

## Chapter 27.33

### B-3 COMMERCIAL DISTRICT

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This is a district providing for local commercial uses in a redeveloping neighborhood generally located in established retail centers of those neighborhoods. The uses permitted generally are those for neighborhood uses, plus additional limited manufacturing uses that reflect the character of that commercial area.

#### **27.33.010 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 regulations in the B-3 Commercial District. (Ord. 12571 §205; May 8, 1979).

#### **27.33.020 Permitted Uses.**

A building or premises shall be permitted to be used for the following purposes in the B-3 Commercial District:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (b) Public libraries;
- (c) 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;
- (d) Churches;
- (e) Nonprofit religious, educational, and philanthropic institutions;
- (f) Banks, savings and loan associations, credit unions, and finance companies;
- (g) Barber shops, beauty parlors, and shoeshine shops;
- (h) Private schools, including but not limited to, business or commercial schools, dance or music academies, and nursery schools;
- (i) Adult care centers; →
- (j) Hospitals and clinics for animals, but not open kennels;
- (k) Self-service laundromats, and laundrettes;
- (l) Receiving stores for dry cleaning or laundry;
- (m) Messenger and telegraph stations;

- (n) Office buildings;
- (o) Restaurants;
- (p) Stores or shops for the sale of goods at retail;
- (q) Undertaking establishments;
- (r) Photography studios;
- (s) Key shops;
- (t) Ambulance services;
- (u) Retail bakery;
- (v) Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings;
- (w) Milk distribution stations, but not involving any bottling on the premises;
- (x) Food storage lockers;
- (y) Optical lens grinding and finishing;
- (z) Clubs; →
- (aa) Parking lots and storage garages;
- (bb) Enclosed commercial recreational facilities; →
- (cc) Motorcycle, bicycle, and home and office equipment, but not including vehicle body repair shops
- (dd) Mail order catalog sales; →
- (ee) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments;
- (ff) Wind energy conversion systems. (Ord. 19158 §32; October 20, 2008: prior Ord. 17734 §1; October 2, 2000: Ord. 16962 §3; March 25, 1996: Ord. 16767 §6; April 10, 1995: Ord. 16253 §2; October 26, 1992: Ord. 16144 §6; July 6, 1992: Ord. 14185 §5; September 3, 1985: Ord. 13736 as amended by Ord. 13745 §3; January 3, 1984: Ord. 12571 §206; May 8, 1979). →

**27.33.030 Permitted Conditional Uses.**

A building or premises may be used for the following purposes in the B-3 Commercial District in conformance with the conditions prescribed herein:

- (a) Automobile wash facility:
  - (1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.
  - (2) Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.
- (b) Motels and hotels: A distance of at least twenty feet shall be maintained between buildings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.
- (c) Furnace, heating, sheet metal, electrical shops or electrical contractors, heating and air conditioning contractors, and cabinet shops or stores:
  - (1) The floor area of said premises not devoted to sales or office space shall not exceed 8,000 square feet;

(2) Not more than ten percent of the lot or tract occupied by the establishment shall be used for open and unenclosed storage of material and equipment;

(3) All outside storage of material and equipment shall be screened by an opaque six-foot tall fence constructed of wood, or a substitute material found acceptable by the Director of Building and Safety.

(d) Tire stores and sales, including vulcanizing:

(1) The floor area of said premises not devoted to sales or office space shall not exceed 4,000 square feet;

(2) There shall be no manufacturing on the premises.

(e) Tailor shops, shoe repairing, upholstery shops, printing, photocopying, household appliances repairs, or similar business establishments; dyeing and drycleaning works; laundry; plumbing and water softener service shops.

The floor area of said premises not devoted to sales or office space shall not exceed 4,000 square feet.

(f) Dwellings, provided that: →

(1) Except as provided subparagraph 2 below, dwellings shall only be permitted above the first story of a building, with the first story used for a non-dwelling use as permitted in the district. Such non-dwelling use shall not be accessory to the residential use or be a parking lot or garage.

(2) Dwellings shall be permitted in buildings that were originally constructed for a residential use prior to November 1, 1997.

(g) Recycling center: →

(1) The building area of such center shall not exceed 4,000 square feet;

(2) Adequate traffic stacking shall be provided on site as determined by the city;

(3) All required parking shall be provided on site;

(4) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;

(5) The construction and operation of such center shall comply with all applicable health and fire codes;

(h) Vehicle body repair shop:

(1) All salvage material including vehicles being salvaged shall be kept inside a building;

(2) All vehicles stored outside a building shall be repaired to an operating state within thirty days;

(3) All vehicles stored outside a building waiting repair shall be screened in accordance with the screening requirements for salvage and scrap processing operations;

(4) The construction and operation of such shop shall comply with all applicable health and fire codes;

(5) Vehicle body repair shops lawfully existing on the effective date of this ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3), and (4) above.

(i) Early childhood care facilities:

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

(2) Such facilities shall comply with all 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;

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

(j) Service stations and automobile or appliance sales and repair facilities, but not including vehicle body repair shops.

(1) No automobile or appliance sales and repair facility shall be permitted to locate within 100 feet of any residential use or district;

(2) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood, or of a substitute material found acceptable to the Director of Building and Safety subject to the provision of condition (3) below;

(3) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance shall have until October 1, 2003 to be brought into compliance with condition (2) above;

(4) The locational or screening requirements of (1), (2), and (3) above shall not apply when said residential use or district is across a public street from the service station or automobile or appliance sales and repair facility, but shall apply if said residential use or district is across an alley or private drive from the service station or automobile or appliance sales and repair facility;

(5) Any service station lawfully established in this district, after the effective date of this ordinance, shall screen the facility from any residential use or district by the use of an opaque fence, six feet in height, constructed of wood or of a substitute material found acceptable to the Director of Building and Safety; provided that said screening requirement shall not apply when said residential use or district is across a public street from the service station, but shall apply if said residential use or district is across an alley or private drive from the service station.

(k) Indoor animal hospitals. Any building approved for such use must be located no closer than 200 feet from any residential district.

(l) Indoor kennel. Any building approved for such use must be located no closer than 200 feet from any residential district.

(m) Social halls: 

(1) There shall be no amplified sound or noise source of any kind outside of the social hall;

(2) Except as provided in (ii) and (iii) below, any exterior door opening must meet the following conditions:

(i) Either be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the social hall between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.

(ii) If the exterior door opening is less than 100 feet from a residential district, it must face the opposite direction from that district.

(iii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation.

For purposes of this section, “exterior door opening” shall mean (a) that portion of the exterior wall face of the building containing the social hall that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for access in the ordinary course of business. (Ord. 18977 §4; August 20, 2007: prior Ord. 18928 §12; June 4, 2007: Ord. 17734 §2; October 2, 2000: Ord. 17262 §1; October 20, 1997: Ord. 16926 §3; February 5, 1996: Ord. 16854 §31; August 14, 1995: Ord. 14185 §6; September 3, 1985: Ord. 13344 §3; March 29, 1982: Ord. 12571 §207; May 8, 1979).

#### **27.33.040 Permitted Special Uses.**

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

- (a) Health care facilities;
- (b) Recreational facilities;
- (c) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- (d) Broadcast towers;
- (e) Expansion of nonconforming use;
- (f) Historic preservation;
- (g) Public utility purposes;
- (h) Wind energy conversion systems over the district height;
- (i) Cemeteries;
- (j) Dwellings above the first story of a building which cannot meet the yard requirements of Section 27.33.080(g);
- (k) Sale of alcoholic beverages for consumption on the premises.
- (l) Sale of alcoholic beverages for consumption off the premises;
- (m) Indoor animal hospitals;
- (n) Indoor kennels. (Ord. 19158 §32; October 20, 2008: prior Ord. 18928 §13; June 4, 2007: Ord. 17979 §1; April 1, 2002: Ord. 17265 §2; October 20, 1997: Ord. 16593 §3; April 11, 1994: Ord. 15782 §3; November 26, 1990: 14780 §12; November 2, 1987: Ord. 14378 §11; May 5, 1986: Ord. 13588 §12; May 9, 1983: Ord. 12978 §16; August 25, 1980: Ord. 12894 §17; April 7, 1980: Ord. 12571 §208; May 8, 1979).

#### **27.33.050 Accessory Uses.**

Accessory uses permitted in the B-3 Commercial District are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §209; May 8, 1979).

**27.33.060 Parking Regulations.**

All parking within the B-3 Commercial District shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 12571 §210; May 8, 1979).

**27.33.065 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 §8; March 20, 2006).

**27.33.070 Sign Regulations.**

Signs within the B-3 Commercial District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §211; May 8, 1979).

**27.33.075 Grading and Land Disturbance Regulations.**

Grading and land disturbance within the B-3 Commercial District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §18; February 22, 2000.)

**27.33.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the B-3 Commercial District shall be as follows:

(a) General requirements:

	<b>Lot Area (Sq. ft.)</b>	<b>Frontage</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
Dwelling, Above First Story	1,000 per unit	0'	0'; if block face partially in residential district,	0', 5'* if abutting residential district	0', 30'*if abutting residential district	45'; 35' if abutting R-1, R-2 or R-3 zoning district
Other Permitted Uses	0	0'	same as abutting residential district	0', 5'* if abutting residential district	0', 30'* if abutting residential district	

\* 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.

(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.

(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 the next four dwelling units;
- 25 square feet per unit for the next four dwelling units;
- 20 square feet per unit for each additional dwelling unit beyond nine.


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 fulfillment of said open space requirement, except for porches, terraces and balconies 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) Required open space may be provided either on a balcony four or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.

(4) 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 shall not extend into any required yard except accessory buildings to nonstandard residential uses may be allowed in the required rear yard when no more than thirty percent of such yard is occupied and such building is not nearer than two feet to any side or rear lot line.

(f) Dwellings existing in this district on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.

Accessory buildings for such non-standard dwellings shall not extend into any required yard except as follows:

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.

(g) Where a yard is not otherwise required, a five foot yard shall be required adjacent to the wall of a building which contains windows for dwelling units. The yard shall be on the premises on which the building is situated. (Ord. 18687 §9; March 20, 2006; prior Ord. 15782 §4; November 26, 1990: Ord. 15724 §3; September 17, 1990: Ord. 14696 §1; July 6, 1987: Ord. 14137 §1; July 1, 1985: Ord. 13134 §2; May 4, 1981: Ord. 12638 §1; July 16, 1979: Ord. 12571 §212; May 8, 1979).