

## Chapter 27.13

### R-2 RESIDENTIAL DISTRICT

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This district is intended to provide a generally stable residential use in areas of the city that are largely developed. With a gross density of generally three to five dwelling units per acre, this district permits single- and two-family dwellings and supportive community services, such as parks, playgrounds, schools, libraries, and churches. It is intended that this district be limited to previously platted portions of the city already undergoing substantial development, thereby preserving existing low-density residential development.

#### **27.13.010 Scope of Regulations.**

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the R-2 Residential District. (Ord. 12571 §101; May 8, 1979).

#### **27.13.020 Use Regulations.**

A building or premises shall be permitted to be used for the following purposes in the R-2 Residential District:

- (a) Single-family dwellings; →
- (b) Two-family dwellings; →
- (c) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (d) Public libraries;
- (e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes.
- (f) Wind energy conversion systems. (Ord. 19158 §8; October 20, 2008; prior Ord. 12571 §102; May 8, 1979). →

**27.13.030 Permitted Conditional Uses.**

A building or premises may be used for the following purposes in the R-2 Residential District in conformance with the conditions prescribed herein:

- (a) Churches:
  - (1) Parking shall be in conformance with Chapter 27.67;
  - (2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the City Council;
  - (3) Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater.
- (b) Group homes:
  - (1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the provisions of Chapter 27.67.
  - (2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half mile;
  - (3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.
- (c) Early childhood care facilities in churches:
  - (1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;
  - (2) Such facilities shall comply with all applicable state and local early childhood care requirements;
  - (3) Such facilities shall comply with all applicable building and life safety code requirements;
  - (4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
  - (5) Such facilities must receive a conditional use permit from the Department of Building and Safety.
- (d) Domestic shelter:
  - (1) Parking shall be in conformance with Chapter 27.67;
  - (2) The maximum number of residents occupying such a facility shall not exceed one person per 2,000 square feet of lot area;
  - (3) The distance between the proposed use of any existing domestic shelter measured from lot line to lot line shall not be less than one mile.
- (e) Early childhood care facilities with a maximum of fifteen children present at any time:
  - (1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;
  - (2) Such facilities shall comply with all applicable state and local early childhood care requirements;
  - (3) Such facilities shall comply with all applicable building and life safety code requirements;
  - (4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;

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

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

(7) Early childhood care facilities located in mobile homes shall have a severe weather emergency action plan approved by the Health Department. (Ord. 18476 §3; December 13, 2004: prior Ord. 16854 §8; August 14, 1995: Ord. 15751 §4; October 15, 1990: Ord. 14071 §2; March 25, 1985: Ord. 13302 §2; February 1, 1982: Ord. 12571 §103; May 8, 1979).

#### **27.13.040 Permitted Special Uses.**

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

- (a) Community unit plans in conformance with Chapter 27.65;
- (b) Private schools, other than those permitted under Section 27.13.020(e) above;
- (c) Health care facilities;
- (d) Dwellings for members of religious orders;
- (e) Mobile home courts;
- (f) Recreational facilities;
- (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;
- (h) Broadcast towers;
- (i) Certain parking lots as defined in Chapter 27.63;
- (j) Elderly or retirement housing;
- (k) Expansion of nonconforming uses;
- (l) Historic preservation;
- (m) Public utility purposes;
- (n) Wind energy conversion systems over the district height;
- (o) Mobile home subdivisions;
- (p) Housing and related facilities for the physically handicapped;
- (q) Outdoor seasonal sales;
- (r) Cemeteries;
- (s) Domiciliary care facility;
- (t) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.13.030;
- (u) Neighborhood support services;
- (v) Clubs;
- (w) Connection of single-family dwelling to accessory building for the physically handicapped;
- (x) Garden centers;
- (y) Adult care centers;
- (z) Alternative to imprisonment facilities;
- (aa) Children's homes. (Ord. 19172 §3; November 3, 2008: prior Ord. 19158 §9; October 20, 2008: Ord. 18535 §8; May 9, 2005: Ord. 18476 §4; December 13, 2004: Ord. 17780 §1; December 18, 2000: Ord. 17482 §1; March 29, 1999: Ord. 16854 §9; August 14, 1995: Ord. 16820

§2; July 10, 1995: Ord. 16673 §6; September 26, 1994: Ord. 15763 §4; October 29, 1990: Ord. 15371 §2; December 18, 1989: Ord. 15368 §4; December 18, 1989: Ord. 14815 §2; January 4, 1988: Ord. 14780 §4; November 2, 1987: Ord. 14767 §2; October 12, 1987: Ords. 14475, 14510, 14562, amended by Ord. 14644 §3; April 13, 1987: Ord. 14378 §2; May 5, 1986: Ord. 14071 §2; March 25, 1985: Ord. 13980 §3; October 29, 1984: Ord. 13588 §4; May 9, 1983: Ord. 13546 §3; February 28, 1983: Ord. 13535 §2; January 24, 1983: Ord. 12978 §4; August 25, 1980: Ord. 12894 §4; April 7, 1980: Ord. 12571 §104; May 8, 1979).

**27.13.050 Accessory Uses.** 

Accessory uses permitted in the R-2 Residential District are accessory buildings and uses customarily incident to any of the permitted uses in the district. (Ord. 12571 §105; May 8, 1979).

**27.13.060 Parking Regulations.**

Parking within the R-2 Residential District shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 12571 §106; May 8, 1979).

**27.13.070 Sign Regulations.**

Signs within the R-2 Residential District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §107; May 8, 1979).

**27.13.075 Grading and Land Disturbance Regulations.**

Grading and land disturbance within the R-2 Residential District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §4; February 22, 2000.)

**27.13.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the R-2 Residential District shall be as follows:

- (a) General requirements:

**Table 27.13.080(a)**

	<b>Lot Area (Sq. ft.)</b>	<b>Avg. Lot Width</b> ➡	<b>Req'd Front Yard</b> ➡	<b>Req'd Side Yard</b> ➡	<b>Req'd Rear Yard</b> ➡	<b>Height</b> ➡
Dwelling, single- family	6,000**	50'***	25'*	5'	Smaller of 30'	35'
Dwelling, two-family	5,000 per family**	40' per family**	25'*	10', 0' if party wall***	or 20%	35'
Other permitted uses	6,000	50'	25'	5'	of depth	35'

\* See subparagraph (b) and (c)  
 \*\* See subparagraph (e)  
 \*\*\* See subparagraph (i)

(b) There shall be a required front yard on each street side of a double-frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) ➡ Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building.

(i) Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be closer than two feet to any side or rear lot line nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not closer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

(ii) Accessory buildings or structures not a part of the main structure may be located in the required front yard on double-frontage lots where at least one frontage is along a major street, provided:

(1) Accessory buildings or structures shall not occupy any portion of any required front yard along the local street.

(2) Accessory buildings or structures shall not be closer than two feet to the side lot line, closer than two feet to the front lot line along the major street frontage, or be closer than two feet to an area specified as a building line district.

(3) Accessory buildings or structures, if located not less than sixty feet from the front lot line, may extend into the required side yard though not closer than two feet to the side lot line.

(4) Accessory buildings or structures shall not occupy any portion of the required front yard along any major street except when a landscape screen is located along any and all front lot lines of such lot adjacent any major street in conformance with the "Design Standards for Screening and Landscaping" adopted by the City of Lincoln.

(5) Direct vehicular access shall not be available from any major street along any major street frontage in the block.

(6) Accessory buildings and structures shall not occupy more than 100 square feet and 600 square feet, respectively, of the required front yard along the major street.

(7) Accessory buildings or structures shall not exceed fifteen feet in height and any accessory building or structure or portion thereof within twenty feet of the front lot line along the major street shall not exceed eight feet in height.

(e) If a vacant lot or tract has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such parcel of land may be used for a single-family dwelling.

If such vacant lot or tract comes under common ownership with an abutting lot or tract, such vacant lot or tract may continue to be used for a single-family dwelling provided said abutting lot or tract was occupied by a dwelling unit on the date such vacant lot or tract and the abutting lot or tract came under common ownership.

If such vacant lot or tract comes under common ownership with an abutting vacant lot or tract which has less area or width or both less area and width than herein required, such lots and tracts shall be merged together and constitute a single premise.

If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to this district has less area or width or both less area and width than herein required, such lot or tract shall not be considered nonstandard due to such condition.

(f) In those locations in the R-2 Residential District where, on November 2, 1953, and continuing thereafter, forty percent or more of the frontage on the same side of a street between two street intersections is lawfully occupied by two or more buildings, consisting of two-family dwellings or two-family and multiple-family dwellings, two-family dwellings may be erected in conformance with the height, minimum lot requirements, and parking regulations of the R-4 Residential District.

(g) Multiple dwellings lawfully existing in this district on the effective date of this title or on the effective date of a change of district boundaries from another zoning district to this district shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be limited to no more dwelling units than the number of dwelling units licensed with Building and Safety on the effective date of this title or on the effective date of the change in district boundaries from another zoning district to this district.

(h) If two or more abutting lots existing on or before November 2, 1953, have an aggregate width of at least seventy-five feet, such lots may be used for a two-family dwelling, notwithstanding the average lot width requirements of subparagraph (a) of this section.

(i) If an existing lot or tract is lawfully occupied by a two-family dwelling which has a side yard setback of less than ten feet and said use becomes nonstandard through a change in district boundaries from another zoning district to this district, the two-family dwelling may be enlarged, extended or reconstructed as long as the existing side yard or a five-foot side yard, whichever is greater, is provided. (Ord. 18827 §2; October 9, 2006: prior Ord. 15347 §2; November 13, 1989: Ord. 14447 §2; July 28, 1986: Ord. 13929 §2; August 27, 1984: Ord. 13509 §1; December 13, 1982: Ord. 13359 §2; April 26, 1982: Ord. 13350 §11; March 29, 1982: Ord. 12751 §2; November 5, 1979: Ord. 12657 §2; August 6, 1979: Ord. 12571 §108; May 8, 1979).

**27.13.090 Neighborhood Design Standards.**

Each application for a building permit for new construction of a principal building on property located within the Lincoln city limits as of December 31, 1949 shall comply with the neighborhood design standards. (Ord. 18305 §2; February 23, 2004).