

Chapter 27.28

R-T Residential Transition District

Sections:

- 27.28.010 Scope of Regulations.**
- 27.28.020 Use Regulations.**
- 27.28.030 Permitted Conditional Uses.**
- 27.28.040 Permitted Special Uses.**
- 27.28.050 Accessory Uses.**
- 27.28.060 Parking Regulations.**
- 27.28.065 Pedestrian Circulation Regulations.**
- 27.28.070 Sign Regulations.**
- 27.28.075 Grading and Land Disturbance Regulations.**
- 27.28.080 Height and Area Regulations.**
- 27.28.090 Use Permit; Procedures and Requirements.**

27.28.010 Scope of Regulations.

The regulations set forth in the chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the R-T Residential Transition District. (Ord. 15317 §1; October 16, 1989).

27.28.020 Use Regulations.

(a) General Regulations. Any development, except single-family dwellings, two-family dwellings, group homes, and domestic shelters shall be prohibited in the R-T Residential Transition District prior to the approval of a use permit in conformance with the requirements of this chapter. An R-T Residential Transition designation may be granted to any property abutting upon, or directly across a street from and fronting the same street as property zoned B-1, B-2, B-3, H-2, H-3, H-4, I-1, and I-2. Each building to be located within a Residential Transition District shall have:

- (1) A two and one-half inch in twelve inch pitched roof or steeper;
- (2) A nonreflective exterior siding material which is or simulates wood, stucco, brick, or stone;
- (3) A nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
- (4) No air conditioners on the roof.

(b) Permitted Uses. A building or premises shall be permitted to be used for the following purposes in the R-T Residential Transition District:

- (1) Single-family dwellings; →
- (2) Two-family dwellings; →
- (3) Office buildings;
- (4) Barber shops, beauty parlors, shoe shine and repair shops, tailor shops, upholstery shops, and printing and photocopying shops not exceeding 5,000 square feet.

- (5) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (6) Public libraries;
- (7) Banks, savings and loan associations, credit unions and finance companies, and insurance companies, and photography shops provided there are no drive-up or drive-thru facilities or automatic teller machines;
- (8) Churches;
- (9) Non-profit religious, educational, and philanthropic institutions;
- (10) Receiving stores for cleaning and laundry;
- (11) Pharmacies;
- (12) Medical supply shops;
- (13) Clubs;
- (14) Repair shops for electrical, radio, television equipment, and household appliances not exceeding 5,000 square feet;
- (15) Photography studios. (Ord. 17078 §1; October 21, 1996: prior Ord. 16767 §3; April 10, 1995: Ord. 16110 §1; May 11, 1992: Ord. 15317 §2; October 16, 1989).

27.28.030 Permitted Conditional Uses.

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

- (a) 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.
- (b) 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.
- (c) Early childhood care facilities with a maximum of fifteen children present at any time:
 - (1) Such facilities shall comply with all applicable state and local early childhood care requirements;
 - (2) Such facilities shall comply with all applicable building and life safety code requirements;
 - (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities.
- (d) Joint parking lots and parking garages.
 - (1) Such joint parking lots and garages shall be authorized by cross access easements or by written agreement between the parties to such use.

(2) The aggregate number of parking stalls provided shall be sufficient to satisfy the required parking for each use. (Ord. 18962 §2; July 23, 2007; prior Ord. 16854 §27; August 14, 1995; Ord. 15317 §3; October 16, 1989).

27.28.040 Permitted Special Uses.

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

- (a) Expansion of nonconforming uses;
- (b) Historic preservation;
- (c) Public utility purposes;
- (d) Private schools
- (e) 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 27.28.030;
- (f) Broadcast towers. (Ord. 18301 §3; February 9, 2004; prior Ord. 18229 §2; August 18, 2003; Ord. 17070 §1; October 7, 1996; Ord. 16854 §28; August 14, 1995; Ord. 16606 §2; May 9, 1994; Ord. 15317 §4; October 16, 1989).

27.28.050 Accessory Uses. 

Accessory uses permitted in the R-T Residential Transition District are accessory buildings and uses customarily incident to the permitted uses. (Ord. 15317 §5; October 16, 1989).

27.28.060 Parking Regulations.

All parking within the R-T Residential Transition District shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 15317 §6; October 16, 1989).

27.28.065 Pedestrian Circulation Regulations.

Construction of on-site pedestrian circulation sidewalk systems shall be regulated in conformance with the provisions of Section 27.81.010. (Ord. 18687 §4; March 20, 2006).

27.28.070 Sign Regulations.

Signs within the R-T Residential Transition District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 15317 §7; October 16, 1989).

27.28.075 Grading and Land Disturbance Regulations.

Grading and land disturbance within the R-T Residential Transition District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §15; February 22, 2000.)

27.28.080 Height and Area Regulations.

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

- (a) General requirements:

Table 27.28.080(a)

	Lot Area (Sq. ft.)	Frontage ➡	Req'd Front Yard ➡	Req'd Side Yard ➡	Req'd Rear Yard ➡	Height ➡
All Permitted Uses	4,000	50'	10' or same as abutting residential district, whichever is greater	*10' **0'	*10' **0'	*28'
*	When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.					
**	When abutting a commercial or industrial district.					

(b) When abutting a residential district, the side and rear yard shall be devoted entirely to trees, shrubs, and grasses, and secondary sidewalks in conjunction with landscaping; unless the abutting property is occupied by a parking lot.

(c) There shall be a required front yard on each street side of a lot and the required front yard shall be devoted entirely to trees, shrubs, and grasses except for driveways which are substantially perpendicular to the street.

(d) Parking lots, including driveways except for single-family and two-family dwellings, shall not be located closer than twenty feet to any residential zoning district; unless the abutting property is occupied by a parking lot.

(e) No building footprint (ground cover) shall exceed 5,000 square feet.

➡ (f) Accessory buildings shall comply with the height, front, side, and rear yard requirements. (Ord. 18342 §1; April 12, 2004; prior Ord. 15317 §8; October 16, 1989).

27.28.090 Use Permit; Procedures and Requirements.

(a) Minimum requirements: The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any such use permit. Such conditions may include an increase in the minimum yard requirements and decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the R-T Residential Transition District shall apply.

(b) Application requirements: Applications for a use permit under this section shall be filed by the owner in writing on a form provided by the city with the Planning Department. Plans shall accompany each application and shall include the following information:

- (1) Boundary survey and gross acreage;
- (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on 100-foot grid shall be required to fully indicate the topography on flat land;
- (3) Street right-of-way;

- (4) Utility easements;
- (5) Adjacent land use and zoning classifications;
- (6) Location of structures on property;
- (7) Vicinity map;
- (8) Date prepared, scale, and north point;
- (9) Schematic and location of buildings;
- (10) Parking areas and capacity;
- (11) Use of buildings, such as retail, service, restaurant, office, residential, and other uses;
- (12) Height of buildings;
- (13) Location of existing trees and proposed landscape plan;
- (14) Proposed vehicular and pedestrian circulation system including egress and ingress;
- (15) Building and parking setback lines;
- (16) Grading plan;
- (17) On-site and off-site water and sanitary sewer improvements;
- (18) On-site and off-site drainage and storm sewer improvements;
- (19) Location of proposed free-standing signs;
- (20) Cross-section for paving of parking lots and sidewalks;
- (21) Name, address, and telephone number of developer; certified record owner or owners and addresses; and legal description of the proposed use permit area, including the number of acres.

(c) Environmental performance standards: Any applicant for a use permit under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established by various municipal departments and approved by resolution of the City Council.

(d) Landscape plan: Each application for a use permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas, and around proposed buildings. The Planning Director shall develop appropriate written standards for such landscape plans, which standards shall be approved by resolution of the City Council.

(e) Planning Commission review: Upon the filing of an application together with all maps, data, and information required by this section, the City Council shall refer the application to the Planning Commission. The Planning Commission shall hold a public hearing upon such application and shall consider the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare.

(f) Planning Commission action: After holding at least one public hearing, the Planning Commission shall proceed to give final consideration to the application and may require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for, and may include the requirement that applicant grant additional right-of-way in accordance with the comprehensive plan. The Planning Commission may require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by departmental publications approved by resolution of the City Council. In the event the Planning Commission fails to act upon the application within sixty

days from the date of referral, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to act upon the application no later than the Commission's next regularly scheduled meeting.

(g) Appeal of Planning Commission action:

(1) Any aggrieved person or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the City Clerk within fourteen days following the action of the Planning Commission.

(2) Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Chapter 27.81.

(3) In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the City Council may, after public hearing, in conformity with the provisions of this title make such decision as ought to be made.

(h) Adjustment: Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, decrease the minimum yard requirements and increase the maximum height restrictions and may adjust the requirements relative to the location of buildings and required parking spaces and lot frontage set forth in this chapter consistent with adequate protection of the environment of the use permit area and adjacent areas provided the building shall not exceed the height of the tallest residence on the same and facing block fronts. The Planning Commission shall hold a public hearing upon the requested adjustment at the same time that it hears the application for the use permit and shall make a report to the City Council regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving a report from the Planning Commission, the City Council shall take final action upon the application for the use permit and the requested adjustment.

(i) Amendment: The Planning Director is authorized to approve amendments to any use permit granted under this section, provided that:

(1) A request for amendment is filed with the Planning Director, together with any of the information specified in paragraph (b) above which is pertinent to the proposed amendment;

(2) Such amendment shall not violate any provisions of this title;

(3) Such amendment may provide for minor increases in total floor area and storage space originally permitted;

(4) There is no increase in the number of dwelling units;

(5) No reduction is made to the applicable setback or yard requirements;

(6) No public land is accepted;

(7) Such amendment shall not be contrary to the general purpose of this chapter;

(8) Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as an original application for a use permit.

(j) Building permits, certificates of occupancy, and certificates of compliance: Upon the approval of a use permit as provided for under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit.

(k) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this title shall be deemed to have received a use permit as herein required and shall be provided with such permit by the Director of Building and Safety upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension, or relocation of such existing use, an application in conformance with this section shall be required.

(l) If an application for a use permit located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the use permit.

(m) Expiration of Application. All existing applications for a use permit which have been placed on pending by an applicant shall automatically expire and become null and void one year after the date this ordinance (Change of Zone No. 06062). All such applications which have been placed on pending by an applicant after the date of this ordinance (Change of Zone No. 06062) shall automatically expire and become null and void one year thereafter. At least thirty days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the application shall automatically expire unless prior to the expiration date, the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or City Council agenda as appropriate. (Ord. 18898 §2; March 12, 2007; prior Ord. 18633 §2; October 24, 2005: Ord. 17857 §2; June 4, 2001: Ord. 16766 §3; April 10, 1995: Ord. 16284 §1; December 14, 1992: Ord. 15317 §9; October 16, 1989).