

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code (“Zoning
 2 Code”) by amending Section 27.02.080 defining terms beginning with the letter G to revise the
 3 definition of Garage, Private; by amending Section 27.72.120 to provide a maximum height of
 4 15 feet for accessory buildings not part of a main building which extend into the required side
 5 yard in the listed zoning districts, and to establish the maximum allowable area for accessory
 6 buildings on single family or two family lots or tracts in the AG, AGR, and R-1 to R-8 Zoning
 7 districts and repealing Sections 27.02.080 and 27.72.120 as hitherto existing.

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

9 Section 1. That Section 27.02.080 of the Lincoln Municipal Code be amended to
 10 read as follows:

11 **27.02.080 G.**

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

15 **Garden Center.** Garden center shall mean a building or premises used primarily for the
 16 retail sale of items useful in the culture, display, or decoration of lawns, gardens, or indoor
 17 plants; including books, appliances, and tools, but not including power tools or tractors.

18 **Grade** shall mean:

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

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

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

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

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

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

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

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

19 Section 2. That Section 27.72.120 of the Lincoln Municipal Code be amended to
20 read as follows:

21 **27.72.120 Accessory Buildings.**

22 (*Only applies to accessory structures associated with a main dwelling)

23 (a) Accessory buildings which are attached to or not located more than (1) six feet from the
24 main building in the R-1 through R-8, O-1*, B-1*, B-3* zoning districts and (2) 10 feet

1 from the main building in the AG, AGR, O-2, O-3, B-4, B-5 all H, I-2 zoning districts shall
2 be considered a part of the main building and shall comply with the height, front, side, and
3 rear yard requirements of the main building.

4 (b) In all commercial and industrial zoning districts accessory buildings shall not extend into
5 any required yard, except as otherwise stated in this chapter.

6 (c) Accessory buildings not a part of the main building:

7 (1) May, if located not less than sixty feet from the front lot line, extend into the required
8 side yard though not closer than two feet to the side lot line in the R-1 through R-8,
9 O-1*, O-2, O-3, B-1*, B-3*, B-4, all H, and the I-2 zoning districts, provided that
10 such accessory buildings shall not be more than fifteen feet in height.

11 (2) May be located in the required rear yard, provided that such accessory buildings:

12 (i) Shall not be nearer than two feet to the side or rear lot line in the AG, AGR, R-
13 1 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning
14 districts.

15 (ii) Shall not occupy more than the following percent of the required rear yard:

16 - Forty percent in the R-1 through R-6, O-1*, B-1*, and B-3* zoning
17 districts.

18 - Thirty percent in the AG, AGR, R-7, R-8, O2, O3, B-4, B-5, all H, and the
19 I-2 zoning districts.

20 (iii) Shall not be more than fifteen feet in height in the R-1 through R-8, O-1*, O-2,
21 O-3, B-1*, B-3*, B-4, B5, all H, and the I-2 zoning districts;

22 (iv) Notwithstanding the above, an accessory building used as a garage and taking
23 access from an alley shall not be located closer than ten feet to the alley line in

1 the R-1 through R-8, O-1*, O-2, O3, B-1*, B-3*, B-4, B5, all H, and the I-2
2 zoning districts.

3 (v) Shall not abut a residential district in the O-2, O-3, B-5, H-4, and I-2 zoning
4 districts.

5 (vi) Shall not be nearer than a distance equal to ten percent of the average lot width
6 from the side lot line in the AG zoning district on lots 20 acres or more.

7 (3) May be located in the required front yard on double-frontage lots where at least one
8 frontage is along a major street in the R-1, R-2, and R-3, provided such accessory
9 buildings:

10 (i) Shall not occupy any portion of any required front yard along the local street.

11 (ii) Shall not be closer than two feet to the side lot line, closer than two feet to the
12 front lot line along the major street, or closer than two feet to an area specified
13 as a building line district.

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

18 (iv) Shall not have direct vehicular access from any major street along any major
19 street frontage in the block.

20 (v) Shall not occupy more than 100 square feet for buildings and 600 square feet
21 for structures of the required front yard along the major street.

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

(4) Accessory buildings in the AG and AGR districts are not permitted in the side yard unless also located in the rear yard.

(d) Maximum and expanded maximum cumulative allowable area for all accessory buildings on single family or two family residential lots or tracts in AG, AGR, and R-1 to R-8 zoning districts:

(1) The maximum and the expanded maximum cumulative allowable area for all accessory buildings are as set out in Table 27.72.120(d) below. The applicable maximum cumulative allowable area may be increased up to the expanded maximum allowable area as provided in Table 27.72.120(d) Notes *1-4 below:

| Table 27.72.120(d) | | | | | | |
|---|-------------------------|--------------------------------|--|---|--------------------------------------|-------------------------|
| <u>Maximum and Expanded Maximum* Cumulative Allowable Area for Accessory Buildings on Single Family or Two Family Residential Lots or Tracts</u> | | | | | | |
| <u>*#Expanded Maximum only applies in accordance with the applicable Note *# below (e.g. *1)</u> | | | | | | |
| | | <u>Lot or Tract Size</u> | | | | |
| | | <u>less than 7,500 sq. ft.</u> | <u>7,500 sq. ft. to less than 20,000 sq. ft.</u> | <u>20,000 sq. ft. to less than 1 acre</u> | <u>1 acre or more</u> | |
| <u>R1- R-8 Accessory Building sq. ft.</u> | <u>Maximum</u> | <u>1,000</u> | <u>1,500</u> | <u>2,000</u> | <u>2,000</u> | |
| | <u>Expanded Maximum</u> | <u>1,500*1</u> | <u>3,000*2</u> | <u>3,000*2</u> | <u>5,000*3</u> | |
| | | <u>less than 1 acre</u> | <u>1 acre to less than 2 acres</u> | <u>2 acres to less than 4 acres</u> | <u>4 acres to less than 10 acres</u> | <u>10 acres or more</u> |
| <u>AGR Accessory Building sq. ft.</u> | <u>Maximum</u> | <u>2,000</u> | <u>2,000</u> | <u>2,000</u> | <u>2,000</u> | <u>2,000</u> |
| | <u>Expanded Maximum</u> | <u>3,000*2</u> | <u>6,000*4</u> | <u>8,000*4</u> | <u>20,000*4</u> | <u>No maximum*4</u> |
| <u>AG Accessory Building sq. ft.</u> | <u>Maximum</u> | <u>2,000</u> | <u>2,000</u> | <u>2,000</u> | <u>2,000</u> | <u>No maximum</u> |
| | <u>Expanded Maximum</u> | <u>3,000*2</u> | <u>6,000*4</u> | <u>8,000*4</u> | <u>20,000*4</u> | |
| <u>Notes:</u> | | | | | | |
| <u>*1. In the R-1 to R-8 zoning districts, for lots or tracts less than 7,500 square feet in size, the maximum cumulative square footage of all accessory buildings may be increased up to the above expanded maximum square feet provided:</u> | | | | | | |
| <u>i. Total square footage for all accessory buildings does not exceed the total square footage,</u> | | | | | | |

excluding basement, of the main building.

- ii. The total square footage for all accessory buildings does not exceed a cumulative total of 500 square feet in the side, rear, and front yard setbacks.

*2. In the R-1 to R-8 zoning districts for lots or tracts 7,500 square feet to less than 1 acre in size, and in AG and AGR zoning districts for lots or tracts less than 1 acre in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:

- i. The total square footage for all accessory buildings shall not exceed the total square footage, excluding basement, of the main building.
- ii. The total square footage for all accessory buildings does not exceed a cumulative 250 square feet in the side, rear, and front yard setbacks.
- iii. Any individual accessory building over 250 square feet in area must be located outside of the side, rear, and front yard setbacks.

*3. In the R-1 to R-8 zoning districts, for lots or tracts of 1 acre or larger in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:

- i. The total square footage for all accessory buildings does not exceed a cumulative total of 250 square feet in the side, rear, and front yard setbacks.
- ii. Any individual accessory building over 250 square feet in area must be located outside of the side, rear, and front yard setbacks.

*4. In the AG zoning district for lots and tracts 1 acre to less than 10 acres, and in the AGR zoning district for lots or tracts 1 acre or greater, the maximum cumulative square footage for all accessory buildings may be increased to the above expanded maximum square feet provided that the total square footage of all accessory buildings does not exceed a cumulative total of 2,000 square feet in the side and rear setbacks.

1 Section 3. That Section 27.02.080 and 27.72.120 of the Lincoln Municipal Code
2 as hitherto existing be and the same are hereby repealed.

1 Section 4. That this ordinance shall take effect and be in force from and after
2 passage and publication in one issue of a daily or weekly newspaper of general circulation in the
3 City, according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2016:

Mayor