

## Chapter 27.19

### R-5 RESIDENTIAL DISTRICT

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This district is intended to provide a redeveloping area of moderate residential density of between six and ten dwelling units per acre. This district provides for single-family, two-family, and multiple and townhouse residential uses, plus support facilities, such as schools, parks, community buildings, and churches.

#### **27.19.010 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-5 Residential District. (Ord. 12571 §125; May 8, 1979).

#### **27.19.020 Use Regulations.**

A building or premises shall be permitted to be used for the following purposes in the R-5 Residential District:

- (a) Single-family dwellings; →
- (b) Two-family dwellings; →
- (c) Multiple dwellings; →
- (d) Townhouses; →
- (e) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (f) Public libraries;
- (g) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes;
- (h) Wind energy conversion systems. (Ord. 19158 §14; October 20, 2008; prior Ord. 12571 §126; May 8, 1979). →

**27.19.030 Permitted Conditional Uses.**

A building or premises may be used for the following purposes in the R-5 Residential District in conformance with the conditions prescribed herein:

(a) Churches:

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

(2) 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 requirements 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 1,200 feet;

(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 750 square feet of lot area;

(3) The distance between the proposed use and 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 §9; December 13, 2004: prior Ord. 16854 §14; August 14, 1995: Ord. 15751 §7; October 15, 1990: Ord. 14060 §3; February 25, 1985: Ord. 13302 §5, February 1, 1982: Ord. 12571 §127; May 8, 1979).

#### **27.19.040 Permitted Special Uses.**

A building or premises may be used for the following purposes in the R-5 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Private schools, other than those permitted under Section 27.19.020(g) above;
- (b) Health care facilities;
- (c) Dwellings for members of religious orders;
- (d) Recreational facilities;
- (e) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;
- (f) Broadcast towers;
- (g) Certain parking lots as defined in Chapter 27.63;
- (h) Clubs;
- (i) Elderly or retirement housing;
- (j) Community unit plans in conformance with Chapter 27.65;
- (k) Expansion of nonconforming uses;
- (l) Historic preservation;
- (m) Public utility purposes;
- (n) Wind energy conversion systems over the district height;
- (o) Housing and related facilities for the physically handicapped;
- (p) Outdoor seasonal sales;
- (q) Cemeteries;
- (r) Domiciliary care facility;
- (s) 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 27.19.030;
- (t) Neighborhood support services;
- (u) Connection of single-family dwelling to accessory building for the physically handicapped;
- (v) Alternative to imprisonment facilities;
- (w) Children's homes. (Ord. 19172 §6; November 3, 2008: prior Ord. 19158 §15; October 20, 2008: Ord. 18535 §11; May 9, 2005: Ord. 18476 §10; December 13, 2004: Ord. 16854 §15; August 14, 1995: Ord. 16820 §5; July 10, 1995: Ord. 16673 §9; September 26, 1994: Ord. 15371 §5; December 18, 1989: Ord. 15368 §7; December 18, 1989: Ord. 14815 §4; January 4, 1988: Ord. 14780 §6; November 2, 1987: Ord. 14767 §5; October 12, 1987: Ords. 14475, 14510, 14562, as amended by Ord. 14644 §7; April 13, 1987: Ord. 14074 §3; April 8, 1985: Ord. 13980 §1; October 29, 1984: Ord. 13588 §6; May 9, 1983: Ord. 13546 §6; February 28, 1983: Ord. 12978 §7; August 25, 1980: Ord. 12894 §7; April 7, 1980: Ord. 12571 §128; May 8, 1979).

**27.19.050 Accessory Uses.** 

Accessory uses permitted in the R-5 Residential District are accessory buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling. (Ord. 12571 §129; May 8, 1979).

**27.19.060 Parking Regulations.**

All parking within the R-5 Residential District shall be in conformance with the provisions of Chapter 27.67. (Ord. 12571 §130; May 8, 1979).

**27.19.070 Sign Regulations.**

Signs within the R-5 Residential District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §131; May 8, 1979).

**27.19.075 Grading and Land Disturbance Regulations.**

Grading and land disturbance within the R-5 Residential District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §8; February 22, 2000.)

**27.19.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the R-5 Residential District shall be as follows:

- (a) General requirements:

*(See following page)*

**Table 27.19.080(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	5,000	50'	20'	5'	*	35'
Dwelling, two-family	2,500 per family	25' per family	20'	5' or 0' on party wall	*	35'
Townhouses	2,500 per family	20' per family	20'	10' or 0' on party wall	*	35'
Dwelling, Multiple	1,500 per unit	50'	20'	7' or 10' if over 20' in height	*	35'
Other permitted uses	5,000	50'	20'	5'	*	35'

\* Smaller of 30' or 20% of depth.

(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 twenty-eight 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. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both corner lots.

(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

125 square feet for the first dwelling unit;

80 square feet per unit for each additional dwelling unit beyond one.

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space requirement; except for ground level or first floor level porches, patios, and terraces as permitted in Sections 27.71.100 and 27.71.110;

(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less.

(e) ➡ 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. 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 nearer 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 nearer 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.

(f) Where 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, the lot may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in this chapter.

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 the said abutting lot or tract was occupied by a dwelling unit on the date the contiguous properties 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 this condition. (Ord. 18827 §5; October 9, 2006: prior Ord. 17664 §3; May 1, 2000: Ord. 16971 §2; April 22, 1996: Ord. 14447 §5; July 28, 1986: Ord. 13929 §5; August 27, 1985: Ord. 12751 §5; September 5, 1979: Ord. 12701 §1; October 2, 1979: Ord. 12571 §132; May 8, 1979).

### **27.19.090 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 §5; February 23, 2004: prior Ord. 17664 §4; May 1, 2000).