

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to
2 Zoning by amending Sections 27.11.080, 27.13.080, 27.15.080, 27.17.080, 27.19.080, 27.21.080,
3 27.23.080 and 27.24.080 relating to the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts,
4 respectively, to provide provisions regarding the use of vacant and occupied lots which have less
5 area or width or both less area and width than required by said district regulations; amending
6 Section 27.61.090 to limit the number of dwelling units in a nonstandard multiple dwelling which
7 is enlarged, extended or reconstructed; repealing Sections 27.11.080, 27.13.080, 27.15.080,
8 27.17.080, 27.19.080, 27.21.080, 27.23.080, 27.24.080 and 27.61.090 of the Lincoln Municipal
9 Code as hitherto existing; and amending the introductory statement of intent in Chapters 27.21,
10 27.23, and 27.24 to delete boarding and lodging houses which are no longer permitted in the R-6,
11 R-7, and R-8 districts, respectively.

12 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

13 Section 1. That Section 27.11.080 of the Lincoln Municipal Code be amended to
14 read as follows:

15 **27.11.080 Height and Area Regulations.**

16 The maximum height and minimum lot requirements within the R-1 Residential District shall
17 be as follows:

18 (a) General requirements:

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Table 27.11.080(a)

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	9,000**	60'***	30'*	10'***	Smaller of 30'	35'
Dwelling, two-family	7,200 per family**	48' per family**	30'*	20', 0' if party wall***	or 20%	35'
Other permitted uses	9,000	60'	30'*	10'***	of depth	35'
* See subparagraphs (b) and (c)						
** See subparagraphs (e) and (h)						
*** See subparagraph (h)						

(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) Wherever a lot of record on November 2, 1953, had a width of 100 feet or less, the required side yard for a single-family dwelling may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet.~~

(e 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

1 feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten
2 feet to the alley line.

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

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

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

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

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

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

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

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

25 (f e) If a vacant lot or tract has less area or width or both less area and width than herein
26 required and its boundary lines along their entire length abutted lands under other ownership on
27 November 2, 1953, and have not since been changed, such parcel of land may be used for a single-
28 family dwelling, as long as a side yard of at least five feet is provided.

29 If such vacant lot or tract comes under common ownership with an abutting lot or
30 tract, such vacant lot or tract may continue to be used for a single-family dwelling provided said

1 abutting lot or tract was occupied by a dwelling unit on the date such vacant lot or tract and the
2 abutting lot or tract came under common ownership.

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

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

10 (g f) In those locations in the R-1 Residential District where, on November 2, 1953, and
11 continuing thereafter, forty percent or more of the frontage on the same side of a street between two
12 street intersections is lawfully occupied by two or more buildings consisting of two-family dwellings
13 or two-family and multiple family dwellings, two-family dwellings may be erected in conformance
14 with the height, minimum lot requirements, and parking regulations of the R-4 Residential District.

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

22 (h) If an existing lot or tract is lawfully occupied by a two-family dwelling which has
23 a side yard setback of less than twenty feet and said use becomes nonstandard through a change in
24 district boundaries from another zoning district to this district, the two-family dwelling may be
25 enlarged, extended or reconstructed as long as the existing side yard or a ten-foot side yard,
26 whichever is greater, is provided.

27 Section 2. That Section 27.13.080 of the Lincoln Municipal Code be amended to
28 read as follows:

29 **27.13.080 Height and Area Regulations.**

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

(a) General requirements:

Table 27.13.080(a)

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (i) If an existing lot or tract is lawfully occupied by a two-family dwelling which has
25 a side yard setback of less than ten feet and said use becomes nonstandard through a change in
26 district boundaries from another zoning district to this district, the two-family dwelling may be
27 enlarged, extended or reconstructed as long as the existing side yard or a five-foot side yard,
28 whichever is greater, is provided.

29 Section 3. That Section 27.15.080 of the Lincoln Municipal Code be amended to
30 read as follows:

27.15.080 Height and Area Regulations.

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

(a) General requirements:

Table 27.15.080(a)

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

* See subparagraphs (b) and (c)
 ** See subparagraph (e)

(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. 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) 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

1 fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than
2 sixty feet from the front lot line, may extend into the required side yard though not closer than two
3 feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten
4 feet to the alley line.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 Section 4. That Section 27.17.080 of the Lincoln Municipal Code be amended to
20 read as follows:

21 **27.17.080 Height and Area Regulations.**

22 The maximum height and minimum lot requirements within the R-4 Residential District shall
23 be as follows:

24 (a) General requirements:

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Table 27.17.080(a)

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	5,000**	50**	25*	5'	Smaller of 30'	35'
Dwelling, two-family	2,500 per family**	25' per family**	25*	5', 0' if party wall	or 20%	35'
Other permitted uses	5,000	50'	25*	5'	of depth	35'

* See subparagraphs (b) and (c)
** See subparagraph (e)

(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) 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.

(e) Where a vacant lot or tract of record ~~as of November 2, 1953,~~ has less area or width, or both less area and width, than herein required, and its boundary lines along their entire length abutted lands of other ownership on November 2, 1953, and have not since been changed, such lot

1 may be used for a single-family dwelling. Where a vacant lot of record as of November 2, 1953, has
2 less width than herein required, and its boundary lines along their entire length abutted lands of other
3 ownership on November 2, 1953, and have not since been changed, such ~~lot~~ parcel of land may be
4 used for a two-family dwelling.

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

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

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

16 (f) In those locations in the R-4 Residential District where, on November 2, 1953, and
17 continuing thereafter, forty percent or more of the frontage on the same side of a street between two
18 street intersections is lawfully occupied by two or more buildings, consisting of multiple dwellings,
19 three- and four-family dwellings may be erected in conformance with the height, minimum lot
20 requirements, and parking regulations of the R-5 Residential District.

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

28 Section 5. That Section 27.19.080 of the Lincoln Municipal Code be amended to
29 read as follows:

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:

Table 27.19.080(a)							
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height	
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:

1 125 square feet for the first dwelling unit;

2 80 square feet per unit for each additional dwelling unit beyond one.

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

4 (1) The required rear yard may be counted; however, the required front and side
5 yards may not be counted toward the fulfillment of said open space requirement; except for ground
6 level or first floor level porches, patios, and terraces as permitted in Sections 27.71.100 and
7 27.71.110;

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

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

12 (e) Accessory buildings which are attached to or not located more than six feet from the
13 main structure shall be considered a part of the main structure and shall comply with the height,
14 front, side, and rear yard requirements of the main building. Accessory buildings not a part of the
15 main structure may be located in the required rear yard, but such accessory buildings may not
16 occupy more than forty percent of the required rear yard and shall not be nearer than two feet to any
17 side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main
18 structure, if located not less than sixty feet from the front lot line, may extend into the required side
19 yard though not nearer than two feet to the side lot line. A garage which is entered from an alley
20 shall not be located closer than ten feet to the alley line.

21 (f) Where a vacant lot or tract of record as of November 2, 1953, has less area or width
22 or both less area and width than herein required and its boundary lines along their entire length
23 abutted lands under other ownership on November 2, 1953, and have not since been changed, the
24 lot may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use
25 permitted in this chapter.

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

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

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

8 Section 6. That the statement of intent of Chapter 27.21 of the Lincoln Municipal
9 Code, R-6 Residential District, be amended to read as follows:

10 This district is intended to provide a generally redeveloping area of moderately high
11 residential density between eleven and fourteen dwelling units per acre. This district provides for
12 single-family, two-family, multiple and townhouse residential uses, ~~lodging and boarding houses,~~
13 private clubs, fraternities and sororities, and support facilities, such as schools, parks, community
14 buildings, and churches.

15 Section 7. That Section 27.21.080 of the Lincoln Municipal Code be amended to
16 read as follows:

17 **27.21.080 Height and Area Regulations.**

18 The maximum height and minimum lot requirements within the R-6 Residential District shall
19 be as follows:

20 (a) General requirements:

21

Table 27.21.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
22 Dwelling, 23 single- 24 family	4,000	50'	20'	5'	*	35'
25 Dwelling, 26 two-family	2,500 per family	25' per family	20'	5' or 0' on party wall	*	35'

1	Townhouses	2,500 per family	20' per family	20'	5' or 0' on party wall	*	35'
2	Dwelling, Multiple	1,100 per unit	50'	20'	7' or 10' if over 20' in height	*	35'
3							
4	Other permitted uses	4,000	50'	20'	5'	*	35'
5							
6							
7							
8	* Smaller of 30' or 20% of depth.						
9	** Over 35' in height, add one foot to the required side and rear yards for each additional two feet of height.						
10							

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

12 (c) There shall be a required front yard on each street side of a corner lot; provided,
 13 however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to
 14 less than twenty-eight feet except where necessary to provide a required side yard of not less than
 15 five feet in place of one of the required front yards. Where corner lots are separated by a common
 16 rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both
 17 corner lots.

18 (d) Balconies may be provided in the required side yard but not closer than seven feet
 19 from the side lot line.

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

- 23 125 square feet for the first dwelling unit;
- 24 80 square feet per unit for each additional dwelling unit beyond one.

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

26 (1) The required rear yard may be counted; however, the required front and side
 27 yards may not be counted toward fulfillment of said open space requirement except as follows:

28 (i) Ground level or first floor porches, patios, and terraces as permitted
 29 in this chapter and in Sections 27.71.100 and 27.71.110;

1 (ii) The required front yard and side yard may be counted where the
2 distance between the main building and said lot line exceeds the required yard by more than seven
3 feet.

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

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

8 (f) Accessory buildings which are attached to or not located more than six feet from the
9 main structure shall be considered a part of the main structure and shall comply with the height,
10 front, side, and rear yard requirements of the main building. Accessory buildings not a part of the
11 main structure may be located in the required rear yard but such accessory buildings may not occupy
12 more than forty percent of the required rear yard and shall not be nearer than two feet to any side
13 or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main
14 structure, if located not less than sixty feet from the front lot line, may extend into the required side
15 yard though not nearer than two feet to the side lot line. A garage which is entered from an alley
16 shall not be located closer than ten feet to the alley line.

17 (g) Where a vacant lot or tract of record as of November 2, 1953, has less area or width
18 or both less area and width than herein required and its boundary lines along their entire length
19 abutted lands under other ownership on November 2, 1953, and have not since been changed, the
20 lot may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use
21 permitted in this chapter.

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

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

29 If an existing lot or tract lawfully occupied by a single-family or two-family dwelling
30 on the effective date of this title or on the effective date of a change in district boundaries from

1 another zoning district to this district has less area or width or both less area and width than herein
 2 required, such lot or tract shall not be considered nonstandard due to this condition.

3 Section 8. That the statement of intent of Chapter 27.23 of the Lincoln Municipal
 4 Code, R-7 Residential District, be amended to read as follows:

5 This district is intended to provide a redeveloping area of comparatively high density
 6 residential use in the range of fifteen dwelling units, gross, per acre. This district provides for
 7 single-family, two-family, multiple, and townhouse residential uses, ~~lodging and boarding houses,~~
 8 apartment hotels, private clubs, fraternities and sororities, and such facilities as schools, parks,
 9 community buildings, and churches.

10 Section 9. That Section 27.23.080 of the Lincoln Municipal Code be amended to
 11 read as follows:

12 **27.23.080 Height and Area Regulations.**

13 The maximum height and minimum lot requirements within the R-7 Residential District shall
 14 be as follows:

15 (a) General requirements:

16

Table 27.23.080(a)							
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height	
17 Dwelling, 18 single- 19 family	4,000	50'	20'	5'	*	35'	
20 Dwelling, 21 two-family	2,000 per family	25' per family	20'	5' or 0' on party wall	*	35'	
22 Townhouses	2,000 per family	20' per family	20'	5' or 0' on party wall	*	35'	
23 Dwelling, 24 Multiple	700 per unit	50'	20'	Total 15', (min. 7' per side)	*	45'***	
25 Other 26 permitted 27 uses	4,000	50'	20'	5'	*	35'	

1
2 * Smaller of 30' or 20% of depth.

3 ** Over 35' in height, add one foot to the required side and rear yards for each additional
4 two feet of height.

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

6 (c) There shall be a required front yard on each street side of a corner lot; provided,
7 however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to
8 less than twenty-eight feet except where necessary to provide a required side yard of not less than
9 five feet in place of one of the required front yards. Where corner lots are separated by a common
10 rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both
11 corner lots.

12 (d) Balconies may be provided in the required side yard but not closer than seven feet
13 from the side lot line.

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

17 125 square feet for the first dwelling unit;

18 80 square feet per unit for each additional dwelling unit beyond one.

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

20 (1) The required rear yard may be counted; however, the required front and side
21 yards may not be counted toward fulfillment of said open space requirement except as follows:

22 (i) Ground level or first floor porches, patios, and terraces as permitted in this
23 chapter and in Sections 27.71.100 and 27.71.110;

24 (ii) The required front yard and side yard may be counted where the distance
25 between the main building and said lot line exceeds the required side yard.

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

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

30 (f) Accessory buildings which are attached to or not located more than six feet from the
31 main structure shall be considered a part of the main structure and shall comply with the height,

1 front, side, and rear yard requirements of the main building. Accessory buildings not a part of the
2 main structure may be located in the required rear yard but such accessory buildings may not occupy
3 more than thirty percent of the required rear yard and shall not be nearer than two feet to any side
4 or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main
5 structure, if located not less than sixty feet from the front lot line, may extend into the required side
6 yard though not nearer than two feet to the side lot line. A garage which is entered from an alley
7 shall not be located closer than ten feet to the alley line.

8 (g) Where a vacant lot or tract of record as of November 2, 1953, has less area or width
9 or both less area and width than herein required and its boundary lines along their entire length
10 abutted lands under other ownership on November 2, 1953, and have not since been changed, the
11 lot may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use
12 permitted in this chapter.

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

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

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

24 Section 10. That the statement of intent of Chapter 27.24 of the Lincoln Municipal
25 Code, R-8 Residential District, be amended to read as follows:

26 This district is intended to permit high density residential uses; ~~lodging and boarding houses;~~
27 apartment hotels; private clubs; civic, cultural, educational, labor, professional, trade and fraternal
28 membership organizations; and such facilities as schools, parks, community buildings, and churches
29 exclusively in that area designated as the E-1 multiple dwelling district which existed immediately
30 prior to the effective date of this title.

1 Section 11. That Section 27.24.080 of the Lincoln Municipal Code be amended to
2 read as follows:

3 **27.24.080 Height and Area Regulations.**

4 The maximum height and minimum lot requirements within the R-8 Residential District shall
5 be as follows:

6 (a) General requirements:

7

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
8 Dwelling, 9 single- 10 family	4,000	50'	10'	10'	20'	35'
11 Dwelling, 12 two-family	2,000 per family	25' per family	10'	10' or 0' on party wall	20'	35'
13 Townhouses	2,000 per family	20' per family	10'	10' or 0' on party wall	20'	35'
14 Dwelling, 15 Multiple or 16 apartment 17 hotel	550 per unit	50'	10'	10'*	20'	75'
18 Other 19 permitted 20 uses	4,000	50'	10'	10'	20'	35'
21	* For a building exceeding 45' in height, the sum total of the two required side yards shall not be less than 30', and neither side yard shall be less than 10'.					

22

23

24

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

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

1 (d) Balconies may be provided in the required side yard but not closer than seven feet
2 to the side lot line.

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

6 80 square feet per unit for each additional dwelling unit beyond one.

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

8 (1) The required rear yard may be counted; however, the required front and side
9 yards may not be counted toward the fulfillment of said open space requirement, except as follows:

10 (i) Ground level or first floor porches, patios, and terraces as permitted
11 in this chapter and in Sections 27.71.100 and 27.71.110;

12 (ii) The required front yard and side yard may be counted where the dis-
13 tance between the main building and said lot line exceeds the required side yard by more than seven
14 feet.

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

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

19 (f) Accessory buildings which are attached to or located not more than six feet from the
20 main structure shall be considered a part of the main structure and shall comply with the height and
21 front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the
22 main structure may be located in any required rear yard, but such accessory buildings may not
23 occupy more than thirty percent of the required rear yard, and shall not be nearer than two feet to
24 any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the
25 main structure, if located not less than sixty feet from the front lot line, may extend into the required
26 side yard though not nearer than two feet to the side lot line. A garage which is entered from an
27 alley shall not be located closer than ten feet to the alley line.

28 (g) Where a vacant lot or tract of record ~~as of November 2, 1953~~, has less area or width
29 or both less area and width than herein required and its boundary lines along their entire length
30 abutted lands under other ownership on November 2, 1953, and have not since been changed, the

1 lot may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use
2 permitted in this chapter.

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

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

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

14 Section 12. That Section 27.61.090 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **27.61.090 Continuation of Nonstandard Uses.**

17 Nonstandard uses existing immediately prior to the effective date of this title and uses
18 becoming nonstandard through a change in the zoning ordinance or district boundaries may be
19 continued, although such uses do not conform to the provisions hereof.

20 Structures and buildings located upon a premises the use of which constitutes a nonstandard
21 use may be enlarged, extended, or reconstructed, as follows:

22 (a) Enlargements, extensions, or reconstructions may be made as required by law or
23 ordinance or ordered by the Director of Building and Safety to secure the safety of the structure;

24 (b) Enlargements, extensions or reconstruction of buildings or structures may be made
25 if authorized under the provisions of Section 27.63.280 or 27.63.540;

26 (c) Enlargement, extension, or reconstruction of buildings or structures may otherwise
27 be made if such changes comply with the minimum requirements as to front yard, side yard, rear
28 yard, height, and unobstructed open space for the district in which they are located.

29 (d) The number of dwellings units in multiple dwellings shall be limited to no more than
30 the number of dwelling units licensed with Building and Safety on the effective date of this title or

1 on the effective date of the change in district boundaries from another zoning district to the new
2 zoning district.

3 Section 13. That Sections 27.11.080, 27.13.080, 27.15.080, 27.17.080, 27.19.080,
4 27.21.080, 27.23.080, 27.24.080 and 27.61.090 of the Lincoln Municipal Code as hitherto existing
5 be and the same are hereby repealed.

6 Section 14. That this ordinance shall take effect and be in force from and after its
7 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2006:

Mayor