAA standard metric for determining the cumulative exposure of individuals to noise.*
- *24-hour average sound level*
- *10 fold penalties added to noise events occurring between 10:00 p.m. to 7:00 a.m.*

Lincoln Airport

Update noise district regulations to incorporate the 2002 noise contours and incorporate the 60 DNL noise contour into the regulations



2025 City-County Comprehensive Plan

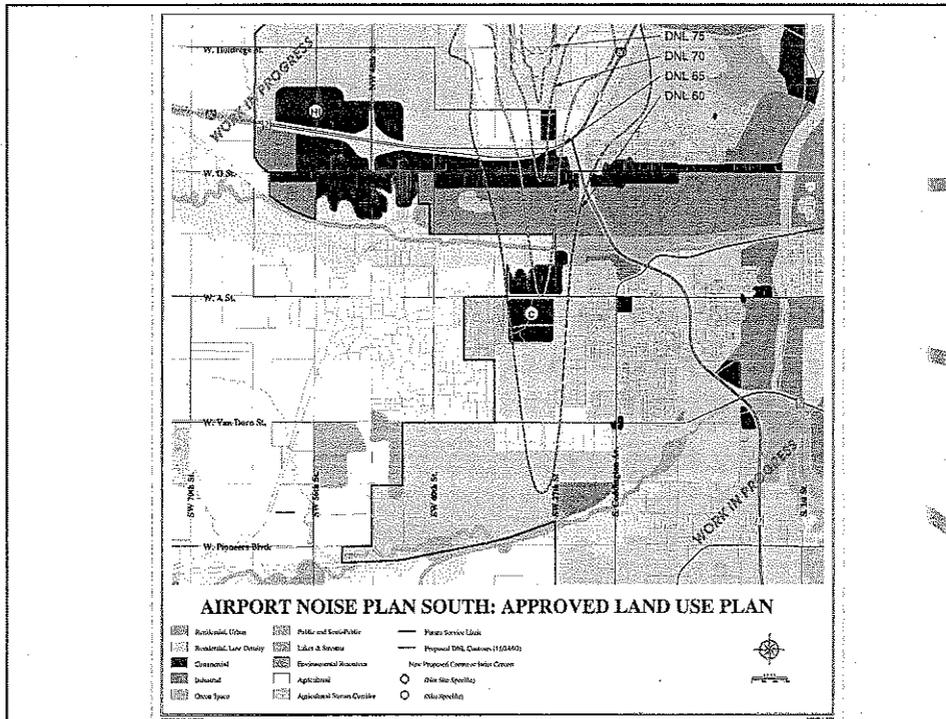
- **Lincoln Airport Noise Compatibility Study**
 - **Include as a Subarea Plan**
 - **Would require changes to land use and zoning regulations to ensure consistency**
- **Land use/infrastructure**
 - **Process as Comp Plan Amendments**
 - **Proposals pending City review**
 - **South Subarea**
 - **West Subarea**

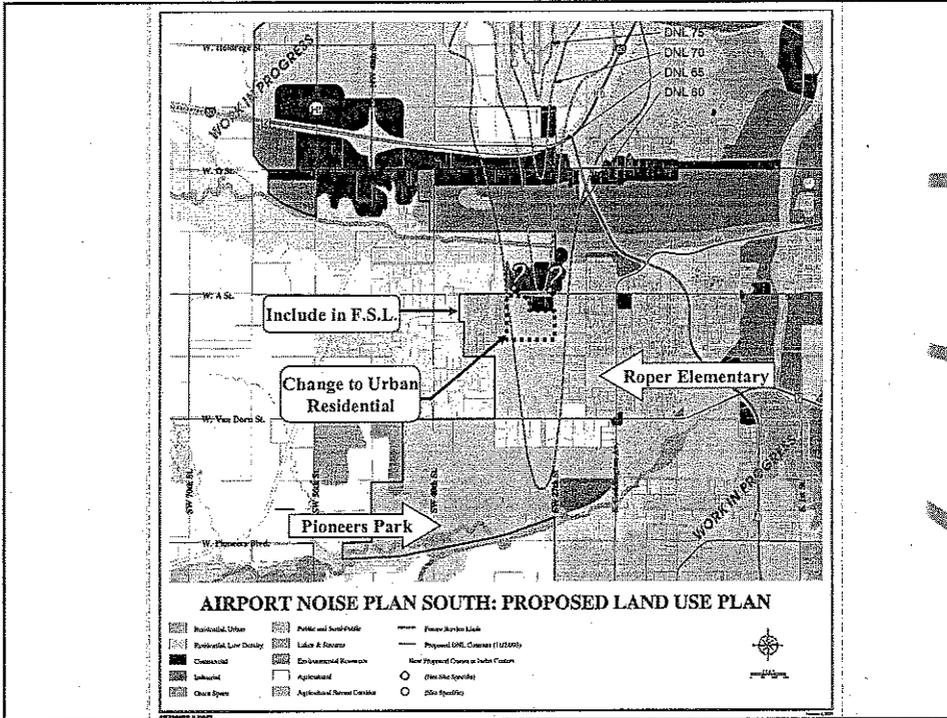


Airport Noise Plan South

- *Near-Term*
 - *Focus on SW 27th & West A Streets*
 - *Working with property owners*
 - *Identify land that could change land use*

- *Evaluating infrastructure capacity*





Airport Noise Plan West

- *More issues/larger planning area*
 - *Additional analysis and longer timeframe to complete*
- *Coordinate with neighborhoods, Airport Authority, Lincoln Public Schools, property owners, economic development groups, other public entities*



Zoning Ordinance

- ***Chapter 27.58, Airport Environs Noise District***
 - *The Airport Environs Noise District provides for the disclosure of airport noise and overflight impact to property owners and ensures land use compatibility.*
 - *Require an Avigation and Noise Easement that is perpetual and runs with the land*
 - *Contained in City's Zoning Ordinance and is within the 3-mile extraterritorial jurisdiction*

Airport Environs Noise District

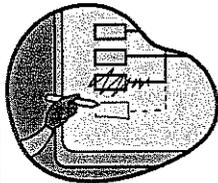
- *Minor Revisions*
- *Map Revisions*
 - *District Boundary and Noise Contours*
- *Noise-Related & Use Regulations*
- *Figures – Allowed “Uses” Matrix & Easement language*
- *Signage*
 - *Evaluating use of permanent signs in ROW to notify public of “Airport Environs Noise District”*





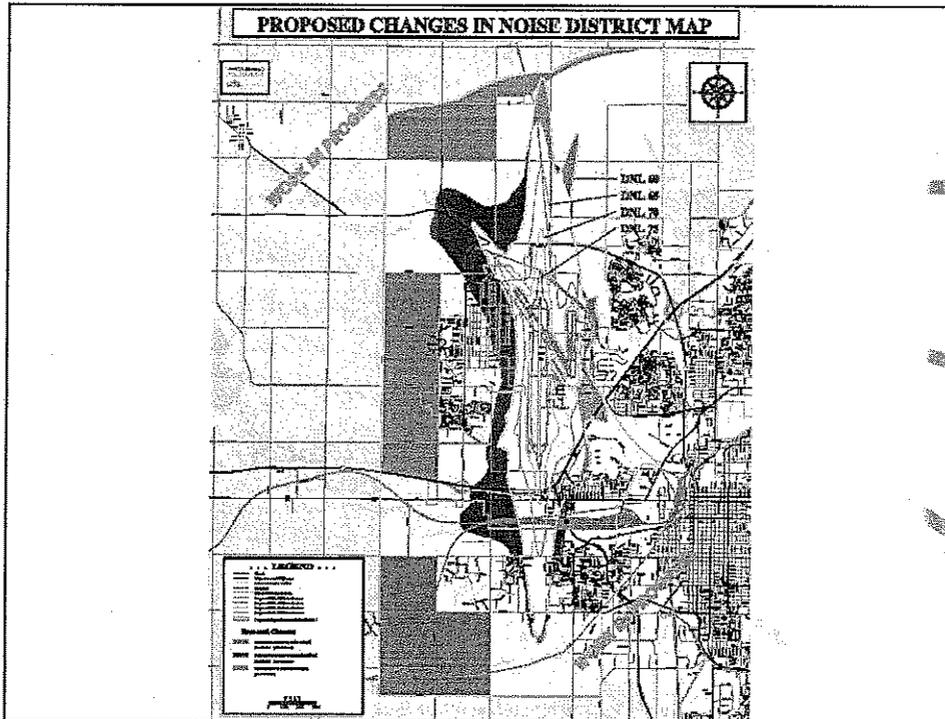
Minor Revisions

- *Opportunity to review ordinance as a whole and make improvements such as:*
 - *Ldn to DNL*
 - *Definitions*
 - *Eliminate site plan review*
 - *Update sound attenuation requirements*
 - *Update notice and acknowledgement text*



Map Revisions

- *Noise Contours*
 - *Incorporate the 60 DNL*
 - *Noise contours “shrink”*
 - *But, longer on the north runway approaches*
 - *Changes in property status*
 - *Added to noise-related restrictions - 683 acres*
 - *Deleted from noise-related restrictions - 2,874 acres*
- *District Boundary*
 - *Require an Avigation and Noise Easement*
 - *Added to District Boundary - 6,484 acres*



Noise-Related & Use Regulations



- *Incorporate 60 DNL*
- *Prohibit Residential Uses above 65 DNL*
 - *current ordinance permitted to 70 Ldn*
- *Change Residential Condition* to between 60 DNL and 65 DNL*
 - *current ordinance 65 Ldn to 70 Ldn*
 - * *Condition requires building and construction standards to incorporate acoustical features*

Noise-Related & Use Regulations

cont'd



- *Uses permitted up to 65 DNL*
 - *Outdoor sport, entertainment and public assembly*
 - *No restrictions with current ordinance*
 - *Educational, religious, health & childcare facilities*
 - *No difference with current ordinance*
 - *Meet condition between 60 and 65 DNL*
- *Uses permitted up to 70 DNL*
 - *Cemeteries, indoor recreation and spectator sports*
 - *Current ordinance permits up to 75 Ldn*

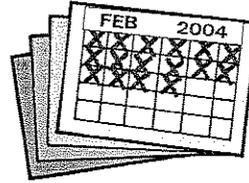
Noise-Related & Use Regulations

cont'd



- *Use permitted up to 70 DNL*
 - *Race Tracks for Motorized Vehicles*
 - *Meet Special Permit requirements*
- *Uses permitted up to 75 DNL*
 - *Offices, retail and service, restaurants, eating and drinking*
 - *Meet condition between 60 and 75 DNL*

Timeline



- *Awaiting the FAA*
- *Public Participation/ Involvement*
 - *Public Information Meetings*
 - *1st Event - Tonight*
 - *February 3rd, 2004 @ Roper Elementary, 6 PM*
 - *Outreach with property owners and neighborhoods and individuals*
 - *Public Hearings @ Planning Commission*
 - *After FAA approval - tentative for late Spring 2004*

Need More Information?



- *City-County Planning Department Website*
 - www.ci.lincoln.ne.us/city/plan/index.htm
 - *Click on “Airport Noise Plan”*
 - *Submit Comments On-Line*



- *Questions?*



3 AIRPORT ENVIRONS NOISE DISTRICT

4 Sections:

- 5 27.58.010 Scope of Regulations.
- 6 27.58.020 Definitions.
- 7 27.58.030 Use Regulations.
- 8 27.58.050 Permitted Uses in Relation to Noise Exposure Levels.
- 9 27.58.060 Conditional Permitted Residential Uses in Relation to Noise
- 10 Exposure Levels.
- 11 27.58.080 Avigation and Noise Easements; Covenant, Notice and
- 12 Acknowledgment.
- 13 27.58.090 Pre-existing Uses.
- 14 27.58.100 Enforcement and Exemption.

15 27.58.010 Scope of Regulations.

16 The regulations set forth in this chapter, or set forth elsewhere in this title when referred to
17 in this chapter, are regulations in the Airport Environs Noise District. The regulations shall apply to
18 the area in the vicinity of the Lincoln municipal airport defined as Airport Environs Noise District
19 † in Section 27.58.020. References to specific ~~Edn~~ DNL lines shall mean those ~~Edns~~ DNLs as
20 shown on the "Airport Environs Noise District Map." (Ord. 17752 §1; October 30, 2000: prior Ord.
21 17699 §1; July 24, 2000: Ord. 14431 §3; July 14, 1986: Ord. 13414 §1; June 14, 1982).

22 27.58.020 Definitions.

23 For the purpose of this chapter, certain terms and words are hereby defined:

24 **Airborne noise** shall mean noise radiated initially into and transmitted through air.

25 **Airport Environs Noise District †** shall mean an area established on the Airport Environs
26 Noise District Map dated ~~June 1, 2000~~ (hereinafter Airport Environs Noise District Map), and more
27 particularly described as follows:

28 Beginning at a point located on Southwest 12th Street at the southeast
29 corner of the northern half of Section 9, Township 9 North, Range 6
30 East, heading north approximately 8,100 feet along Southwest 12th
31 Street, the eastern borders of Sections 9, Township 9 North, Range 6
32 East, and 4, Township 9 North, Range 6 East, and Section 33,
33 Township 10 North, Range 6 East to the tracks of the Burlington
34 Northern Railroad; heading then northeast approximately 2,000 feet
35 along the railroad tracks; then heading north approximately 8,200 feet
36 through the western half of Section 34, Township 10 North, Range 6
37 East, along Southwest 9th Street and the western half of Section 27,

1 Township 10 North, Range 6 East to the tracks of the Burlington
2 Northern Railroad, 500 feet south of West "O" Street; following the
3 railroad tracks northeast to the eastern border of Section 22,
4 Township 10 North, Range 6 East; following the tracks of the Union
5 Pacific Railroad northwesterly to Northwest 12th Street; heading then
6 north along Northwest 12th Street to the southeast corner of Section
7 28, Township 11 North, Range 6 East; heading then east approxi-
8 mately one mile to North 1st Street; heading then north along North
9 1st Street to the city's three-mile zoning jurisdiction line; heading
10 then west along the city's three-mile zoning jurisdiction line to
11 Northwest 40th ~~70th~~ Street; heading then south to the southwest
12 corner of Section 20, Township 11 North, Range 6 East; heading then
13 west on McKelvie Road to the northwest corner of Section 25;
14 Township 11 North, Range 5 East, heading then south on Northwest
15 70th Street to Fletcher Avenue; heading then east along Fletcher
16 Avenue to Northwest 56th Street; heading then south on Northwest
17 56th Street approximately 19,400 feet to Interstate 80; heading then
18 west along Interstate 80 to the western border of Section 24,
19 Township 10 North, Range 5 East; heading then south along the
20 western borders of Sections 24, Township 10 North, Range 5 East
21 and 25, Township 10 North, Range 5 East to West "A" Street; head-
22 ing then east along West "A" Street to the southwest corner of Section
23 30, Township 10 North, Range 6 East; heading then south along the
24 western border of Section 31, Township 10 North, Range 6 East to
25 Van Dorn Street; heading then east on Van Dorn Street to Southwest
26 40th Street; heading then south on Southwest 40th Street along the
27 western borders of Section 36, Township 11 North, Range 5 East;
28 Sections 1, 12, 13, 24, 25 and 36, Township 10 North, Range 5 East;
29 Section 1, Township 9 North, Range 5 East; to the southwest corner
30 of the NW ¼ of Section 12, Township 9 North, Range 5 East; then
31 east along the southern edge of the north ½ of Section 12, Township
32 9 North, Range 5 East; to West Claire Avenue; and then heading east
33 along West Claire Avenue to its termination at Coddington Avenue
34 and then further east approximately 2,700 feet to a point located at
35 Southwest 12th Street at the southeast corner of the northern half of
36 Section 9, Township 9 North, Range 6 East.
37

38 **Day-night average sound level (~~Ldn~~ DNL)** shall mean the sum of noise emission
39 equivalent of A-weighted sound level during a 24-hour day typifying annual average conditions after
40 addition of 10 decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.
41

42 **Exterior door** shall mean all exit doors of a building that are located between conditioned
43 and unconditioned space. A basement, crawl space, or garage is considered unconditioned space

1 unless it is provided with a positive heat supply to maintain a minimum temperature of 50 degrees
2 F.;

3 **Habitable space** shall mean space or room in a structure for living, sleeping, eating, or
4 cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, solariums,
5 sunrooms and similar areas are not considered habitable space.
6

7 **Noise-sensitive manufacturing and noise-sensitive communication facilities** shall
8 include, but not be limited to, the manufacture and assembly of micro-electronics, technical and
9 scientific instruments, photographic and optical goods, and other manufacturing sensitive to speech
10 interference or vibration, and radio and television broadcasting studios. (Ord. 17752 §2; October 30,
11 2000: prior Ord. 17699 §2; July 24, 2000: Ord. 14431 §4; July 14, 1986: Ord.13414 §3; June 14,
12 1982).
13

14 **27.58.030 Use Regulations.**

15 Any use permitted in the underlying zoning district in which the proposed use is located shall
16 be allowed in the Airport Environs Noise District † except as prohibited within the provisions of this
17 chapter and, provided that additional requirements set forth in this chapter are met. References to
18 allowable uses as provided within this chapter are conditioned upon the said use being in compliance
19 with allowable uses within the underlying zoning district. (Ord. 17752 §3; October 30, 2000: prior
20 Ord. 17699 §3; July 24, 2000: Ord. 13414 §4; June 14, 1982).
21

22 **27.58.040 Prohibited Uses; Airport Environs Noise District †.**

23 (Repealed by Ord. 17719 §1; August 21, 2000: prior Ord. 17699 §4; July 24, 2000: Ord.
24 13414 §5; June 14, 1982).
25

26 **27.58.050 Permitted Uses in Relation to Noise Exposure Levels.**

27 (a) ~~A~~ The use of a building or premises for the following purposes may any use permitted
28 under Section 27.58.030 shall be allowed in the Airport Environs Noise District † if it lies within
29 the specified noise exposure levels ~~shown below~~ set out in Figure 27.58.050 at the end of this
30 chapter, conditioned upon compliance with Section 27.58.080 of this chapter:

31 (1) ~~Mobile home courts, schools, libraries, churches, health care facilities, audit-~~
32 ~~oriums, concert halls, housing for the elderly, and music shells, not to exceed Ldn 65 line:~~

33 (2) ~~Hotels and motels, playgrounds, neighborhood parks, noise-sensitive manufac-~~
34 ~~turing, and noise-sensitive communication facilities, not to exceed Ldn 70 line:~~

35 (3) ~~Cemeteries, mausoleums and undertaking establishments, riding, water sports,~~
36 ~~tennis courts, skating rinks, bowling alleys and other recreational facilities, theaters, spectator sports,~~
37 ~~and veterinary facilities and kennels, not to exceed Ldn 75 line:~~

38 (4) ~~Office buildings, personal business, governmental services, communication~~
39 ~~facilities, extensive natural recreational areas, financial institutions, retail trade, restaurants, bars,~~
40 ~~amusements, sports arenas, golf courses and related support facilities, wholesale, manufacturing,~~
41 ~~construction services, repair services, livestock farming, animal breeding, utilities, agriculture,~~
42 ~~mining, fishing, forestry, warehouses, storage facilities, historical preservation, wind energy~~
43 ~~conversion systems, transportation facilities, no noise-related restrictions:~~

1 (b) Where property is undeveloped, only such portion of it as is actually within the ~~E_{dn}~~
2 DNL lines shall be considered at or within that ~~E_{dn}~~ DNL line. However, at such time as said prop-
3 erty shall be subdivided or platted, any platted buildable lots intersected by an ~~E_{dn}~~ DNL line shall
4 be deemed to be wholly within the highest ~~E_{dn}~~ DNL line. (Ord. 17752 §4; October 30, 2000: prior
5 Ord. 17719 §2; August 21, 2000: Ord. 17699 §5; July 24, 2000: Ord. 13414 §6; June 14, 1982).
6

7 **27.58.060 Conditional Permitted Residential Uses in Relation to Noise Exposure Levels.**

8 (a) ~~The use of A a building or premises for a use designated Y [1] in Figure 27.58.050~~
9 ~~shown at the end of this chapter is permitted may be used for residential purposes in the Airport~~
10 ~~Environs Noise District if it lies within the specified noise exposure levels † in areas between E_{dn}~~
11 ~~65 line and E_{dn} 70 line, in conformance with the requirements of Section 27.58.080 of this title and~~
12 ~~the conditions prescribed herein:~~

13 (1) ~~Prior to applying for a building permit, an applicant shall prepare and submit~~
14 ~~to the Planning Director for his review and approval a site plan for the proposed building or~~
15 ~~buildings which shall be designed to minimize the impact of noise. This may include, but need not~~
16 ~~be limited to:~~

- 17 (i) ~~Placing as much distance as possible between the noise source and~~
18 ~~noise-sensitive activities;~~
- 19 (ii) ~~Placing noise-compatible activities, such as parking lots and open~~
20 ~~space, between the noise source and the sensitive activities;~~
- 21 (iii) ~~Using buildings as noise barriers;~~
- 22 (iv) ~~Orienting buildings so that nonhabitable space, such as utility rooms,~~
23 ~~laundry rooms and garages, are located between the noise source and the habitable space;~~
- 24 (v) ~~Utilizing the site's natural shape and contours or constructing noise~~
25 ~~barriers between noise sources and noise-sensitive areas. Such noise barriers may include but need~~
26 ~~not be limited to berms made of sloping mounds of earth, walls and fences constructed of a variety~~
27 ~~of material, dense plantings of trees and shrubs, e.g., 100-foot depth, and any of these combinations.~~

28 (2) ~~The site plan submitted to the Planning Director shall be accompanied by the~~
29 ~~following information:~~

- 30 (i) ~~An accurately drawn plan showing location of existing and proposed~~
31 ~~structures on the property, open space, parking areas, location of existing trees, proposed landscape~~
32 ~~plans, sidewalks, floor plan identifying bedrooms, kitchens, living rooms, garages, etc., lot lines and~~
33 ~~building setback lines;~~
- 34 (ii) ~~Contour lines at intervals not to exceed five feet based on NAVD~~
35 ~~†988, if the site has not been platted;~~
- 36 (iii) ~~Location of site with relation to specific E_{dn} lines;~~
- 37 (iv) ~~Grading plan, if any;~~
- 38 (v) ~~Discussion of additional steps to minimize the noise impact, if any;~~
- 39 (vi) ~~Date prepared, scale, and north point;~~
- 40 (vii) ~~Name, address and telephone number of applicant;~~
- 41 (viii) ~~Other relevant information, if any, relating to noise attenuation.~~

42 (3) ~~Within twenty days from the receipt of a site plan with the required inform-~~
43 ~~ation, the Planning Director shall notify the applicant and the Director of Building and Safety~~
44 ~~whether or not the site plan has been approved or disapproved. If the site plan is disapproved, the~~

1 Planning Director shall specify the reasons for such disapproval. A site plan shall be approved if it
2 reflects a reasonably effective method of minimizing the impact of the noise to which the proposed
3 building or buildings would be subjected.

4 (4) If the site plan is approved by the Planning Director, a A building permit may
5 be issued by the Director of Building and Safety provided that the building plan shows a design that
6 incorporates acoustical features described below to all habitable spaces or rooms in addition to all
7 other applicable requirements of the Lincoln Building Code as now existing or hereinafter amended:

- 8 (i) All exterior doors shall be either:
9 A. solid-core or metal-clad construction of at least 1 3/4 inches
10 thick, or
11 B. separately equipped with wood or metal storm door, or
12 C. multiple-glazed.
13 (ii) ~~Storm or m~~ Multiple-glazed windows shall be provided for all
14 habitable space.
15 (iii) Through-the-wall/door mailboxes, ~~window or dome~~ venting sky-
16 lights, jalousie windows, or other direct openings from the interior to
17 the exterior of the building shall be prohibited.
18 (iv) Mechanical ventilation shall be provided of a type and design to
19 provide adequate environmental comfort with all doors and windows
20 closed during all seasons. Window and through-the-wall ventilation
21 units shall not be used. Commercial cooking areas are exempt from
22 these conditions.
23 (v) ~~Workmanship on doors and windows must be such that they are as~~
24 ~~close-fitting as possible or weather-stripping seals shall be incor-~~
25 ~~porated on all edges to eliminate gaps.~~
26 Solariums, sunrooms and similar areas are exempt from these
27 conditions, providing a permanent door meeting Section
28 27.68.060(1)(i) of this chapter separates the two spaces.

29
30 (5) ~~In the event that the Planning Director disapproves the site plan, the applicant~~
31 ~~may, within ten days after notification of such disapproval, appeal the decision of the Planning~~
32 ~~Director to the City Council. The City Council shall, by resolution, affirm, reverse, or modify the~~
33 ~~decision of the Planning Director. (Ord. 17857 §6; June 4, 2001; prior Ord. 17752 §5; October 30,~~
34 ~~2000; Ord. 17719 §3; August 21, 2000; Ord. 17699 §6; July 24, 2000; Ord. 14837 §2(part); February~~
35 ~~29, 1988; Ord. 13414 §7; June 14, 1982):~~

36
37 **27.58.070 Prohibited Uses, Airport Environs Noise District 2.**

38 (Repealed by Ord. 17752 §6; October 30, 2000; prior Ord. 17719 §4; August 21, 2000; Ord.
39 17699 §7; July 24, 2000; Ord. 16811 §1; June 19, 1995; Ord. 13414 §8; June 14, 1982).

40
41 **27.58.080 Avigation and Noise Easements; Covenant, Notice and Acknowledgment.**

42 (a) All uses allowed within Airport Environs Noise District ~~1~~, except as provided in
43 Section 27.58.090 shall be conditioned upon the grant by the property owner of a covenant avigation
44 and noise easement, notice, and acknowledgment that the property is located in Airport Environs

1 Noise District †, providing for the disclosure of the airport noise and overflight impact to future pur-
2 chasers, as a condition of subdivision, community unit plan, special permit, use permit, or building
3 permit. Covenant Avigation and noise easement, notice, and acknowledgment that property is
4 located in Airport Environs Noise District † to be submitted pursuant to the terms of this chapter
5 shall conform to the provisions contained in the model covenant avigation and noise easement, a
6 copy of which is ~~shall remain on file in the office of the Executive Director of the Lincoln Airport~~
7 ~~Authority and the City Clerk of the City of Lincoln shown in Figure 27.58.080 at the end of this~~
8 ~~chapter.~~ (Ord. 17752 §7; October 30, 2000: prior Ord. 17699 §8; July 24, 2000: Ord. 13414 §9; June
9 14, 1982).

10
11 **27.58.090 Pre-existing Uses.**

12 Any existing use which was lawfully established at the time of the effective date of this
13 chapter may be continued although such use does not conform to the provisions hereof. However,
14 the requirements set forth in this chapter shall be applicable to the portion of the use subject to
15 enlargement, extension, conversion, reconstruction, or structural alteration, and not be retroactive
16 to the entire existing structure. Nothing shall prohibit the reconstruction of a building legally in use
17 at the time of the adoption of this chapter. A request for enlargement, extension, conversion, recon-
18 struction, or structural alteration of a pre-existing use which does not conform to the provisions of
19 this chapter shall be processed through special permit procedures set forth in Chapter 27.63. No
20 person applying for a special permit to enlarge, extend, convert, reconstruct, or alter a structure
21 lawfully in existence at the time of the enactment of this chapter shall be required to submit an
22 avigation and noise easement ~~or covenant~~, notice and acknowledgment as a condition for approval
23 thereof. (Ord. 13414 §10; June 14, 1982).

24
25 **27.58.100 Enforcement and Exemption.**

26 (a) Prior to the issuance of a building permit or other certificate, the Director of Building
27 and Safety shall receive the executed covenant avigation and noise easement, notice, and
28 acknowledgment for property in Airport Environs Noise District † which shall then be forwarded
29 to the Airport Authority or shall have received evidence that the executed covenant avigation and
30 noise easement was previously furnished to the Airport Authority. All ~~covenants~~ avigation and
31 noise easements shall be forwarded to the Airport Authority, which shall then be filed with the
32 Register of Deeds at Authority's expense.

33 (b) Uses in connection with the operation of the Lincoln municipal airport, and properties
34 owned or leased by the City of Lincoln, the Airport Authority of the City of Lincoln, military units,
35 or other governmental agencies are hereby declared compatible and shall be exempted from the
36 requirements of this chapter. (Ord. 17752 §9; October 30, 2000: prior Ord. 17699 § 9; July 24, 2000:
37 Ord. 13414 §11; June 14, 1982).

Figure 27.58.050
Generalized Use Matrix for Airport Environs Noise District

<u>Uses Permitted Within Each Noise Contour Level *</u>	<u>Airport Noise Environs District</u>			
	<u>Below 60 DNL</u>	<u>60 to 65 DNL</u>	<u>65 to 70 DNL</u>	<u>70 to 75 DNL</u>
<u>All residential uses (incl. RV parks and campgrounds)</u>	Y	Y [1]	N	N
<u>Educational, religious, and indoor public assembly facilities</u>	Y	Y [1]	N	N
<u>Health and childcare care facilities</u>	Y	Y [1]	N	N
<u>Outdoor sport, entertainment, and public assembly facilities</u>	Y	Y	N	N
<u>Enclosed entertainment, recreation, and spectator facilities</u>	Y	Y	Y	N
<u>Noise-sensitive manufacturing and communication facilities</u>	Y	Y	Y	N
<u>Cemeteries, mausoleums and undertaking establishments</u>	Y	Y	Y	N
<u>Community and neighborhood parks</u>	Y	Y	Y	N
<u>Hotels/ motels</u>	Y	Y	Y	N
<u>Race Tracks for Motorized Vehicles</u>	Y	Y	Y	N
<u>Offices, retail and service businesses, restaurants, eating and drinking establishments</u>	Y	Y [1]	Y [1]	Y [1]
<u>Extensive natural recreational areas</u>	Y	Y	Y	Y
<u>Outdoor recreation: tennis, golf courses, riding trails, etc.</u>	Y	Y	Y	Y
<u>Service stations and repair services</u>	Y	Y	Y	Y
<u>Assembly, processing, manufacturing, refining, mining, storage, transportation, utility, communication and distribution facilities</u>	Y	Y	Y	Y
<u>Farming, livestock, breeding and feeding; plant nurseries (excluding retail sales)</u>	Y	Y	Y	Y
<u>Parking lots</u>	Y	Y	Y	Y
<u>Signs</u>	Y	Y	Y	Y
<u>Notes:</u> <u>Y - Permitted</u> <u>N - Not permitted</u> <u>1. Development is required to incorporate acoustical features as a condition of building permit issuance, as described in Section 27.58.060 of this chapter.</u> <u>* All uses permitted within the Airport Environs Noise District shall be conditioned upon the grant by the property owner of an avigation and noise easement agreement that the property is located in the Airport Environs Noise District, as described in Section 27.58.080 of this chapter.</u>				

Figure 27.58.080
Model Avigation and Noise Easement

INDENTURE made this _____ day of _____, 20____, between _____ hereinafter called "Grantor", and Airport Authority of the City of Lincoln, a public body corporate and politic, hereinafter called "Airport Authority";

WHEREAS, Grantor is the owner in fee simple of a certain tract of land situated in Lancaster County, State of Nebraska, more particularly described as:

See attached Exhibit "A",

said tract of land being hereinafter referred to as "Grantor's Land"; and

WHEREAS, Airport Authority, as an agency of the City of Lincoln, Nebraska, is the owner and operator of a public airport known as Lincoln Municipal Airport situated on land adjacent or in close proximity to the above-described property; and

WHEREAS, Grantor has agreed in consideration of _____ (\$ _____) and other valuable consideration, receipt of which is hereby acknowledged, to grant Airport Authority and City of Lincoln, Nebraska, the following Avigation and Noise Easement for the right of flight and consequent aircraft noise over Grantor's Land.

NOW THIS INDENTURE, WITNESSETH:

Grantor, for itself, its heirs, successors and assigns, for the said consideration, hereby grants and conveys to the City of Lincoln, Nebraska, the following Avigation and Noise Easement for the right of flight and consequent aircraft noise over Grantor's Land.

NOW THIS INDENTURE, WITNESSETH:

Grantor, for itself, its heirs, successors and assigns, for the said consideration, hereby grants and conveys to the City of Lincoln, Nebraska, for the use of Airport Authority, its successors and assigns, a perpetual easement and right-of-way for the unobstructed and unrestricted flight of aircraft in, through and across the airspace over and above Grantor's Land, at any legally permissible altitude, and the right, to the extent permitted by law, to make noise and cause fumes and disturbance arising from the ground and flight operations of all civil and military aircraft to, from and upon Lincoln Municipal Airport, regardless of the means of propulsion.

And Grantor, for itself, its heirs, successors, and assigns, for the said consideration, do hereby grant and convey to Airport Authority, its agents, servants and employees, a continuing right and easement to remove, mark light, or to take any action necessary to prevent the erection or growth of any structure, tree or other object into the airspace above Grantor's Land which constitutes an obstruction to air navigation to, from, and passage over Grantor's Land in any present or future clear zone approach area for said purposes.

The Grantor, for itself, its heirs, successors, and assigns, does hereby waive all right to and interest in any claim or cause of action against the Airport Authority or the City of Lincoln, arising out of or from any legally permissible noise, vibration, avigations, pollution, light or noise generated from, above or on airport property, or sonic disturbance of any description, caused by flight operations of civil and military aircraft regardless of the means of propulsion, to, from and upon Lincoln Municipal Airport, which may result in damage to land or to any person, structure or other property located upon Grantor's Land, excepting, however, any claim or cause of action for any damage or injury to person or property resulting from any aircraft, or object therefrom, falling on, propelled into, or striking any person or property on Grantor's land.

The Grantor, for the said consideration, further agrees, that if Grantor or its heirs, successors or assigns, should sell or alienate any portion of Grantor's Land, Grantor, its heirs, successors or assigns shall include in every deed or conveyance evidencing such sale or alienation, a recitation that the grant is subject to all conditions contained within this Avigation and Noise Easement, and further as a condition of such transaction, Grantor shall require each Grantee to include such recitation in any subsequent deed or conveyance of any of the property herein above described as Grantor's Land.

In the event any condition or provision herein contained is held to be invalid by any court of competent jurisdiction, the invalidity of any such condition or provision shall in no way affect any other condition or provision herein contained.

1
2 Grantor's land.

3 TO HAVE AND TO HOLD said Avigation and Noise Easement hereby granted unto the City of Lincoln
4 for the use of the Airport Authority, its successors, and assigns, as appurtenant to the said Lincoln Municipal
5 Airport and every part thereof.

6 IN WITNESS WHEREOF, the undersigned has caused its signature to be affixed this _____ day of
7 _____, 20____.

8
9
10 By: _____

11
12
13
14
15 STATE OF NEBRASKA _____)
16 _____) ss.
17 COUNTY OF LANCASTER _____)

18
19 On this _____ day of _____, 20____, before me, a duly appointed and qualified notary public,
20 personally appeared _____, to me personally known to be the same and
21 identical person who signed the above and foregoing instrument and he did acknowledge the execution thereof to
22 be his voluntary act and deed and that of _____.

23
24 WITNESS my hand and seal on the date last aforementioned.

25
26
27
28 _____
29 Notary Public

Summary
Proposed Text & Map Amendments
Chapter 27.58, Airport Environs Noise District
January 30, 2004

27.58.010 Scope of Regulations.

- Amend **all** "Ldn" references to "DNL" to reflect the 2002 FAR Part 150 Noise Compatibility Plan.

27.58.020 Definitions.

- Amend to delete **all** "1" references following Airport Environs Noise District.
- Amend date of map adoption to reflect new Airport Environs Noise District date of adoption.
- Amend the Airport Environs Noise District Map and legal description to reflect new areas included in the District.
- Amend the Airport Environs Noise District Map to incorporate the 2002 noise contours and incorporate the 60 DNL into the regulations.
- Amend definition of "**habitable space**" to add solariums and sunrooms as areas not considered habitable space.

27.58.050 Permitted Uses in Relation to Noise Exposure Levels.

- Amend to add "any use permitted under Section 27.58.030 shall" to section (a).
- Amend permitted uses in Sections (1) through (4) for each noise contour zone to reflect the 2002 FAR Part 150 Noise Compatibility Study. Amendments include revising section (a), deleting sections (1) through (4), **replace deleted text with Figure 27.58.050, which is a matrix of permitted uses for each noise contour level.**

- Amendments to the existing noise-related restrictions and other regulations are further detailed below:

Revisions to Noise-related Restrictions

Existing	Proposed
Residential (all types) permitted not to exceed 65 Ldn	Permitted not to exceed 60 DNL
Cemeteries, mausoleums and undertaking - Permitted not to exceed 75 Ldn	Permitted not to exceed 70 DNL
Skating rinks - Permitted not to exceed 75 Ldn	Permitted not to exceed 70 DNL
Bowling alleys - Permitted not to exceed 75 Ldn	Permitted not to exceed 70 DNL
Spectator sports - Permitted not to exceed 75 Ldn	Permitted not to exceed 70 DNL
Amusement - No noise-related restrictions	Permitted not to exceed 70 DNL
Sport arenas - No noise-related restrictions	Outdoor sport, etc permitted not to exceed 65 DNL
Race Tracks for Motorized Vehicles	Permitted not to exceed 70 DNL

Revisions to definition of uses

Existing	Proposed
Housing for the elderly	All residential uses
Other recreational facilities	No similar use identified
Theaters	Entertainment and public assembly facilities
Veterinary facilities and kennels	No similar use identified
Fishing and Forestry	Farming, breeding and feeding; plant nurseries
Historical preservation	No similar use identified
Sport arenas	Outdoor sport, etc
Wind energy conversion systems	Utility

27.58.060 Conditional Permitted Residential Uses in Relation to Noise Exposure Levels.

- Amend title to delete "residential."

- Amend Section (a) to add "for a use designated Y [1]" to more clearly identify building or premises that are allowed in the Airport Environs Noise District, as a conditional use, and "if it lies within the specified noise

exposure levels.”

- Amend conditional use requirements to reflect the 2002 FAR Part 150 Noise Compatibility Plan, and administrative practices of the City of Lincoln. Amendments include deleting Sections (1) through (3), (5), and amending Section (4).

- Amend to delete language requiring site plan approval by Planning Director, to reflect proposed amendments shown above in Section (4).

- Section (1), previously Section (4) amend to show following revisions:

- Add “to all habitable spaces and rooms” in Section (1)
- Add “multiple-glazed doors” in Section (1)(i)C.,
- Delete “storm windows” in Section (1)(ii),
- Delete “window or dome” and add “venting” in Section (1)(iii) to prohibited items,
- Add “Commercial cooking areas are exempt from these conditions” in Section (1)(iv),
- Add “Solariums, sunrooms and similar areas are exempt from these conditions, providing a permanent door meeting Section 27.58.060(1)(i) of this Chapter separates the two spaces” in Section (1)(v)

- Sections (1) through (3) specified review requirements of site plans for proposed building or buildings in areas between Ldn 65 line and Ldn 70 line; design requirements to minimize the impact of noise; site plan submittal requirements; and a timeline for the review process. Section (5) outlines the appeal procedures if site plan is disapproved. **These sections have been deleted.**

- Figure 27.58.050 indicates which buildings or premises are required to incorporate acoustical features as a condition of use. Currently, non-residential uses are not required to incorporate acoustical features in buildings or premises. The proposed regulation requires the incorporation of acoustical features in the following buildings or structures, as a condition of building permit issuance, used in areas between the DNL 60 line and DNL 75 line, where specifically permitted, as shown in Figure 27.58.050:

- ◆ Education facilities, religious and indoor public assembly facilities
- ◆ Health and childcare facilities
- ◆ Offices, retail and service businesses

27.58.080 Avigation and Noise Easements; Covenant, Notice and Acknowledgment.

- Amend title to delete "covenant."
- Amend to delete all references to "covenant" to reflect administrative practices of the City of Lincoln and Lincoln Airport Authority.
- Amend to add "avigation and noise easement" to reflect administrative practices of the City of Lincoln and Lincoln Airport Authority.
- Amend to add **Figure 27.58.080, "Model Avigation and Noise Easement"** to reflect the 2002 FAR Part 150 Noise Compatibility Plan, and administrative practices of the City of Lincoln and Lincoln Airport Authority. Amend existing agreement to delete word "covenant".
- Amend to delete "..Executive Director of the Lincoln Airport Authority and City Clerk of the City of Lincoln.." requirement to have on file a copy of the model avigation and noise easement. Figure 27.58.080, "Model Avigation and Noise Easement" replaces this requirement, and makes the document more accessible.

27.58.090 Pre-existing Uses.

- Amend to delete "or covenant" to reflect administrative practices of the City of Lincoln and Lincoln Airport Authority.

27.58.100 Enforcement and Exemption.

- Amend to delete all references to "covenant(s)" to reflect administrative practices of the City of Lincoln and Lincoln Airport Authority.
- Amend to add "avigation and noise easement" to reflect administrative practices of the City of Lincoln and Lincoln Airport Authority.

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