

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 21 of the Lincoln Municipal Code relating to
2 Housing by repealing Section 21.52.010 to eliminate an obsolete provision prohibiting housing
3 in a frame or veneer building above the second story; amending Title 27 of the Lincoln
4 Municipal Code (“Zoning Code”) by amending Section 27.02.030 defining terms beginning with
5 the letter B to remove the definition of Boarding House and to revise the definition of Buildings,
6 Height of; by amending Section 27.02.040 defining terms beginning with the letter C to revise
7 the definitions of Campsite and Clubs and to add a definition for Church; by amending Section
8 27.02.080 defining terms beginning with the letter G to revise the definitions of Garden Center,
9 Grade and Greenhouses; by amending Section 27.02.090 defining terms beginning with the letter
10 H to revise the definition of Health Care Facility, Residential; by amending Section 27.02.140
11 defining terms beginning with the letter M to revise the definition of Mini-warehouse; by
12 amending Section 27.02.160 defining terms beginning with the letter O to revise the definitions
13 of Outdoor Dining; by amending Section 27.02.170 defining terms beginning with the letter P to
14 add definition of Place of Religious Assembly; by amending Section 27.02.220 defining terms
15 beginning with the letter U to revise the definition of Urban Garden; by amending Section
16 27.06.060 to remove Greenhouses from the Agriculture Use Group; by amending Section
17 27.06.090 to delete Broadcast Stations as a special permitted use in the AG District and to re-
18 designate Broadcast Stations as a permitted use rather than permitted special use in the H-4
19 District under the Utilities Use Group; by amending Section 27.06.170 to eliminate Temporary
20 Storage of Construction Equipment and Materials as a common use type within the Heavy
21 Commercial Services Use Group Table; by amending Chapter 27.28 to add an introductory

1 statement at the beginning of the R-T District to state that the R-T zoning district is envisioned as
2 a transition area consisting primarily of office and other types of small scale commercial uses in
3 close proximity to residential use; by amending Section 27.28.020 to clarify that the R-T zoning
4 district is a commercial district; by amending Section 27.60.060 to allow the Planning Director to
5 approve an amendment to a Planned Unit Development District granting a height increase up to
6 five feet for single-family or two-family dwellings; by amending Section 27.61.090 to
7 automatically adjust the setback when the City obtains property for right-of-way and to
8 automatically adjust the maximum building height for existing buildings built prior to the
9 adoption of this ordinance to reflect their existing height under the new definition when the
10 revised definitions of building, height of and grade cause the building to exceed the applicable
11 district maximum height allowed; by amending Section 27.62.030 to remove Greenhouses as a
12 conditional use type under the Agriculture Use Group and to modify the districts Urban Gardens
13 are allowed in as a conditional use; by amending Section 27.62.040 to delete the note providing
14 that if the dwellings do not qualify as a conditional use the dwelling use may be allowed by
15 special permit; by adding a new section 27.63.065 to allow by special permit more than one
16 platted lot or irregular tract under common ownership or under combined ownership of the
17 Permittees under a special permit, separated by a street to be used as a single premises provided
18 at least 50 percent of the street frontage of the platted lots or irregular tracts on each side of the
19 street are directly opposite of each other; by repealing Sections 27.63.430 and 27.63.590 to
20 eliminate Greenhouses and Temporary Storage of Construction Equipment and Material as
21 special permitted uses; by amending Section 27.65.020 to clarify that in a Community Unit Plan
22 the allowed dwelling unit bonuses shall not exceed a cumulative total of twenty percent; by
23 amending Section 27.65.060 to allow the Planning Director to approve an amendment to increase

1 the maximum building height of single and two-family dwellings in a Community Unit Plan up
2 to 5 feet; by amending Section 27.65.075 to revise provisions for the Acreage Development
3 Component in Community Unit Plans for Build Through Acreages and to adopt a preferred plan
4 for the Acreage Development Component; by amending Section 27.67.030 to add under the
5 general conditions for parking that no parking space is required for outside open use areas; by
6 amending Section 27.67.040 to modify the special parking requirements for mini-warehouses,
7 domestic shelters, restaurants in the B-1 and B-3 Districts, and joint parking in the B-5 District,
8 to eliminate the special parking requirement for doctors' and dentists' offices and to add special
9 parking requirements for guest parking associated with small width lots for two-family or
10 attached single family dwellings under a CUP, PUD or Use Permit; by amending Figure
11 27.67.020 (Parking Matrix) to reduce the required parking ratios from 4.5 stalls/1,000 sq. ft. to 1
12 stall/300 sq. ft. for office, retail and commercial uses in a B-5 District and to clarify that parking
13 for accessory buildings for retail sales is not required to be provided, when the accessory
14 buildings are not fully enclosed; by amending Figure 27.67.040 to delete dentists' offices and
15 doctors' offices and to add accessory buildings for retail and guest parking for single and two-
16 family dwellings as uses with Special Parking Requirements; by amending Section 27.69.035 to
17 provide that the only required setback for off premises signs from residential districts is 150 feet;
18 by amending Section 27.72.080 to modify the existing exception to the Front Yard Requirements
19 requiring a greater front yard setback in all zoning districts except the R-1, O-3, B-2, B-5, H-4,
20 and I-3 districts where 40% or more of the frontage in the same zoning district is developed with
21 two or more main buildings that have a greater frontage and setback than required and to adopt a
22 new exception for the R-1 Zoning District; by amending Sections 27.06.020, 27.06.100,
23 27.51.060, 27.62.070, 27.62.110, 27.62.120, 27.62.150, 27.63.170, 27.63.220, 27.63.470,

1 27.63.610, 27.63.680, 27.63.685, 27.63.730, 27.67.040, 27.67.040, 27.69.090, 27.72.110, the
2 introductory statement in Chapters 27.11, 27.13, 27.17, 27.19, 27.21, 27.23, 27.24, and Figure
3 27.67.040 to change references to Church to Place of Religious Assembly; by amending Section
4 27.72.190 to provided that the Planning Director may make minor modifications to the
5 maximum height regulations; by amending Section 27.81.030 to delete language referring to
6 illustrations as illustrations are no longer in the Zoning Code; and repealing Sections 21.52.010,
7 27.02.030, 27.02.040, 27.02.080, 27.02.090, 27.02.140, 27.02.160, 27.02.170, 27.02.220,
8 27.06.020, 27.06.060, 27.06.090, 27.06.100, 27.06.170, 27.28.020, 27.51.060, 27.60.060,
9 27.62.030, 27.62.040, 27.62.070, 27.62.110, 27.62.120, 27.62.150, 27.63.170, 27.63.220,
10 27.63.470, 27.63.610, 27.63.680, 27.63.685, 27.63.730, 27.65.020, 27.65.060, 27.65.075,
11 27.67.030, 27.67.040, 27.69.035, 27.69.090, 27.72.080, 27.72.110, 27.72.190, 27.81.030, Figure
12 27.67.020, and Figure 27.67.040 as hitherto existing.

13 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:
14 Section 1. That Section 21.52.010 of the Lincoln Municipal Code be and the
15 same is hereby repealed:

16 ~~21.52.010 — Housing Above Second Story.~~
17 ~~*Editor's Note: Chapters 5.46 and 5.49 were renumbered to Chapters 21.52 and 21.56,~~
18 ~~respectively, during the 1991 recodification.~~
19 ~~21.52.010 — Housing Above Second Story.~~
20 ~~— It shall be unlawful for any person, firm, corporation, or association operating a child~~
21 ~~care center, children's home, old age home, maternity home, or nursing home where two or more~~
22 ~~persons as inmates or patients are kept, cared for, or housed for all or any portion of the day or~~

~~night to keep, care for, or house such inmate or patient at any time above the second story of a frame or veneer dwelling, building, or structure as defined by the Building Code of the city.~~

Section 2. That Section 27.02.030 of the Lincoln Municipal Code be amended to read as follows:

27.02.030 B.

Basement. Basement shall mean that portion of a building between the lowest floor and the ceiling above which is fully below grade or partly below grade and partly above grade but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling.

Boarding. Boarding shall mean caring for, feeding, watering, or sheltering a pet animal belonging to another by any person or business for pay, trade, barter, commission, or remuneration of any sort.

~~**Boarding House.** Boarding house shall mean a building other than a hotel or motel or group home where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons.~~

Broadcast Tower. Broadcast tower shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves; provided, however, that personal wireless service facilities and noncommercial radio towers not exceeding fifty feet in height and amateur radio antenna installations shall not be considered broadcast towers.

Building. Building shall mean any structure designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property.

Buildings, Height of. Height of a building shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the

1 | average height of the highest gable of a pitched, hipped, or shed roof. The measurement ~~may~~
2 | shall be taken from the ~~highest adjoining sidewalk or ground surface within a five foot~~
3 | ~~horizontal distance at the exterior wall of the building, when such sidewalk or ground surface is~~
4 | ~~not more than ten feet above~~ grade.

5 | Section 3. That Section 27.02.040 of the Lincoln Municipal Code be amended to
6 | read as follows:

7 | **27.02.040 C.**

8 | **CampgroundCampsite.** CampgroundCampsite shall mean a parcel of land intended for
9 | temporary occupancy by any of the following: tent, tent trailer, or recreational vehicle.

10 | **Care.** Care shall mean the exercise of concern or responsibility for the comfort, welfare,
11 | and habilitation of persons, including a minimum amount of supervision and assistance with or
12 | the provision of personal care, activities of daily living, health maintenance activities, or other
13 | supportive services.

14 | For purposes of this definition:

15 | **Activities of daily living** shall mean transfer, ambulation, exercise, toileting,
16 | eating, self administered medication, and similar activities;

17 | **Health maintenance activities** shall mean noncomplex interventions which can
18 | safely be performed according to exact directions, which do not require alteration of the
19 | standard procedure, and for which the results and resident responses are predictable; and

20 | **Personal care** shall mean bathing, hair care, nail care, shaving, dressing, oral
21 | care, and similar activities.

22 | **Center for the Developmentally Disabled.** Center for the developmentally disabled
23 | shall mean a facility where shelter, food, and care, advice, counseling, diagnosis, treatment, or

1 related services are provided for a period of more than twenty four consecutive hours to sixteen
2 or more persons residing at such facility who have developmental disabilities.

3 **Change of Use.** Change of use shall mean the replacement of an existing use by a new
4 use, or a change in the nature of an existing use, but not including a change of ownership,
5 tenancy, or management where the previous nature of the use, line of business, or other function
6 is substantially unchanged.

7 **Childhood Care Facility.** See Early Childhood Care Facility.

8 **Children’s Home.** Children’s home shall mean a facility engaged in the service of
9 exercising 24-hour daily care, supervision, custody, or control over sixteen or more children for
10 compensation or hire in lieu of the care or supervision normally exercised by parents in their own
11 home.

12 | **Church.** See definition for Place of Religious Assembly.

13 **Club.** Club shall mean a building or facility owned or operated by persons associated for
14 a social, educational, civic, cultural, labor, or professional or recreational purpose, not operated
15 primarily for profit nor to render a service which is customarily carried on as a business, and
16 which is generally restricted to members and their guests using the facility for the purpose for
17 which they have associated; this shall not include a building of religious assembly~~church~~
18 ~~building~~, or social hall or the occasional accessory use of a private residence as a meeting place.

19 **Commercial Feed Lot.** See Confined Feeding Facility.

20 **Commercial Solar Energy Conversion System.** Commercial Solar Energy Conversion
21 System shall mean a commercial grade solar energy conversion system (CSECS) intended to be
22 used primarily to provide off-site power.

1 **Commercial Wind Energy Conversion System/ Turbine (CWECS).** Commercial
2 Wind Energy Conversion System/Turbine shall mean a commercial grade wind energy
3 conversion system (WECS) of over 100 Kilowatt (KW) plate rated capacity and intended to be
4 used primarily to provide off-site power.

5 **Confined Feeding Facility.** Confined feeding facility shall mean a facility where the
6 principal business is the feeding of livestock or poultry, also called a commercial feedlot.

7 **Contractor Services.** Contractor services shall mean a business which provides a
8 service which is primarily performed off-site. Few customers visit the site. Common examples
9 of contractor services include plumbing, heating, electrical, and air conditioning service,
10 exterminator service, lawn and garden service, and construction services. Contractor services
11 shall not include garbage or recycling hauling services or tree service. Outdoor storage,
12 machinery, trucks, and service vehicle fleets are common accessory uses. (Ord. 20171 §1; March
13 16, 2015; prior Ord. 19733 §1; June 25, 2012).

14 Section 4. That Section 27.02.080 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **27.02.080 G.**

17 **Garage, Private.** Private garage shall mean an accessory building designed or used for
18 storage by the occupants of the building to which it is accessory and consisting of no more than
19 four bays.

20 **Garden Center.** Garden center shall mean one or more a-buildings ~~or premises~~ used
21 primarily for the retail sale of items useful in the culture, display, or decoration of lawns,
22 gardens, or indoor plants; including books, appliances, and tools, but not including ~~power tools~~
23 ~~or~~ tractors.

1 **Grade** shall mean:

2 ~~(a) For buildings having walls adjoining one street only, the elevation of the sidewalk~~
3 ~~at the center of the wall adjoining the street;~~

4 ~~(b) For buildings having walls adjoining more than one street, the average of the~~
5 ~~elevation of the sidewalk at the center of all walls adjoining the streets;~~

6 ~~(c) For buildings having no wall adjoining the street, the average level of the finished~~
7 ~~surface of the ground adjacent to the exterior walls of the building.~~

8 ~~Any wall approximately parallel to and not more than five feet from a street line is to be~~
9 ~~considered as adjoining the street and where no sidewalk exists, the sidewalk grade~~
10 ~~shall be established by the Department of Public Works and Utilities.~~

11 ~~A reference plane representing the average of finished ground level adjoining the~~
12 ~~building at exterior walls. Where the finished ground level slopes away from the exterior walls,~~
13 ~~the reference plane shall be established by the lowest points within the area between the building~~
14 ~~and the lot line or, where the lot line is more than 6 feet from the building, between the building~~
15 ~~and a point 6 feet from the building.~~

16 **Greenhouse.** Greenhouse shall mean a building ~~or premises~~ used for growing plants,
17 preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or
18 dry storage of materials used for agricultural or horticultural purposes, ~~provided no retail sales~~
19 ~~shall be conducted on such premises.~~

20 **Group Home.** Group home shall mean a building or structure licensed or approved by
21 the State or an appropriate agency, if required, used as any one of the following:

1 (a) A facility in which more than three but less than sixteen disabled persons who are
2 unrelated by blood, marriage, or adoption reside while receiving therapy or
3 counseling, but not nursing care;

4 (b) A facility engaged in the service of exercising 24-hour daily care, supervision,
5 custody, or control over more than three but less than sixteen children, for
6 compensation or hire in lieu of the care or supervision normally exercised by
7 parents in their own home.

8 Section 5. That Section 27.02.090 of the Lincoln Municipal Code be amended to
9 read as follows:

10 **27.02.090 H.**

11 **Hazardous Materials.** Hazardous materials shall mean substances defined by the
12 Secretary of Transportation in (49 U.S.C. 5103) and those materials listed in the Hazardous
13 Materials Table 49 CFR 172.101.

14 **Health Care Facility, Non-Residential.** Non-residential health care facility shall mean
15 a building or structure that generally includes an office environment, outpatient services and little
16 to no permanent residential component but which may allow for a stay in the facility by patients
17 receiving care for more than 24 hours. These facilities shall be licensed or approved by the state
18 or an appropriate agency, if required. A hospital is an example of a non-residential health care
19 facility.

20 **Health Care Facility, Residential.** Residential health care facility shall mean a building
21 or structure that is to be used in a residential nature, licensed or approved by the state or an
22 appropriate agency, if required. Residential health care facility could include but would not be
23 limited to the following types of facilities: Assisted Living, Nursing Care, Memory Care,

1 Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care,
2 and may include independent living units.

3 **Heritage Center.** Heritage center shall mean one or more buildings and open space
4 within which an historically significant era or activity is displayed. The retail sale of crafts and
5 other works and the provision of entertainment, but not a full-scale amusement park, may be
6 included as part of a heritage center if they are complementary to the displayed era or activity.

7 **Home Occupation.** Home occupation shall mean any occupation or activity carried on
8 within a dwelling unit or accessory building by a person or persons residing on the premises,
9 which occupation or activity is incidental and secondary to the residential occupancy and does
10 not change the residential character thereof. The regulations pertaining to home occupations can
11 be found in Section 27.70.010.

12 **Hospital.** Hospital shall mean a facility where diagnosis, treatment, medical care,
13 obstetrical care, nursing care, or related services are provided on an outpatient basis or on an
14 inpatient basis for a period of more than twenty four consecutive hours to persons who have an
15 illness, injury, or deformity or to aged or infirm persons requiring or receiving convalescent care.
16 A hospital may include accessory offices of medical societies, offices of charitable public health
17 associations and private office space for the practice of medicine and dentistry under a license
18 from the Department of Health of the State of Nebraska; provided, that any such private offices
19 for the practice of medicine and dentistry shall be located on the hospital premises and the
20 doctors and dentists involved therein must be on the staff of the hospital.

21 **Hotel or Motel.** Hotel or motel shall mean a facility offering transient lodging
22 accommodations to the general public and which also may provide additional services, such as
23 food establishments, meeting rooms, entertainment, or recreational opportunities.

1 **Housing for the Physically Handicapped.** Housing for the physically handicapped
2 shall mean any dwelling in which each occupied dwelling unit is occupied by at least one person
3 who has a physical handicap. A physical handicap is a mobility impairment which requires
4 certain construction design features for ingress, egress, and freedom of movement within the
5 premises. Such impairment shall be expected to be permanent or of long or indefinite duration.
6 Such design features include but are not limited to ground level construction, level entrances,
7 wider doorways, adjustable counters, roll-in showers, lower electrical switches, higher outlets,
8 and lever-type hardware.

9 Section 6. That Section 27.02.140 of the Lincoln Municipal Code be amended to
10 read as follows:

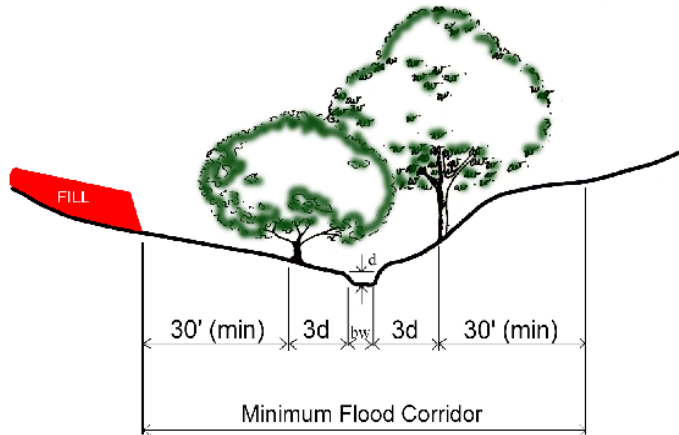
11 **27.02.140 M.**

12 **Mail Order Catalog Sales.** Mail order catalog sales shall mean an establishment
13 primarily engaged in the retail sale of products by television, telemarketing, catalog, and mail
14 order. Such a use may include warehousing, shipping, and receiving of merchandise intended
15 for retail sale.

16 **Market Garden.** Market garden shall mean a relatively small scale farming operation
17 (20 to 40 acres in size) where the production of a diversity of fruits, vegetables, herbs and
18 flowers is grown for sales primarily for direct human consumption rather than as feed for
19 animals or for major processing before consumption. Market gardens are distinguished from
20 other types of farming by the inclusion of accessory uses not typically found on farms. These
21 accessory uses may include restaurants, agricultural education and training centers, agricultural
22 tourism, or sales of agricultural products not grown on site.

1 **Mental Health Center.** Mental health center shall mean a facility where shelter, food,
2 and counseling, diagnosis, treatment, care, or related services are provided for a period of more
3 than twenty four consecutive hours to persons residing at such facility who have a mental
4 disease, disorder, or disability.

5 **Minimum Flood Corridor.** Minimum flood corridor shall mean the existing channel
6 bottom width plus 60 feet plus six times the channel depth and the corridor will be centered on
7 the channel, as shown in Figure 1 below, or aligned such that the corridor follows the natural
8 flow of flood waters.



9 **Mini-warehouse.** Mini-warehouse shall mean a storage facility containing individual
10 compartments or lockers designed to serve multiple persons families and small businesses. only
11 and complying with the following requirements: Storage bays shall not be interconnected by
12 interior doors or other interior means providing access from one storage bay to another.

- 13 ~~(a) — All storage facilities shall be located within a building;~~
14 ~~(b) — Storage bays shall not be interconnected by interior doors or other interior~~
15 ~~means providing access from one storage bay to another;~~
16 ~~(c) — Loading docks shall be prohibited and loading areas to storage bays shall~~
17 ~~be at the same elevation as the means of vehicular access thereto.~~

1 **Mobile Home.** Mobile home shall mean any single family or two-family permanent
2 living quarters, designed and built to be towed on its own chassis. Each dwelling unit shall be at
3 least eight feet in width and thirty-two feet in length, but two-family mobile homes may have
4 less length than the required minimum if the required width is exceeded by an amount sufficient
5 to provide an area of at least 512 square feet.

6 **Motor Fuel Sales Facility.** Motor Fuel Sales Facility shall mean any building or
7 premises used for the retail dispensing or sale of motor fuels as defined in Neb. Rev. Stat. § 66-
8 712 R.R.S. 1943 as amended. Motor Fuel Sales Facilities are often commonly referred to as
9 filling stations, gas stations, convenience stores or service stations.

10 **Motorized Vehicle.** Motorized vehicle shall mean automobiles including pick-up trucks,
11 motorcycles, all terrain vehicles, recreational vehicles, snow mobiles, watercraft, farm machinery
12 or other motorized vehicles not elsewhere defined. Motorized wheel chairs for human mobility
13 and toys, shall not be considered a motorized vehicle. Trucks as defined in Section 27.02.210
14 are also not considered a motorized vehicle.

15 **Multiple Dwelling Unit.** Multiple dwelling unit shall mean a room or rooms in a
16 multiple dwelling intended or designed for use as a residence by a single family, including
17 kitchen facilities.

18 Section 7. That Section 27.02.160 of the Lincoln Municipal Code be amended to
19 read as follows:

20 **27.02.160 O.**

21 **Office.** Office shall mean a room or group of rooms within a building used for
22 conducting the affairs of professional, commercial, industrial, religious, institutional, public, or
23 semipublic persons or organizations, provided no goods, wares, or merchandise shall be prepared

1 or sold on the premises except that a portion of a building used for offices may be occupied and
2 used as a drugstore, barbershop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand,
3 or newsstand when such uses are located entirely within the building with no entrance from the
4 street nor visible from any sidewalk and having no sign or display visible from the outside of the
5 building indicating the existence of such use. Offices and studios within a broadcast station shall
6 be considered to be an office use; broadcast towers as defined in this title shall not be so
7 considered.

8 Office use shall also include an office or clinic used by a health care practitioner, or
9 group of practitioners, including other accessory or ancillary uses such as medical testing
10 laboratories that perform routine clinical diagnostic tests on human or animal specimens,
11 dentistry, or podiatry; provided, however, that patients upon whom procedures have been
12 performed or who have otherwise received care or treatment at such office or clinic shall not be
13 permitted to stay on the premises for recovery or observation for more than 24 hours. Medical
14 testing laboratories shall exclude any laboratory which is required by federal law to hold a
15 certificate of registration for their activity in compliance with CFR 42 Part 73, Selected Agents
16 and Toxins.

17 **Outdoor Dining.** Outdoor dining shall mean an open area for dining when associated
18 with a food or drink establishment in which tables and seats are uncovered or ~~un~~covered by a
19 permanent roof or individual umbrellas or canopies (no tents or other types of temporary
20 structures) and may be surrounded by a fence.

21 **Outlot.** Outlot shall mean a parcel of real property with a separate and distinct outlot
22 designation shown on a final plat recorded in the office of the Register of Deeds for Lancaster

1 County, Nebraska, and which is reserved for future building or occupancy after replatting and
2 subdivision or reserved for agricultural uses, open space or common facilities.

3 **Owner.** For purposes of making application for a special permit or a use permit under
4 this title, the term “owner” shall include an owner of record, a trustee under a deed of trust or
5 similar trust document, or a long-term lessee. A person, other than an owner, may be authorized
6 to apply on behalf of an owner.

7 Section 8. That Section 27.02.170 of the Lincoln Municipal Code be amended to
8 read as follows:

9 **27.02.170 P.**

10 **Parking Lot.** Parking lot shall mean an area consisting of six or more parking spaces for
11 the storage of automobiles, together with a driveway connecting the parking area with a street or
12 alley and permitting ingress and egress for an automobile, provided that there shall be no storage
13 of automobiles for the purpose of sale or resale.

14 **Parking Space.** Parking space shall mean an area, enclosed or unenclosed, sufficient in
15 size to store one automobile, together with a driveway connecting the parking space with a street
16 or alley and permitting ingress and egress of an automobile.

17 **Permanent Residence.** Permanent residence shall mean the place where a person
18 actually lives and which such person regularly intends to occupy over a substantial period of
19 time. If a person has more than one such place where he or she lives, the permanent residence
20 shall be the place occupied the majority of the time by such person.

21 **Personal Services.** Personal Services shall mean establishments primarily engaged in
22 providing services involving the care of a person or his or her personal goods or apparel. Such
23 services may include but are not limited to: beauty shops, barbershops, shoe repair, funeral

1 services, nail salons, health clubs, domestic services, dry cleaning drop off stations including
2 cleaning and pressing and diaper services.

3 Place of Religious Assembly. Any use of a building or premises by a religious
4 organization, as defined in the Nebraska Administrative Code, for religious worship, religious
5 services, and/or religious training (Title 350, Chapter 40 – Property Tax Exemption Regulations,
6 or as may be amended from time to time by the State of Nebraska).

7 **Premises.** Premises shall mean a tract of land, consisting of one platted lot or irregular
8 tract, or more than one platted lot or irregular tract, provided such lots or tracts are under
9 common ownership and contiguous.

10 **Private College.** Private college shall mean privately owned education and instruction
11 facilities for post-secondary education.

12 **Private School.** Private school shall mean privately owned education and instruction
13 facilities that meet the State of Nebraska requirements for elementary or secondary education.
14 Private school shall not mean academies, early childhood care facilities, private colleges, or
15 vocational schools.

16 Section 9. That Section 27.02.220 of the Lincoln Municipal Code be amended to
17 read as follows:

18 **27.02.220 U.**

19 **Urban Garden.** Urban garden shall mean a plot of ground where plants are cultivated by
20 multiple people; including accessory items for cultivation, including but not limited to sheds,
21 trellises, fences and utilities, but excluding greenhouses.

22 Section 10. That Section 27.06.060 of the Lincoln Municipal Code be amended
23 to read as follows:

1 **27.06.060 Agriculture Use Group.**

2 Characteristics: The Agriculture Use Group is characterized by activities that involve the
 3 practice of cultivating soil, producing crops, farming, raising livestock; training, producing,
 4 keeping, caring for, and/or selling of plants or animals in varying degrees and the preparation
 5 and marketing of the resulting product. These activities generally require more than 3 acres of
 6 land. Such uses include but are not limited to stables, riding academies, stock yards, sale barns,
 7 confined feeding facilities roadside stands for the temporary or seasonal sale of produce, pet
 8 cemeteries, agricultural attractions, urban gardens, farms, ranches, orchards, vineyards and
 9 wineries.

10 Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
<u>Agriculture</u>	P	P													P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Attraction	C																									
Confined feeding facilities	C																									
Farm wineries	S																									
<u>Greenhouses</u>	€	€			S													P	P		P	P	P	P	P	P
Heritage centers	S																									
Market gardens	S	S																								
Pet cemeteries (only allowed outside of City limits) (see 6.04.260)	C	C																								
Sale barn	S																							P	P	
Urban garden	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
All other uses in this Use Group	P	P																						P	P	P

11 Section 11. That Section 27.06.090 of the Lincoln Municipal Code be amended
 12 to read as follows:

13 **27.06.090 Utilities Use Group.**

14 Characteristics: The Utilities Use Group is characterized by the use of equipment for the
 15 purposes of distribution of basic utilities which provide service for, but is not limited to
 16 electricity, gas, phones, cable, and fiber optics. In addition, such uses include but are not limited
 17 to broadcast stations and towers, commercial wind energy conversion system, commercial solar

1 energy conversion system, personal wireless services facilities, and alternative and renewable
 2 energy generation systems.

3 Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3	
Broadcast stations	S									S	P	P	P	P	P	P	P	P	P		P	P	S	P	P	P	
Broadcast towers	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Commercial Solar Energy Conversion System (CSECS)	S																								P	P	P
Commercial Wind Energy Conversion System	S																										
Personal wireless services facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Public utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utility and cable television purposes	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S	S	S	P	P	P	
Wind Energy Conversion System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
All other uses in this Use Group																								P	P	P	

4 Section 12. That Section 27.06.170 of the Lincoln Municipal Code be amended
 5 to read as follows:

6 **27.06.170 Heavy Commercial Services Use Group.**

7 Characteristics: The Heavy Commercial Services Use Group is characterized by uses
 8 that are engaged in the repair or servicing of industrial, business, or consumer machinery,
 9 equipment, products, or by-products. Firms that service consumer goods do so by mainly
 10 providing centralized services for separate retail outlets. Contractors, building maintenance
 11 services, and similar uses perform the majority of their services off-site. Outdoor storage and
 12 activity and a fleet of service vehicles and machinery are common. Heavy equipment or truck
 13 idling may occur for long periods of time. Few customers, especially the general public, come to
 14 the site on a regular basis. Such uses include but are not limited to private landing strips,
 15 building and construction contractor services, tree services, truck stops, truck terminals, truck
 16 wash facilities, mini-warehouse and lumber yards.

1 Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3	
Contractor services																	C	P	P		C	P	P	P	P	P	
Cabinet shops or stores																	C	P	P		C	P	S	P	P	P	
Lumber yards																		P	P			P	P	P	P	P	
Mini-warehouses																	C	C			P	P	P	P	P	P	
Private landing strips and appurtenances	S	S																									
Temporary storage of construction equipment and materials	S																	P							P	P	P
Tree service	S																	P						P	P		
Truck stops																		P		P		P	P	P	P	P	
Truck terminals																		P				P	P	P	P	P	
Truck wash facilities																	C		P	C	C	S	P	P	P	P	
All other uses in this Use Group																	P			P	P	P	P	P	P	P	

2 Section 13. That Chapter 27.28 of the Lincoln Municipal Code be amended to
 3 read as follows:

4 This district is intended to provide a transitional area consisting primarily of office and other
 5 types of small-scale commercial uses in close proximity to residential uses. This district is
 6 intended to provide a buffer between neighborhoods and more intensive commercial or industrial
 7 uses, stressing compatibility with nearby residential areas.

8 Section 14. That Section 27.28.020 of the Lincoln Municipal Code be amended
 9 to read as follows:

10 **27.28.020 General Regulations.**

11 (a) R-T Residential Transition Zoning. An R-T Residential Transition District zoning
 12 designation may only be granted upon property abutting upon, or directly across a street from
 13 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.

14 (b) General Use Regulations.

1 (1) Any development, except single-family dwellings, two-family dwellings,
2 group homes, and domestic shelters shall be prohibited in the R-T Residential Transition District
3 prior to the approval of a use permit in conformance with the requirements of this chapter.

4 (2) Each building to be located within a Residential Transition District shall
5 have:

- 6 (i) A two and one-half inch in twelve inch pitched roof or steeper;
- 7 (ii) A nonreflective exterior siding material which is or simulates wood,
8 stucco, brick, or stone;
- 9 (iii) A nonreflective roof material which is or simulates asphalt or wood
10 shingles, tile, or rock;
- 11 (iv) No air conditioners on the roof.

12 (c) For purposes of this title, the R-T zoning district shall be considered a commercial
13 district.

14 Section 15. That Section 27.60.060 of the Lincoln Municipal Code be amended
15 to read as follows:

16 **27.60.060 Planned Unit Development; Amendments.**

17 After the City Council has approved a planned unit development, the Planning Director is
18 authorized to approve amendments in the planned unit development provided that:

- 19 (a) A request for amendment is filed with the Planning Director and, if appropriate,
20 accompanied by a plot plan showing all pertinent information;
- 21 (b) Minor increases in the number of dwelling units or total floor area originally
22 authorized by the City Council may be approved if such increases will not cause a significant
23 adverse impact on the public infrastructure, existing development within the planned unit

1 development and adjoining properties. Minor increases shall not exceed more than fifteen
2 percent (15%) cumulative additional dwelling units or total floor area;

3 (c) No public land will be accepted as a result of the amendment;

4 (d) Amendments shall keep with the intent and spirit of the approved development plan;

5 (e) Amendments shall not violate any regulation set forth in this title;

6 (f) No change is made to the applicable setback, yard, or height requirements for lots
7 along the perimeter of the planned unit development;

8 (g) Minor internal changes to the applicable setback, yard, or height requirements may
9 be made within the planned unit development if they conform to the intent of the approved
10 development plan and do not adversely impact existing development within the planned unit
11 development;

12 (h) Notwithstanding any provision to the contrary in (f) and (g) above, a request for a
13 height increase ~~up to ten feet~~ over the allowed zoning district height may be approved for up to
14 ten feet for multi-family dwellings, and up to five feet for single or two family dwellings, along
15 the perimeter or within the planned unit development in accordance with Section 1.2 of Chapter
16 3.35, City of Lincoln Design Standards for Community Unit Plans.

17 (i) Parking spaces located on a driveway approach to a garage, as part of a multi-family
18 complex, may be approved and counted toward the satisfaction of a portion of the required
19 parking stalls.

20 (j) Any amendment not in conformance with this paragraph shall be submitted to the
21 City Council in the same manner as a formal application for a planned unit development.

22 Section 16. That Section 27.61.090 of the Lincoln Municipal Code be amended
23 to read as follows:

1 **27.61.090 Continuation of Nonstandard Uses.**

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

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

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

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

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

14 (d) The number of dwellings units in multiple dwellings shall be limited to no more
15 than the number of dwelling units licensed with Building and Safety on the effective date of this
16 title or on the effective date of the change in district boundaries from another zoning district to
17 the new zoning district.

18 Whenever an existing building has a reduced setback below the requirements of this title,
19 due to the acquisition of land for right-of-way by a government agency, the setback to the new
20 property line shall be considered automatically adjusted and will not be deemed as nonstandard.

21 Whenever the 2016 amended definitions of “building, height of” and “grade” under
22 Change of Zone TX 16007 cause a lawfully existing building to exceed the maximum height
23 allowed in the zoning district in which the building is located, the allowed maximum height of

1 the building shall be considered automatically adjusted to the height of the building under the
2 amended definitions and the building will not be deemed nonstandard as to height.

3 Section 17. That Section 27.62.030 of the Lincoln Municipal Code be amended
4 to read as follows:

5 **27.62.030 Agriculture Use Group.**

6 Upon issuance of a certificate of occupancy, a building or premises may be used for the
7 following use types as a permitted conditional use in the designated zoning districts and in
8 compliance with the conditions of approval applicable for that use type.

9 (a) Agricultural Attraction is allowed in the AG zoning district under the following
10 conditions:

11 (1) The premises is located outside the city limits, contains twenty acres or more of land,
12 and the majority of the premises is in agriculture use for the purpose of raising and
13 harvesting crops.

14 (2) The attraction has received an Amusement License from the Lancaster County
15 Board.

16 (b) Confined feeding facilities for livestock or poultry is allowed in the AG zoning district
17 provided the confined feeding facility does not exceed a maximum area of 15,000 square
18 feet. (NOTE: Facilities that exceed 15,000 square feet may be allowed upon approval of
19 a special permit for said use pursuant to Chapter 27.63).

20 ~~(e) Greenhouses are allowed in the AG and AGR zoning Districts under the following~~
21 ~~conditions:~~

22 ~~(1) In the AG zoning district the minimum lot area shall be twenty acres; provided,~~
23 ~~however, that if a lot has less area, width, or frontage or any combination thereof~~

1 ~~than herein required, and its entire boundary was under different ownership on the~~
2 ~~effective date of this title and has not been since changed, such lot may be used for~~
3 ~~a greenhouse, provided that no such lot be less than two acres;~~

4 ~~(2) In the AGR zoning district:~~

5 ~~(i) The minimum lot area shall be two acres;~~

6 ~~(ii) All materials shall be stored inside buildings;~~

7 ~~(iii) Not more than twenty five percent of the land may be devoted to such use;~~

8 ~~(iv) Greenhouses shall comply with the same setback requirements as are~~
9 ~~applicable to main buildings;~~

10 ~~(c)~~ Pet cemeteries are allowed in the AG and AGR zoning districts provided that the use has
11 a minimum lot area of five acres;

12 ~~(d)~~ Urban Gardens are permitted in all zoning districts except the AG ~~zoning district and~~
13 ~~AGR~~ under the following conditions:

14 (1) There is no commodity sold upon the premises;

15 (2) Approval has been granted by the Lincoln Lancaster County Health Department.

16 Section 18. That Section 27.62.040 of the Lincoln Municipal Code be amended
17 to read as follows:

18 **27.62.040 Household Living Use Group.**

19 A building or premises may be used for the following use types as a permitted
20 conditional use in the designated zoning districts and in compliance with the conditions of
21 approval applicable for that use type.

22 (a) Dwelling units are allowed in the O-2, B-1, B-2, B-3 and B-4 zoning districts under the
23 following conditions:

- 1 (1) In the, O-2, B-1, B-2 and B-3 zoning districts:
- 2 (i) Dwellings shall only be permitted above or below the first story of a building;
- 3 (ii) The first story of the building shall be used for a nondwelling use allowed in
- 4 the district, except that first floor dwellings shall be permitted in buildings that
- 5 were originally constructed for a residential use prior to November 1, 1997.
- 6 The first floor nondwelling use shall not:
- 7 A. be an accessory use to the residential use;
- 8 B. be a parking lot or garage;
- 9 (iii) The first story of the building shall not have more than twenty percent of its
- 10 height below grade.

11 ~~(NOTE: If the above condition (a)(1) cannot be met, the use may be allowed upon~~

12 ~~approval of a special permit pursuant to Chapter 27.63).~~

- 13 (2) In the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the
- 14 B-4 zoning district, single-family and/or two-family dwellings on the first floor or
- 15 in the basement of a building are prohibited.

16 Section 19. That Title 27 of the Lincoln Municipal Code be amended by adding a

17 new section numbered 27.63.065 to read as follows:

18 **27.63.065 Platted Lots; Irregular Tracts.**

19 The use of more than one platted lot or irregular tract under common ownership or under

20 combined ownership of the Permittees under a special permit separated by a street may be

21 allowed by special permit to be used as a single premises provided some portion of the platted

22 lots or irregular tracts on each side of the street are directly opposite of each other.

1 Section 20. That Section 27.63.430 of the Lincoln Municipal Code be and the
2 same is hereby repealed:

3 ~~**27.63.430 Greenhouses.**~~

4 ~~Greenhouses are intended to be located in areas of special consideration such as~~
5 ~~designated flood plains and noise hazard districts or in urban fringe or large lot developments~~
6 ~~where such use will not have an adverse impact on surrounding residential uses. Greenhouses~~
7 ~~shall be allowed by special permit in the R-3 district under the following conditions:~~

- 8 ~~(a) The minimum lot area is at least two acres;~~
- 9 ~~(b) No retail sales shall be conducted on the premises;~~
- 10 ~~(c) The greenhouse is an accessory use to a main residential use;~~
- 11 ~~(d) All materials are stored inside buildings;~~
- 12 ~~(e) Not more than twenty five percent of the lot area may be devoted to such use;~~
- 13 ~~(f) The proposed use shall not have any adverse or detrimental effect upon the values of~~
14 ~~the surrounding land uses;~~
- 15 ~~(g) In order to assure such use is compatible with surrounding uses, the Planning~~
16 ~~Commission may impose more restrictive height, area, parking, and sign requirements as may be~~
17 ~~necessary.~~

18 Section 21. That Section 27.63.590 of the Lincoln Municipal Code be and the
19 same is hereby repealed:

20 ~~**27.63.590 Temporary Storage of Construction Equipment and Materials.**~~

~~Temporary storage of construction equipment and materials may be allowed by special permit in the AG zoning district under the following conditions:~~

~~(a) The site shall be located in or within one mile of the future urban area as designated in the Comprehensive Plan.~~

~~(b) Such use shall comply with the height, and area regulations of the AG district; except that the City Council may reduce the minimum lot area to seven acres.~~

~~(c) The combined area of indoor and outdoor storage on the site shall not exceed two acres and such area shall be fenced.~~

~~(d) The building and outdoor storage area shall be screened in accordance with city design standards.~~

~~(e) Such use shall be permitted for a limited period of time not to exceed fifteen years which shall be determined by the Planning Commission with reference to the anticipated urbanization of the surrounding area in accordance with the Comprehensive Plan and the Capitol Improvements Plan. The permittee may request one administrative amendment for an extension of the use up to five years.~~

Section 22. That Section 27.65.020 of the Lincoln Municipal Code be amended to read as follows:

27.65.020 Requirements.

(a) General Requirements. The owner or owners of any tract of land in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, or R-8 zoning district which is one acre or more in area; in the BTA Overlay District with underlying AG zoning which is forty acres or more in area; or in the BTA Overlay District with underlying AGR zoning which is ten acres or more in area, including and up to the centerline of existing public rights-of-way abutting the tract of land may submit a plan

1 for the use and development thereof for residential purposes or for the repair and alteration of
2 any existing residential development. The plan may propose a modification of height and area
3 regulations of the district in which the community unit plan is located.

4 (b) Specific Requirements.

5 (1) In the R-1, R-2, R-3, R-4, R-5, or R-6 zoning district:

6 (i) A community unit plan may be permitted on a tract of land which is less
7 than ten acres but more than five acres in area. The maximum permitted density on such a tract
8 shall be calculated as provided in Section 27.65.080, and this maximum will be reduced by ten
9 percent to accommodate the small size of the tract.

10 (ii) A community unit plan may be permitted on a tract of land which is not
11 more than five acres but more than one acre in area. The maximum permitted density shall be
12 calculated as provided in Section 27.65.080, and this maximum will be reduced by twenty
13 percent to accommodate the small size of the tract.

14 (iii) A community unit plan may be permitted on a tract of land which is less
15 than ten acres but more than one acre in area where such tract is bounded on at least two sides by
16 one or more existing community unit plans. The maximum density of such a tract shall be
17 calculated as in Section 27.65.080.

18 (iv) A community unit plan may be permitted on a tract of land which is ten
19 or more acres in area. The maximum permitted density of such a tract shall be calculated as in
20 Section 27.65.080.

21 (v) A community unit plan which complies with the energy conservation
22 standards adopted by the City Council and on file with the City Clerk may receive a dwelling
23 unit bonus in accordance with the standards adopted by resolution of the City Council.

1 (vi) Additional dwelling units may be granted for each dwelling unit
2 subsidized by the state or federal government for low-income families or as a dwelling unit
3 bonus for the provision of barrier-free units; however, the number of additional dwelling units
4 shall not exceed those provided in the standards adopted by resolution of the City Council.

5 (2) In the R-7 or R-8 zoning district, a community unit plan may be permitted on a
6 tract of land which is more than one acre in area. The maximum permitted density will be
7 calculated as provided in Section 27.65.080.

8 (3) In the BTA Overlay District the land within the community unit plan shall be
9 divided into two components: an Acreage Development Component and an Urban Reserve
10 Component, except as provided in subsection (ii) below. The Acreage Development Component
11 may be subdivided in conformance with requirements of the City Land Subdivision Ordinance
12 into residential lots for single-family dwellings. The Urban Reserve Component may not be
13 subdivided or built upon but rather shall be reserved for future residential development until such
14 time as City sanitary sewer and water utilities are extended to the Urban Reserve Component and
15 the land within the community unit plan is annexed by the City of Lincoln.

16 (i) In the BTA Overlay District with underlying AG zoning, the Acreage
17 Development Component shall not exceed twenty-five percent (25%) of the total area of the
18 community unit plan.

19 (ii) In the BTA Overlay District with underlying AGR zoning, the Urban
20 Reserve Component is not required and the total area of the community unit plan may be used
21 for the Acreage Development Component if the single-family dwellings will utilize on-site
22 wastewater systems and in such case the minimum lot size shall be three acres. The Acreage
23 Development Component shall not exceed forty percent (40%) of the total area of the community

1 unit plan if the single-family dwellings will utilize a community wastewater system and in such
2 case the maximum lot size shall be one acre.

3 (c) A community unit plan located in the BTA Overlay District which will substantially
4 protect an open space area as designated on the future land use plans included in the Lincoln
5 City-Lancaster County Comprehensive Plan may receive a dwelling unit bonus provided that:

6 (1) The request for a dwelling unit bonus shall be accompanied by a showing of
7 the need for protection of the open space, a description of the proposed use of the open space and
8 any limitations there on, and the proposed method of protecting the open space which may
9 include, but is not necessarily limited to, protective covenants, conservation or preservation
10 easements, or similar restrictions of record.

11 (2) The proposed method of protecting the open space shall expressly (i) prohibit
12 the construction or installation of any structures or other improvements in the open space for a
13 period of 99 years, except minimal above ground structures or improvements reasonably
14 necessary and incidental to the proposed use of the open space; and (ii) prohibit such uses as
15 shooting ranges, basketball courts, baseball fields, football and soccer fields, racetracks, or other
16 stadium uses, facilities for spectator sports, and any activities that would unreasonably disturb
17 the residents of the community unit plan or the surrounding neighborhoods.

18 (3) The open space shall be accessible to, and available for use by, the residents of
19 the community unit plan;

20 For the purposes of this subsection, “open space” shall mean land or water which is
21 undeveloped or which is set aside for public or private outdoor recreational uses, such as parks,
22 trail systems, golf courses, or bodies of water for swimming, fishing, or boating.

1 (d) A community unit plan located in the BTA Overlay District with underlying AG
2 zoning in consideration of providing for future subdivision of the lots within the Acreage
3 Development Component as well as the Urban Reserve Component shall receive a twenty
4 percent (20%) density bonus.

5 (e) A community unit plan located in the BTA Overlay District with underlying AGR
6 zoning in consideration of providing for future subdivision of the Urban Reserve Component
7 shall receive a twenty percent (20%) density bonus.

8 (f) A community unit plan located in either the AG Agriculture District or AGR
9 Agricultural Residential District which utilizes a community wastewater disposal system rather
10 than individual wastewater systems shall receive a twenty percent (20%) density bonus.

11 (g) A community unit plan located in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, or
12 BTA Overlay zoning districts which will substantially protect floodplain or floodprone areas
13 may receive a dwelling unit bonus if a permanent conservation easement or permanent deed
14 restriction is dedicated to preserve the floodplain or floodprone area. The bonus allotment will
15 be proportionally equal to the amount of floodplain preserved on the site and the size of the lot as
16 in conformance with the design standards.

17 (h) The dwelling unit bonuses permitted under subsections (c), (d), (e) and (g) of this
18 section shall not exceed a cumulative total of twenty percent (20%) in any community unit plan.

19 Section 23. That Section 27.65.060 of the Lincoln Municipal Code be amended
20 to read as follows:

1 **27.65.060 Community Unit Plan Amendments.**

2 After the Planning Commission has approved a community unit plan, including the
3 specific plot plan, the Planning Director is authorized to approve amendments in the community
4 unit plan provided that:

5 (a) A request for amendment is filed with the Planning Director, and, if appropriate,
6 accompanied by a plot plan showing all pertinent information;

7 (b) In community unit plans containing more than five acres, minor increases in the
8 number of dwelling units originally authorized may be approved if such increases do not exceed
9 the maximum density allowed and such increases will not cause a significant adverse impact on
10 existing development within the community unit plan and adjoining properties. Minor increases
11 shall not exceed more than fifteen percent (15%) cumulative additional dwelling units;

12 (c) No public land will be accepted as a result of the amendment;

13 (d) The amendment shall keep with the intent and spirit of the approved development
14 plan;

15 (e) Such amendment shall not violate any regulations set forth in this title;

16 (f) No reduction is made to the applicable setback, yard, or height requirements along
17 the perimeter of the community unit plan;

18 (g) In community unit plans containing more than five acres, minor internal changes to
19 the applicable setback, yard, or height requirements may be made within the community unit
20 plan if they conform to the intent of the approved plan and do not adversely impact existing
21 development within the community unit plan;

22 (h) Notwithstanding any provision to the contrary in (f) and (g) above, a request for a
23 height increase ~~up to ten feet~~ over the allowed zoning district height may be approved for up to

1 | ten feet for multi-family dwellings and up to five feet for single or two family dwellings, along
2 the perimeter or within the community unit plan in accordance with Section 1.2 of Chapter 3.35,
3 City of Lincoln Design Standards for Community Unit Plans.

4 (i) Parking spaces located on a driveway approach to a garage, as part of a multi-family
5 complex, may be approved and counted toward the satisfaction of a portion of the required
6 parking stalls.

7 (j) Any amendment not in conformance with this paragraph shall be submitted to the
8 Planning Commission in the same manner as an original community unit plan.

9 Section 24. That Section 27.65.075 of the Lincoln Municipal Code be amended
10 to read as follows:

11 **27.65.075 Form of Community Unit Plan in the BTA Overlay District.**

12 (a) A final plot plan for the Acreage Development Component shall be accurately,
13 clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the
14 details of the plan clearly and shall contain the information required for final plot plans in
15 Section 27.65.070 and the following requirements:

16 (1) Building envelopes shown on lots in the final plot plan shall meet required
17 setbacks for the lots shown under the future final plot plan providing for conversion of the
18 Acreage Development Component to higher urban residential density; and

19 (2) The drainage and site grading plans shall include both the Acreage
20 Development Component and the Urban Reserve Component and shall be designed to drain and
21 grade both components in accordance with the future final plot plan for the Acreage
22 Development Component and the Master Plan for the Urban Reserve Component. Final and

1 rough grading of the Acreage Development Component shall be accomplished as set forth in
2 Lincoln Municipal Code Section 26.11.038.

3 (b) The preferred plan for the Acreage Development Component is for lots of one acre
4 or less that do not require further subdivision in the future. A plan which does not require future
5 subdivision will be less disruptive for future lot owners. A future final plot plan for conversion

6 of the Acreage Development Component shall be provided unless the final plot plan for the
7 Acreage Development Component has an average lot size of ~~less than one third acre~~ one acre or

8 less. ~~If the average lot area in final plot plan for the Acreage Development Component is~~
9 ~~between one third acre to one acre, the future final plot plan shall provide at least two times the~~
10 ~~number of lots included in said final plot plan. If the Acreage Development Component~~

11 ~~coverage area of the community unit plan is reduced by 20%, a future final plot plan for~~
12 ~~conversion of the Acreage Development Component shall be provided unless the final plot plan~~
13 ~~for the Acreage Development Component has an average lot size of less than one half acre and~~

14 ~~no lot in the Acreage Development Component coverage area exceeds one acre.~~ If the average
15 lot area in the final plot plan for the Acreage Development Component is more than one acre but
16 less than three acres, the future final plot plan shall provide at least ~~2.5~~ times the number of lots

17 included in said final plot plan. If the average lot area in the final plot plan for the Acreage
18 Development Component is three acres or more, the future plot plan shall provide at least 3.0

19 times the number of lots included in said final plot plan. Any calculation of the number of lots to
20 be included in the future plot plan resulting in a partial lot shall be rounded up to the next whole
21 number. The future final plot plan providing for conversion of the Acreage Development

22 Component to higher urban residential density shall be accurately, clearly, and legibly drawn on
23 tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and

1 shall contain the information required for final plot plans in Section 27.65.070 and the following
2 information:

3 (1) Final lot lines and building lines that will be implemented with the extension
4 of urban infrastructure and annexation by the City.

5 (2) The location and layout of any future streets not dedicated and improved as
6 part of the final plot plan for the Acreage Development Component, but needed in the future to
7 convert the Acreage Development Component and Urban Reserve Component to Urban Density.

8 (3) Easement locations for future utilities and stormwater drainage.

9 (4) Building envelopes which meet required setbacks under the conversion.

10 (c) A Master Plan providing an urban framework for future development of the Urban
11 Reserve Component of the community unit plan which establishes the major systems that serve
12 the overall development, documenting the future relationships between the Acreage
13 Development Component and the Urban Reserve Component. The Urban Framework Master
14 Plan shall be accurately, clearly and legibly drawn on tracing cloth or mylar in a sufficient size
15 and scale to show the details of the plan clearly and shall contain the following information:

16 (1) The layout of arterial and collector streets on the site. These will typically
17 include streets approximately on half section lines, along with connections to adjacent parcels.

18 (2) Major infrastructure lines, including water distribution, sanitary sewers, and
19 storm sewers, if part of the stormwater management plan.

20 (3) A master stormwater management plan, indicating general grading concepts
21 and directions, stormwater retention and detention structures, and storm sewers.

22 (4) Easements and dedications for all major utility services.

23 (5) Proposed parks, open spaces, trails, and greenways.

1 (6) Resource conservation or preservation areas, including wetlands, wooded
2 areas, streams and waterways, and other features that will be maintained and incorporated into
3 future development concepts.

4 (7) The Master Plan shall provide a minimum gross residential density of no less
5 than four units per acre on the portion of the site that is to be developed for urban residential
6 purposes.

7 (8) The Master Plan may propose a land use master plan, displaying the location
8 and relationship of various uses, but such a plan is not a requirement for approval.

9 Section 25. That Section 27.67.030 of the Lincoln Municipal Code be amended
10 to read as follows:

11 **27.67.030 General Conditions.**

12 The following general conditions shall apply, except as otherwise modified in this title:

13 (a) No parking space is permitted in the required front yard in any district except as
14 follows:

15 (1) Parking lots, parking areas, and driving aisles in the front yard are permitted
16 in the B-1, B-3, H-1, H-2, and H-3 zoning district in accordance with parking
17 lot design standards; and

18 (2) Parking in the front yard is permitted in the R-1, R-2, R-3, and R-4 zoning
19 districts for passenger cars, pickup trucks, or vans outside of an enclosed
20 structure on a concrete driveway or its equivalent under the following
21 conditions:

22 (i) The width of such parking area shall not exceed thirty-five percent of the
23 width of the front yard;

1 (ii) The parking area shall be not less than two feet from and parallel to the
2 side lot line and not less than two feet from the front property line;

3 (iii) The property shall be used for one- and two-family dwellings.

4 (3) Parking in the front yard is permitted as otherwise provided in Section
5 27.63.170.

6 (b) No parking space is permitted in the required side yard in any district except as
7 otherwise provided in this chapter and in Section 27.63.170.

8 (c) Parking spaces are permitted in any required rear yard.

9 (d) All required parking spaces shall be provided on the same lot as the use for which
10 they are required.

11 (e) Any parking requirement resulting in a partial parking space shall be rounded up to
12 the next whole number.

13 (f) Where additional parking is required by this chapter due to a change in use and
14 provision for such additional parking is not made, a special review and approval shall be required
15 by the City Council.

16 (g) For single-family dwellings and two-family dwellings in the R-1, R-2, R-3 and R-4
17 zoning districts, the required parking spaces may be stacked front-to-back, one vehicle deep.

18 (h) No parking space is required for the area of outdoor dining, open use areas
19 including but not limited to outdoor sales and display areas, and patios with and without
20 restaurant seating.

21 Section 26. That Section 27.67.040 of the Lincoln Municipal Code be amended
22 to read as follows:

23 **27.67.040 Parking Requirements; Special Conditions.**

1 An alphabetical list of uses with special parking requirements for this title are set out in
2 Figure 27.67.040 at the end of this chapter. The following special parking requirements shall
3 apply to the listed uses in place of the general parking requirements found in Section 27.67.020:

4 (a) A fraternity or sorority shall provide 0.75 spaces per resident. Parking shall be
5 provided either onsite or within 600 feet of the premises. Notwithstanding the above, no parking
6 shall be required for a fraternity or sorority located within the boundaries of 14th Street to 17th
7 Street and Q Street to W Street.

8 (b) Group homes: One space per three client or employee residents, plus two spaces per
9 three nonresident employees on the largest shift; provided, however, that no spaces shall be
10 required for client residents who will not possess motor vehicle operator's licenses. Appropriate
11 documentation from the group home licensing agency shall be provided evidencing the non-
12 possession of motor vehicle operator's licenses by clients.

13 (c) Adult day service facilities: One space/employee on the largest shift, plus off-street
14 loading/unloading area for one automobile per ten care receivers. Joint parking with another use
15 is acceptable if the adult care center and the other use have nonconcurrent parking demands.

16 (d) Elderly or retirement housing: One space/dwelling unit.

17 (e) Mini-warehouses:

18 (1) Two spaces for manager's quarters or office; and

19 (2) One space for every ~~60200~~ storage cubicles; ~~to be located at the project office~~
20 ~~for the use of clients; however, if provided~~ access lanes and roads to the
21 storage area are twenty feet or greater in width, to allow vehicles to unload
22 and pass, no additional parking for the storage cubicles is required. ~~If access~~
23 ~~lanes and roads are less than twenty feet in width, parking at a rate of one~~

1 ~~space per ten storage cubicles shall be provided equally throughout the storage~~
2 ~~area.~~

3 (f) ~~Doctors' and dentists' offices: One space/225 sq. ft. of floor area. Two-family or~~
4 ~~attached single-family dwellings, approved as part of a Special Permit for a Community Unit~~
5 ~~Plan pursuant to Chapter 27.65 Community Unit Plan, a development plan for a planned unit~~
6 ~~development pursuant to Chapter 27.60 Planned Unit Development District, or a use permit~~
7 ~~pursuant to Chapter 27.64 Use Permits on lots having a width of less than 35 feet and where~~
8 ~~garages take direct access from a public street or private roadway are required to provide 1 off-~~
9 ~~premises guest parking stall per 2 dwelling units. On-street parking may be counted if there is at~~
10 ~~least 22 contiguous feet of uninterrupted curb space abutting each lot along the face of curb from~~
11 ~~the edge of the curb return to the lot line.~~

12 (g) Drive-in restaurants: One space/40 sq. ft. of floor area.

13 (h) Bowling alleys: 4 spaces/lane (plus required parking for affiliated uses.)

14 (i) Auditoriums, theaters, grandstands, stadia, amphitheaters, and other places of public
15 assembly: One space/50 sq. ft. of seating area plus parking for affiliated uses within 300 ft. of the
16 main use.

17 (j) Recreational uses:

18 (1) Racquetball and other court games: Four spaces/court (plus required spaces
19 for affiliated uses);

20 (2) Swimming pools: One space/100 sq. ft. of water surface (plus parking for
21 affiliated uses) as determined by the city;

22 (3) Golf courses: Two spaces/hole of course, plus parking for affiliated uses.

23 (k) Hospitals: One space/2.5 beds, plus one space/employee on the largest shift.

1 | (l) ~~Churches~~Places of religious assembly, chapels, public schools, private schools
2 | having a curriculum equivalent to a public elementary or public high school, and private business
3 | or commercial schools: One space/50 sq. ft. in largest assembly hall as determined by the City.

4 | (m) Academies, such as gymnastic, karate, judo, dance, or music academies: One space
5 | for every three students allowed per class session plus one space for every employee. In those
6 | instances where two sessions of classes occur one after another, without at least one-half hour
7 | separation between sessions, the maximum number of students allowed at both sessions shall be
8 | combined in determining the amount of required parking per class session.

9 | (n) Housing for the physically handicapped: (see also Section 27.63.215) One space/
10 | dwelling unit.

11 | (o) Domestic shelters: One space for every four residents ~~based on the maximum~~
12 | ~~occupancy allowed by the lot area~~ and two spaces for every three employees on the largest shift.

13 | (p) Salvage yard: Six spaces, two spaces/acre of lot area or one space/1,000 square feet
14 | of floor area, whichever is greater.

15 | (q) Dwellings for members of a religious order: one space for every three residents.

16 | (r) Warehouses:

17 | (1) Warehouses with a floor area of 50,000 square feet or less: one space per
18 | every 1,000 square feet of floor area or a minimum of one space per employee
19 | on the largest shift. The floor area shall be calculated based on the total floor
20 | area of all structures on the lot.

21 | (2) Warehouses with a floor area of more than 50,000 square feet: one space per
22 | every 1,000 square feet of floor area for the first 50,000 square feet of floor
23 | area and one additional space per 2,000 square feet of floor area in excess of

1 50,000 square feet, or a minimum of one space per employee on the largest
2 shift. The floor area shall be calculated based on the total floor area of all
3 structures on the lot.

4 (3) If the number of spaces required by the building ratio is greater than required
5 by the employee ratio in (1) or (2) above, the additional parking spaces need
6 not be provided physically, but sufficient areas shall be reserved for to
7 accommodate construction of the additional spaces. If the Building Official
8 finds at any time that the character of the use of the warehouse is such as to
9 require the full provision of parking facilities to be constructed, the Building
10 Official shall report this fact to the City Council which may, after holding a
11 hearing of which the owner shall be notified, require such additional parking
12 to be installed.

13 (s) Hotels and motels: one space per room and one space per 100 square feet of
14 accessory uses.

15 (t) Restaurants and Social Halls: one space per 100 square feet; one space per 200
16 square feet for restaurants located in the B-1 and B-3 zoning districts.

17 (u) Dwellings for caretakers employed and residing on the premises: one space per
18 dwelling unit.

19 (v) Early childhood care facilities: One space/ employee on the largest shift, plus off-
20 street loading/unloading area for one automobile per ten care receivers. Joint parking with
21 another use is acceptable if the early childhood care facility and the other use have
22 nonconcurrent parking demands.

1 (w) Residential Healthcare Facilities: One space for every four residents and two spaces
2 for every three employees on the largest shift.

3 (x) Sale of alcoholic beverages for consumption on the premises: One space per 100
4 square feet of floor area.

5 (y) Greenhouses and garden centers located in the AG or AGR zoning districts: For
6 greenhouses, one parking space shall be provided for each employee on the maximum shift.
7 Parking for greenhouses and garden centers in the AG zoning district may be provided on
8 unpaved areas, except for ADA accessible stalls.

9 (z) Heritage Centers and Agricultural Attractions located in the AG zoning district:
10 One space shall be provided for every 200 square feet of floor area devoted to permanent retail
11 and service use. In addition, an overflow parking area shall be provided with three stalls for
12 every acre included within the special permit area. Parking may be provided on unpaved areas,
13 except for ADA accessible stalls.

14 (aa) Community Halls, Farm Wineries, and Market Gardens located in the AG and AGR
15 zoning districts: There shall be adequate parking for vehicles compatible with the number of
16 people using the facility.

17 (bb) Off-street Freight Loading Requirements. At the time of construction, alteration, or
18 enlargement of any commercial or industrial building having a floor area of 10,000 square feet or
19 more, and containing a use or uses which requires off-street freight loading, off-street freight
20 loading areas shall be provided on the premises to serve the use and maintained as follows:

- 21 (1) Six hundred square feet for the first 10,000 square feet of floor area;
- 22 (2) An additional 600 square feet for each additional 20,000 square feet of floor
23 area.

1 (cc) Joint Parking. Uses that have nonconcurrent parking demand may join their parking
2 facilities so as to reduce aggregate parking requirements as follows:

3 (1) B-5 District. The uses shall be located in the B-5 District and may include
4 adjacent ~~churches~~places of religious assembly or chapels located outside the
5 B-5 District. Uses that have nonconcurrent parking demand may join their
6 parking facilities; however, the use having the largest floor area shall provide
7 ~~14.5 parking spaces~~ for every ~~300~~1,000 square feet of floor area, ~~and all other~~
8 ~~uses included in the joint parking arrangement shall provide two parking~~
9 ~~spaces per 1,000 square feet of their floor area;~~ provided, however, that the
10 number of additional spaces that would be required in the absence of this
11 paragraph need not be provided physically, but sufficient land shall be
12 reserved in the event that future uses may not have nonconcurrent parking
13 demand. For the purpose of determining the adequacy of the joint parking
14 arrangement, all such joint parking use shall be authorized by a written
15 agreement between the city and all parties to such use.

16 (2) O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4 Zoning Districts. The uses shall
17 be located in the following zoning districts: O-3, B-1, B-2, B-3, B-4, H-2, H-
18 3, and H-4, and may include uses in adjacent O-2 districts and adjacent
19 ~~churches~~places of religious assembly and chapels outside the above districts.
20 The aggregate parking requirement shall be computed on the basis of
21 providing the parking required for that use or those uses having concurrent
22 parking demand that have the largest parking demands as determined by the
23 parking matrix (Section 27.67.020) and any additional conditions in this

1 chapter; provided, however, that the number of additional spaces that would
2 be required in the absence of this paragraph need not be provided physically,
3 but sufficient land shall be reserved in the event that future uses may not have
4 nonconcurrent parking demand. For the purpose of determining the adequacy
5 of the joint parking arrangement, all such joint parking use shall be authorized
6 by a written agreement between the city and all parties to such use.

7 (3) O-1 District. The uses shall be located in the O-1 District and may include
8 adjacent ~~churches~~places of religious assembly or chapels located outside the
9 O-1 District. Uses that have nonconcurrent parking demand may join their
10 parking facilities. The aggregate parking requirement shall be computed on
11 the basis of providing the parking required for that use or those uses having
12 concurrent parking demands that have the largest parking demands as
13 determined by the parking matrix and any additional conditions in this
14 chapter; provided, however, that the number of additional spaces that would
15 be required in the absence of this paragraph need not be provided physically,
16 but sufficient land shall be reserved in the event the future uses may not have
17 nonconcurrent parking demand. For the purpose of determining the adequacy
18 of the joint parking arrangement, all such joint parking use shall be authorized
19 by a written agreement between the city and all parties to such use.

20 (dd) Data Center: Two (2) spaces per three (3) employees on largest shift, plus land
21 shall be reserved to provide required parking for office uses in the underlying zoning districts in
22 the event the Data Center is changed to another office use.

1 (ee) Urban Gardens greater than two acres in size shall provide three off-street parking
2 stalls per every acre or part thereof over two acres.

3 (ff) Joint parking is a permitted use in the O-3, R-T, B-2, B-5 and I-3 zoning districts
4 under the following conditions:

5 (1) The joint use of parking lots and garages shall be authorized by a cross access
6 easement or by other written agreement between the parties to such joint
7 parking (“Joint Use Agreement”).

8 (2) The minimum aggregate number of parking stalls provided under the Joint
9 Use Agreement shall be equal to the sum of the required parking for each use.

10 (3) The Joint Use Agreement shall be submitted to and approved by the City Law
11 Department.

12 (4) The Joint Use Agreement shall be filed of record with the Register of Deeds
13 for Lancaster County, Nebraska and indexed against the affected properties.

14 (gg) Dwellings for Nonrelated Persons, for four to six persons living as a single
15 housekeeping unit permitted under a community unit plan: One space per resident.

16 (hh) Parking for accessory buildings for retail sales, such as lumber storage areas, is
17 not required to be provided, when they are not fully enclosed or are left open during business
18 hours.

19 Section 27. That Figure 27.67.020 of the Lincoln Municipal Code be amended to
20 read as follows:

[see figure on next page]

**Figure 27.67.020
PARKING MATRIX**

Parking Spaces Required

	Dwellings				Office/Retail/Commercial Uses							Industrial Uses
	0.5 per dwelling unit	1 per dwelling unit	1.75 per dwelling unit	2 per dwelling unit	1 per 1,200 sq. ft.	2 per 3 persons on max. shift or 1 per 1,000 sq. ft. *	1 per 600 sq. ft.	1 per 500 sq. ft.	1 per 300 sq. ft.	4.5 per 1,000 sq. ft.	1 per 150 sq. ft.	2 per 3 persons on maximum shift or 1 per 1,000 sq. ft. *
AG	AG District: None except uses with special parking requirements listed under Section 27.67.040 of the Lincoln Municipal Code.											
AGR				•								
R-1				•								
R-2				•								
R-3				•								
R-4				•								
R-5			•									
R-6			•									
R-7		•										
R-8		•						•				
R-T		•							•			
O-1	•				within 900'							
O-2		•							•			
O-3				•					•			
B-1		•							within 300'			
B-2		•							within 300'			
B-3		within 300'					within 300'					
B-4	B-4 District: Refer to special parking requirements under Section 27.67.050 of the Lincoln Municipal Code											
B-5				•					•	•		
H-1											•	
H-2									within 300'			
H-3									within 300'			
H-4									•			
I-1						within 300'						within 300'
I-2						within 300'						within 300'
I-3									•			•

* If the number of spaces required by the building ratio is greater than required by the employee ratio, an additional parking area shall be reserved to accommodate the construction of the additional spaces.
Refer to Figure 27.67.040 of the Lincoln Municipal Code for a list of uses with special parking requirements.
Refer to Section 27.67.040 of the Lincoln Municipal Code for uses with special parking requirements.
Refer to Section 27.67.066 of the Lincoln Municipal Code for uses in the H-3 district with special parking requirements.
Any parking requirement resulting in a partial parking space shall be rounded up to the next whole number as per Section 27.67.030(e) of the Lincoln Municipal Code.

1 Dwellings for caretakers employed and residing on premises.....27.67.040(u)

2 Early childhood care facilities27.67.040(v)

3 Elderly housing27.67.040(d)

4 Farm wineries..... 27.67.040(aa)

5 Fraternities 27.67.040(a)

6 Grandstands.....27.67.040(i)

7 Greenhouses (located in the AG or AGR zoning districts).....27.67.040(x)

8 Group homes27.67.040(b)

9 Golf courses27.67.040(j)

10 | Guest parking for small lot two-family and single family dwellings27.67.040(f)

11 Healthcare residential.....27.67.040(w)

12 Heritage centers (located in the AG zoning district)27.67.040(z)

13 Hospitals27.67.040(k)

14 Hotels 27.67.040(s)

15 Housing for the physically handicapped.....27.67.040(n)

16 Joint parking.....27.67.040(cc)(ff)

17 Market Garden 27.67.040(aa)

18 Mini-warehouses..... 27.67.040(e)

19 Motels 27.67.040(s)

20 Off-street freight loading requirements27.67.040(bb)

21 Places of public assembly27.67.040(i)

22 | Places of religious assembly27.67.040(l)

23 Private business or commercial schools27.67.040(l)

1 Private schools having a curriculum equivalent to a public school27.67.040(l)

2 Public schools27.67.040(l)

3 Recreational uses27.67.040(k)

4 Restaurants (also see Drive-in restaurants).....27.67.040(t)

5 Retirement housing27.67.040(d)

6 Salvage yards27.67.040(p)

7 Sale of alcoholic beverages for consumption on the premises27.67.040(x)

8 Social halls27.67.040(t)

9 Sororities.....27.67.040(a)

10 Stadia.....27.67.040(i)

11 Swimming pools27.67.040(j)

12 Theaters.....27.67.040(i)

13 Warehouses27.67.040(r)

14 Urban gardens27.67.040(ee)

15 Section 29. That Section 27.69.035 of the Lincoln Municipal Code be amended
 16 to read as follows:

17 **27.69.035 Off-Premises Signs.**

18 (a) Administrative Permits. Off-premises signs are permitted in the B-1, B-3, B-4, H-1,
 19 H-2, H-3, H-4, and I-1 zoning districts by administrative permit issued by the Director of
 20 Building and Safety. The administrative permits shall automatically expire ten years from their
 21 date of issuance. The permittee may make application for renewal of the administrative permit.

22 (1) Applications for administrative permits and renewals thereof shall include:

1 (i) The legal description of the land upon which an off-premises sign is to
2 be located.

3 (ii) A copy of a signed lease or other verification that the applicant has
4 permission of the owner of the land upon which the off-premises sign shall be located to locate
5 the off-premises sign thereon.

6 (iii) The area of the proposed off-premises sign.

7 (iv) The description and location of a nonconforming off-premises sign or
8 signs to be removed as required by subsection (e) below or which was removed after January 10,
9 2000 and registered with the Department of Building and Safety and not previously used to
10 satisfy the requirement of subsection (3) below. The above provisions are not required to be met
11 for renewal of an administrative permit. For the purpose of this section, a nonconforming off-
12 premises sign shall mean any off-premises sign which was lawfully installed on the January 10,
13 2000 effective date of Ordinance No. 17585 and for which an administrative permit has not been
14 issued.

15 (2) The administrative permit and any renewals thereof shall be issued under the
16 following conditions:

17 (i) The off-premises sign shall be subject to the provisions of this section,
18 notwithstanding any other applicable regulation of the zoning district in which the off-premises
19 sign is located.

20 (ii) The nonconforming off-premises sign or signs identified in the
21 application for removal shall be removed prior to application for the permit or within 30 days of
22 the date of the issuance of the permit.

1 (iii) The off-premises sign shall be removed within 30 days following the
2 expiration of the permit.

3 (b) Siting Limitations.

4 (1) The minimum distance between an off-premises sign and an existing off-
5 premises sign or nonconforming off-premises sign shall be 600 feet measured in all directions
6 regardless of the zoning jurisdiction in which the existing off-premises sign or nonconforming
7 off-premises sign is located.

8 (2) The minimum distance between any two off-premises electronic changeable
9 copy signs shall be 5,000 feet measured in all directions regardless of the zoning jurisdiction in
10 which the existing off-premises electronic changeable copy sign is located.

11 (3) The minimum distance between an off-premises sign and a public elementary
12 or public high school, private school having a curriculum equivalent to a public elementary or
13 public high school, college or university, park, or cemetery shall be 600 feet measured in all
14 directions regardless of the zoning jurisdiction in which the public elementary or high school,
15 private school having a curriculum equivalent to a public elementary or public high school,
16 university, park, or cemetery is located.

17 (4) No off-premises sign shall be permitted in the areas designated as District A,
18 District B, or District C of the Capitol View Corridor Overlay District.

19 (5) No off-premises sign shall be permitted within the B-4 zoning district area
20 bounded by 10th Street, 14th Street, N Street, and P Street, or within the B-4 zoning district area
21 west of 9th Street or in the area beginning 150 feet east of 17th Street continuing to the eastern
22 boundary of the district.

1 (6) Within one-fourth mile on either side of the corporate limits of the City, the
2 minimum distance between an off-premises sign and any of the below listed entrance corridors to
3 the City shall be 800 feet measured in all directions.

- 4 (i) Interstate 80 and 180;
- 5 (ii) Homestead Expressway (U.S. Highway 77) and Rosa Parks Way;
- 6 (iii) L55X (defined as the north line of Interstate 80 to the north line of
7 Cornhusker Highway);
- 8 (iv) Nebraska Highway 2;
- 9 (v) U.S. 6;
- 10 (vi) Cornhusker Highway;
- 11 (vii) North 27th Street;
- 12 (viii) "O" Street.

13 (7) Off-premises signs shall be located a minimum of 150 feet ~~or one-half of the~~
14 ~~depth of the zoning district in which the off-premises sign shall be located, whichever is greater,~~
15 measured in all directions from all residential zoning districts.

16 (8) No off-premises signs shall be located within 600 feet measured in all
17 directions from a sensitivity zone. For the purpose of this section, a sensitivity zone shall mean
18 an historic district, historic landmark, and Capitol environs.

19 (9) No off-premises signs shall be located within 660 feet of Interstate 80 and
20 180.

21 Notwithstanding the above (b)(1) through (b)(9) siting limitations, the Director of
22 Building and Safety may approve an administrative permit for the face of the sign to be changed

1 to an electronic changeable copy sign of equal or lesser face area provided that the sign is located
2 at least 150 feet from and does not face a residential district, cemetery or park.

3 (c) Lighting. Illumination of off-premises signs shall not be allowed from midnight to
4 5:00 a.m., except for government initiated emergency information announcements. If off-
5 premises signs are illuminated by reflected lighting, the lighting shall be provided by
6 downlighting methods, until such time as sign illumination standards are adopted by resolution
7 of the City Council and thereafter it shall in accordance with design standards. The lighting shall
8 be controlled by an automatic timing device.

9 (d) Abandoned Signs. In addition to all other applicable regulations, off-premises sign
10 structures and existing nonconforming off-premises sign structures which contain no sign copy
11 on all faces for a continuous period of six months shall be considered an abandoned sign and
12 shall be removed. This removal shall take place within ten days of the date of the abandonment.

13 (e) Removal of Existing Nonconforming Off-Premises Signs. For each new off-
14 premises sign of a given total face area (rather than area of sign) to be erected within the zoning
15 jurisdiction of the City in conformance with this section, an existing nonconforming off-premises
16 sign or signs encompassing equal or greater total face area to the new off-premises sign shall be
17 removed. In the alternative a nonconforming off-premises sign or signs removed after January
18 10, 2000 and registered with the Director of Building and Safety encompassing equal or greater
19 face area to the new off-premises sign may be removed from the from the Director of Building
20 and Safety registration and used in whole or part to satisfy this requirement. Notwithstanding the
21 foregoing, for each new off-premises electronic changeable copy sign of a given sign area (rather
22 than face area) to be erected within the zoning jurisdiction of the City in conformance with this
23 section, three existing nonconforming signs each encompassing equal or greater sign area to the

1 new off-premises electronic changeable copy sign shall be removed. In the alternative, three
2 nonconforming off-premises signs removed after January 10, 2000 and registered with the
3 Director of Building and Safety, each encompassing equal or greater sign area value to the new
4 off-premises sign, may be removed from the Director of Building and Safety registration and
5 used in whole or part to satisfy this requirement.

6 (f) Notwithstanding (e) above, upon request of the applicant, the City Council may,
7 after report and recommendation of the Planning Commission, grant the applicant a bonus of one
8 additional off-premises sign of equal square footage to the nonconforming off-premises sign to
9 be removed upon a finding that the nonconforming off-premises sign to be removed is located is
10 in an area of special aesthetic value to the community and that removal of the nonconforming
11 off-premises sign in question is a special desire of the community.

12 Section 30. That Section 27.72.080 of the Lincoln Municipal Code be amended
13 to read as follows:

14 **27.72.080 Exceptions to the Front Yard Requirements.**

15 (a) In the R-3, R-5, R-6, and R-7 where corner lots are separated by a common rear lot line, the
16 minimum required front yard shall be ten feet on the side along the street adjacent to both
17 corner lots.

18 (b) In any commercial district, including the R-T district, where the district boundary line is
19 located on the same block face as an adjoining residential district, the front yard setback of
20 the adjacent residential district shall apply on said block face to the abutting lot in such
21 commercial district. In the B-3 district, such front yard setback may be reduced by one
22 foot for every two feet of distance the building on the commercial lot is set back from the
23 abutting residential district over and above the side yard setback required for the

1 commercial lot, provided that for any building located within the reduced front yard
2 setback, the building facade facing the street from which the reduced front yard setback is
3 measured shall have a minimum of thirty percent (30%) transparency from three to nine
4 feet above grade. If said commercial lot is a corner lot, the thirty percent (30%)
5 transparency requirement shall also apply to the building facade not located on the same
6 block face as the residential district unless the building is set back at least 30 feet from the
7 street.

8 (c) In the AG and AGR zoning districts, the sum of (1) the distance from the centerline of
9 abutting road to the property line, plus (2) the required front yard need not exceed 80 feet.
10 The required front yard may be reduced, where necessary, to reach this total.

11 (d) In the I-1 zoning district, lots developed with buildings on the effective date of this title, the
12 front yard shall be none except where the frontage on one side of a street between two
13 intersecting streets is located partly in the I-1 zoning district and partly in a district that
14 requires a front yard, in which case the front yard requirements of the adjacent district shall
15 apply to the I-1 zoning district from the place where it abuts the other district to the next
16 intersecting street, or for 300 feet, whichever is less.

17 ~~(e) The front yards located within the same zoning district may be adjusted in the hereinafter-~~
18 ~~stated circumstances. This section shall not apply to the R-3, O-3, B-2, B-5, H-4, and I-3~~
19 ~~zoning districts.~~

20 ~~(1) Where any forty percent (40%) or more of the frontage in the same zoning district is~~
21 ~~developed with two or more main buildings that have (with a variation of five feet or~~
22 ~~less) a front yard greater in depth than herein required, new buildings shall not be~~

1 | ~~erected closer to the street than the greater of the front yards established by the~~
2 | ~~existing main building nearest the street line.~~

3 | ~~(e2)~~ In all zoning districts except the R-1, O-3, B-2, B-5, H-4, and I-3 districts, ~~W~~where any
4 | forty percent (40%) or more of the frontage in the same zoning district is developed with
5 | two or more buildings that have a front yard of less depth than herein required, then:

6 | (1i) Where a building is to be erected on a parcel of land that is within 100 feet of
7 | existing main buildings on both sides, the minimum front yard shall be a line
8 | drawn between the two closest front corners of the adjacent main building on each
9 | side; or

10 | (2ii) Where a building is to be erected on a parcel of land that is within 100 feet of an
11 | existing main building on one side only, such building may be erected as close to
12 | the street as the existing adjacent main building.

13 | ~~(f) In the R-1 zoning district, where any forty percent (40%) or more of the frontage in the~~
14 | ~~same zoning district is developed with two or more main buildings that have (with a~~
15 | ~~variation of five feet or less) a front yard greater in depth than herein required, new~~
16 | ~~buildings shall not be erected closer to the street than the greater of the front yards~~
17 | ~~established by the existing main building nearest the street line.~~

18 | Section 31. That Section 27.72.190 of the Lincoln Municipal Code be amended
19 | to read as follows:

20 | **27.72.190 Minor Modifications.**

21 | The Planning Director is authorized to approve minor modifications to the rear yard
22 | setback or maximum heights of buildings provided that a request for modification is filed with
23 | the Planning Director which sets forth the specific modification requested, a statement of the

1 reasons (practical difficulties), and supporting documentation as to why the modification will not
2 adversely affect existing or reasonably anticipated future uses of land in the surrounding area.

3 Within thirty (30) days from the date of filing of the request for modification, the Planning
4 Director shall approve or deny the request and shall notify the applicant in writing of the
5 director's approval or denial. The request for minor modification shall be approved by the
6 Planning Director only upon a finding that:

- 7 (1) The premises is located in the AG, AGR, or R-1 through R-8 zoning district;
- 8 (2) The premises is used for a single- or two-family dwelling;
- 9 (3) The requested modification is for no more than five (5) feet;
- 10 (4) The modification will have no significant adverse impact on existing or
11 reasonably anticipated future uses in the surrounding area;
- 12 (5) The modification shall keep with the intent and spirit of the Zoning Code; and
- 13 (6) The modification is needed to address practical difficulties encountered by the
14 applicant. For the purpose of this section, practical difficulty shall mean a
15 difficulty which cannot be alleviated by an amendment to an existing special
16 permit, use permit, or Planned Unit Development; compliance with the setback
17 requirement is unnecessarily burdensome; and which amounts to more than a
18 mere inconvenience in the reasonable use of the premises for a single- or two-
19 family dwelling.

20 Any council member, the Mayor, or any aggrieved person may appeal any approval or
21 denial of the request for modification by the Planning Director in accordance with Section
22 27.81.021.

1 Section 32. That Section 27.81.030 of the Lincoln Municipal Code be amended
2 to read as follows:

3 **27.81.030 Purpose of Catch-heads, Introductory Statements, and Illustrations.**

4 The catch-heads appearing in connection with the sections of this title are inserted simply
5 for convenience to serve the purpose of an index. The introductory statements found at the
6 beginning of each zoning district are to serve as general references only. ~~The illustrative~~
7 ~~examples of zoning terms found at the end of Chapter 27.03 and at the end of Section 27.71.190~~
8 ~~are inserted simply for convenience and clarification.~~ The catch-heads; and introductory
9 statements; ~~and illustrative examples of zoning terms~~ shall be wholly disregarded by any person,
10 officer, court, or other tribunal in construing the terms and provisions of this title.

11 Section 33. That Section 27.06.020 of the Lincoln Municipal Code be amended
12 to read as follows:

13 **27.06.020 Classification of Use Types.**

14 (a) Considerations.

15 (1) Main uses of a building or premises (sometimes referred to in this Title as “use
16 types”) are assigned to the Use Group whose description most closely describes the nature of the
17 main use. The main use may have one or more accessory uses. The use of a building or premises
18 for more than one main use is addressed in subsection (b) below. Accessory uses are addressed
19 in subsection (c) below.

20 (2) The Building Official shall prepare and maintain an up-to-date list of common uses
21 included within each use group (“List of Use Group Types”). When any proposed use is not
22 listed on the List of Use Group Types, the Building Official shall make a determination as to
23 what Use Group the proposed use will be assigned to. If a building or premises is used for two

1 or more main uses, each use shall be classified in the Use Group whose description most closely
2 portrays the nature of such uses. The Building Official’s classification of a use is subject to the
3 right of appeal to the Board of Zoning Appeals pursuant to Section 27.75.030. The following
4 items shall be considered when determining what Use Group a main use is classified in, and
5 whether the activities associated with the main use constitute an accessory use:

6 (i) The description of the activity in relationship to the characteristics of each
7 use group;

8 (ii) The relative amount of site or floor space and equipment devoted to the
9 activity;

10 (iii) Relative amounts of sales from each activity;

11 (iv) The customer type for each activity;

12 (v) The relative number of employees in each activity;

13 (vi) Hours of operation;

14 (vii) Building and site arrangement;

15 (viii) Vehicles and/or machinery used with the activity;

16 (ix) The relative number of vehicle trips generated by the activity;

17 (x) Whether the activity would be likely to be found independent of the other
18 activities on the site.

19 (xi) Off-site impacts

20 (b) More Than One Main Use.

21 (1) When a building or premises has more than one main use, each main use shall
22 comply with the regulations of the zoning district in which the use is located.

1 (2) More Than One Main Building or Use on a Lot or Tract in R-5, R-6, R-7, R-8, O-
2 1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 District. A lot or
3 tract located in the R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2,
4 H-3, H-4, I-1, I-2, or I-3 district may have more than one main building or use, but only when
5 such buildings or uses conform to all open space requirements for the district in which the lot or
6 tract is located. The exception is that no more than two single-family dwellings may be on a lot
7 or tract. In addition, in the R-5, R-6, R-7, and R-8 districts, the lot or tract must meet the
8 minimum lot requirements and conditions in said district for each main building or use.

9 (3) Two or More Buildings for Two-family Dwellings, Multiple-family, or
10 Institutional Purposes. In the event that a lot or tract located in the R-1 through R-4 zoning
11 district is to be occupied under a special permit or planned unit development by a group of two
12 or more buildings to be used as a unit for any combination of two-family dwellings, multiple-
13 family dwelling, or institutional purposes, there may be more than one main building on the lot;
14 provided, however, that the open space between buildings shall have a minimum dimension of
15 twenty feet, unless modified by the approval of a special permit or planned unit development. In
16 addition, the lot or tract must meet the height and area regulations in said district for each main
17 building or use except yards, average lot width, and height may be modified by of approval for
18 such use under the special permit or planned unit development.

19 (4) Multiple Dwelling Considered as One Building. For the purpose of the side yard
20 regulations, a two-family dwelling or a multiple dwelling shall be considered as one building
21 occupying one lot.

22 (c) Accessory Uses.

1 (1) Accessory uses permitted in each district are accessory buildings and uses
2 customarily incident to any of the permitted uses, permitted conditional uses, or permitted
3 special uses in the district unless stated otherwise in the regulations.

4 (2) Construction and Use of Accessory Buildings. No accessory buildings shall be
5 constructed upon a lot until the construction of the main building has been commenced, and no
6 accessory buildings shall be used for dwelling purposes, except that in the AG, AGR, and R-1
7 zoning districts, an accessory building may be used for dwelling purposes by not more than two
8 domestic employees employed entirely on the premises if a special permit for such use has been
9 obtained in conformance with the requirements of Chapter 27.63.

10 (3) Unless otherwise stated, accessory uses are subject to all applicable regulations of
11 the main use.

12 (4) Production, manufacture, distribution, and storage of toxic, radioactive,
13 flammable, or explosive materials, including chemicals and gases, fireworks, and explosives,
14 except fireworks, shall be allowed in connection with a permitted commercial, business, or
15 industrial purpose as incidental to the referenced permitted use without the requirement of
16 obtaining a special permit.

17 (5) Early childhood care facilities and schools are not a permitted accessory use to a
18 ~~church~~ place of religious assembly in the I-1 Industrial District.

19 (d) Occupancy of Basements and Cellars. No basement or cellar shall be occupied for
20 residential purposes until the remainder of the building has been substantially completed.

21 Section 34. That Section 27.06.100 of the Lincoln Municipal Code be amended
22 to read as follows:

23 **27.06.100 Civic Services Use Group.**

1 Characteristics: The Civic Services Group is characterized by uses which provide
 2 services that enhance the health, safety and welfare of the community. Such uses often serve and
 3 are complimentary to neighborhoods. They also provide for assemblies of members, guests,
 4 and/or the general public for social, cultural, charitable, religious and civic purposes. Such uses
 5 include but are not limited to adult care centers, clubs, cemeteries and mausoleums,
 6 churches places of religious assembly, museums and hospitals. Such Civic Services typically do
 7 not include people living on site as their permanent residence.

8 Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Adult day services facility				S	S	S					P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
Cemeteries and mausoleums	C	C	S	S	S	S	S	S	S	S					S	S	S	P		S	S	S	S	P	P	P
<u>Churches Place of Religious Assembly</u>	P	P	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P		P	P	S	C	C	C
Clubs/ Lodges	S	S	S	S	S	S	S	P	P	P	S	P	P	P	P	P	P	P	P		P	P	P	P	P	P
Health care facilities, Non-residential			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S		S	S	S			S
Neighborhood support services			S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
All other uses in this Use Group											P	P	P	P	P	P	P	P	P		P	P	P	P	P	P

9
 10 Section 35. That Section 27.51.060 of the Lincoln Municipal Code be amended
 11 to read as follows:

12 **27.51.060 Accessory Uses.**

13 Accessory uses permitted in the I-3 Employment Center District are accessory buildings
 14 and uses customarily incident to any of the permitted uses, permitted conditional uses, or
 15 permitted special uses in said district, except that early childhood care facilities, academies, and
 16 schools are not a permitted accessory use to a church place of religious assembly in the I-3
 17 Employment Center District. Accessory uses involving the open storage of materials or other

1 articles shall only be allowed in areas enclosed or otherwise adequately screened from public
2 view with an enclosure or screen at least six feet in height.

3 Section 36. That Section 27.62.070 of the Lincoln Municipal Code be amended
4 to read as follows:

5 **27.62.070 Civic Services Use Group.**

6 A building or premises may be used for the following use types as a permitted
7 conditional use in the designated zoning districts and in compliance with the conditions of
8 approval applicable for that use type.

9 (a) Cemeteries, including mausoleums are allowed in the AG and AGR zoning districts
10 under the following conditions:

- 11 (1) Mausoleums shall be located at least 200 feet from every street and adjoining
12 property line;
- 13 (2) Any cemetery established after the effective date of this title shall contain a
14 minimum area of twenty acres or more.

15 (b) ~~Churches~~Places of religious assembly are allowed in the R-1 thru R-7 and I-1, I-2 and I-3
16 zoning districts under the following conditions:

- 17 (1) In the R-1 thru R-7 residential districts, the required side and rear yards shall be
18 fifteen feet or the same as the district the use is located in, whichever is greater.
- 19 (2) In I-1, I-2 and I-3 zoning districts:
 - 20 (i) The ~~church~~place of religious assembly shall develop an emergency response
21 plan to the satisfaction of the Health Department, both written and drawn,
22 including a house-in-place scenario and an off-site evacuation. The Health
23 Department may provide technical assistance in this matter.

1 | (ii) The ~~ehureh~~place of religious assembly shall, within 48 hours of becoming
2 | aware that quantities of hazardous materials requiring a permit under Section
3 | 19.03.100 of the Lincoln Municipal Code are being stored, transported,
4 | dispensed, used, or handled on property within 300 feet of the building area
5 | being used for the ~~ehureh~~place of religious assembly, notify the Health
6 | Department of such condition. Following such notification, the ~~ehureh~~place of
7 | religious assembly shall, in cooperation and consultation with the Health
8 | Department, attempt to work with the owner of property upon which such
9 | hazardous materials are being stored, transported, dispensed, used or handled
10 | to arrive at a means to assure the health, safety, and welfare of persons using
11 | the ~~ehureh's~~place of religious assembly's property. The ~~ehureh~~place of
12 | religious assembly shall further cooperate with the Health Department in
13 | determining measures which may be taken on the ~~ehureh's~~place of religious
14 | assembly's property to protect the health safety, and welfare of persons using
15 | the ~~ehureh's~~place of religious assembly's property, including, but not limited
16 | to, establishment of training programs for employees to assure detection of
17 | hazardous materials and evacuation of the premises, installation of filtration
18 | systems in the HVAC system of the building, or other precautionary
19 | measures.

20 | (iii) The electrical breaker switch of the ~~ehureh's~~place of religious assembly
21 | heating, ventilation and air conditioning (HVAC) system shall be clearly
22 | marked and readily accessible at all times to the ~~ehureh's~~place of religious
23 | assembly's staff or the ~~ehureh~~place of religious assembly shall equip the

1 building with not more than two emergency shut-off switches so the HVAC
2 system can be immediately shut down in the case of a hazardous chemical
3 spill in the area to the satisfaction of the Health Department. The shut-off
4 switch shall be located so that it is easily accessible at all times to the
5 ~~church's~~place of religious assembly's staff. The ~~church's~~place of religious
6 assembly's staff shall be trained on how to locate and operate the electrical
7 breaker switch or the emergency shut-off switch.

8 Section 37. That Section 27.62.110 of the Lincoln Municipal Code be amended
9 to read as follows:

10 **27.62.110 Food and Drink Establishments Use Group**

11 A building or premises may be used for the following use types as a permitted
12 conditional use in the designated zoning districts and in compliance with the conditions of
13 approval applicable for that use type.

14 (a) Restaurants are allowed in the O-1 zoning district under the following conditions:

15 (1) Such use shall be located entirely within a building containing office or residential
16 uses.

17 (2) Such use shall not exceed twenty percent of the total square feet of floor area in such
18 building.

19 (b) Sale of alcoholic beverages for consumption on the premises is allowed in the B-2 and B-
20 5 zoning districts under the following conditions:

21 (1) Parking shall be in conformance with the provisions of Chapter 27.67, provided that
22 in the B-5 zoning district no parking spaces shall be located in that portion of any

1 required side yard or rear yard of the building containing the licensed premises that
2 abuts a residential district.

3 (2) Any exterior door opening must meet the following conditions:

4 (i) Be located at least 100 feet (as measured by the shortest, most direct distance)
5 from a day care facility, ~~ehureh~~place of religious assembly, state mental health
6 institution, park (excluding golf courses and hiker/biker trails), or a residential
7 district; provided that, if there is an intervening exterior wall of the building
8 containing the licensed premises between the exterior door opening and such
9 day care facility, ~~ehureh~~place of religious assembly, state mental health
10 institution, park (excluding golf courses and hiker/biker trails), then the 100
11 feet shall be measured from the exterior door opening, along the exterior base
12 of the building wall(s) to the point where there is no intervening exterior
13 building wall, and from that point the shortest, most direct distance to the day
14 care facility, ~~ehureh~~place of religious assembly, state mental health institution,
15 park (excluding golf courses and hiker/biker trails), or residential district.

16 (ii) If the exterior door opening faces a residential district, then such opening shall
17 be at least 150 feet from a residential district as measured by the shortest,
18 most direct perpendicular distance. The exterior door shall not be kept or
19 propped open during the hours of operation. For purposes of this section,
20 “exterior door opening” shall mean (A) that portion of the exterior wall face
21 of the building containing the licensed premises that contains a break to
22 accommodate the exterior building door, door frame, door vestibule, or door
23 entryway area; and (B) provides public or membership access to the licenses

1 premises. "Exterior door opening" shall not apply to openings for emergency
2 exit doors required by building or safety codes, loading doors or unloading
3 doors that are not available for public or membership access in the ordinary
4 course of business.

5 (3) Vehicle stacking for a drive-through window used as any part of the permitted
6 business operation shall not be located in any required building setback from a
7 residential district.

8 (4) The use shall not have any amplified outside sound or noise source, including bells,
9 buzzers, pagers, microphones, or speakers within 150 feet of any residential district.
10 This shall not apply to sound sources audible only to the individual to whom they are
11 directed, such as personal pagers, beepers, or telephones.

12 (5) Notwithstanding any contrary provision contained in Section 27.64.010(h), the yard
13 requirements, the parking location requirements, and the exterior door opening
14 location requirements in this section shall not be adjusted by the City Council.

15 (6) In addition, in the B-2 zoning district, all exterior door openings of the licensed
16 premises shall be located more than 100 feet away from any parking spaces located
17 in a side or rear yard adjacent to a residential district. For the purpose of this
18 measurement, the side yard shall be 50 feet. In addition, if there is an intervening
19 exterior wall of the building containing the licensed premises between the exterior
20 door opening and such residential district, then the 100 feet shall be measured from
21 the exterior door opening, along the exterior base of the building wall(s) to the point
22 where there is no intervening exterior building wall, and from that point the shortest,

1 most direct distance to any parking spaces located in a side or rear yard adjacent to
2 the residential district.

3 (7) In addition, in the B-5 zoning district when the building containing the licensed
4 premises abuts a residential district, the required yards shall be met.

5 Section 38. That Section 27.62.120 of the Lincoln Municipal Code be amended
6 to read as follows:

7 **27.62.120 Commercial Recreation and Entertainment Facilities Use Group.**

8 A building or premises may be used for the following use types as a permitted
9 conditional use in the designated zoning districts and in compliance with the conditions of
10 approval applicable for that use type.

11 (a) Social halls are allowed in the B-1, B-2, B-3, B-5, H-2, H-3 and H-4 under the following
12 conditions:

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

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

17 (i) Either be located at least 100 feet (as measured by the shortest, most direct
18 distance) from a day care facility, ~~church~~place of religious assembly, state
19 mental health institution, park (excluding golf courses and hiker/biker trails),
20 or a residential district; provided that, if there is an intervening exterior wall of
21 the building containing the social hall between the exterior door opening and
22 such day care facility, ~~church~~place of religious assembly, state mental health
23 institution, park (excluding golf courses and hiker/biker trails), then the 100

1 feet shall be measured from the exterior door opening, along the exterior base
2 of the building wall(s) to the point where there is no intervening exterior
3 building wall, and from that point the shortest, most direct distance to the day
4 care facility, ~~church~~place of religious assembly, state mental health institution,
5 park (excluding golf courses and hiker/biker trails), or residential district.

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

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

12 For purposes of this section, “exterior door opening” shall mean (a) that portion of
13 the exterior wall face of the building containing the social hall that contains a break
14 to accommodate the exterior building door, door frame, door vestibule, or door
15 entryway area; and (b) provides access to the social hall. “Exterior door opening”
16 shall not apply to openings for emergency exit doors required by building or safety
17 codes, loading doors or unloading doors that are not available for access in the
18 ordinary course of business.

19 Section 39. That Section 27.62.070 of the Lincoln Municipal Code be amended
20 to read as follows:

21 **27.62.150 Manufacturing, Processing, Storage and Distribution Use Group.**

1 A building or premises may be used for the following use types as a permitted
2 conditional use in the designated zoning districts and in compliance with the conditions of
3 approval applicable for that use type.

4 (a) Assembly facilities, including but not limited to the assembly of equipment, instruments
5 and appliances such as computers and musical instruments are allowed in the H-2 and H-
6 3 zoning districts under the following condition: All storage and display of merchandise
7 shall be screened from public view by a fence, walls, shrubs, or all such storage and
8 display shall be within the enclosure walls of a building.

9 (b) Liquefied petroleum gas and similar gas used for fuel stored above ground is allowed in
10 the I-2 and I-3 zoning districts under the following conditions:

- 11 (1) Tanks may not exceed 30,000 gallon capacity;
- 12 (2) The storage of gas shall be for use on the premises, and not for resale;
- 13 (3) All other combustible material shall be stored in such a way as to permit free access
14 of fire-fighting equipment.
- 15 (4) Open storage of any other material is allowed only in areas enclosed or otherwise
16 adequately screened from public view with an enclosure or screen at least six feet in
17 height.
- 18 (5) In the I-2 zoning district tanks shall be adequately screened from public view by a
19 fire-resistant ventilated barrier which shall be at least six feet in height;

20 (c) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable
21 liquids and chemicals are allowed in the I-2 and I-3 zoning districts under the following
22 conditions:

- 23 (1) Such use shall be adequately screened from public view;

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(2) Storage of such materials shall be for use on the premises and not for resale, except that resale of such stored material at retail only is allowed in conjunction with the operation of a fuel sales facility or similar retail outlet.

(d) Outdoor motorized vehicle storage is allowed in the H-3, H-4 and I-2 zoning districts under the following conditions:

- (1) The outdoor storage shall be screened in conformance with the requirements for screening open storage in Chapter 3.50 of the City of Lincoln Design Standards.
- (2) There shall be no dismantling, wrecking, or disassembling of any vehicles.
- (3) Vehicles may not be stacked upon each other.
- (4) Parking shall be in conformance with Section 27.67.066(a).

(e) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, warehouses are prohibited except that pre-existing warehouses in said area may remain, regardless of time unoccupied, but must cease once the building is demolished.

(f) Temporary paving plants used for the paving of federal or state highways or county roads are allowed in any zoning district during the project construction period under the following conditions:

- (1) The plant shall be located outside the city limits on premises abutting the specific construction project and having access to a paved road.
- (2) The boundaries of the property used for the plant shall be located no closer than 300

feet from an occupied dwelling or from any school, ~~church~~place of religious assembly, library, early childhood care facility, hospital, motel, or park.

- 1 (3) The operator shall require its suppliers to use paved roads or other designated truck
2 routes approved by the County Engineer for the delivery of supplies to the paving
3 plant.
- 4 (4) Paving material prepared at the plant shall not be transported to any location other
5 than the abutting project.
- 6 (5) The plant shall be removed upon substantial completion of the construction project.
- 7 (g) Temporary concrete paving plants. Temporary concrete paving plants are permitted in
8 any zoning district by administrative permit issued by the Planning Director. The
9 Planning Director shall not issue a permit or renew a permit without written approval by
10 the Director of the Lincoln- Lancaster County Health Department and the Director of the
11 Public Works and Utilities Department.
- 12 (1) Applications for an administrative permit shall include:
- 13 (i) A site plan showing the entire limits of the permit area including the plant
14 location, material storage areas, and the ingress/egress;
- 15 (ii) A dust control and suppression plan including the plant operations and haul
16 roads to and from plant to project;
- 17 (iii) A description or manufacturer's specification regarding particulate control
18 equipment;
- 19 (iv) A copy of a signed contract or other verification that the applicant is under
20 contract to supply concrete for a city arterial street paving project;
- 21 (v) A noise control plan that will allow the operation to comply with Chapter 8.24
22 of the Lincoln Municipal Code;
23

1 (vi) A copy of a signed lease or other verification that the applicant has permission
2 of the owner of the land upon which the plant shall be located to locate the
3 plant thereon.

4 (2) The administrative permit shall be issued under the following conditions:

5 (i) The plant site shall be approved by the City Engineer or if outside the city
6 limits by the County Engineer and shall be located in the general vicinity of
7 the specific arterial street paving project or projects and have access to a
8 paved road;

9 (ii) The boundaries of the property used for the plant shall be located no closer
10 than 300 feet from an occupied dwelling or from any school, ~~church~~place of
11 religious assembly, library, early childhood care facility, hospital, motel, or
12 park;

13 (iii) The permittee shall require its suppliers to use only paved roads approved by
14 the Director of Public Works or the County Engineer as the case may be, for
15 the delivery of supplies to the plant. The permittee shall further require that
16 the drivers of concrete trucks leaving the plant also use said paved roads.
17 EXCEPTION: The use of nonpaved roads may be approved on a case-by-case
18 basis by the Director of Public Works or the County Engineer;

19 (iv) The permit site shall be cleaned up and restored to its pre-permit condition
20 within thirty days following the completion of the project. Restoration
21 includes replanting of vegetation and maintenance of erosion and sediment
22 control until the site is reestablished. Any paved or unpaved road damaged by
23 the permittee's use of such road, including permittee's suppliers and concrete

1 trucks entering and/or leaving the plant, shall be repaired at permittee's cost
2 and expense;

3 (v) All concrete produced by this plant shall be used to complete the project. The
4 concrete shall not be provided for concrete work to be performed by persons
5 other than the permittee;

6 (vi) The anticipated set up and removal dates shall be identified on the application.
7 Amendments to these dates must be requested to the Planning Director in
8 writing;

9 (vii) The applicant shall submit a performance bond satisfactory to the City
10 Attorney in the minimum amount of \$5,000, or an amount determined by the
11 City to be sufficient, to guarantee performance and clean up of the permit site
12 and to pay for repairs to paved and unpaved roads damaged by permittee's use
13 of such roads.

14 (3) Permits issued pursuant to this section shall expire on the completion date of the
15 project as set forth in the permit application. The Planning Director may extend the
16 expiration date by administrative amendment upon a showing that the project
17 completion is delayed or that the permittee has contracted for another project in
18 conformance with subparagraph (a) above.

19 (h) Temporary concrete batch plants. Temporary concrete batch plants are permitted in any
20 zoning district by administrative permit issued by the Planning Director. The Planning
21 Director shall not issue a permit or renew a permit without written approval by the
22 Director of the Lincoln- Lancaster County Health Department.

23 (1) Applications for the administrative permit shall include:

- 1 (i) A site plan showing the entire limits of the permit area including the plant
2 location, material storage areas, and the ingress/egress;
- 3 (ii) A dust control and suppression plan including the plant operations and haul
4 roads to and from plant to project;
- 5 (iii) A statement indicating the typical hours of operation. The plant may operate
6 no more than fourteen hours per day, except on New Year Day, Memorial
7 Day, the 4th of July, Labor Day, Thanksgiving Day, and Christmas when the
8 operation shall not begin before noon;
- 9 (iv) A description or manufacturer's specification regarding particulate control
10 equipment;
- 11 (v) A copy of a signed contract or other verification that the applicant is under
12 contract to supply concrete for a project requiring at least 3,000 yards of
13 concrete located within the same section or one mile of the permitted plant.
14 The contract or other verification shall include the commencement and ending
15 dates of the project. The Planning Director may increase the one- mile
16 distance limit to no more than two miles if necessary to avoid routing trucks
17 through local streets or inadequate county roads, or locations near occupied
18 dwellings, schools, libraries, ~~churches~~places of religious assembly, or other
19 noise or dust sensitive uses; and
- 20 (vi) A noise control plan that will allow the operation to comply with Chapter 8.24
21 of the Lincoln Municipal Code.

1 (vii) A copy of a signed lease or other verification that the applicant has permission
2 of the owner of the land upon which the plant shall be located to locate the
3 plant thereon.

4 (2) The administrative permit shall be issued under the following conditions:

5 (i) The plant shall be located on premises in the same section or within one mile
6 of the project identified on the application or as authorized under
7 subparagraph (d)(1)(v) above;

8 (ii) The silo, batch plant, and aggregate storage shall be located no closer than 300
9 feet from an occupied dwelling or from any school, ~~church~~place of religious
10 assembly, library, early childhood care facility, hospital, motel, or park;

11 (iii) The permittee shall require its suppliers to use only paved roads approved by
12 the Director of Public Works or the County Engineer as the case may be, for
13 the delivery of supplies to the concrete batch plant. The permittee shall further
14 require that the drivers of concrete trucks leaving the plant also use said paved
15 roads. EXCEPTION: The use of nonpaved roads may be approved on a case-
16 by-case basis by the Director of Public Works or County Engineer. Additional
17 bonding may be required to pay for repairs of damage to such nonpaved
18 roads;

19 (iv) The plant shall be removed upon completion of the project identified in the
20 application; or upon construction and occupancy resulting in a violation of
21 subparagraph (d)(2)(ii) above. The permit site shall be cleaned up and restored
22 to its pre-permit condition within thirty days following the completion of the
23 project;

1 (v) All concrete produced by this plant shall be used to complete the project,
2 except that the permittee may use the concrete product for sidewalks,
3 driveways, foundations, parking lots, and other small concrete work to be
4 performed by the permittee. The concrete shall not be provided for concrete
5 work to be performed by persons other than the permittee. The amount of
6 concrete produced for small concrete work shall not exceed fifty percent of
7 that produced for the project;

8 (vi) The plant shall be recalibrated to the satisfaction of the Public Works and
9 Utilities Department prior to construction of any public improvement using
10 concrete produced by this plant;

11 (vii) The anticipated set up and removal dates shall be identified on the application.
12 Amendments to these dates must be requested to the Planning Director in
13 writing;

14 (viii) The applicant shall submit a performance bond satisfactory to the City
15 Attorney in the amount of \$5,000 to guarantee performance and clean up of
16 the permit site.

17 (3) Permits issued pursuant to this section shall expire on December 31 of the year of
18 issuance or the completion date of the project as set forth in the permit application,
19 whichever is earlier. The Planning Director may extend the expiration date by an
20 administrative amendment upon a showing that the project completion date is
21 delayed by weather or other causes beyond control of the permittee, or that the
22 permittee has contracted for another project in conformance with subparagraph (a)
23 above; provided, however, no extension of the expiration date may extend the permit

1 beyond December 31 of the year of issuance. Renewal of a previously issued permit
2 shall be by application in the same form as the original permit.

3 (4) The Planning Director may revoke the temporary permit for any one or more of the
4 following violations:

5 (i) Failure to operate the facility in accordance with the provisions of this section
6 or with the approved application;

7 (ii) A violation of any city, county, state, or federal law;

8 (iii) Denial of access to the site to determine compliance with this section;

9 (iv) Unreasonable noise or disturbance to the surrounding neighborhood;

10 (i) Appeal. The action of the Planning Director in approving, denying, refusing to renew, or
11 revoking an administrative permit for a temporary concrete paving plant or temporary
12 concrete batch plant pursuant to subsections (g) or (h) above may be appealed by any
13 council member, the Mayor, or any aggrieved person to the Planning Commission by
14 filing notice of appeal with the Planning Director within fourteen days following the
15 decision of the Planning Director. Final action by the Planning Commission may be
16 appealed to the City Council by any council member, the Mayor, or any aggrieved person
17 by filing notice of appeal with the City Clerk within fourteen days following the action
18 by the Planning Commission.

19 Section 40. That Section 27.63.170 of the Lincoln Municipal Code be amended
20 to read as follows:

21 **27.63.170 Parking Lots.**

22 (a) Parking lots may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6,
23 R-7, R-8, and O-2 zoning districts in conformance with the provisions of Chapter 27.67 and

1 under one of the following conditions:

2 (1) A. The premises upon which the parking lot is located shall not be located
3 more than 300 feet from the boundary of one of the following districts:
4 O-1, B-1, B-3, B-4, H-2, H-3, or I-1 and the following conditions shall be
5 met:

6 (i) The parking lot shall not use a local residential street for access, unless
7 access cannot be gained to the proposed parking lot from a non-
8 residential street. If access is proposed from a local residential
9 street, such access must be gained at a location that does not
10 negatively impact adjacent residential zoned property.

11 (ii) Any adjacent alley serving the parking lot shall be paved.

12 B. In addition to the above conditions, the Planning Commission, in passing
13 upon applications for special permits under subparagraph (1), shall also
14 consider the following criteria:

15 (i) There shall be no residential use located between the parking lot and the
16 commercial or industrial establishment.

17 (ii) The parking lot shall not disrupt the continuity of the block face, and the
18 character of the existing residential neighborhood shall be
19 preserved.

20 (iii) The parking lot shall be allowed only if it can function as a
21 transitional use while protecting the adjacent residential use.

22 (iv) The parking lot shall abut a commercial or industrial zoning district.

1 An adjustment to these criteria may be granted by the Planning
2 Commission upon a determination that there is a sufficient cause for such
3 an adjustment and that there will be no significant impact on adjacent
4 residential uses, or

5 (2) The land shall not be located more than 360 feet from property occupied by a
6 college, university, or ~~church~~place of religious assembly; provided that the
7 parking lots are used primarily in connection with the said college, university,
8 or ~~church~~place of religious assembly.

9 (b) Parking areas consisting of less than six parking spaces may be allowed by special
10 permit in the same zoning districts in conformance with the same provisions and under the same
11 conditions applicable to parking lots as contained in paragraph (a) of this section.

12 (c) If requested by the applicant, the City Council may adjust the location of any sign
13 permitted by section 27.69.160 and the location of parking and allow parking and drive aisles in
14 the front and side yards and may increase the minimum screening and landscaping requirements
15 consistent with adequate protection of the environment and adjacent land uses.

16 Section 41. That Section 27.63.220 of the Lincoln Municipal Code be amended
17 to read as follows:

18 **27.63.220 ~~Church~~Place of Religious Assembly Steeples, Towers, and Ornamental Spires.**
19 ~~Church~~Place of Religious Assembly steeples, towers, and ornamental spires exceeding the
20 maximum height permitted in the district may be allowed by special permit in the AG, AGR, R-
21 1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, B-3, H-2, and H-3 zoning districts.

22 Section 42. That Section 27.63.470 of the Lincoln Municipal Code be amended
23 to read as follows:

1 **27.63.470 Planned Service Commercial.**

2 Planned service commercial development may be allowed by special permit in the H-4
3 General Commercial District under the following conditions:

4 (a) The uses approved within a planned service commercial development shall be
5 limited to:

6 (1) Motor vehicle sales;

7 (2) Warehouses;

8 (3) Mini-warehouses;

9 (4) Wholesale and distribution centers not exceeding 30,000 square feet in floor
10 area per building, provided outside storage is permitted only when the storage
11 area is enclosed with a solid fence, wall, and gates eight feet in height and the
12 stored material and equipment is less than the height of the fence, wall, and
13 gates enclosing the storage area. The fence, wall, and gates shall be located
14 where buildings are permitted;

15 (5) Service centers for the repair of household appliances and lawn and garden
16 equipment, provided outdoor storage of items to be repaired are permitted only
17 when the storage area is enclosed with a solid fence, wall, and gates eight feet
18 in height and the items to be repaired are less than the height of the fence, wall,
19 and gates enclosing the storage area and no salvage or scrap processing
20 operation shall be permitted. The fence, wall, and gates shall be located where
21 buildings are permitted;

22 (6) Dwellings for caretakers employed and required to reside on the premises;

23 (7) Ambulance services;

- 1 (8) Veterinary facilities;
- 2 (9) Contractors' services, provided outdoor storage of equipment and materials
- 3 shall be permitted only when the storage area is enclosed with a solid fence,
- 4 wall, and gates eight feet in height and the stored equipment and material are
- 5 less than the height of the fence, wall, and gates enclosing the storage area.
- 6 The fence, wall, and gates shall be located where buildings are permitted;
- 7 (10) Restaurants;
- 8 (11) Motor fuel service facilities;
- 9 (12) Stores or shops for retail sales and services not exceeding 30,000 square feet in
- 10 floor area per building; provided, there is at least four and one-half square feet
- 11 of land area excluding other uses and their accessory uses within the approved
- 12 special permit area per one square foot of floor area;
- 13 (13) Food storage lockers;
- 14 (14) Clubs, provided the activities are located no less than 150 feet from an abutting
- 15 residential district;
- 16 (15) Outdoor and enclosed commercial recreational facilities; provided that outdoor
- 17 recreational facilities are no less than 150 feet from an abutting residential
- 18 district;
- 19 (16) Offices not exceeding 15,000 square feet of floor area per building; provided
- 20 that there is at least four and one-half square feet of land area excluding other
- 21 uses and their accessory uses within the approved special permit area per one
- 22 square foot of floor area;

1 (17) Early childhood care facilities, provided that such facilities shall be fenced and
2 have play areas that comply with the design standards for early childhood care
3 facilities. In addition, such facilities shall comply with all applicable state and
4 local early childhood care requirements and all applicable building and life
5 safety code requirements;

6 (18) Cabinet shops and stores; provided that the total floor area of the operation
7 does not exceed 5,000 square feet and that all materials, both raw and finished,
8 be stored inside;

9 (19) ~~Churches~~ Places of Religious Assembly;

10 (20) Motor vehicle repair, including vehicle body repair shops, provided that all
11 disabled vehicles and all new and used parts are stored inside the building only;

12 (21) Academies;

13 (22) Banks, savings and loan associations, credit unions, and finance companies;

14 (23) Broadcast towers;

15 (24) Indoor kennels;

16 (25) Outdoor exercise area associated with an indoor animal hospital or indoor
17 kennel; provided that such facilities comply with the requirements of Section
18 27.63.780.

19 (26) Motor vehicle and/or truck wash facility:

20 (i) Automatic, conveyor-operated: The length and location of vehicle
21 stacking lane or lanes for the approach side or sides and the exit side or
22 sides of the wash operation shall be in conformance with the Guidelines

1 and Regulations for Driveway Design and Location as adopted by the
2 City of Lincoln.

3 (ii) Self-service, coin-operated: The length and location of vehicle stacking
4 lane or lanes for the approach side or sides and the exit side or sides of
5 the wash operation shall be in conformance with the Guidelines and
6 Regulations for Driveway Design and Location as adopted by the City of
7 Lincoln.

8 (27) Public elementary and high schools, or private schools having a curriculum
9 equivalent to a public elementary or public high school, and having no rooms
10 regularly used for housing or sleeping purposes.

11 (28) Motels and hotels.

12 (29) Sale of alcohol for uses that meet the conditions of Sections 27.63.680 and
13 27.63.685.

14 (30) Non-residential healthcare facilities per the conditions of Section 27.63.080.

15 (b) An applicant for a special permit under the provisions of this section shall comply
16 with environmental performance standards relating to noise, emission, dust, odor, glare, and heat
17 as shall be from time to time established for those districts requiring use permits.

18 (c) Each application for a special permit under this section shall include a landscape
19 plan which shall show proposed plantings in conformance with city standards in all required yard
20 areas, open space areas, malls, parking areas, and around proposed buildings. The applicable
21 standards shall be those adopted by resolution of the City Council for those districts requiring
22 use permits.

1 (d) The City Council may increase or decrease the height and area regulations and the
2 floor area to land area ratios otherwise applicable in the H-4 General Commercial District,
3 consistent with adequate protection of the environments of adjacent land uses;

4 (e) That the land surrounding the tracts for the proposed planned service commercial
5 development will not be adversely affected;

6 (f) That upon approval of a planned service commercial development, the land proposed
7 to be included within such development shall not be developed for or devoted to any other
8 permitted use or specially permitted use of the H-4 General Commercial District, except those
9 specifically approved in the special permit authorizing the planned service commercial develop-
10 ment, unless an amendment thereto has been approved in accordance with the procedures set
11 forth for approving special permits generally.

12 Section 43. That Section 27.63.610 of the Lincoln Municipal Code be amended
13 to read as follows:

14 **27.63.610 Neighborhood Support Services.**

15 Neighborhood support services are those human, social, educational, counseling, health,
16 and other support services provided primarily for the support of persons residing in adjacent
17 residential areas, which occur frequently and so require facilities in relative proximity to places
18 of residence. Neighborhood support services may be allowed by special permit in the R-1, R-2,
19 R-3, R-4, and R-5 R-6, R-7, and R-8 zoning districts under the following conditions:

20 (a) The use shall be operated by a nonprofit religious, educational, or philanthropic
21 institution and shall be strictly restricted to administrative offices and assembly associated with
22 such neighborhood support services.

1 (b) The site upon which the use is located shall be an existing structure adjacent,
2 contiguous, or separated by an alley or street to a park, school, ~~ehureh~~place of religious
3 assembly, or neighborhood center.

4 (c) The use shall be restricted to the operation and administration of those neighborhood
5 support services designed to primarily serve the local neighborhood and adjacent areas and not
6 the entire city.

7 (d) The amount of parking required shall be equal to the amount which would otherwise
8 be required for the use as set forth in Chapter 27.67 which is most analogous to the use proposed
9 in connection with such neighborhood support services as determined by the Planning Director.
10 All required parking shall be located on the lot unless otherwise specifically approved by the
11 City Council, but in no event shall required parking be located more than 300 feet from the lot
12 upon which the use is located.

13 (e) No such use shall render a service which is customarily carried on as a business nor
14 shall any such use be approved which involves printing, publishing, manufacturing, or other
15 industrial uses on the premises.

16 (f) All signage shall be in conformance with the requirements set forth in Chapter 27.69
17 of this code.

18 (g) No such use shall be a store or shop for the sale of goods at retail.

19 Section 44. That Section 27.63.680 of the Lincoln Municipal Code be amended
20 to read as follows:

21 **27.63.680 Sale of Alcoholic Beverages for Consumption On the Premises.**

22 (a) The sale of alcoholic beverages for consumption on the premises may be allowed in
23 the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a

1 restaurant in the O-3 district upon the approval of a special permit subject to the requirements of
2 the respective districts, all applicable ordinances, and the following conditions:

- 3 (1) Parking shall be in conformance with Chapter 27.67.
- 4 (2) The sale of alcoholic beverages for consumption off the premises shall not be
5 permitted without issuance of a separate special permit under Section
6 27.63.685 of this code.
- 7 (3) The designated area specified in a license issued under the Nebraska Liquor
8 Control Act of any building approved for such activity must be located no
9 closer than (i) 100 feet from the property line of a premises used in whole or in
10 part for a first-floor residential use, day care facility, park, ~~church~~place of
11 religious, or state mental health institution, or (ii) 100 feet from a residential
12 district (except where such use is accessory to a golf course, country club, farm
13 winery, or market garden).
- 14 (4) Any lighting on the property shall be designed and erected in accordance with
15 all applicable lighting regulations and requirements.
- 16 (5) Vehicle stacking for a drive-through window used as any part of the permitted
17 business operation shall not be located in any required building setback from a
18 residential district.
- 19 (6) The use shall not have any amplified outside sound or noise source, including
20 bells, buzzers, pagers, microphones, or speakers within 150 feet of any
21 residential district. This shall not apply to sound sources audible only to the
22 individual to whom they are directed, such as personal pagers, beepers, or
23 telephones.

1 (7) No access door to the business, including loading or unloading doors, shall
2 face any residential district if such doors are within 150 feet of the residential
3 district. This shall not apply to emergency exit doors required by building or
4 safety codes. No door facing a residential district shall be kept open during the
5 operation of the establishment.

6 (8) Vehicular ingress and egress to and from the property shall be designed to
7 avoid, to the fullest extent possible, disruption of any residential district.
8 Particular attention shall be given to avoiding designs that encourage use of
9 residential streets for access to the site instead of major streets.

10 (9) All other regulatory requirements for liquor sale shall apply, including
11 licensing by the state.

12 (b) In addition, a special permit may be granted to allow alcoholic beverages to be sold
13 for consumption on the premises of a restaurant in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, I-3,
14 and O-3 districts subject to the requirements of the respective districts, all applicable ordinances,
15 and the following conditions:

16 (1) The Permittee as the holder of any liquor license issued on the premises
17 pursuant to a special permit for the sale of alcoholic beverages for consumption
18 on the premises of a restaurant shall agree in writing to voluntarily surrender
19 and consent to the cancelling of the liquor license in the event the special
20 permit is revoked by the City. If the Permittee is not the holder of the liquor
21 license, the Permittee shall require such holder to agree in writing to
22 voluntarily surrender and consent to the cancelling of the liquor license in the
23 event the special permit is revoked by the City. In addition, the City shall

1 request that the Nebraska Liquor Control Commission issue the liquor license
2 contingent upon the premises having such special permit.

3 (2) The restaurant shall be located at least 25 feet away from a residential zoning
4 district.

5 (3) Gross sales from the sale of alcoholic beverages shall not exceed forty percent
6 (40%) of the gross sales of food and beverages. Upon request of the City, the
7 license holder/ operator shall provide sales receipts for the past six (6) months
8 for the purpose of demonstrating that no more than 40% of the restaurant's
9 gross sales are derived from the sale of alcohol

10 (4) The restaurant shall serve full-course meals as defined by *Neb. Rev. Stat.* § 53-
11 123.04(c)(3) during the hours of operation.

12 (5) Hours of operation must not commence prior to 8:00 a.m. and shall end no
13 later than 11:00 p.m.

14 (6) Hours of outdoor operation must not commence prior to 8:00 a.m. and shall
15 end no later than 10:00 p.m.

16 (7) The restaurant shall not have any gaming devices or self-serve vending.
17 Gaming devices include pool tables, dart boards, keno. Self-serve vending
18 includes candy machines and drink machines that use electricity.

19 (8) No drive-through windows shall be allowed.

20 (9) The sale of alcoholic beverages for consumption off the premises shall not be
21 permitted without issuance of a separate special permit under Section
22 27.63.685 of this code.

1 (c) For the purposes of this section, restaurant shall mean any place (i) which is kept,
2 used, maintained, advertised, and held out to the public as a place where meals are served and
3 where meals are actually and regularly served; (ii) which has no sleeping area; and (iii) which
4 has adequate and sanitary kitchen and dining room equipment and capacity and a sufficient
5 number and kind of employees to prepare, cook, and serve suitable food for its guests.

6 (d) Alcoholic beverages may also be sold for consumption on the premises as an
7 accessory use to an outdoor recreational facility as part of a separate special permit under Section
8 27.63.130 approving the outdoor recreational facility in any district where outdoor recreational
9 facilities are allowed as a permitted use, permitted conditional use, or permitted special use.

10 (e) The City Council may consider any of the following as cause to revoke the special
11 permit approved under these regulations:

- 12 (1) Revocation or cancellation of the liquor license for the specially permitted
13 premises;
- 14 (2) Repeated violations related to the operation of the permittee's business; or
- 15 (3) Repeated or continuing failure to take reasonable steps to prevent unreasonable
16 disturbances and anti-social behavior on the premises related to the operation
17 of the permittee's business including, but not limited to, violence on site,
18 drunkenness, vandalism, solicitation, or litter.

19 Notwithstanding the above, no special permit or amendment thereto shall be required for
20 interior expansions of existing licensed liquor premises.

21 Section 45. That Section 27.63.685 of the Lincoln Municipal Code be amended
22 to read as follows:

23 **27.63.685 Sale of Alcoholic Beverages for Consumption Off the Premises.**

1 Alcoholic beverages may be sold for consumption off the premises in the B-1, B-3, H-1,
2 H-2, H-3, H-4, I-1, and I-3 zoning districts upon the approval of a special permit. A special
3 permit for such use may be granted subject to the requirements of the respective districts, all
4 applicable ordinances, and the following conditions:

5 (a) Parking shall be in conformance with Chapter 27.67 of the Lincoln Municipal Code.

6 (b) The sale of alcoholic beverages for consumption on the premises shall not be
7 permitted without issuance of a permit under Section 27.63.680 of this code.

8 (c) The licensed premises of any building approved for such activity must be located no
9 closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-
10 floor residential use, day care facility, park, ~~church~~place of religious assembly, or state mental
11 health institution, or (ii) 100 feet from a residential district.

12 (d) Any lighting on the property shall be designed and erected in accordance with all
13 applicable lighting regulations and requirements.

14 (e) Vehicle stacking for a drive-through window used as any part of the permitted
15 business operation shall not be located in any required building setback from a residential
16 district.

17 (f) The use shall not have any amplified outside sound or noise source, including bells,
18 buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall
19 not apply to sound sources audible only to the individual to whom they are directed, such as
20 personal pagers, beepers, or telephones.

21 (g) No access door to the business, including loading or unloading doors, shall face any
22 residential district if such doors are within 150 feet of the residential district. This shall not

1 apply to emergency exit doors required by building or safety codes. No door facing a residential
2 district shall be kept open during the operation of the establishment.

3 (h) Vehicular ingress and egress to and from the property shall be designed to avoid, to
4 the fullest extent possible, disruption of any residential district. Particular attention shall be
5 given to avoiding designs that encourage use of residential streets for access to the site instead of
6 major streets.

7 (i) All other regulatory requirements for liquor sale shall apply, including licensing by
8 the state.

9 (j) The City Council may consider any of the following as cause to revoke the special
10 permit approved under these regulations:

11 (1) Revocation or cancellation of the liquor license for the specially permitted
12 premises; or

13 (2) Repeated violations related to the operation of the permittee's business.

14 Notwithstanding the above, no special permit or amendment thereto shall be required for
15 interior expansions of existing licensed liquor premises or for a farm winery.

16 Section 46. That Section 27.63.730 of the Lincoln Municipal Code be amended
17 to read as follows:

18 **27.63.730 Sexually Oriented Live Entertainment Establishment.**

19 In the H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts, a special permit may be
20 granted to allow a sexually oriented live entertainment establishment, subject to the following
21 conditions:

22 (a) Separation of a sexually oriented live entertainment establishment from other
23 sexually oriented live entertainment establishments. Not more than two sexually oriented live

1 entertainment establishments shall be located within 1,500 feet of each other measured from the
2 nearest access doors of the two establishments, regardless of whether such uses are located in the
3 same facility, separate facilities, or different zoning districts.

4 (b) Separation of sexually oriented live entertainment establishments from certain other
5 uses.

6 (1) Types of other uses to which applicable. The separation requirements of this
7 subsection shall apply to the location of the sexually oriented live
8 entertainment establishment in relationship to property zoned AGR, R-1, R-2,
9 R-3, R-4, R-5, R-6, R-7, R-8 for residential use; a ~~church~~place of religious
10 assembly; a public elementary or high school or private school having a
11 curriculum equivalent to a public elementary or high school; an early
12 childhood care facility; a public park; a hospital; a public library; a public
13 museum; an amusement park, recreation area or playground that primarily
14 serves persons younger than 18; a correctional facility; or a residential
15 treatment facility licensed by the State of Nebraska in which people reside
16 while receiving therapy, counseling, rehabilitation for physical, emotional or
17 mental disease or disability.

18 (2) General location requirements. No sexually oriented live entertainment
19 establishment shall be located on the same block with (i) any property zoned
20 AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, or R-8 or (ii) any use specified in
21 subsection (b)(1) above.

22 (3) Distance requirements. No sexually oriented live entertainment establishment
23 shall be located within 1,000 feet of (i) any property zoned AGR, R-1, R-2, R-

1 3, R-4, R-5, R-6, R-7, or R-8 or (ii) any use listed in subsection (b)(1) above
2 measured from the nearest access door of the sexually oriented live
3 entertainment establishment to the property line of such property or outdoor
4 use or the nearest access door of a use within a building.

5 (c) Waiver of separation requirement. The City Council may modify or waive the
6 separation requirements in subsections (b)(2) and (b)(3) above upon a finding by the City
7 Council that there is sufficient justification for such adjustment and that there will be no
8 significant adverse affect on existing or reasonably anticipated future uses in the surrounding
9 area.

10 Section 47. That Section 27.69.090 of the Lincoln Municipal Code be amended
11 to read as follows:

12 **27.69.090 ~~Churches~~Places of Religious Assembly, Schools, and Community Playhouses.**

13 In any residential zoning district, ~~churches~~places of religious assembly, schools, and
14 community playhouses are permitted one on-premises internally illuminated freestanding sign on
15 each street frontage, not exceeding fifty square feet of area or six feet in height, for each bulletin
16 board or sign and its supporting structure, and one on-premises wall sign on each building
17 facade, not exceeding twenty square feet in sign area. When a school, ~~church~~places of religious
18 assembly, or community playhouse is located a minimum of 200 feet from any street frontage
19 and is located in an AG or AGR district, said wall sign shall be a maximum of 100 square feet in
20 area.

21 (a) A permitted freestanding sign may be located in the required front yard if it meets
22 the following conditions and requirements:

1 (1) Signs may contain a maximum of fifty square feet in sign area if non-
2 illuminated. If illuminated, such sign shall contain a maximum of thirty-two square feet in sign
3 area, and shall be internally illuminated only;

4 (2) Has a setback from the front lot line at least one-half the distance of the required
5 front yard;

6 (3) Has a setback from the side lot line at least 100 feet if abutting residential lots;
7 and

8 (4) One temporary sign of up to thirty-two square feet may be allowed on premises
9 for up to ten days.

10 (b) A permitted freestanding sign fronting on an arterial street may include electronic
11 changeable copy if it meets the following conditions and requirements:

12 (1) Total area of the electronic changeable copy sign shall not exceed 75% of the
13 total allowed freestanding sign area;

14 (2) The electronic changeable copy sign shall have a setback from the side and rear
15 lot lines of at least 150 feet if abutting residential lots and shall have a setback from a front lot
16 line of at least 150 feet if the sign copy is parallel to the front lot line;

17 (3) The electronic changeable copy sign message shall hold for at least three
18 seconds and transition to a new message shall not exceed a duration of one second; and

19 (4) The electronic changeable copy sign shall be turned off between 10:00 p.m. and
20 7:00 a.m.

21 Section 48. That Section 27.72.110 of the Lincoln Municipal Code be amended
22 to read as follows:

23 **27.72.110 Exceptions to the Height Requirements.**

- 1 (a) **Wind Energy Conversion Systems Over the District Height.** Wind energy conversion
2 systems over the district height are a permitted use in the AG and AGR zoning district,
3 provided they meet the following conditions:
- 4 (1) The distance from all lot lines to any tower support base of the WECS shall be
5 equal to the height of the tower plus the radius of the rotor. The City Council may
6 grant a reduction in the specific setback table distance when it finds that such
7 reduction shall not adversely affect surrounding property and is consistent with
8 the intent of this title to promote the public health, safety, and general welfare.
- 9 (2) The distance from any tower support base of a WECS to any tower support base
10 of another WECS under other ownership shall be a minimum of five rotor
11 distances figured by the size of the largest rotor. The City Council may grant a
12 reduction in this requirement if it finds that such reduction does not adversely
13 affect the operation of either WECS.
- 14 (3) The WECS operation shall not cause interference to the radio and television
15 reception on adjoining property.
- 16 (4) In the AGR district, in order restrict climbing access in or to the WECS tower, a
17 fence six feet high with a locking portal shall be placed around the WECS tower
18 base, or the tower climbing apparatus shall be limited to no lower than twelve feet
19 from the ground, or the WECS tower may be mounted on a roof top.
- 20 (5) The WECS, if interconnected to a utility system, shall meet the requirements for
21 interconnection and operation as set forth in the electric utility's then current
22 service regulations applicable to WECS.

1 (b) **Necessary Mechanical Appurtenances.** All necessary mechanical appurtenances
2 located on top of a building are exempt from the height regulations contained in this title
3 as follows:

4 (1) No such appurtenances may exceed twenty feet in height above the maximum
5 permitted in the district in which they are located;

6 (2) All of said appurtenances must be set back a minimum of fifteen feet from all
7 faces of a building when said faces are adjacent to a street.

8 (c) **Chimneys, Antenna Towers, and Grain Elevators.** Chimneys, cooling towers, elev-
9 ator bulkheads, grain elevators, fire towers, stage towers or scenery lofts, amateur radio
10 antenna installations not exceeding sixty-five feet in height (which includes a tower not
11 exceeding fifty feet in height), noncommercial radio towers not exceeding fifty feet in
12 height, wind energy conversion systems over the height of the district authorized by
13 conditional use or special permit, or water towers are exempt from the height regulations
14 as contained herein.

15 (d) **Buildings, ~~Churches~~Places of Religious Assembly, Height of.** In all zoning districts
16 where ~~churches~~places of religious assembly are allowed, the main ~~church~~place of
17 religious assembly building including ~~church~~place of religious assembly steeples, towers,
18 and ornamental spires, used for the conduct of worship or religious services, may exceed
19 the district height limit by the addition of one foot for each foot that such building is set
20 back from all required yards.

21 **NOTE:** Additional provisions regarding waivers of height restrictions may be found under
22 Chapter 27.63 for the following uses:

23 (1) Amateur radio antennas exceeding 65 feet; see §27.63.670

- 1 (2) Wind Energy Conversion Systems over the district height; see §27.63.420
- 2 (3) ~~Church~~Place of religious assembly ~~S~~steeples, ~~T~~towers, and ~~O~~ornamental ~~S~~pires;
- 3 see §27.63.220
- 4 (4) Permitted Use Exceeding the Maximum Height Permitted in the District; see
- 5 §27.63.250
- 6 (5) Expansion of Nonconforming and Nonstandard Uses; see §27.63.280
- 7 (6) Community Unit Plans; see §27.63.320

8 Section 49. That the introductory statement of Chapter 27.11 of the Lincoln
 9 Municipal Code be amended to read as follows:

10 This district is intended to provide a generally stable residential use in areas of the city that are
 11 largely developed. With a gross density of generally three to five dwelling units per acre, the
 12 district permits single- and two-family dwellings and such supportive community facilities as
 13 parks, playgrounds, schools, libraries, and ~~churches~~places of religious assembly. It is intended
 14 that this district be limited to previously platted portions of the city already undergoing
 15 substantial development, thereby preserving existing low-density residential development.

16 Section 50. That the introductory statement of Chapter 27.13 of the Lincoln
 17 Municipal Code be amended to read as follows:

18 This district is intended to provide a generally stable residential use in areas of the city that are
 19 largely developed. With a gross density of generally three to five dwelling units per acre, this
 20 district permits single- and two-family dwellings and supportive community services, such as
 21 parks, playgrounds, schools, libraries, and ~~churches~~places of religious assembly. It is intended
 22 that this district be limited to previously platted portions of the city already undergoing
 23 substantial development, thereby preserving existing low-density residential development.

1 Section 51. That the introductory statement of Chapter 27.17 of the Lincoln
2 Municipal Code be amended to read as follows:

3 This district is intended to provide a stable area of residential use at a gross density in the range
4 of three to five dwelling units per acre. It is anticipated that some redevelopment will occur in
5 this district. The use of the district includes single- and two-family dwellings, plus support facil-
6 ities, such as schools, parks, community buildings, and ~~churches~~places of religious assembly.

7 Section 52. That the introductory statement of Chapter 27.19 of the Lincoln
8 Municipal Code be amended to read as follows:

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

13 Section 53. That the introductory statement of Chapter 27.21 of the Lincoln
14 Municipal Code be amended to read as follows:

15 This district is intended to provide a generally redeveloping area of moderately high residential
16 density between eleven and fourteen dwelling units per acre. This district provides for single-
17 family, two-family, multiple and townhouse residential uses, private clubs, fraternities and
18 sororities, and support facilities, such as schools, parks, community buildings, and
19 ~~churches~~places of religious assembly.

20 Section 54. That the introductory statement of Chapter 27.23 of the Lincoln
21 Municipal Code be amended to read as follows:

22 This district is intended to provide a redeveloping area of comparatively high density residential
23 use in the range of fifteen dwelling units, gross, per acre. This district provides for single-family,

1 two-family, multiple, and townhouse residential uses, apartment hotels, private clubs, fraternities
2 and sororities, and such facilities as schools, parks, community buildings, and ~~churches~~places of
3 religious assembly.

4 Section 55. That the introductory statement of Chapter 27.24 of the Lincoln
5 Municipal Code be amended to read as follows:

6 This district is intended to permit high density residential uses; apartment hotels; private clubs;
7 civic, cultural, educational, labor, professional, trade and fraternal membership organizations;
8 and such facilities as schools, parks, community buildings, and ~~churches~~places of religious
9 assembly exclusively in that area designated as the E-1 multiple dwelling district which existed
10 immediately prior to the effective date of this title.

11 Section 56. That 21.52.010, 27.02.030, 27.02.040, 27.02.080, 27.02.090,
12 27.02.140, 27.02.160, 27.02.170, 27.02.220, 27.06.020, 27.06.060, 27.06.090, 27.06.100,
13 27.06.170, 27.28.020, 27.51.060, 27.60.060, 27.62.030, 27.62.040, 27.62.070, 27.62.110,
14 27.62.120, 27.62.150, 27.63.170, 27.63.220, 27.63.470, 27.63.610, 27.63.680, 27.63.685,
15 27.63.730, 27.65.020, 27.65.060, 27.65.075, 27.67.030, 27.67.040, 27.69.035, 27.69.090,
16 27.72.080, 27.72.110, 27.72.190, 27.81.030, Figure 27.67.020, and Figure 27.67.040 of the
17 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

18 Section 57. Pursuant to Article VII, Section 7 of the City Charter, this ordinance
19 shall be posted on the official bulletin board of the City, located on the wall across from the City
20 Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice
21 of passage and such posting to be given by publication one time in the official newspaper by the
22 City Clerk. This ordinance shall take effect and be in force from and after its passage and
23 publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2016:

Mayor