

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to  
2 Zoning by amending Section 27.15.030 to allow single-family dwellings on small lots located  
3 outside the January 1, 2010 corporate limits as a permitted conditional use and providing conditions  
4 of approval; amending Section 27.15.040 to allow single-family dwellings on small lots located  
5 inside the January 1, 2010 corporate limits as a permitted special use; adding a new section  
6 numbered 27.63.800 to provide conditions for granting a special permit to allow single-family  
7 dwellings on small lots in the R-3 district located inside the January 1, 2010 corporate limits; and  
8 repealing Sections 27.15.030 and 27.15.040 of the Lincoln Municipal Code as hitherto existing.

9 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10 Section 1. That Section 27.03.510 of the Lincoln Municipal Code be amended to  
11 read as follows:

12 **27.15.030 Permitted Conditional Uses.**

13 A building or premises may be used for the following purposes in the R-3 Residential  
14 District in conformance with the conditions prescribed herein:

15 (a) Churches:

- 16 (1) Parking shall be in conformance with Chapter 27.67;  
17 (2) The required front and side yards shall be landscaped in conformance with  
18 the standards adopted by resolution of the City Council;  
19 (3) Required side and rear yards shall be fifteen feet or the same as the district,  
20 whichever is greater.

21 (b) Group homes:

- 22 (1) Group homes shall comply with all sign, height and area regulations of the  
23 district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated  
24 in conformance with the provisions of Chapter 27.67;  
25 (2) The distance between the proposed use and any existing group home  
26 measured from lot line to lot line is not less than one-half mile;  
27 (3) Such use shall be permitted only so long as the facility continues to be validly  
28 licensed by the State of Nebraska.

1 (c) Early childhood care facilities in churches:

2 (1) The parking and loading/unloading area for such facilities shall comply with  
3 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
4 childhood care facilities;

5 (2) Such facilities shall comply with all applicable state and local early childhood  
6 care requirements;

7 (3) Such facilities shall comply with all applicable building and life safety code  
8 requirements;

9 (4) Such facilities shall be fenced and have play areas that comply with the design  
10 standards for early childhood care facilities;

11 (5) Such facilities must receive a conditional use permit from the Department of  
12 Building and Safety.

13 (d) Domestic shelter:

14 (1) Parking shall be in conformance with Chapter 27.67;

15 (2) The maximum number of residents occupying such a facility shall not exceed  
16 one person per 2,000 square feet of lot area;

17 (3) The distance between the proposed use of any existing domestic shelter  
18 measured from lot line to lot line shall not be less than one mile.

19 (e) Early childhood care facilities with a maximum of fifteen children present at any  
20 time:

21 (1) The parking and loading/unloading area for such facilities shall comply with  
22 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
23 childhood care facilities;

24 (2) Such facilities shall comply with all applicable state and local early childhood  
25 care requirements;

26 (3) Such facilities shall comply with all applicable building and life safety code  
27 requirements;

28 (4) Such facilities shall be fenced and have play areas that comply with the design  
29 standards for early childhood care facilities;

30 (5) Such facilities shall be used as the permanent residence of the licensed child  
31 care provider;

32 (6) Such facilities with thirteen or more children must receive a conditional use  
33 permit from the Department of Building and Safety;

34 (7) Early childhood care facilities located in mobile homes shall have a severe  
35 weather emergency action plan approved by the Health Department.

36 (f) Single-family dwellings which do not meet the required minimum lot area, average  
37 lot width, or yard requirements in Table 27.15.080(a).

38 (1) Such use shall be located outside the City of Lincoln's January 1, 2010  
39 corporate limits.

1           (2)    Minimum lot requirements:

2	<u>Average Lot Width</u>	<u>33 feet</u>
3	<u>Lot Area</u>	<u>3,300 square feet</u>
4	<u>Front Yard</u>	<u>15 feet to the main building</u>
5		<u>20 feet from the garage door to the lot line</u>
6	<u>Side Yard</u>	<u>5 feet or 0 feet if party wall</u>
7	<u>Rear Yard</u>	<u>20 feet or 20% the depth of the lot</u>
8		<u>which ever is less</u>

9           (3)    There must be at least 22 contiguous feet of uninterrupted curb space abutting  
10 the lot measured along the face of the curb from the edge of the curb return to the lot line.

11          (4)    Any garage door or doors facing the street shall not occupy more than 40%  
12 of the width of the building facade, except that the garage door or doors may occupy up to 60% of  
13 the width of the building facade if there is living area or a covered balcony above the majority of  
14 the garage. Notwithstanding the above, detached garages which are not considered a part of and are  
15 primarily located to the side of or behind the main structure are exempt from this requirement.

16          (5)    Garages facing and taking access from a street must have a minimum setback  
17 of 20 feet from the lot line.

18          (6)    The principal street facade of each dwelling shall have at least one door. The  
19 principal street facade of each dwelling shall also have a minimum of one window per story oriented  
20 to the street. If the dwelling is two stories in height, both required windows may be located on the  
21 second floor. The minimum glazed area of a window shall be five square feet.

22                Section 2. That Section 27.15.040 of the Lincoln Municipal Code be amended to  
23 read as follows:

1 **27.15.040 Permitted Special Uses.**

2 A building or premises may be used for the following purposes in the R-3 Residential  
3 District if a special permit for such use has been obtained in conformance with the requirements of  
4 Chapter 27.63:

5 (a) Community unit plans in conformance with the following requirements:

6 (1) The average lot area shall be at least 5,000 square feet;

7 (2) All the requirements of Chapter 27.65.

8 (b) Private schools, other than those permitted under Section 27.15.020(e) above;

9 (c) Health care facilities;

10 (d) Dwellings for members of religious orders;

11 (e) Mobile home courts;

12 (f) Recreational facilities;

13 (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires  
14 which exceed the maximum district height;

15 (h) Broadcast towers;

16 (i) Excavation and stone milling;

17 (j) Certain parking lots as defined in Chapter 27.63;

18 (k) Elderly or retirement housing;

19 (l) Expansion of nonconforming uses;

20 (m) Historic preservation;

21 (n) Garden centers;

22 (o) Public utility purposes;

23 (p) Wind energy conversion systems over the district height;

24 (q) Mobile home subdivisions;

25 (r) Housing and related facilities for the physically handicapped;

26 (s) Greenhouses;

27 (t) Outdoor seasonal sales;

28 (u) Cemeteries;

29 (v) Domiciliary care facility;

30 (w) Early childhood care facilities with sixteen or more children, or with fifteen or fewer  
31 children not meeting the specified conditions for a permitted conditional use under Section  
32 27.15.030;

33 (x) Neighborhood support services;

34 (y) Clubs;

35 (z) Connection of single-family dwelling to accessory building for the physically  
36 handicapped;

37 (aa) Adult care centers;

38 (bb) Alternative to imprisonment facilities;

39 (cc) Children's homes;

40 (dd) Single-family dwellings which do not meet the required minimum lot area, average  
41 lot width, or yard requirements in Table 27.15.080(a).

1 Section 3. That Chapter 27.63 of the Lincoln Municipal Code be amended by adding  
2 a new section 27.63.800 to read as follows:

3 **27.63.800 Permitted Special Use: Single-Family Dwellings.**

4 Single-family dwellings which do not meet the minimum lot area, average lot width, or yard  
5 requirements in Table 27.15.080(a) may be allowed by special permit in the R-3 district under the  
6 conditions below:

7 (a) Such use shall be located on a lot inside the City of Lincoln's January 1, 2010  
8 corporate limits.

9 (b) Minimum lot requirements. See Section 27.15.030(f)(2).

10 (c) There must be at least 22 contiguous feet of uninterrupted curb space abutting each  
11 lot measured along the face of the curb from the edge of the curb return to the lot line.

12 (d) Any garage door or doors facing the street shall not occupy more than 40% of the  
13 width of the building facade, except that the garage door or doors may occupy up to 60% of the  
14 width of the building facade if there is living area or a covered balcony above the majority of the  
15 garage. Notwithstanding the above, detached garages which are not considered a part of and are  
16 primarily located to the side of or behind the main structure are exempt from this requirement.

17 (e) Garages facing and taking access from a street must have a minimum setback of 20  
18 feet from the lot line.

19 (f) The principal street facade of each dwelling shall have at least one door. The  
20 principal street facade of each dwelling shall also have a minimum of one window per story oriented  
21 to the street. If the dwelling is two stories in height, both required windows may be located on the  
22 second floor. The minimum glazed area of a window shall be five square feet.

1                   Section 4. That Sections 27.15.030 and 27.15.040 of the Lincoln Municipal Code  
2 as hitherto existing be and the same are hereby repealed.

3                   Section 5. That this ordinance shall take effect and be in force from and after its  
4 passage and publication in one issue of a daily or weekly newspaper of general circulation in the  
5 City according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2010:  _____ Mayor
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