

DRAFT 2016 Text Amendments as of May 1, 2016

Lincoln-Lancaster County Planning Department

This is a set of proposed text amendments to the Lincoln Municipal Code, primarily to Title 27, the Zoning Ordinance. These revisions have been collected by City staff over the past several years, and range from correction of errors, to clarification of unclear terms and concepts, to more substantive changes that streamline approval processes for City staff and the public and eliminate burdensome requirements. The proposed text changes are included in this summary, and explanations are provided as to the justification for each amendment. Text changes proposed as part of the Planning Department's 2013 proposed ReFORM package are not included, with the exception of two amendments reducing the parking requirements for commercial uses in the B-5 district and doctors' and dentists' offices.

Index

Page

Housing Ordinance Amendment

- 1. Remove “Housing Above Second Story” Chapter 21.52 1

Zoning Ordinance Amendments

- 2. Amend definition of “Mini-warehouse” 2
- 3. Amend definition of “Health Care Facility, Residential” 3
- 4. Amend definition of “Outdoor Dining” 4
- 5. Amend definitions of “Grade” and “Buildings, Height of” and minor height adjustments per these changes. 5
- 6. Amend definitions of “Garden Center,” “Greenhouse,” and “Urban Garden”; add a use for Agriculture and remove the Greenhouses use from the Agriculture Use Group table. 9
- 7. Change “Church” to “Place of Religious Assembly”; add a definition for “Place of Religious Assembly” 12
- 8. Remove definition of “Boarding House” 13
- 9. Change “Campsite” definition to “Campground” 14
- 10. Remove the Special Permit for Broadcast Stations in the AG district and amend the use from Special Permitted to Permitted in the H-4 district. 15
- 11. Add a catch-head to the R-T Residential Transition District chapter; clarify that it is a commercial district. 16
- 12. Adjust the setback automatically when the City acquires right-of-way so those properties are not considered nonstandard. 17
- 13. Remove an incorrect reference to a special permit. 18
- 14. Remove the Special Permit for Temporary Storage of Construction Equipment and Materials. 19
- 15. Restrict the “40% rule” related to increasing front yard setbacks beyond the district minimum to the R-1 district only. 21
- 16. Clarify that parking for accessory buildings for retail sales is not required if they are not fully enclosed or left open during business hours. 25

17. Clarify that lots separated by a street can be treated as a single premises for purposes of a special permit.	26
18. Require a minimum amount of guest parking for small lot single and two family dwellings	27
19. Reduce the required parking for office, retail, and commercial uses in the B-5 district.	28
20. Specify outdoor use areas are not considered floor area for parking requirements.	30
21. Amend the parking requirement for Domestic Shelters.	31
22. Remove the special parking requirement for doctors' and dentists' offices.	32
23. Reduce required parking for restaurants in the B-1 and B-3 districts.	33
24. Amend the required parking for mini-warehouses.	34
25. Remove outdated references from the General Provisions chapter.	35
26. Remove a requirement from the siting regulations for off-premises signs.	36
27. Revise the BTA Overlay District regulations to encourage smaller lots of 1 acre or less wherein a future final plot plan for conversion would not be required to be provided for such small lots.	37

1.

Housing Above Second Story – Chapter 21.52

This chapter prohibits housing for inmates or patients above the second story of specific uses. According to the Building and Safety Department, which is responsible for enforcing this chapter, these provisions are no longer used, so the proposal is to remove this chapter from the Lincoln Municipal Code.

Chapter 21.52

~~HOUSING ABOVE SECOND STORY*~~

Sections:

~~21.52.010 Housing Above Second Story.~~

~~*Editor's Note: Chapters 5.46 and 5.49 were renumbered to Chapters 21.52 and 21.56, respectively, during the 1991 recodification.~~

~~**21.52.010 — Housing Above Second Story.**~~

~~It shall be unlawful for any person, firm, corporation, or association operating a child care center, children's home, old age home, maternity home, or nursing home where two or more 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.~~

2.

Definitions – Section 27.02.140

Amend the definition of "Mini-warehouse" to remove unnecessarily restrictive language and clarify that these facilities typically serve multiple renters. The removal of provision (a) would clarify that allow outdoor storage is allowed as an accessory use as part of a mini-warehouse use. Provision (a) is removed because it is unnecessarily restrictive, and outdoor storage is an appropriate accessory use to a mini-warehouse. Provision (c) is removed because mini-warehouses occasionally have loading docks, and so they should not be excluded from this use category based on having a loading dock. However, provision (b) is retained because one of the distinguishing features of mini-warehouse versus warehouse is that mini-warehouses are intended to have separate compartments that serve many renters. If the interior of the storage bays were connected, the use would more closely approximate a warehouse use.

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

~~providing access from one storage bay to another~~

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

3.

Definitions – Section 27.02.090

Amend the definition of "Health Care Facility, Residential" to note that independent living units, assisted living units, and/or memory care are permissible as part of a combined multi-level service facility. This more closely follows the business model today that offers multiple services and housing types within the same facility.

Health Care Facility, Residential. Residential health care facility shall mean a building or structure that is to be used in a residential nature, licensed or approved by the state or an appropriate agency, if required. Residential health care facility could include but would not be limited to the following types of facilities: Assisted Living, Nursing Care, Memory Care, Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care, and may include independent living units.

4.

Definitions – Section 27.02.160

Amend the definition of "Outdoor Dining" to clarify that a permanent roof can cover outdoor dining areas and may be surrounded by a fence. Recently there have been restaurants requesting a permanent roof over their outdoor dining area, which did not fit the definition.

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

5.

Definitions – Sections 27.02.030 and 27.02.080

Simplify the definitions of “Buildings, Height of” and “Grade” to match the definitions used in the Building Code. Lincoln appears to be unique in the region in measuring the height from the height point, as long as that point is not more than ten feet above grade. The proposed revision is to measure the height from the average grade rather than the highest point.

Grade shall mean:

- (a) ~~For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;~~
- (b) ~~For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets;~~
- (c) ~~For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.~~

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

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

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

In accordance with the revised definitions of “Grade” and “Buildings, Height of,” amendments are proposed to the Nonconforming and Nonstandard Uses, Planned Unit Development District, Community Unit Plan, and Height and Lot Regulations chapters that would permit small height increases to be approved administratively to accommodate structures that would become nonconforming in height with the definition changes. For some older buildings built under the current measurement, the new definition might result in them being 3 to 5 feet over the height limit due to the new way of calculating height.

A provision is included below to automatically adjust the height of any building lawfully existing when this amendment is approved. Most houses would not likely be affected, as most are not built to the maximum height. This change is most likely to impact very tall commercial buildings that have significant grade changes between the elevations at the front and back of the building, such as those with walk out basements.

As mentioned above, in accordance with the revised definitions of "Grade" and "Buildings, Height of," a new provision is proposed to be added to the Nonconforming and Nonstandard Uses chapter that would automatically adjust the height of all lawfully buildings that would be made nonstandard under the revised definitions, so they remain conforming.

Accompanying revisions are also proposed that would allow minor administrative height modifications for most buildings approved under the current definitions, but not yet constructed, within Planned Unit Developments (PUDs) and Community Unit Plans (CUPs). There is already a provision in place for minor administrative height adjustments for buildings interior to Use Permits (as opposed to on the perimeter). The revisions also slightly expand the height modifications that may be approved administratively, while keeping with the intent of the current language.

Currently, minor height adjustments may be approved administratively for all buildings on the interior of PUDs and CUPs, and for multi-family dwellings on the perimeter. The proposed revisions would also allow minor height adjustments for single or two family dwellings on the perimeter of PUDs and CUPs.

Nonconforming and Nonstandard Uses – Section 27.61.090

27.61.090 Use Becoming Nonconforming by Change in Law or Boundaries.

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

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

Whenever the 2016 amended definitions of “building, height of” and “grade” under Change of Zone TX 16007 cause a lawfully existing building to exceed the maximum height allowed in the zoning district in which the building is located, the allowed maximum height of the building shall be considered automatically adjusted to the height of the building under the amended definitions and the building will not be deemed nonstandard as to height.

Planned Unit Development District – 27.60.060 (h)

27.60.060 Planned Unit Development; Amendments.

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

- (a) A request for amendment is filed with the Planning Director and, if appropriate, accompanied by a plot plan showing all pertinent information;
- (b) Minor increases in the number of dwelling units or total floor area originally authorized by the City Council may be approved if such increases will not cause a significant adverse impact on the public infrastructure, existing development within the planned unit development and adjoining properties. Minor increases shall not exceed more than fifteen percent (15%) cumulative additional dwelling units or total floor area;
- (c) No public land will be accepted as a result of the amendment;
- (d) Amendments shall keep with the intent and spirit of the approved development plan;
- (e) Amendments shall not violate any regulation set forth in this title;
- (f) No change is made to the applicable setback, yard, or height requirements for lots along the perimeter of the planned unit development;
- (g) Minor internal changes to the applicable setback, yard, or height requirements may be made within the planned unit development if they conform to the intent of the approved development plan and do not adversely impact existing development within the planned unit development;
- (h) Notwithstanding any provision to the contrary in (f) and (g) above, a request for a height increase up to ten feet over the allowed zoning district height may be approved for multi-family dwellings, or five feet for single or two family dwellings, along the perimeter or within the planned unit development in accordance with Section 1.2 of Chapter 3.35, City of Lincoln Design Standards for Community Unit Plans.
- (i) Parking spaces located on a driveway approach to a garage, as part of a multi-family complex, may be approved and counted toward the satisfaction of a portion of the required parking stalls.
- (j) Any amendment not in conformance with this paragraph shall be submitted to the City Council in the same manner as a formal application for a planned unit development.

Community Unit Plan – Section 27.65.060 (h)

27.65.060 Community Unit Plan Amendments.

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

Height and Lot Regulations – Section 27.72.190

27.72.190 Minor Modifications.

The Planning Director is authorized to approve minor modifications to the rear yard setback or maximum heights of buildings provided that a request for modification is filed with the Planning Director which sets forth the specific modification requested, a statement of the reasons (practical difficulties), and supporting documentation as to why the modification will not adversely affect existing or reasonably anticipated future uses of land in the surrounding area.

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

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

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

6.

Definitions – Sections 27.02.080 and 27.02.220

Amend the definitions for “Garden Center” and “Urban Garden” to further clarify these terms, which often cause confusion.

“Greenhouses” as a standalone use will be removed from Title 27 because a greenhouse is a building rather than a use, and can exist as an accessory building within the Garden Center and Agriculture uses. The definition for “Greenhouse” will be retained to reflect the commonly understood definition of a greenhouse as an accessory building rather than a standalone use. Because a greenhouse will now refer to the building rather than the use, the references to a “premises” and to retail sales are no longer necessary.

Construction of a greenhouse will still be possible as part of the Garden Center and Agriculture uses. Greenhouses will be excluded from Urban Gardens because a greenhouse building would not fit with the character of the residential, office, and commercial neighborhoods where Urban Gardens are permitted.

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

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

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

Use Groups – Section 27.06.060

In accordance with removing references to the “Greenhouses” use from Title 27, the proposal also removes its listing from the Agriculture Use Group table. There is only one known approved Special Permit for a Greenhouse in the R-3 zoning district, approved in 1983, but it was never constructed.

In addition, the proposal amends the Agriculture Use Group table to add “Agriculture” as a use listing permitted by right in the AG, AGR, and all B, H, and I zoning districts. Currently, Agriculture is permitted in the AG, AGR, and I districts under the “All other uses” category. This change would additionally permit Agriculture in all B and H districts. In accordance with typical agricultural activities, the raising and selling of animals would be permitted anywhere the Agriculture use is permitted. The types and number of animals permitted within the City

limits would continue to be regulated per Lincoln-Lancaster County Health Department Regulations.

The Urban Garden use would also be added by right in the AG district and as a conditional use in the AGR district. Urban Gardens would remain conditional in all districts except the AG district because it is not appropriate to have commodity sold on the premises in those districts, and Health Department oversight is appropriate to help prevent negative impacts to neighborhoods and ensure soil safety. However, any Urban Gardens in the AG district are likely to be in a more rural agricultural setting, similar to the permitted Agriculture use in that district.

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
Agriculture	P	P													P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Attraction	C																									
Confined feeding facilities	C																									
Farm wineries	S																									
Greenhouses	C	C			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

Conditional Uses – Section 27.62.030

In accordance with removing references to the “Greenhouses” use from Title 27, remove related language on Greenhouses from the Conditional Uses chapter. In addition, revise this section in accordance with the changes to the districts in which Urban Gardens are permitted.

27.62.030 Agriculture Use Group.

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

- (a) Agricultural Attraction is allowed in the AG zoning district under the following conditions:
 - (1) The premises is located outside the city limits, contains twenty acres or more of land, and the majority of the premises is in agriculture use for the purpose of raising and harvesting crops.
 - (2) The attraction has received an Amusement License from the Lancaster County Board.
- (b) Confined feeding facilities for livestock or poultry is allowed in the AG zoning district provided the confined feeding facility does not exceed a maximum area of 15,000 square feet. (NOTE: Facilities that exceed 15,000 square feet may be allowed upon approval of a special permit for said use pursuant to Chapter 27.63).

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

~~(1) In the AG zoning district the minimum lot area shall be twenty acres; provided, however, that if a lot has less area, width, or frontage or any combination thereof than herein required, and its entire boundary was under different ownership on the effective date of this title and has not been since changed, such lot may be used for a greenhouse, provided that no such lot be less than two acres;~~

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

- ~~(i) The minimum lot area shall be two acres;~~
- ~~(ii) All materials shall be stored inside buildings;~~
- ~~(iii) Not more than twenty five percent of the land may be devoted to such use;~~
- ~~(iv) Greenhouses shall comply with the same setback requirements as are applicable to main buildings;~~

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

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

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

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

Special Permits – Section 27.63.430

In accordance with removing the “Greenhouse” use from Title 27, remove the Special Permit for Greenhouses from the Special Permits chapter.

~~27.63.430 — Greenhouses.~~

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

~~(a) The minimum lot area is at least two acres;~~

~~(b) No retail sales shall be conducted on the premises;~~

~~(c) The greenhouse is an accessory use to a main residential use;~~

~~(d) All materials are stored inside buildings;~~

~~(e) Not more than twenty five percent of the lot area may be devoted to such use;~~

~~(f) The proposed use shall not have any adverse or detrimental effect upon the values of the surrounding land uses;~~

~~(g) In order to assure such use is compatible with surrounding uses, the Planning Commission may impose more restrictive height, area, parking, and sign requirements as may be necessary.~~

7.

Definitions – Section 27.02.170

Add a definition for "Place of Religious Assembly" based on the state tax code for property tax exemption for religious organizations. The term "Church" is used many times throughout the Zoning Ordinance but is not defined, and the more inclusive term "Place of Religious Assembly" should be substituted. The term for "Church" will be retained in the Definitions chapter, but will direct readers to the new term, "Place of Religious Assembly".

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

There will be a number of additional related amendments to a number of other sections where "church" will be changed to "place of religious assembly" throughout Title 27.

8.

Definitions – Section 27.02.030

Remove the definition for "Boarding House." This term was previously removed from Title 27 and appears nowhere else in the Title except in the Definitions chapter.

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.~~

9.

Definitions – Section 27.02.040

“Campgrounds” is listed as a special permitted use in the AG and AGR zoning districts. The term “Campsite” is defined in Chapter 27.02, Definitions, but the only place this term appears in the description for the Special Permit for “Campgrounds”, Section 27.63.260. The term “Campsite” should be changed to “Campground” in the Definitions chapter in accordance with the Special Permit for Campgrounds.

Campground~~Campsite~~. Campground~~Campsite~~ shall mean a parcel of land intended for temporary occupancy by any of the following: tent, tent trailer, or recreational vehicle.

10.

Use Groups – Section 27.06.090

Broadcast stations were mistakenly listed as a special permitted use in the AG zoning district under the Utilities Use Group. There is no corresponding reference in Chapter 27.63, Special Permits, so the "S" for Broadcast stations in the AG district should be removed from the table.

Broadcast stations should also be changed in the H-4 district from an "S" special permitted use to a "P" permitted use to match the other H districts. Broadcast stations are treated as office uses. It was originally envisioned that broadcast stations in the H-4 district would be allowed through the Special Permit for Planned Service Commercial. However, office uses are permitted by right in the H-4 district. Therefore, broadcast stations should be permitted by right in that district.

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	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	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

11.

R-T Residential Transition District – Chapter 27.28

Add a catch-head to this chapter to clarify that the R-T zoning district is envisioned as a commercial district rather than a residential district.

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

R-T Residential Transition District – Section 27.28.020

Clarify that the R-T zoning district is a commercial district. Although the district title includes the word “Residential,” this district is meant to be a commercial district acting as a buffer between residential areas and more intensive commercial areas.

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

12.

Nonconforming and Nonstandard Uses – Section 27.61.090

Adjust the setback automatically when the City obtains property for right-of-way so that a property will not be considered as nonstandard. There are several circumstances where right-of-way acquisition along arterial streets has reduced setbacks to existing structures. A few homeowners have objected to becoming nonstandard due to government action and concerns about lending or implications for resale.

27.61.090 Use Becoming Nonconforming by Change in Law or Boundaries.

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

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

Whenever the 2016 amended definitions of “building, height of” and “grade” under Change of Zone TX 16007 cause a lawfully existing building to exceed the maximum height allowed in the zoning district in which the building is located, the allowed maximum height of the building shall be considered automatically adjusted to the height of the building under the amended definitions and the building will not be deemed nonstandard as to height.

13.

Conditional Uses – Section 27.62.040 (a) (1)

The note at the end of this section refers the reader to a special permit for dwelling units in the O-2, B-1, B-2, and B-3 zoning districts. There is no special permit that would apply, so this language should be removed.

27.62.040 Household Living Use Group.

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

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

- (1) In the, O-2, B-1, B-2 and B-3 zoning districts:

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

~~(NOTE: If the above condition (a)(1) cannot be met, the use may be allowed upon approval of a special permit pursuant to Chapter 27.63).~~

14.

Use Groups – Section 27.06.170

This change eliminates the “Temporary storage of construction equipment and materials” use from the Heavy Commercial Services Use Group table. This use is a special permitted use in the AG zoning district and a permitted use in the B-4, I-1, I-2, and I-3 zoning districts. The special permit has only been approved once, for the permittee that it was created for in 1989, and that special permit has since been subsumed under a Planned Unit Development. There are no other known instances of this use. This temporary storage of construction equipment and materials is still allowed as part of a construction project.

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	

Special Permits – Section 27.63.590

In accordance with eliminating the use for “Temporary Storage of Construction Equipment and Materials,” remove the special permit for this use from the Special Permits chapter.

~~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.~~

15.

Height and Lot Regulations – Section 27.72.080

Amend the Exceptions to the Front Yard Requirements to remove the requirement that new buildings in all districts except the R-3, O-3, B-2, B-5, H-4, and I-3 districts must meet a greater front yard depth than is required by the Zoning Ordinance if 40% or more of the frontage is developed with front yards greater than required. The rule should be retained for the R-1 district, but is not necessary in any other district, especially in dense neighborhoods with smaller lots that limit building envelopes such as those typical of the R-2 and R-4 districts.

There have been several cases in the R-2 and R-4 zoning districts where there are two to four houses on a short block face. Two of the houses happen to be set further back than the zoning, which causes a new house being built to be placed further back than the district requires. It denies the property owner the ability to use the entire buildable area because 40% of the houses happen to be further back. In the R-1 district, there are whole blocks in the Country Club or Piedmont neighborhoods, for example, where all the houses are substantially further back. This provision should be kept for the R-1 districts, but not the other districts.

The first graphic illustrates example block face in the R-2 district where the 40% rule would prevent buildings on this block face along Woodshire Parkway from locating any closer to the street than the blue dotted line.

The second graphic illustrates the Piedmont neighborhood in the R-1 district, where large setbacks are typical and this rule would be appropriate to maintain.

R-2 District Example

In the example block below, over 40% of the buildings along the Woodsshire Parkway frontage have a greater setback (30') than the setback required in the zoning district (25'). Unless they were eligible to apply for the Special Permit to Expand a Nonconforming Use, homeowners along this block face could not expand or reconstruct their house closer than 30' to the street due to this rule, regardless of the setback of the district.



R-1 District Example

This illustration shows the Piedmont neighborhood, which is located in the R-1 district. Some neighborhoods in the R-1 district are characterized by front yard setbacks greater than those required by the district on almost every property. In Piedmont, for example, many front yard setbacks range from 40-70 feet versus the 30 feet required in the R-1 district. The “40% rule” related to minimum front yard setbacks is proposed to be retained for the R-1 district to protect the character of neighborhoods such as Piedmont.



27.72.080 Exceptions to the Front Yard Requirements.

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

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

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

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

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

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

16.

Parking – Section 27.67.040

Add a provision clarifying that parking for accessory buildings for retail sales is not required to be provided, when they are not fully enclosed. This is implied in the definition of “Floor Area” on which parking requirements are based, but it is not specifically stated.

This issue arises most commonly with storage of lumber and other building materials by home improvement stores. These storage areas may have a roof with open sides or they may be essentially a storage building with large doors left open during business hours. Regardless, it should be made clear that accessory buildings are not considered floor area for purposes of parking requirements because they do not contribute to customer traffic and parking demand in the same way that the size of the store itself does.

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

17.

Special Permits – add a new Section 27.63.065

Create a new section in the Special Permits chapter to clarify that lots separated by a street may be treated as a single premises and included under the same special permit, provided that some portion of the lots or tracts on each side of the street are directly opposite one another. There are several existing special permits that include lots separated by a street within the overall boundary. This new section is proposed clarify that such a circumstance is permissible, and under which circumstances.

27.63.065 Platted Lots; Irregular Tracts.

The use of more than one platted lot or irregular tract under common ownership or under combined ownership of the Permittees under a special permit separated by a street may be allowed by special permit to be used as a single premises provided some portion of the platted lots or irregular tracts on each side of the street are directly opposite of each other.

18.

Parking – Section 27.67.040

Require a minimum amount of guest parking at 1 guest stall per 2 dwelling units in developments with attached single-family dwellings on lots having a width of less than 35 feet.

It has been a request to show minimum guest parking in Community Unit Plans and Planned Unit Developments on a case-by-case basis. The lack of guest parking has proved to be a problem in attached single family and two-family developments with narrow lots because there is not enough space for on-street parking, causing guests to park blocking driveways or necessitate parking several blocks away. It is proposed to add this guest parking requirement of one guest stall per two dwelling units to the Zoning Ordinance.

This amendment will be added in place of Amendment #22 in Section 27.67.040 (f), which removes the special parking requirement for doctors' and dentists' offices.

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

19.

Parking – Section 27.67 (Figure 27.67.020)

Require a reduced parking ratio of 1 stall per 300 sq. ft. for Office/Retail/Commercial Uses in the B-5 zoning district instead of 4.5 stalls per 1,000 sq. ft. Several shopping centers in Lincoln in the B-5 district have recently decreased their parking requirement to 1:300 based on reduced parking needs, including East Park Plaza in July 2012, Edgewood Shopping Center in August 2013, Gateway Mall in January 2016, and SouthPointe Pavilions in February 2016. This parking ratio should be made standard for all commercial uses in the B-5 district. The entire column for “4.5 per 1,000 sq. ft.” can be removed from the table, as no other uses use this standard.

This amendment was proposed in the 2013 ReFORM package.

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.

Parking – 27.67.040 (cc) (1)

In accordance with revising the parking requirement for Office/Retail/Commercial Uses in the B-5 zoning district, amend the reference to this requirement in the Joint Parking section of the Parking chapter for the use having the largest floor area in a nonconcurrent parking arrangement.

- (cc) Joint Parking. Uses that have nonconcurrent parking demand may join their parking facilities so as to reduce aggregate parking requirements as follows:
 - (1) B-5 District. The uses shall be located in the B-5 District and may include adjacent churches or chapels located outside the B-5 District. Uses that have nonconcurrent parking demand may join their parking facilities; however, the use having the largest floor area shall provide 4.51 parking spaces for every 1,000 square feet of floor area, ~~and all other uses included in the joint parking arrangement shall provide two parking spaces per 1,000 square feet of their floor area;~~ provided, however, that the number of additional spaces that would be required in the absence of this paragraph need not be provided physically, but sufficient land shall be reserved in the event that future uses may not have nonconcurrent parking demand. For the purpose of determining the adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a written agreement between the city and all parties to such use.

20.

Parking – Section 27.67.030 (h)

Today, no parking is required to be provided for outdoor dining areas. Clarify that outside open use areas (such as for sales/display, patios with and without restaurant seating, beer gardens, etc.) are not considered floor area for purposes of the parking calculation. This is implied in the definition of “Floor Area” on which parking requirements are based, but it is not specifically stated.

27.67.030 General Conditions.

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

- (a) No parking space is permitted in the required front yard in any district except as follows:
- (1) Parking lots, parking areas, and driving aisles in the front yard are permitted in the B-1, B-3, H-1, H-2, and H-3 zoning district in accordance with parking lot design standards; and
 - (2) Parking in the front yard is permitted in the R-1, R-2, R-3, and R-4 zoning districts for passenger cars, pickup trucks, or vans outside of an enclosed structure on a concrete driveway or its equivalent under the following conditions:
 - (i) The width of such parking area shall not exceed thirty-five percent of the width of the front yard;
 - (ii) The parking area shall be not less than two feet from and parallel to the side lot line and not less than two feet from the front property line;
 - (iii) The property shall be used for one- and two-family dwellings.
 - (3) Parking in the front yard is permitted as otherwise provided in Section 27.63.170.
- (b) No parking space is permitted in the required side yard in any district except as otherwise provided in this chapter and in Section 27.63.170.
- (c) Parking spaces are permitted in any required rear yard.
- (d) All required parking spaces shall be provided on the same lot as the use for which they are required.
- (e) Any parking requirement resulting in a partial parking space shall be rounded up to the next whole number.
- (f) Where additional parking is required by this chapter due to a change in use and provision for such additional parking is not made, a special review and approval shall be required by the City Council.
- (g) For single-family dwellings and two-family dwellings in the R-1, R-2, R-3 and R-4 zoning districts, the required parking spaces may be stacked front-to-back, one vehicle deep.
- (h) No parking space is required for the area of outdoor dining, open use areas including but not limited to outdoor sales and display areas, and patios with and without restaurant seating.

21.

Parking – Section 27.67.030 (o)

Amend the parking requirement for Domestic Shelters to remove the reference to maximum occupancy of the lot area, as this requires an unnecessary amount of parking for domestic shelters located on very large lots.

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

22.

Parking – Section 27.67.040 (f)

Remove the special parking requirement for doctors' and dentists' offices. When an office building and parking are constructed, medical offices often come and go over the years. It creates a problem to have two different parking requirements for medical office and general office. Therefore, this special parking requirement will be removed and parking for these uses will be per the standard office parking requirement for each zoning district.

With the proposed reduction of the B-5 district parking requirement, this will reduce the parking requirement for doctors' and dentists' offices in every district where they are permitted. In most districts, the requirement will become 1 stall per 300 square feet. An added benefit of this amendment is that it should encourage doctors' and dentists' offices to locate in older districts near neighborhoods because it is more likely they could meet the new lower parking requirement in the densely developed areas of town.

This amendment was proposed in the 2013 ReFORM package.

Amendment #18 related to minimum guest parking will be substituted for this section, as shown below.

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

23.

Parking – Section 27.67.040 (t)

Amend the special parking requirement for restaurants to allow a reduced parking requirement of one space per 200 square feet when located in the B-1 and B-3 zoning districts. Areas within the B-1 and B-3 districts are typically smaller establishments that are in close proximity to neighborhoods. More customers would have the option of walking or parking on the street, so the parking requirement could be reasonably reduced.

The special parking requirement for Restaurants and Social Halls at one space per 100 square feet was added in 2007, which was an increase over the previous 1:300 required ratio in the B-1 district and the 1:600 ratio in the B-3 district. Because restaurants have a much higher parking requirement than other commercial uses, restaurants locating in existing commercial areas often encounter difficulty in providing enough parking due to limited space. In addition, the 2007 text change was very recent compared to the age of many commercial buildings in the B-3 district, which tend to be located in older areas of town. Many older commercial buildings were built with sufficient parking provided for restaurant uses based on the prior requirement. However, the text change implementing the 1:100 restaurant parking ratio took away the option for restaurants to locate in many of those buildings because the areas were fully developed and there was no space to construct additional parking.

This change, while not lowering the restaurant parking requirement in these districts to the ratio for other commercial uses, reduces it somewhat to create less of a disparity. The 200 square foot figure is proposed for this parking reduction because it is half of the current requirement. Parking reductions have often been determined by halving the requirement, similarly to how the standard B-3 parking ratio (1 per 600 sq. ft.) is half of the B-1 ratio (1 per 300 sq. ft.)

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

24.

Parking – Section 27.67.040 (e)

This change would amend the parking requirement for mini-warehouses.

Most mini-warehouses provide the required one space per 200 cubicles near their office if access lanes are less than 20 feet wide. But parking at the office is rarely needed at modern self-storage where reservation is online, so office parking is less important.

We also now have mini-warehouses with a mix of outdoor units accessed directly from parking and “indoor storage” accessed via a hallway. Indoor storage today (i.e., those with access lanes less than 20 feet wide) requires one space per 10 storage cubicles, which is excessive compared to usage. Based on actual usage, one stall per 60 cubicles is proposed for indoor use. For storage accessed from the outdoors (those with access lanes at least 20 feet wide), there is generally no need for additional parking because people park at the unit door.

This amendment would also note that the requirement to provide two parking spaces for manager’s quarters would also apply to an office, as not all mini-warehouses have a manager’s quarters.

(e) Mini-warehouses:

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

(2) One space for every ~~200~~ 60 storage cubicles; ~~to be located at the project office for the use of clients; however, if provided~~ access lanes and roads to the storage area are twenty feet or greater in width, to allow vehicles to unload and pass, no additional parking for the storage cubicles is required. ~~If access lanes and roads are less than twenty feet in width, parking at a rate of one space per ten storage cubicles shall be provided equally throughout the storage area.~~

25.

General Provisions – Section 27.81.030

This section refers to illustrations at the end of Chapter 27.03, Definitions, and Section 27.71.190, but there are no such illustrations in the Definitions chapter currently. Chapter 27.71, Additional Height and Area Regulations, no longer exists as of 2012. Revise this section to remove references to illustrations and chapter that no longer exist.

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

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

26.

Signs – Section 27.69.035

Amend the off-premises siting location requirements to remove a requirement related to the sign setback from residential districts. This change would not remove the requirement for a setback to residential districts, but would set the minimum at 150 feet rather than the greater of 150 feet OR one-half the depth of the zoning district where the sign will be located.

This section was added in 2000. The clause proposed to be removed does not appear to serve a significant purpose, and has created problems for several proposed signs wherein one-half the width of the district was greater than 150' and therefore became the required setback. For example, a sign locating across the street from a residential district that had a required 300' setback from the residential district based on the width of its own zoning district could not even be easily seen from the road. There is not a reason to increase the setback simply because the zoning district is deeper. The 150 foot setback should provide a sufficient buffer to residential areas.

It is anticipated that this change would tend to make existing off-premises signs more conforming because there are likely a number of older signs that were installed prior to 2000 which would not be set back a sufficient distance to meet the requirement today.

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

27.

Community Unit Plan – Section 27.65.020 (b) (3) (i)

Amend this section to add the word “plan” which was mistakenly left out.

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

Community Unit Plan – 27.65.020 (h)

Amend this section to clarify that the 20% maximum dwelling unit bonus for community unit plans is a cumulative total of all possible density bonus calculations.

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

Community Unit Plan – 27.65.075 (b)

Revise the Community Unit Plan chapter provisions for Build Through Acreages (BTA) and lot sizes in the Acreage Development Component to encourage smaller lots in the Acreage Development area. Experience has shown that acreage owners are rarely interested in future subdivision of one to three acre lots. So the preferred method would be to develop a plan which doesn't plan for the future subdivision of the acreage owners lots and instead starts with lots of one acre or less.

(b) The preferred plan for the Acreage Development Component is for lots of one acre or less that do not require further subdivision in the future. A plan which does not require future subdivision will be less disruptive for future lot owners. A future final plot plan for conversion of the Acreage Development Component shall be provided unless the final plot plan for the Acreage Development Component has an average lot size of less than one-third acre one acre or less. ~~If the average lot area in final plot plan for the Acreage Development Component is between one-third acre to one acre, the future final plot plan shall provide at least two times the number of lots included in said final plot plan. If the Acreage Development Component coverage area of the community unit plan is reduced by 20%, a future final plot plan for conversion of the Acreage Development Component shall be provided unless the final plot plan for the Acreage Development Component has an average lot size of less than one-half acre and no lot in the Acreage Development Component coverage area exceeds one acre. If the average lot area in the final plot plan for the Acreage Development Component is more than one acre but less than three acres, the future final plot plan shall provide at least 2.5 times the number of lots included in said final plot plan. If the average lot area in the final plot plan for the Acreage Development Component is three acres or more, the future plot plan shall provide at least 3.0 times the number of lots included in said final plot plan. Any calculation of the number of lots to be included in the future plot plan resulting in a partial lot shall be rounded up to the next whole~~

number. The future final plot plan providing for conversion of the Acreage Development Component to higher urban residential density shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall contain the information required for final plot plans in Section 27.65.070 and the following information:

- (1) Final lot lines and building lines that will be implemented with the extension of urban infrastructure and annexation by the City.
- (2) The location and layout of any future streets not dedicated and improved as part of the final plot plan for the Acreage Development Component, but needed in the future to convert the Acreage Development Component and Urban Reserve Component to Urban Density.
- (3) Easement locations for future utilities and stormwater drainage.
- (4) Building envelopes which meet required setbacks under the conversion.