

City Council Introduction: **Monday**, July 15, 2013
Public Hearing: **Monday**, July 22, 2013, at **3:00** p.m.

Bill No. 13-82

FACTSHEET

TITLE: TEXT AMENDMENT NO. 13009, requested by the Director of Planning, to amend Title 26 of the Lincoln Municipal Code (Land Subdivision Ordinance) to revise the definition of "outlot".

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Text Amendment No. 13007 (13-81)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 06/26/13
Administrative Action: 06/26/13

RECOMMENDATION: Approval (7-0: Beecham, Cornelius, Corr, Hove, Lust, Scheer and Sunderman voting 'yes'; Weber absent).

FINDINGS OF FACT:

1. This proposed text amendment to Title 26 of the Lincoln Municipal Code and the associated Text Amendment No. 13007 to Title 27 were heard at the same time before the Planning Commission.
2. This is a request to amend Chapter 26.07 of the Lincoln Municipal Code (Land Subdivision Definitions) by amending Section 26.07.135 to revise the definition of "Outlot"; and repealing Section 26.07.135 of the Lincoln Municipal Code as hitherto existing.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.2-3, concluding that adoption of the proposed amendment will more clearly define outlots and the uses allowed on outlots.
4. On June 26, 2013, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On June 26, 2013, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval.
6. On June 26, 2013, the Planning Commission also voted 7-0 to recommend approval of the associated Text Amendment No. 13007 to the Land Subdivision Ordinance.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: July 9, 2013

REVIEWED BY: Marvin Krout, Director of Planning

DATE: July 9, 2013

REFERENCE NUMBER: FS\CC\2013\TX13009+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 26, 2013 PLANNING COMMISSION MEETING

PROJECT #: Text Change No. 13007 to the Lincoln Zoning Ordinance and 13009 to the Lincoln Subdivision Ordinance

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Change the Lincoln Municipal Code, Title 26 Subdivision, Chapter 26.07 to amend the definition of Outlot, and Title 27 Zoning, to add Section the definition of "Outlot", amend Section 27.69.030 to allow signs on outlots, and add Section 27.07.070 to specify permitted uses on outlots.

LOCATION:
26.07 "Definitions"
27.02 "General Definitions"
27.69 "General Provisions"
27.07 "Outlots"

CONCLUSION: Adoption of the amendments and additions will more clearly define outlots and the uses allowed on them.

<u>RECOMMENDATION:</u>	Approval
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ANALYSIS:

1. This is a text amendment to Chapters 27.02, 27.69 and 27.07 of the Lincoln Zoning Ordinance and Chapter 26.07 of the Lincoln Subdivision Ordinance. These changes amend the Subdivision Ordinance definition of outlot, add a definition of outlot to the Zoning Ordinance, allow signs to be located on outlots, and describe accessory uses and buildings allowed on outlots.
2. Currently, Outlots are defined only in the subdivision ordinance. The current definition states that outlots are "not presently designated for building or occupancy, reserved for future building or occupancy after platting and subdivision, or reserved for open space and common facilities." The amendment to this definition more accurately describes the outlot in the terms of the subdivision of property. The addition of a definition for outlot to the Zoning Ordinance allows for a definition that specifically addresses the concerns of that document - specifically the uses allowed on parcels of land.
3. In some cases buildings have been allowed on outlots, particularly when they are allowed through a special permit or use permit. However, they are still considered to be "un-buildable" in most cases in regard to "principle buildings" such as residences or commercial buildings.

4. Outlots are sometimes platted as an interim step in the development process. A development might be done through the preliminary plat, planned unit development, community unit plan, or use permit process with only a portion of the area being final platted at a time, while the remainder is preserved as an outlot for future development. In these cases the outlot might have an interim use such as farming, but the larger plan shows it as being intended for future development, and as such, not appropriate for building.
5. Outlots might also be platted with the intent of remaining in open space. These outlots might be part of a community unit plan and designated for common facilities such as recreational space, as permanent open space, or for continued farming. In these cases there is no demonstrated intent to further develop these outlots. It would seem appropriate to allow certain accessory structures that support that stated use, such as agricultural buildings, maintenance buildings, or common recreational buildings like picnic shelters or club houses.
6. Outlots that are part of a use permit or planned unit development commonly serve as the shared parking lot for the larger development, with the buildings sitting on individual lots "floating" within them. In this cases it is reasonable that signs be allowed on these outlots.
7. The changes to the definition chapters of the Zoning and Subdivision ordinances will clarify the use and purpose of outlots. Outlots which have an intended long term use as future development are not appropriate for building, however, outlots intended to stay as such should be allowed to have structures that support the intended long term use.

Prepared by:

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DATE: June 12, 2013

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**TEXT AMENDMENT NO. 13007 (Title 27)
and
TEXT AMENDMENT NO. 13009 (Title 26)**

**CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:**

June 26, 2013

Members present: Beecham, Cornelius, Corr, Hove, Lust, Scheer and Sunderman; Weber absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 13003, ANNEXATION NO. 13002, CHANGE OF ZONE NO. 13011, TEXT AMENDMENT NO. 13007, TEXT AMENDMENT NO. 13009, COUNTY TEXT AMENDMENT NO. 13008, COUNTY TEXT AMENDMENT NO. 13010, USE PERMIT NO. 152A, COUNTY SPECIAL PERMIT NO. 13018 and SPECIAL PERMIT NO. 13020.**

There were no ex parte communications disclosed.

Lust moved approval of the Consent Agenda, seconded by Hove and carried 7-0: Beecham, Cornelius, Corr, Hove, Lust, Scheer and Sunderman voting 'yes'; Weber absent.

Note: This is final action on County Special Permit No. 13018 and County Special Permit No. 13020, unless appealed to the Lancaster County Board of Commissioners within 14 days.