

Chapter 27.35

B-4 LINCOLN CENTER BUSINESS DISTRICT

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This is a district for a redeveloping area applicable to the business and retail uses located in the area of the Lincoln Center Business District. It is designed so that Lincoln center remains as the dominant multi-use center and key focal point of business, social, and cultural activity in the Lincoln urban area. This district should include a large variety of activities, including retail and office functions, housing, commercial services, institutions, and transportation. It is intended that relationships between permitted functions will be carefully developed, and the need for access, circulation, and amenities will be given special attention.

27.35.010 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-4 Lincoln Center Business District. (Ord. 12571 §213; May 8, 1979).

27.35.020 Permitted Uses.

A building or premises may be used for any lawful purpose in the B-4 Lincoln Center Business District, except the following:

- (a) The refining, distillation, or manufacture of:
 - (1) Acids or alcohols, except that craft breweries as defined in the Nebraska Liquor Control Act are permitted;
 - (2) Ammonia, bleach, or chlorine;
 - (3) Asphalt, tar, or products made therewith, including roofing or waterproofing;
 - (4) Cement, lime, gypsum, or plaster of paris;
 - (5) Disinfectants;
 - (6) Dyestuffs;
 - (7) Fertilizer;
 - (8) Glue, sizing, or gelatin;
 - (9) Oilcloth, linoleum, or oiled rubber goods;
 - (10) Paint, shellac, turpentine, or oils;

- (11) Paper or pulp;
- (12) Rubber, gutta-percha, balata, creosote, or products treated therewith;
- (13) Shoe polish;
- (b) The operation of:
 - (1) Bag cleaning works;
 - (2) Blast furnaces, coke ovens, smelting or ore reduction works;
 - (3) Boiler works;
 - (4) Forge;
 - (5) Rock crusher;
 - (6) Rolling mill;
 - (7) Yeast plant;
- (c) Production, manufacture, distribution, or commercial storage of toxic, radioactive, flammable, or explosive materials, including chemicals and gases, fireworks and explosives, arsenals and magazines;
- (d) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals or fowl; rendering fat; distillation of bones, coal, or wood;
- (e) Dumping or reduction of garbage, offal, or dead animals; scrap processing operation or salvage yard;
- (f) Grain elevators and grain mills;
- (g) Refining of natural gas or petroleum or their products; or bulk storage thereof not located underground and in full compliance with all applicable city regulations;
- (h) Brick, tile, pottery, or terra cotta manufacture, other than the manufacture of handicrafts;
- (i) The manufacture of acetylene, the transfer of the gas from one container to another, or the storage of the gas in containers having a capacity greater than the equivalent of 1,000 cubic feet at standard temperature and pressure;
- (j) Excavation and stone milling;
- (k) And in general those uses, not limited to the above, which may be obnoxious or offensive or hazardous to health by reason of odor, dust, smoke, gas, glare, radiation, or noise;
- (l) In the area of the B-4 Lincoln Center Business District bounded by 10th Street, 150 feet north of "P" Street, 14th Street, and "N" Street:
 - (1) Parking lots, parking garages, and other off-street parking facilities;
 - (2) Uses in which the customer is served directly in the car, including but not limited to drive-in restaurants, drive-in teller windows, service stations, or car washes.
- (m) Permitted conditional uses not meeting the requirements of Section 27.35.025;
- (n) Permitted special uses not meeting the requirements of Section 27.35.030;
- (o) Sexually oriented live entertainment;
- (p) In the area of the B-4 Lincoln Center Business District from 150 feet east of 17th Street to the eastern edge of the B-4 Lincoln Center Business District:
 - (1) Automobile and truck wash facilities;
 - (2) Automobile, motorcycle, truck and heavy equipment sales and repair;
 - (3) Mini-warehouses;
 - (4) Recycling center; →
 - (5) Service stations;
 - (6) Single-family dwelling on the first floor or basement; →
 - (7) Two-family dwellings on the first floor or basement; →

- (8) Vehicle body repair shops;
- (9) Warehouses (pre-existing warehouses may remain, regardless of time unoccupied, but must cease once the building is demolished). (Ord. 19604 §1; August 22, 2011: prior Ord. 19224 §5; March 16, 2009: Ord. 19132 §2; September 8, 2008: Ord. 17120 §1; December 16, 1996: Ord. 14185 §7; September 3, 1985: Ord. 12571 §214; May 8, 1979).

27.35.025 Permitted Conditional Uses.

Notwithstanding any provision to the contrary in Section 27.35.020 above, a building or premises may be used for the following purposes in the B-4 Lincoln Center Business District in conformance with the conditions prescribed herein:

(a) Vehicle body repair shop in the area from 150 feet east of 17th Street to the western edge of the B-4 Lincoln Center Business District:

- (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.

(b) 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 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;
- (4) Such facilities must receive a conditional use permit from the Department of Building and Safety. (Ord. 19132 §3; September 8, 2008: prior Ord. 16854 §32; August 14, 1995: Ord. 14185 §8; September 3, 1985).

27.35.030 Permitted Special Uses.

Notwithstanding any provision to the contrary in Section 27.35.020 above:

(a) A building or premises may be used for the following purposes in the B-4 Lincoln Center Business District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (1) Expansion of nonconforming use;
- (2) Historic preservation;
- (3) Any permitted use which exceeds the maximum height permitted in the district;
- (4) Temporary shelter for the homeless. ➡

(b) A building or premises may be used for the following purposes in that portion of the B-4 Lincoln Center Business District bounded by 10th Street, 150 feet north of “P” Street, 14th

Street, and “N” Street if a special permit for such use has been obtained in conformance with the requirements of Section 27.63.180:

- (1) Parking lots, parking garages, and other off-street parking facilities;
- (2) Service stations and car washes located within a parking garage when such uses are accessory to the parking garage;
- (3) Drive-in teller windows;
- (4) Wind energy conversion systems over the district height.

(c) Dwellings above the first story of a building which cannot meet the yard requirements of Section 27.35.070(e).

(d) A building or premises may be used for the following purposes in the area of the B-4 Lincoln Center Business District from 150 feet east of 17th Street to the eastern edge of the B-4 Lincoln Center Business District if a special permit for such use has been obtained in conformance with the requirements of Section 27.63.180:

- (1) Service stations. (Ord. 19158 §34; October 20, 2008: prior Ord. 19132 §4; September 8, 2008: Ord. 16070 §2; March 9, 1992: Ord. 15782 §5; November 26, 1990: Ord. 14780 §13; November 2, 1987: Ord. 13588 §13; May 9, 1983: Ord. 12978 §17; August 25, 1980: Ord. 12698 §1; September 24, 1979: Ord. 12571 §215; May 8, 1979).

27.35.040 Accessory Uses.

Accessory uses permitted in the B-4 Lincoln Center Business District are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §216; May 8, 1979).

27.35.050 Parking Regulations.

All parking within the B-4 Lincoln Center Business District shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 12571 §217; May 8, 1979).

27.35.060 Sign Regulations.

Signs within the B-4 Lincoln Center Business District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §218; May 8, 1979).

27.35.065 Grading and Land Disturbance Regulations.

Grading and land disturbance within the B-4 Lincoln Center Business District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §19; February 22, 2000.)

27.35.070 Height and Area Regulations.

The height and lot area requirements within the B-4 Lincoln Center Business District shall be as follows:

(a) For the area of the B-4 Lincoln Center Business District located from 150 feet east of 17th Street to the eastern boundary of the B-4 Lincoln Center Business District:

(1) The minimum building height shall be 20 feet adjacent to all street frontages. The minimum building height does not apply to building permits for existing buildings, and minor additions to existing buildings, less than 20 feet in height.

(2) The maximum height requirements are shown in Figure 27.35.070(a) at the end of this chapter.

(3) The front, side and rear yard setbacks are zero (0) feet. When any yard is abutting a residential district, the yard requirement shall be that of the abutting residential district.

(b) For the area of the B-4 Lincoln Center Business District not included in section (a) above, the following height and lot area requirements shall apply:

(1) The maximum height requirements are shown in Figure 27.35.070(a) at the end of this chapter.

(2) The front, side and rear yard setbacks are zero (0) feet. When any yard is abutting a residential district, the yard requirement shall be that of the abutting residential district.

(c) Where a yard is not otherwise required, a yard shall be required adjacent to any wall of a building which contains windows for dwelling units. The yard requirement shall be five feet for structures under thirty-five feet in height, ten feet for structures thirty-five to fifty feet in height, and sixteen feet for those structures over fifty feet in height. Depending upon the location of said windows, this yard may be a side yard, a rear yard, or located in or on an interior courtyard. If the required yard abuts an alley, the width of the alley may be counted as part or all of the required yard. This yard need not start at the ground level but may begin on the top surface of a building.

➡ (d) Accessory buildings which are attached to or located not more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in any required rear yard, but such accessory buildings may not occupy more than thirty 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. (Ord. 19171 §1; November 3, 2008: prior Ord. 19132 §5; September 8, 2008: Ord. 18963 §1; July 23, 2007: Ord. 18560 §1; June 20, 2005: Ord. 16615 §1; June 6, 1994: Ord. 16224 §1; September 14, 1992: Ord. 16066 §1; March 2, 1992: Ord. 13163 §1; June 29, 1981: Ord. 12751 §15; November 5, 1979: Ord. 12571 §219; May 8, 1979).

27.35.080 Lincoln Downtown Design Standards.

Each application for a building permit shall be reviewed for compliance with the Lincoln Downtown Design Standards. (Ord. 19132 §6; September 8, 2008).

[Figure 27.35.070(a) on following page]

Figure 27.35.070 (a)

B-4 LINCOLN CENTER BUSINESS DISTRICT HEIGHT REGULATIONS

