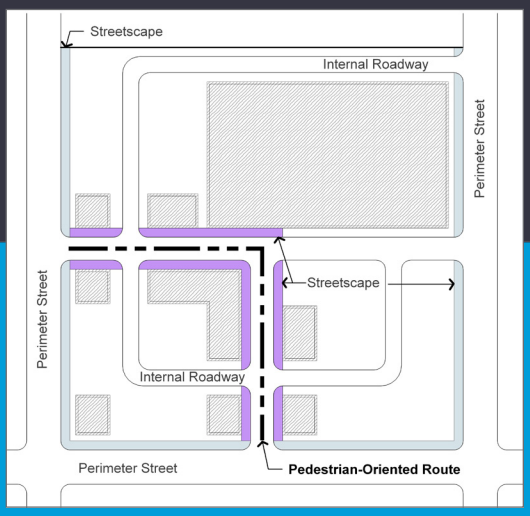
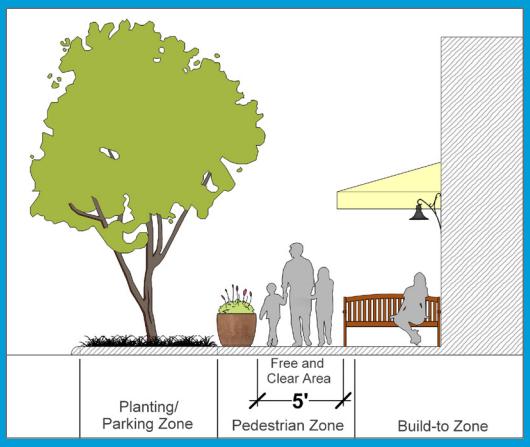
reFORM

Zoning reFORMs for a New Chapter of City Building





Planning Department

Draft Report

Table of Contents

Introduction 1

1. reMOVE 5

GOAL: reMOVE Zoning Barriers

Objective A. Relax height and setback requirements 6

Strategy 1. Facilitate 3 and 4 story buildings by increasing the maximum building height in commercial zoning districts from 35 and 40 feet to 50 feet with proper setbacks from residential zoning. 6

Strategy 2. Reduce front yard setbacks in "Corridors" to provide consistent streetscapes that encourage pedestrian-oriented development. 6

Strategy 3. Reduce front yard setbacks in "Corridors" by establishing a transitional area at the edge of abutting residential districts. 7

Strategy 4. Allow developers to count alley right-of-way towards the required side and/or rear yard setback requirements allowing for more flexibility in site design. 8

Strategy 5. Provide for waivers to Height and Lot Regulations through a special permit process; 8

Required Code Revisions. 9

Objective B. Revise Parking Standards. 9

Strategy 1. Expand shared parking provisions in all commercial zoning districts to allow up to 25% reduction, administratively, based on mix of uses with different peak hours.. 9

Strategy 2. Credit on street parking toward required parking.. 10

Strategy 3. Increase off-site parking options for some commercial districts. 10

Strategy 4. Reduce required parking in the B-5 Planned Regional Business District from 4.5 stalls per 1,000 square feet to 1 space per 300 square feet of commercial space. 11

Required Code Revisions. 12

Objective C. Streamline the Project Review Processes.. 12

Strategy 1. Allow for New Use Permits to be approved administratively. 12

Strategy 2. Convert all Special Permits for Planned Service Commercial into Use Permits. 13

Required Code Revisions. 13

Objective D. Apply the Planned Unit Development (PUD) Tool to Smaller Development Sites 13

Strategy 1. Reduce the PUD to a 1 acre minimum in those areas designated as "Corridors" by the new Design Standards. 13

Strategy 2. Allow PUDs to use adjacent right-of-way in calculating minimum area. 14

Required Code Revisions. 14

Objective E. Allow more opportunities for residential uses in commercial zoning districts. 15

Strategy 1. Allow residential uses in the first floor of commercial buildings.. 15

Strategy 2. Allow residential uses in H-2 Highway Business district and H-4 General Commercial district by special permit. 15

Required Code Revisions. 16

Objective F. Expand options for residential infill 16

Strategy 1. Establish Accessory Dwelling Units (ADUs) as conditional uses in the single family residential districts (R-1, R-2, R-3 and R-4). 16

Strategy 2. Eliminate "penalty" provisions limiting density in smaller scale Community Unit Plans. 17

Strategy 3. Allow for ½ to one acre Community Unit Plans for single family lots. 18

2. reESTABLISH 19

GOAL: reESTABLISH a Sense of Place in our Commercial Centers

Objective A. Establish design standards to encourage commercial and mixed use developments that are attractive, pedestrian-oriented, and enhance nearby neighborhoods. 20

Strategy 1. Designate specific areas where design standards will apply. 20

Strategy 2. Establish standards that make commercial and mixed use development more walkable. . . . 20

Strategy 3. Create building design standards that make development more aesthetically pleasing. . . . 21

Required Code Revisions. 21

Section 1. Introduction 23

Section 2. Work Requiring Review 24

2.1 Site Development Standards. 24

2.2 Building Design Standards. 24

Section 3. General Requirements. 25

a. Intent 25

b. Site Development Standards. 25

Section 4. Corridors (COR). 28

a. Intent 28

b. Site Development Standards. 28

c. Building Design Standards 28

Section 5. Center (CTR) 32

a. Intent 32

b. Site Development Standards. 32

c. Building Design Standards 33

Section 6. Definitions. 37

3. reINFORCE. 40

GOAL: reINFORCE Landscape/Screening Requirements

Objective A. Achieve desirable and permanent screens/ buffers 41

Strategy 1. Provide better enforcement of existing landscape/screening standards. 41

Strategy 2. Require street trees at the time of building permit if not planted as part of a new subdivision. 42

Strategy 3. Require more parking lot trees. 42

Strategy 4. Screen parking areas and motorized vehicles on display. 43
Required Code Revisions. 43

Objective B. Enhance buffers between incompatible uses. 44

Strategy 1. Require more and taller screening for taller buildings that abut lower density residential zoning districts. 44
Strategy 2. Require solid fencing plus dense landscaping to separate more intensive uses from residential uses. 44
Required Code Revisions. 44

4. reALIGN 46

GOAL: reALIGN zoning map with development goals

Objective A. Consolidate similar zoning districts to align with desired design context. . 47

Strategy 1. Consolidate B-1 into other zoning districts. 47
Strategy 2. Consolidate H-1 into H.3. 47

Objective B. Rezone properties to align with desired design context 48

Strategy 1. Strategy 1. Rezone H-3 to H-2 where abutting residential neighborhoods. 48
Strategy 2. Rezone H-2 to H-3 where it is not abutting residential neighborhoods.. 48
Strategy 3. Rezone I-1 to H-2 where it has redevelopment potential and is near residential neighborhoods. 48
Strategy 4. Rezone some H-4 to H-3 where located in areas that are predominately auto-oriented and isolated from neighborhoods. 48

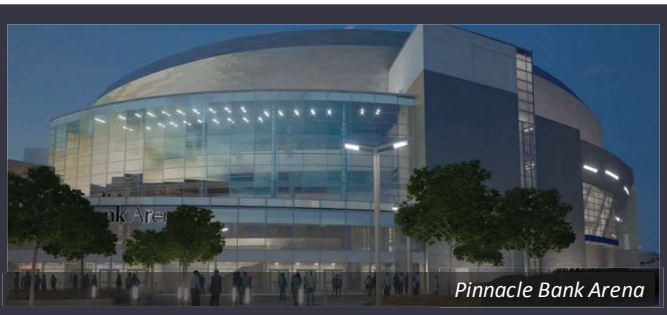
Introduction

An exciting wave of new development in Lincoln's core area, overcoming the lingering uncertainties of the global economic recession, has energized the entire community creating a new layer of activity, of interesting places, and new options for living, working, shopping and recreating.

These exciting projects include:

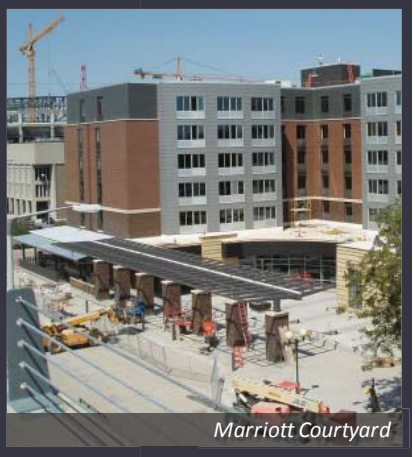
- In downtown, a public garage sandwiched by housing on the top and retail/restaurants on the bottom, two new office buildings, a renovated Centennial Mall. And formerly vacant spaces coming to life with new retail and entertainment.
- West of the Haymarket, a new indoor arena, two new hotels, new retail/restaurants with housing above, a new office building, and a new train depot.
- In Antelope Valley, clustered along a new landscaped creek corridor, a new corporate office building, trail center, townhouses, and a university garage wrapped and topped with student housing.
- On the old state fair grounds, the emerging Innovation Campus, with renovation of two historic buildings and construction of two new buildings which will contain private research space and laboratories that are linked to the science and technology resources of the state university nearby.

Union Plaza Park


Pinnacle Bank Arena

Assurity

P Street Retail Corridor


Marriott Courtyard

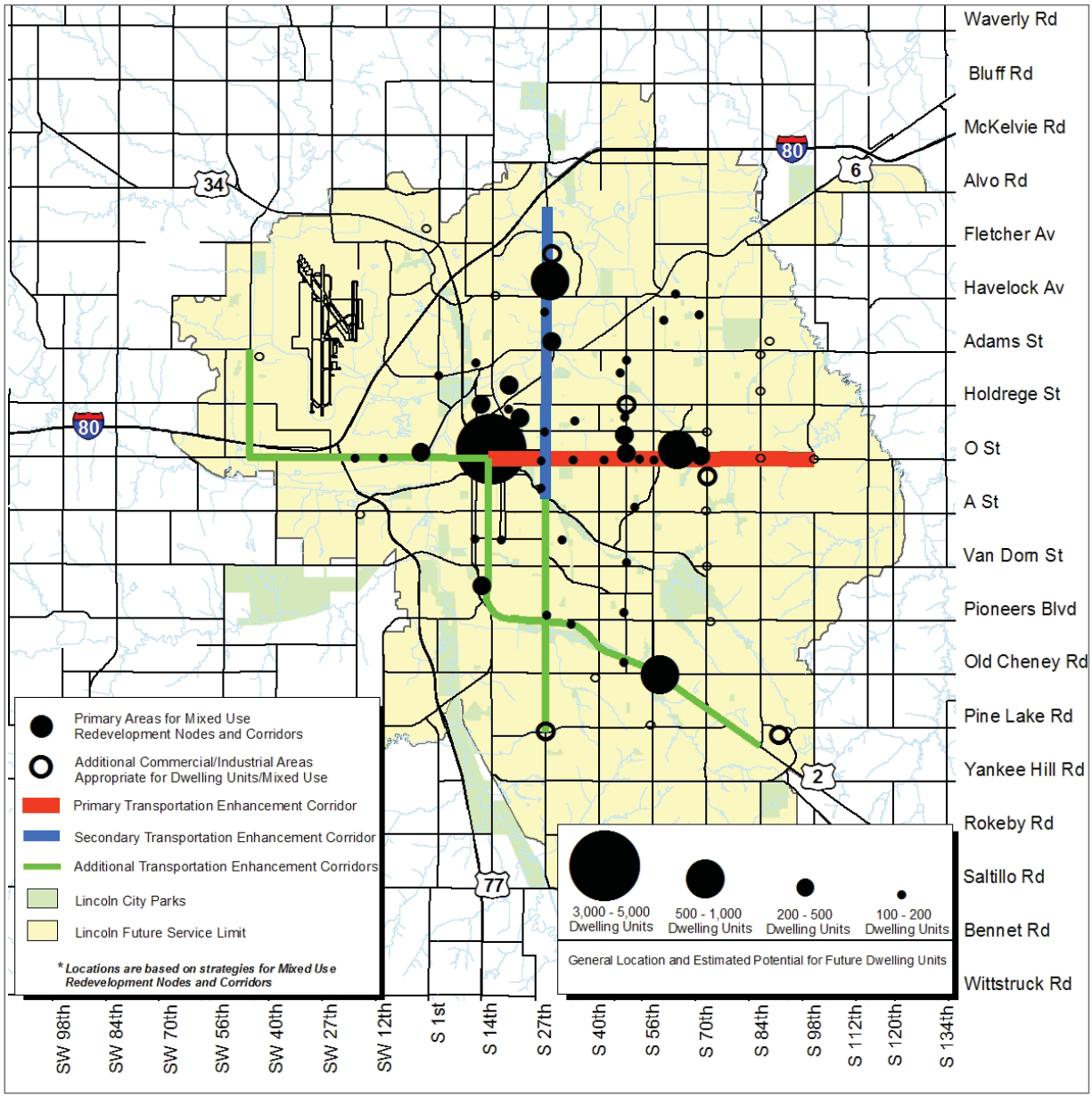
The Larson Building

Farmers Mutual

21st & N Street

This wave of new development is fulfilling the promise for the core area that has been laid out for many years in the City's Comprehensive Plan. But the latest edition of that plan also contains a new promise — that this energy, which takes the form of taller, denser, mixed-use development, can ripple out from the core area to revitalize and enhance other parts of the City. Those ripples may particularly land on older, obsolescing commercial and industrial sites, many of which are found along the City's key transportation corridors and at the nodes where these corridors intersect.

Accommodating just a portion of the City's projected growth through redevelopment of these areas at the edges of existing neighborhoods, along with limited infill of vacant and underutilized land in those neighborhoods, both done with sensitivity to the scale and character of those neighborhoods, can take advantage of existing infrastructure and services which are largely underutilized. This can realize a large savings to the community in taxes otherwise needed to support growth at the City's fringes.



Mixed Use Redevelopment Nodes and Corridors Map — LPlan 2040

Other communities have realized that the creation and enhancement of special "places" throughout the City, employing the careful design and arrangement of new and old buildings and spaces with consideration to convenient accessibility by all transportation modes, can be an important economic development tool. Offering more options to live and work and shop and recreate is important to attracting and retaining the kinds of businesses and workers which are fueling this century's post-industrial economy. Changing demographics, with the aging Baby Boomer generation and with the Millennial generation entering adulthood, are also increasing demand for new options.

The new Comprehensive Plan recognizes that the creation and enhancement of these kinds of places requires guidance through the adoption of new design standards. In addition, the Plan recognizes that current zoning rules that were designed decades ago to guide low-density suburban development do not work very well to facility infill and redevelopment. This document lays out a set of objectives and strategies for reFORMing the City's zoning code. It includes proposals to encourage this next potential layer of City development while remaining sensitive to the needs of existing neighborhoods for stability and protection.

Clear and consistently applied design standards for future commercial and mixed use projects can clarify and streamline the development process for developers and neighbors alike, both of whom have a shared stake in protecting the value of their properties.

The proposed code revisions are meant to realign standards and processes to be more consistent with the vision expressed in the Comprehensive Plan.

Aksarben Village, Omaha, NE

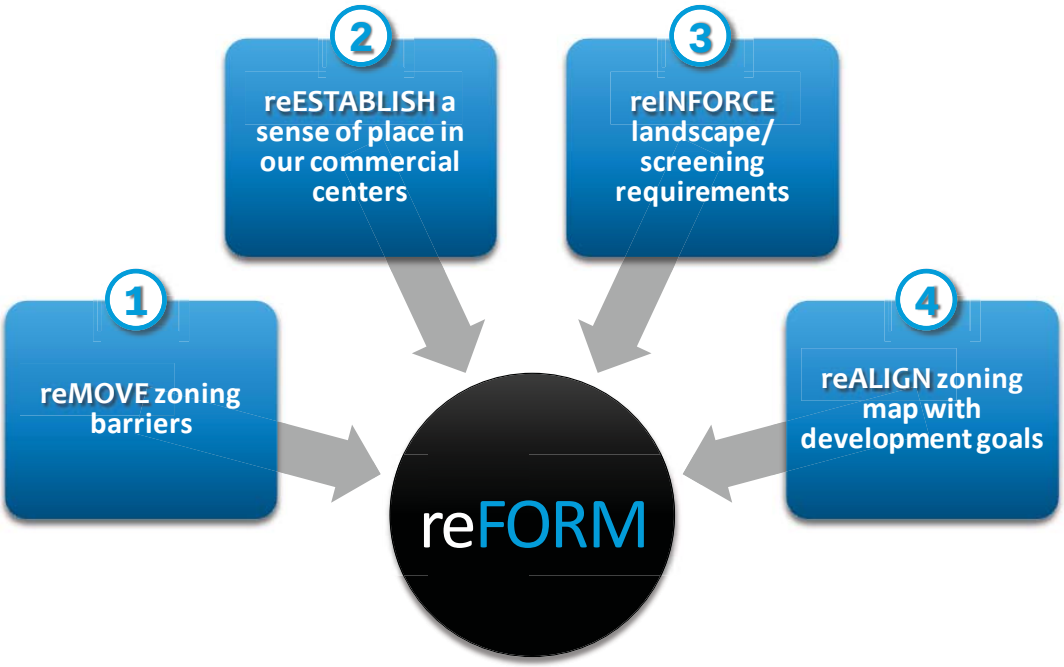
Paseo Colorado, Pasadena, CA

Belmar, Denver, CO

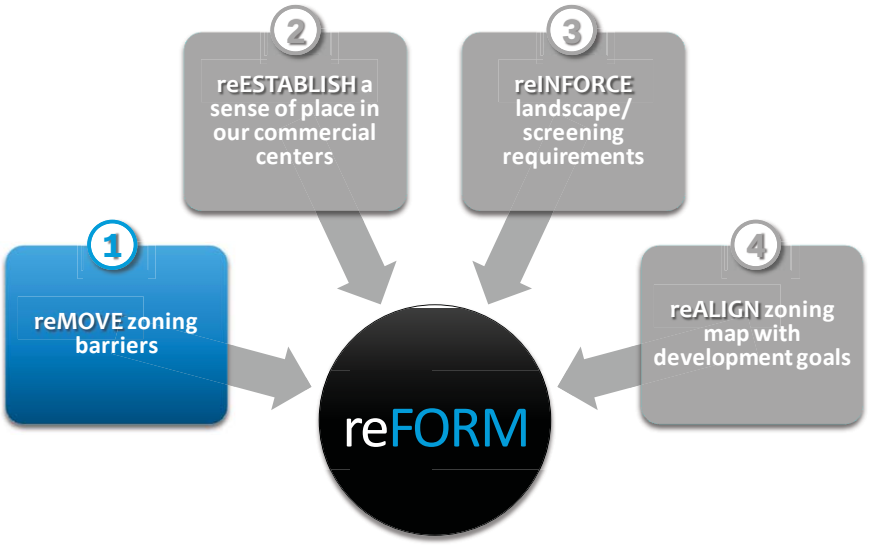
Four inter-related goals guide the development of these proposed changes. They are:

1. reMOVE zoning barriers
2. reESTABLISH a sense of place in our commercial centers
3. reINFORCE landscape/screening requirements
4. reALIGN zoning map with development goals

Each of the four goals is explained in a separate section of the report with more specific objectives identified for each. Strategies associated with each objective are then provided to further explain in more detail how the objective can be met. Discussion for each objective concludes with a list of code provisions to implement the strategies.



1. reMOVE



GOAL: reMOVE Zoning Barriers

"Revise the Zoning Ordinance to provide more flexibility, particularly in commercial districts."
— LPlan2040 (p. 6.1)

The foundations for the development review process are the Zoning Ordinance and Design Standards. The Zoning Ordinance is a set of rules that the community has agreed to abide by when developing and using land. These rules not only promote the health, safety and welfare of this community, but also provide predictability and set expectations for development. The existing zoning ordinance was developed over 30 years ago at a time when infill and redevelopment was not emphasized. It promoted separation of uses and established height and area regulations more conducive to developments on the edge of town rather than in the existing developed areas. This chapter of reFORM reviews existing zoning regulations and proposes how they might be modified to encourage infill and redevelopment while still protecting the integrity of surrounding neighborhoods.

Table of Contents

Objective A. Relax height and setback requirements.....6

Objective B. Revise Parking Standards.....9

Objective C. Streamline the Project Review Processes.... 12

Objective D. Apply the Planned Unit Development (PUD) Tool to Smaller Development Sites13

Objective E. Allow more opportunities for residential uses in commercial zoning districts..... 15

Objective F. Expand options for residential infill..... 16

Objective A. Relax height and setback requirements

> *Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.*
>
> *— LPlan2040 (P. 6.11)*

Strategy 1. Facilitate 3 and 4 story buildings by increasing the maximum building height in commercial zoning districts from 35 and 40 feet to 50 feet with proper setbacks from residential zoning.

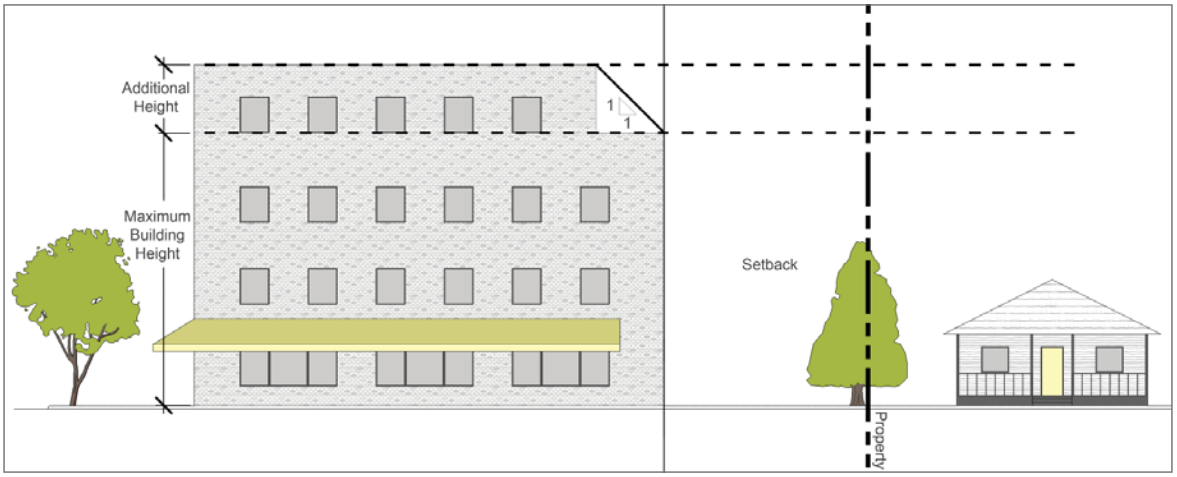
The 2040 Comprehensive Plan identifies the need and desire for mixed use development in older areas of the city. Redevelopment projects often happen on land that is constrained by other existing development. To encourage a mix of uses, particularly adding residential above 1st floor commercial, it is often necessary to increase the overall square footage of a project. The only way to do that in some areas is to build up instead of out. Although it is important to allow flexibility for building height adjustments, it is also important to consider the privacy of the abutting residential property. One solution is to use the step-back method to calculate the allowed height of a building over the district height. Another is to provide adequate buffering between uses. (See Chapter *"3. reINFORCE"*.

It is typical for communities to allow buildings to exceed the maximum allowed height in a zoning district by using a 1 to 1 ratio, otherwise known as a step-back approach. This ratio consists of setting back portions of the building so that for each additional foot of height, that portion of the building which exceeds the district height would be set back from the property line an additional foot.

Strategy 2. Reduce front yard setbacks in "Corridors" to provide consistent streetscapes that encourage pedestrian-oriented development.

Older areas of the city such as Downtown, Havelock, University Place and College View, established prior to the existing zoning ordinance, have an established street wall — a continuity of store fronts that connect people with buildings instead of parking. The current zoning ordinance requires a front yard setback in some of these areas. This requirement encourages developers to put their buildings on the back or center of the lot with parking up front in order to maximize the use of the land. By allowing zero foot front yard setbacks in areas

> **Definition: The close proximity of building facades along a street frontage create a feature known as a "street wall".**



Example of Step-Back Approach

17th Street Example of a Street Wall

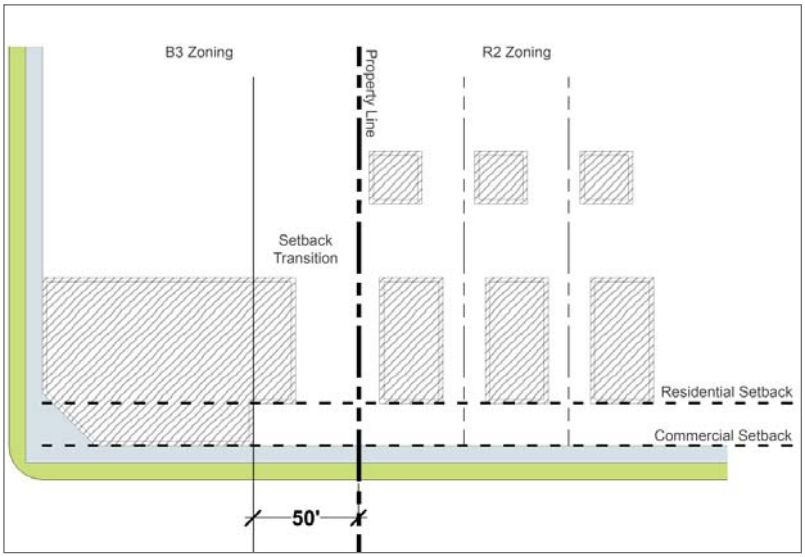
designated as "Corridors" in the Design Standards, developers can create streets that reinforce the character and appeal of these older areas.

The B-3 and H-2 zoning districts are proposed to be "Corridors" under the proposed design standards. This suggests zero foot front yard setbacks for districts that currently have a 20 foot setback. Much of the land now zoned B-1, which has a 20 foot setback, is proposed to be consolidated into B-3, which has a zero foot setback. H-2 would require a change from 20 feet to 0 feet in the zoning regulations.

Strategy 3. Reduce front yard setbacks in "Corridors" by establishing a transitional area at the edge of abutting residential districts.

Today's zoning ordinance requires that commercial zoning districts located on the same block face as a residential zoning district have the same setback as the abutting residential zoning district. This could require a setback from the property line anywhere between 20 to 30 feet. Many of the older commercial zoning districts, such as B-3, are located in areas of town where it is typical to find both residential and commercial zoning on a single block face. Unlike Use Permits in the newer zoning districts, which allow for setback reductions under the right circumstances, these older zoning districts do not have any mechanism to ask for relief of a setback established by the residential zoning district, even if it could be beneficial to the development and the neighborhood.

A transition, from residential to commercial, can be provided by requiring 50 feet of the commercial property to have the same setback as the adjacent residential zoning district. A 50 foot transitional area will protect neighboring residents while allowing streetscapes that encourage pedestrian oriented development.

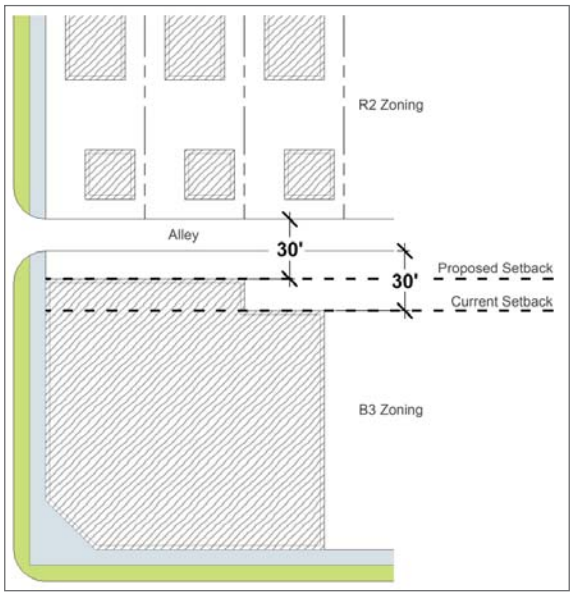


Example of 50 foot Transitional Setback Area

Strategy 4. Allow developers to count alley right-of-way towards the required side and/or rear yard setback requirements allowing for more flexibility in site design.

Alleys generally are found in older areas of town, where infill/redevelopment faces obstacles of smaller sites and may have existing buildings and utility easements. Alleys result in more required space between buildings on either side of the alley than the space between buildings on abutting lots.

Allowing setbacks to be measured from the property line on the opposite side of the alley will "level the playing field" in older areas by providing on average an additional 16 feet for development.



Use of Alley Right-of-Way in Setbacks

Strategy 5. Provide for waivers to Height and Lot Regulations through a special permit process;

In the newer commercial zoning districts, relief of zoning requirements can be found through a Use Permit. In the case of a proposed expansion or reconstruction of a nonconforming use or nonstandard structure, a Special Permit can be used for this purpose. Depending on the size of the property and intended uses, the Planned Unit Development ordinance may be used. The City Council may reduce parking standards in the case of a change in use on the property.

If a property does not fit one of these categories, then usually there is no practical way to make adjustments to zoning district requirements. These properties are often in areas of town that are redeveloping and most in need of waivers to facilitate good projects. This strategy would create a new special permit to allow waivers for commercial properties that have no other avenue of relief. The Planning Commission could approve waivers within a limited range, with more extensive waivers requiring City Council approval.

Required Code Revisions

- Revise the Height and Lot Requirements Chapter, Section 27.72.110 (Exceptions to the Height Requirements).
- Provide for changes to the front yard setbacks for the H-2 zoning district in the Height and Lot Chapter, Section 27.72.030 table 27.72.030(a), Maximum Height and Minimum Lot Requirements for the O, R-T and B Zoning Districts.
- Amend the Height and Lot Chapter, Section 27.72.080 Exceptions to Front Yard Requirements.
- Add language to the Height and Lot Chapter, Section 27.72.090 and 27.72.100 Exceptions to the Side and the Rear Yard Requirements.
- Add new special permit to the special permit chapter 27.63. to allow for the adjustment of Height and Lot Regulations in the B-3 and H-2 districts.
- Eliminate the 40% provision in 27.72.080 (e) for B-3 and H-2.
- Consolidate all of the B-1 zoning district into B-3 and other zoning districts. (See Chapter *"4. reALIGN"*.)

Objective B. Revise Parking Standards.

Strategy 1. Expand shared parking provisions in all commercial zoning districts to allow up to 25% reduction, administratively, based on mix of uses with different peak hours.

To promote mixed use developments and redevelopment in older areas of the City, parking regulations need to be more flexible and sensitive to specific locations, yet still provide predictability for developers and neighbors. Shared parking is a concept based on the simple idea that different destinations attract customers, workers and visitors during different times of the day. For example, an office that closes at 5:00 PM could share parking with a restaurant that has peak parking after 5:00 PM. Shared parking allows developers to decrease the amount of land required for a mixed use development. Shared parking reduces development costs, and allows for more efficient use of the land and better design including walkability and traffic flow. Use of central parking lots or garages discourages the development of many scattered facilities. Requiring more parking than the market demands adds substantial cost to the development and may prevent development.

Parking Needs by Time of Day and Day of Week

Uses	M-F	M-F	M-F	Sat/Sun	Sat/Sun	Sat/Sun
	8am-5pm	6pm-12am	12am-6am	8am-5pm	6pm-12am	12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office/Warehouse/ Industrial	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Conference/ Convention	100%	100%	5%	100%	100%	5%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

"Encourage shared parking between land uses with different peak demand periods."
— LPlan2040 (P. 6.8)

This strategy would not require hiring a consultant to do a complicated analysis for every development to determine the required parking. To calculate the allowable reduction, the developer can use tables included in the code.

Strategy 2. Credit on street parking toward required parking.

On street parking is advantageous not only because it provides convenient access for visitors, but it also lessens the need for parking lots and parking structures. On street parking meets short term parking needs well. Long term parking demand should still be directed to parking lots and parking structures. The need for parking structures is reduced and development costs are reduced when short term parking can be allocated to on street parking stalls. These short term parking spaces can discourage long term parkers and become a source of revenue by metering the most desirable spots.

Maintain or enhance on-street parking resources, especially in established/historic commercial districts.
— LPlan2040 (P. 5.15)

Example of On Street Parking Serving Commercial

Developers and planners should collaborate with Public Works and Utilities to identify current and future rights-of-way that would be good candidates for on street parking. Higher speed and higher volume roadways will not be good candidates for additional on street parking.

It can be difficult to allocate the credit for on street public parking stalls to multiple businesses fronting the street. One option for allocating such on street parking would be to reduce the overall parking requirement for a business by 10% if that business was located on a block that had 3 or more on street parking stalls.

Strategy 3. Increase off-site parking options for some commercial districts.

Additional off street parking is typically required when there is an increase in floor area or a change in use such as retail to restaurant. Often there is no space on the same lot to add additional parking, prohibiting uses that might otherwise be desirable at that location. This is an impediment to potential development and reuse of vacant buildings.

Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored.
— LPlan2040 (P. 5.15)

- ***Allow off-site parking in the B-5 and H-4 zoning districts.***
- ***Increase the maximum distance for off-site parking from 300 feet to 600 feet for all commercial districts that allow off-site parking.***

Off-Street Parking at N. 47th and St. Paul Streets

Off-site parking is allowed in most business/commercial zoning districts in Lincoln with the condition that the property owner enter into a long term lease for the parking. The B-5 and H-4 zoning districts are exceptions to the general rule.

Expanding off street parking options should also be extended to all the commercial zoning districts by allowing some or all off-site parking to be within 600 feet instead of 300 feet, which is still a reasonable walk for patrons or employees.

Provides a "town center" orientation in the overall center plan to create a quality mixed use environment (e.g. by having design elements such as a "main street" environment with a row of on-street parking on both sides, slower traffic speeds, and the majority of parking at the rear with buildings, sidewalks, benches and other amenities oriented to pedestrians).

— LPlan2040 (P. 5.14)

Strategy 4. Reduce required parking in the B-5 Planned Regional Business District from 4.5 stalls per 1,000 square feet to 1 space per 300 square feet of commercial space.

The B-5 zoning district is designed for the development of regional retail shopping facilities and related activities, and is represented by the "Regional Commercial Center" designation in the Comprehensive Plan:

"Regional Centers generally include a unique blend of commercial and other compatible land uses. Within this type of center, one may find retail shopping, restaurants, entertainment complexes, cultural and artistic institutions, offices, personal and business service facilities, public institutions and governmental functions, and the center should include residential uses. The scale of such centers can offer a sense of place with a unique character or cohesive theme".

— LPlan2040 (p. 5.9)

Regional centers are very large in nature, requiring at least 30 acres of land. These centers incorporate a large number of use types and they usually have a high tenant turnover rate, making it very difficult to keep track of parking requirements. This difficulty is compounded by joint parking provisions where tenants share parking stalls instead of stalls allocated specifically for their business.

The Comprehensive Plan does not expect to see any more regional centers in Lincoln over the next 30 years, but it does expect redevelopment within these centers. To facilitate and encourage redevelopment on unused paved parking areas a reduction in minimum parking standards for this district would be helpful.

Allowing a reduction in parking for the B-5 zoning district would have a positive impact on the existing developments by allowing the developer the flexibility to determine how much parking is needed while maintaining an minimum number of parking stalls to satisfy parking expectations. This change has already been implemented over a portion of East Park Plaza at 66th and O Street,

where parking was reduced to 1 stall per 300 square feet of floor area for all uses. The approval helped facilitate new tenants in a center that was having trouble recruiting new businesses. Other B-5 districts that would benefit from this change include: Lincoln Crossings (N. 27th/ Superior), NE corner of N. 27th/Cornhusker, Gateway & the remainder of East Park (N. 66th/O St.), South Pointe (S. 27th/Pine Lake), Edgewood (S. 56th/Hwy 2), and Prairie Lakes (S. 87th/Hwy 2).

Required Code Revisions

- Revise the table at the end of the Parking Chapter 27.37.
- Replace 27.67.040 (dd) with parking demand calculation language
- Add to 27.69.040 language allowing required off street parking to be reduced by 10%.
- Amend the parking table at the end of the Parking Chapter 27.67 to reflect the above changes.

B-5 Example in East Park (N. 66th and O Streets)

Objective C. Streamline the Project Review Processes.

Chapter *"2. reESTABLISH"* sets out specific new standards for site development and building design in "Centers" that will be zoned B-2, B-5 or H-4.

Because design standards will provide more predictability, the current requirement for Planning Commission review of development plans in these districts could be replaced by an administrative approval process.

> ***Reduce the time it takes to move city-assisted projects through the City review process.***
> ***— LPlan2040 (P. 6.11)***

Strategy 1. Allow for New Use Permits to be approved administratively.

If zoning has already been approved on a property, a new Use Permit could be submitted to the Planning Director for review and approval as long as there were no waivers being requested that require Planning Commission or City Council action.

New Use Permits could be approved administratively if:

- The Use Permit is in B-2, B-5 or H-4
- There are no waivers of zoning or design standards requiring Planning Commission or City Council approval.
- There are no new public streets being dedicated.

The developer asking for a Change of Zone may choose to bring a Use Permit to the Planning Commission or City Council along with a Change of Zone. By filing a Use Permit with a Change of Zone for public review, the developer can agree to specific conditions that alleviate neighbors' concerns about the Change of Zone.

See Chapter *"2. reESTABLISH"* for specification on when the new proposed design standards for centers would apply to existing Use Permits.

Strategy 2. Convert all Special Permits for Planned Service Commercial into Use Permits.

Planned Service Commercial special permits function in a similar way to Use Permits. The difference between the two has often caused confusion for both developers and neighborhoods. Planned Service Commercial Special Permits are only allowed in the H-4 zoning district. Originally they were intended to regulate uses beyond what was allowed in the H4. The requirements for this special permit have been amended so many times over the years that the permit no longer functions as it was originally intended. It makes practical sense to review and regulate them in the same manner that we regulate Use Permits today. It is proposed that all property zoned H-4 (Some areas currently zoned H-4 are proposed for rezoning to H-3. See Chapter *"4. reALIGN"*) would become subject to the Use Permit requirement as in B-2 and B-5. When a property owner chooses to rezone to H-4 or to modify his development plan, he will be required to submit a Use Permit and meet the new design standards for Centers as discussed in the *"2. reESTABLISH"* chapter of this document.

Required Code Revisions

- Eliminate the Special Permit for Planned Service Commercial.
- Add the H-4 zoning district to the Use Permit Chapter.
- Add design standard information to the Use Permit Chapter.

Objective D. Apply the Planned Unit Development (PUD) Tool to Smaller Development Sites

The PUD is a valuable tool for redevelopment. PUDs are similar to Community Unit Plans (CUPs) in that they allow more flexibility than typical zoning, but they also allow a greater mix of uses and other modifications to the ordinance.

Strategy 1. Reduce the PUD to a 1 acre minimum in those areas designated as "Corridors" by the new Design Standards.

Allowing for 1 acre PUDs in Corridor development areas, the same as the minimum size for a Community Unit Plan (CUP), promotes mixed-use and infill development. The 3 acre PUD is still appropriate for areas of new development as the constraint of land assemblage typically does not exist.

There will be instances where the PUD is not appropriate, because it would not be consistent with the purpose of a PUD as stated in the Zoning Ordinance. Planned unit development districts are intended to promote the public convenience and necessity; protect the health, safety, and welfare, to implement the goals and policies

PUD at Holdrege and Idylwild Streets

of the Comprehensive Plan and are to be used when it is necessary or appropriate to:

1. Permit flexibility in the regulation of land development;
2. Encourage innovation in land use, variety in design, layout, and type of construction;
3. Encourage the economy and efficiency in land use, natural resources, the provision of public services and utilities and the preservation of open space.

Strategy 2. Allow PUDs to use adjacent right-of-way in calculating minimum area.

The Community Unit Plan (CUP), a provision of the Zoning Ordinance used for residential developers allows for adjacent right-of-way to be calculated as part of the minimum required area, but the PUD provisions currently do not. Allowing all Planned Unit Developments to count the adjacent rights-of-way when meeting their minimum acre requirements will provide consistency with the methods used to calculate areas in Community Unit Plans.

There are cases where a smaller integrated development on a tract approximately one-half a city block (approximately 1 acre) in area can be appropriate with the right planning. An example of infill development might consist of lots 50' x 142', where six such lots, or one-half of a city block, amounts to 42,600 square feet of area. If allowed to count one-half the adjacent rights-of-way to meet the minimum threshold of one-acre (as is now done with Community Unit Plans), one-half block sized tracts in the city's older commercial centers would be eligible for PUDs. Such sites, similar to the old Green's Plumbing and Furnace site in University Place, which are bounded on two sides by local streets, an alley, and an arterial street, would have built-in buffers which help lend them to redevelopment.

The PUD at University Place allows Residential on the First Floor 40' from N. 48th Street

> ***Where compatible mixes of uses, appropriate site layout, and quality design standards still can be upheld, reduce the minimum size for Planned Unit Developments to promote mixed use redevelopment on smaller parcels in identified Mixed Use Redevelopment Nodes and Corridors.***
>
> ***— LPlan2040 (P. 6.11)***

Required Code Revisions

- Amend Chapter 27.60.020 (a) (1) to reflect a condition that allows for 1 acre PUDs in areas designated as Corridor.
- Amend Chapter 27.65.020 to add minimum area can include ½ of adjacent right-of-way.

Objective E. Allow more opportunities for residential uses in commercial zoning districts.

The Comprehensive Plan projects a significant shift in demographics during the planning period, which is expected to create a demand for some smaller dwellings, smaller lots and more walkable neighborhoods that have retail and services integrated to serve residents. The mixed use redevelopment concept focuses on the existing and expected large supplies of undeveloped or under-utilized commercial land with city services already in place. Many of the existing commercial centers are underutilized with regards to their residential potential.

Strategy 1. Allow residential uses in the first floor of commercial buildings.

Live/work units are a growing part of the real estate market. Although it is important to have a cohesive and consistent commercial block face, it is possible to utilize space within the building for residential use without detracting from the commercial corridor. Allowing for residential uses in commercial zoning districts promotes mixed use development and all the social and economic benefits associated with this type of development.

> ***"Incorporate a variety of residential use types such as rowhouses, apartment buildings, apartments in mixed use buildings, live-work units, and special needs housing. These buildings could also serve as a transition to the existing neighborhood."***
>
> ***— LPlan2040 (P. 6.8)***

Commercial zoning districts allowing residential uses could allow residential on the first floor if the residential use is set back 40 feet from the front of the building facing an arterial street or front of a building on a block face which is primarily commercial in nature.

Strategy 2. Allow residential uses in H-2 Highway Business district and H-4 General Commercial district by special permit.

The H-4 zoning district functions more like a center than a Highway Commercial District. Many of the H-4 centers are retail and office in nature and function like a B-2 or B-5 zoning district.

Allowing for residential in H-4 centers that are retail and office in character would be beneficial in creating mixed use developments as encouraged by the Comprehensive Plan. H-4 centers that are heavy on contractor services or are located next to Industrial districts may not be appropriate centers to incorporate residential development. Some of these areas are suggested for rezoning to the H-3 district in the reALIGN chapter.

H-4 Zoning at S. 27th and Pine Lake Streets Appropriate for Mixed Use

The H-2 zoning district is primarily retail and is located in the area of N. 48th and O Street. This area is generally characterized by retail shops and personal services. It is not adjacent to Industrial zoning and could foster dwelling units above the commercial ground floor.

Required Code Revisions

- Add to the Conditional Use Chapter Section 27.62.040 language such as; "In all commercial zoning districts, except the H-3 and H-1, and H-2 and H-4 by Special Permit, residential uses on the first floor of a building are permitted under the following condition: must be set back 40 feet from the front of the building facing an arterial street or front of a building on a block face which is primarily commercial in nature".
- Add a special permit to Chapter 27.63 the Special Permits chapter to allow residential uses in H-2 and H-4 recognizing its appropriateness is situational. Revise the Use Group chapter (27.06) to reflect this change in the Household Use Group table 27.06.070 and the Group Living Use Group table 27.06.080.

Objective F. Expand options for residential infill

The Comprehensive Plan suggests 1,000 dwelling units of "residential infill" by 2040. This infill could happen in a variety of ways including vacant lots, redevelopment, or Accessory Dwelling Units.

Strategy 1. Establish Accessory Dwelling Units (ADUs) as conditional uses in the single family residential districts (R-1, R-2, R-3 and R-4).

The Comprehensive Plan specifically suggests allowing ADUs as a way to achieve modest levels of infill in existing and future neighborhoods. Requirements for ADUs must balance the desire to make this a broadly available option for homeowners with the interests of neighboring properties.

Definition: An Accessory Dwelling Unit (ADU) is a self-contained dwelling unit on the same lot as an attached or detached single-family dwelling.

Suggested Conditions

- Residency Requirement: The owner is required to live on the property either in the main building or the ADU. The ADU and the main building must each meet the definition of "family" according to the zoning code.

Existing ADU in Lincoln

- The ADU and single-family dwelling may not be subdivided or otherwise sold separately.
- Cannot be a mobile home, recreational vehicle, or other moveable or temporary vehicle or structure.
- Minimum 5,000 sq. ft. lot area for detached ADUs; no minimum for attached.
- Height: 20 feet or equal to or shorter than the main house for detached ADUs; height of zoning district for attached ADUs.
- Limited to one bedroom, one bathroom, and one kitchen.
- Size limited to:
  - Detached ADUs: Not more than: 500 sq. ft. for lots 5,000-7,499 sq. ft.; 650 sq. ft. for lots 7,500-9,999 sq. ft.; 800 sq. ft. for lots 10,000 sq. ft. or greater.
  - Attached ADUs: The lesser of 40% of the main building or 800 sq. ft.
- Parking: One parking stall in addition to that required of the main building. If the main building currently has no parking, one stall shall be provided.
- Setbacks:
  - Any expansions of the existing accessory building may not further encroach closer to lot lines than the setbacks established by the existing accessory building. Otherwise, detached ADUs must be 5 feet from side and rear lot line. If above a garage that takes vehicular access to and has garage doors facing an alley, then the garage must be setback 10 feet from the alley.
  - Attached ADUs must respect the setbacks of the district for the main building.
- Utilities: ADUs shall share utility connections with the main building.
- Design Standards:
  - Design features such as roof pitch, building materials, windows, and general style for ADUs is meant to be subordinate to the main house; setbacks, elevated decks, balconies, window placement are given special attention to consider privacy of neighbors.

A Detached ADU

  - ADUs contained completely within an existing house require no additional design review.
  - If meets all requirements, Planning Director issues a Certificate of Approval listing all conditions, which must be accepted by the applicant in writing and file the document with the Register of Deeds.
  - Waiver and appeal process available.

Strategy 2. Eliminate "penalty" provisions limiting density in smaller scale Community Unit Plans.

Language in the CUP Chapter that imposes a 10% density reduction on CUPs that are between 5 and 10 acres and a 20% reduction for those less than 5 acres.

The purpose of the Community Unit Plan, as stated in the zoning ordinance, is to permit and encourage the creative design of new living areas, as distinguished from subdivisions of standard lot sizes and standard street systems in order to permit such creative design in buildings, open space, and their interrelationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods. With creative design and a public review process, added density through a CUP can not only enhance a development but also an entire neighborhood. Allowing the same on all sized tracks of land will make redevelopment feasible on small tracts that might otherwise sit vacant or underutilized. Creative design can allow for density that meets cash flow requirements but still designed in a manner that complements surrounding areas.

Strategy 3. Allow for ½ to one acre Community Unit Plans for single family lots.

It is common in older areas of town to see large lots of ½ to one acre in size surrounded by smaller residential lots. These lots are often irregularly shaped with narrow widths, long depths and limited access to the rear area. The Community Unit Plan (CUP) tool, which currently is limited to tracts of at least one acre in size, could be utilized in these situations to modify roadway or setback standards, allowing for additional lots to be developed.

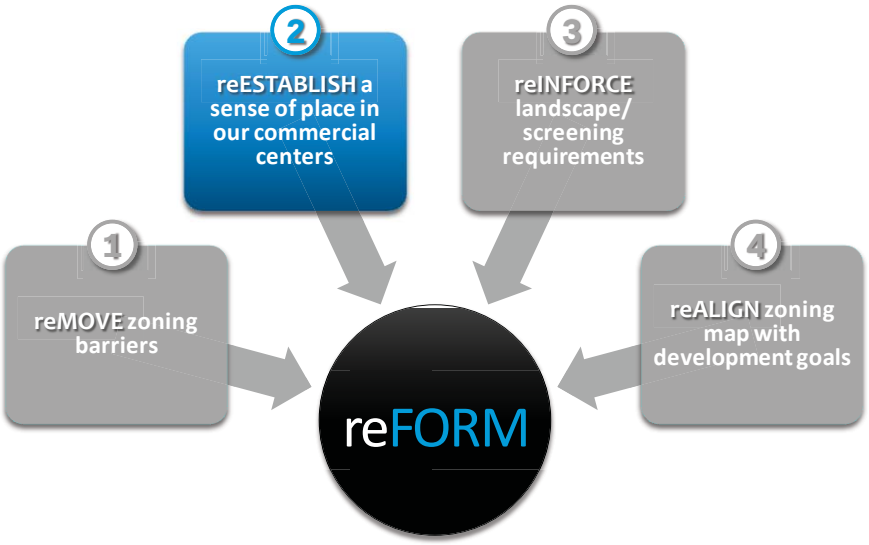
Because these types of lots are typically surrounded by single family detached homes, the extension of the CUP tool to tracts of less than an acre should be limited to only allow for additional single family detached lots and not other types of dwellings. CUPs must be approved through a process of public input and review, which also will help ensure compatibility with the surrounding neighborhood.

Required Code Revisions

Revise the Use Groups Chapter 27.06.020 (c) and the Height and Lot Chapter 27.72.120 to allow ADUs.

- Remove the language in the Community Unit Plan Chapter Section 27.67.020 that requires a reduction in units based on number of acres in the CUP.
- Revise 27.65 to all for ½ to 1 acre Community Unit Plans for single family detached lots.

2. reESTABLISH



GOAL: reESTABLISH a Sense of Place in our Commercial Centers

"Establish clear urban design standards and an efficient, expeditious review process for development and redevelopment of mixed use commercial/ residential neighborhoods. Attractive streetscapes, and safe and comfortable movement of people — whatever their mode of travel."

—LPlan2040 (P. 4.7)

The Comprehensive Plan recommends an enhanced quality of design for new and redeveloping commercial and mixed use areas. The following Draft Design Standards for Commercial and Mixed Use Development ("Design Standards") address the site development and building design aspects of these types of developments. These standards are applied strategically across the community to achieve enhanced aesthetics, functional form, and pedestrian accommodation in areas that are very visible from major roadways and act as front doors to nearby residential

Table of Contents

Objective A. Establish design standards to encourage commercial and mixed use developments that are attractive, pedestrian-oriented, and enhance nearby neighborhoods 20

Section 1. Introduction. 23

Section 2. Work Requiring Review 24

Section 3. General Requirements. 25

Section 4. Corridors (COR) . . 27

Section 5. Center (CTR) 31

Section 6. Definitions 36

neighborhoods. As with all Design Standards, a waiver process is available for projects where it is not possible or appropriate to meet the standards.

The proposed standards will align with certain zoning districts and will be applied to PUDs on a case by case basis. Not all zoning districts will have design standards. "Corridor" standards would apply to B-3 and H-2 and "Center" standards to B-2, B-5, and H-4 districts. In order to achieve the desired outcome of the objective, rezoning from one commercial classification to another is proposed in order to better align with the existing and/or future desired design context. (See Chapter *"4. reALIGN"*.)

Corridors consist of linear commercial and mixed-use areas within neighborhoods and along arterial streets with short blocks interconnected to local street networks. Corridor development is predominately found in older parts of the City. Development is integrated with and easily accessible from abutting residential neighborhoods. Small-scale Corridor development is, by tradition and design, pedestrian friendly with one to three story buildings oriented to the street and built up to the property line. Larger-scale Corridor development has historically been automobile-dependent and often lacks a uniform character with variation in setbacks, building size (height or area), limitations to vehicular access from the arterial, parking location and quantity, lot sizes, and right-of-way conditions.

Centers consist of commercial or mixed use development that is largely planned as one cohesive area, but may include adjacent commercial land and multiple land owners. Centers typically abut one or more arterials and are generally 5 to 100 acres in size. Centers are composed of a series of development "blocks" defined by perimeter streets and internal roadways. Internal roadways provide links to abutting streets along the perimeter of the site. Buildings are generally accessed via internal roadways. Defining features of Centers include human scale building features, enhanced streetscapes, pedestrian amenities such as plazas, on-street parking, and clustering of buildings to promote walkability.

Objective A. Establish design standards to encourage commercial and mixed use developments that are attractive, pedestrian-oriented, and enhance nearby neighborhoods

Strategy 1. Designate specific areas where design standards will apply.

It is intended that both private and public property owners will comply with these Design Standards, including voluntary cooperation by the University of Nebraska at Lincoln, City of Lincoln, State of Nebraska, and U.S. Government and any other government or agency that is not legally bound by local zoning requirements.

"Corridors" include areas currently zoned B-1, B-3, H-2, H-3, and I-1. The proposal would change zoning on some of these properties in order to include or exclude them from design standards requirements. (See Chapter *"4. reALIGN"*.) B-3 and H-2 would be the designated zoning districts for applying Corridor standards.

"Centers" include areas currently zoned B-1, B-2, B-3, B-5, and H-4. The proposal would change zoning on some of these properties in order to include or exclude them from design standards requirements. (See Chapter *"4. reALIGN"*.) B-2, B-5, and H-4 would be the designated zoning districts for Center standards.

Strategy 2. Establish standards that make commercial and mixed use development more walkable.

General standards for all streetscapes in and adjacent to B-2, B-3, B-5, H-2, and H-4 were developed to include a minimum 16 foot streetscape area between the buildings and curbs that includes an 8 foot minimum planting area for street trees and an 8 foot area in which to locate a 5 foot sidewalk.

Variations of the standard streetscape are included for changes in street width, availability of right-of-way, on-street parking, and historical building patterns.

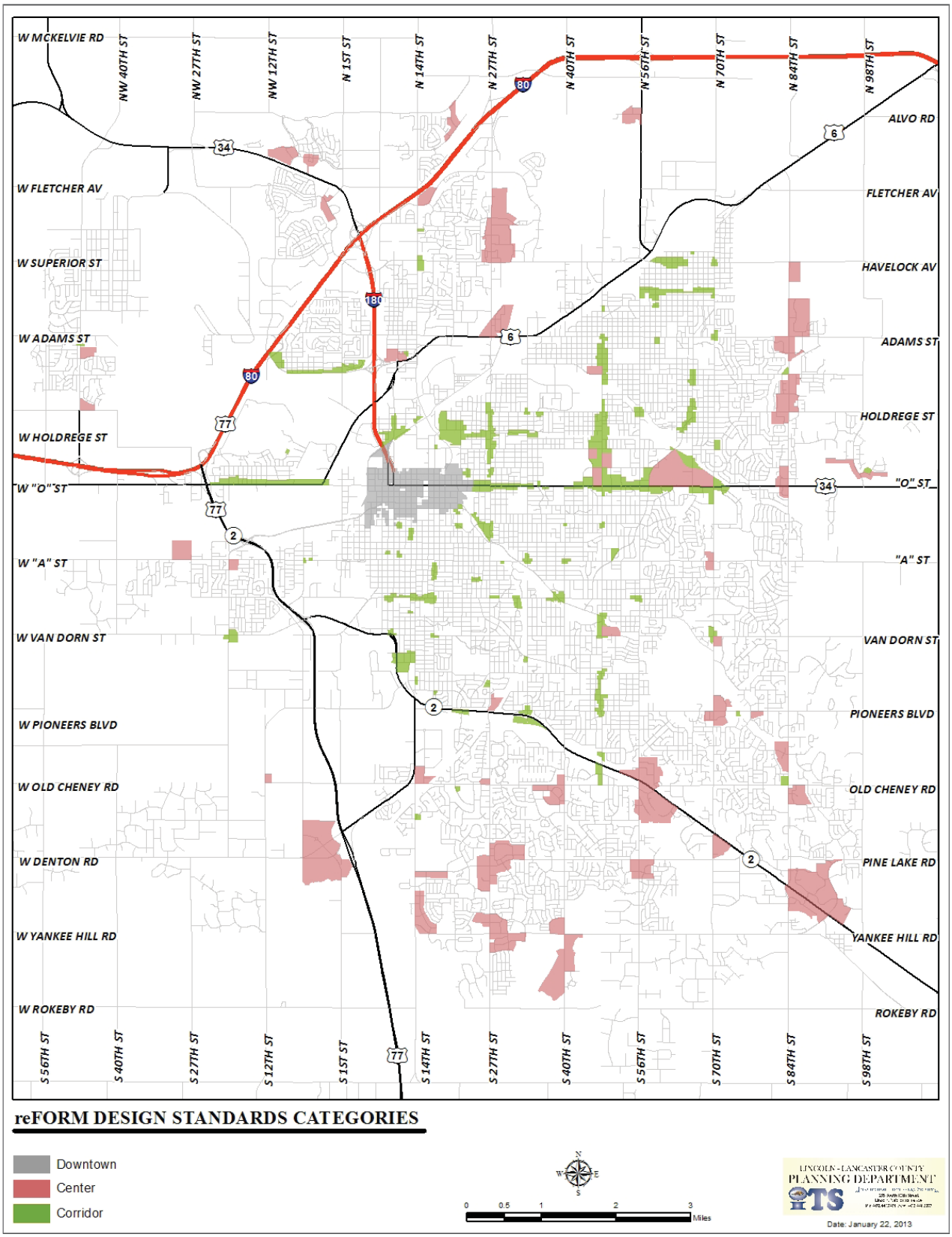
In addition to the proposed enhancement of streetscapes, building placement and design have been considered in drafting the design standards. In order to make these areas more pedestrian-friendly, there needs to be a sense of enclosure to the space between buildings that are along a street. Buildings in Corridors are required to construct front facades (this does not have to be an entrance facade) within 20 feet of the streetscape. 90% of the floor area in Centers shall be adjacent to a "pedestrian-oriented route" designated on the plan. 60% of the buildable frontage along a designated pedestrian-oriented route should have buildings on both sides of the street. Parking lots are not allowed between sidewalks and buildings. Building design features for both Corridors and Centers, such as higher quality materials and minimum percentages for transparency (window area), would improve the pedestrian experience.

Strategy 3. Create building design standards that make development more aesthetically pleasing.

Building design standards are included for both Corridors and Centers. Building design standards consider major elements of the structure such as articulation, transparency, materials, equipment screening, and entrance design. For Corridors, the highest standards are for the street facing sides of buildings. For Centers, the priority for building design is along the pedestrian-oriented route. The draft standards create more aesthetically-pleasing buildings, especially along pedestrian travelled ways and help to avoid blank walls, windowless facades, cheap materials, and monotony.

Required Code Revisions

- Make changes to the zoning map to align with the desired design standards categories. (See Chapter *"4. reALIGN"*.)
- Create a new chapter in the City of Lincoln Design Standards similar to the draft on the following pages.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LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT
Date: January 22, 2013

Draft Design Standards For Commercial And Mixed Use Development

> *"Establish stronger design standards for redevelopment projects to provide assurance that they will blend into the context of, or enhance, the surrounding neighborhood and avoid conflicting visions among developers, neighbors, and city officials."*
>
> *—LPlan2040 (P. 6.10)*

Section 1. Introduction

The Comprehensive Plan recommends that more attention to design of new and redeveloping commercial and mixed use projects. The following Design Standards for Commercial and Mixed Use Development address the site development and building design to achieve enhanced aesthetics, functional form, and pedestrian accommodation in areas along major roadways and near residential neighborhoods. These standards are applied to property zoned B-2, B-3, B-5, H-2, and H-4. As detailed in Chapter *"4. reALIGN"*, the reFORM proposal includes rezoning some land in other districts to one of these classifications and rezoning some land in these classifications to other districts without design standards.

Commercial and mixed use developments, including some commercially-zoned properties and Planned Unit Developments outside of the downtown area are subject to the standards in one of two types of design category. Planned Unit Developments will be assigned one or the other category based on their individual site characteristics.

There are two design categories:

- Corridor: The Corridor (COR) category consists of linear commercial and mixed-use areas within neighborhoods and along arterial streets with short blocks interconnected to local street networks. Corridors consist of B-3 and H-2 zoning, but may also include Planned Unit Developments. Corridor development is predominately found in older parts of the City. Development is integrated with and easily accessible from abutting residential neighborhoods. Small-scale Corridor development is, by tradition and design, pedestrian friendly with one to three story buildings oriented to the street and built up to the property line. Larger-scale Corridor development has historically been automobile-dependent and often lacks a uniform character with variation in setbacks, building size (height or area), limitations to vehicular access from the arterial, parking location and quantity, lot sizes, and right-of-way conditions.
- Center: The Center (CTR) category consists of commercial or mixed use development that is largely planned as one cohesive area, but may include adjacent commercial land and multiple land owners. Centers consist of B-2, B-5, and H-4 zoning, but may also include Planned Unit Developments. Centers typically abut one or more arterials and are generally 5 to 100 acres in size. Centers are composed of a series of development "blocks" defined by perimeter streets and internal roadways. Internal roadways provide links to abutting streets along the perimeter of the site. Buildings are generally accessed via internal roadways. Defining features of well-designed Centers include human scale building features, enhanced streetscapes, pedestrian amenities such as plazas, on-street parking, and clustering of buildings to promote walkability.

Design standards in each category are divided into two kinds of standards: Site Development Standards and Building Design Standards. Site Development Standards relate to the arrangement of buildings, circulation, and parking on the site. Building Design Standards relate to what features are required to be incorporated in the design of individual buildings. Both types define minimum requirements for development and typically would be exceeded by quality developments.

> *"Apply design standards as a tool for economic development. They provide assurances for surrounding property owners as well as prospective developers."*
>
> *—LPlan2040 (P. 5.3)*

Section 2. Work Requiring Review

2.1 Site Development Standards

The Corridor and Center Design Standards apply to site design and exterior features of projects requiring building permits in the B-2, B-3, B-5, H-2 and H-4 Zoning Districts whether the project is new construction, exterior remodeling of existing buildings, or site development that does not include buildings (such as parking lots).

Deviations of the standards can be granted based on :

a. Features of the project shall not cause greater deviation from these Design Standards than currently exists.

b. Project shall meet the applicable Design Standards that are feasible given existing site conditions.

Centers less than 10 acres or less than 500 feet in width may be considered as "Corridors" on a case by case basis by the Planning Director and follow all applicable design standards for Corridors.

2.2 Building Design Standards

The building design standards apply to exterior features of projects requiring building permits in the commercial areas identified, whether the project is new construction or exterior remodeling of existing buildings. Interior aspects of new or existing construction do not require review under the design standards (although other building and zoning codes may apply). The building design standards apply accordingly:

- Minor Remodeling Projects (investing 50% or less of a property's assessed valuation). Exterior features of the project shall not cause greater deviation from these design standards than currently exists.
- Major Remodeling Projects (investing more than 50% of a property's assessed valuation). Exterior features of the project shall meet the applicable design standards.

Building design elements not addressed in previously approved plans or agreements should adhere to the building design standards. For example, if a previously approved plan includes standards for articulation, the articulation element of these design standards is not required to be met; however, all other building design standards shall apply.

Section 3. General Requirements

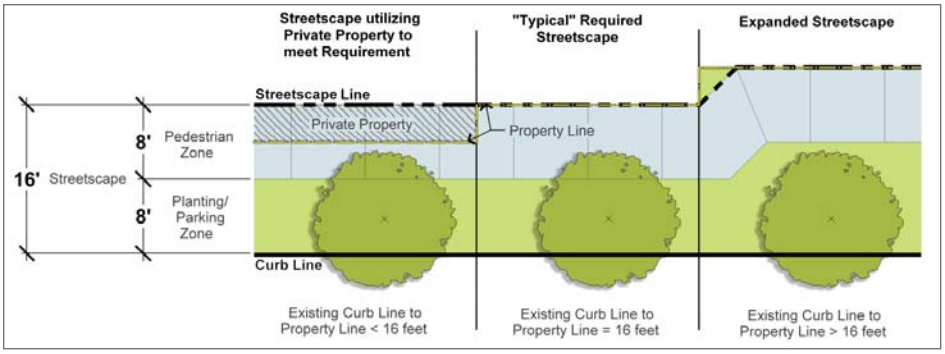
a. Intent

The following general requirements apply to both Corridors and Centers:

b. Site Development Standards

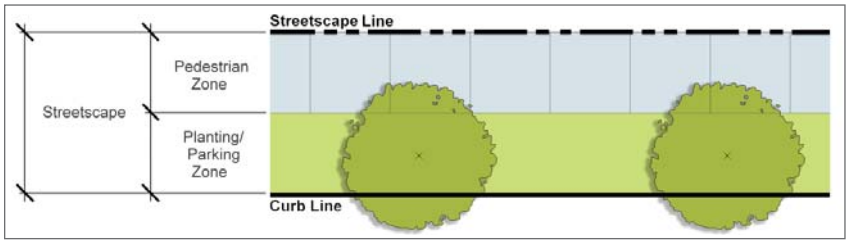
1. Streetscape

- The streetscape shall be at least 16 feet in width.
  - The pedestrian zone shall be a minimum of 8 feet wide with a minimum 5-foot wide free and clear area.
  - The planting/parking zone shall be a minimum of 8 feet wide.
  - The minimum streetscape requirement shall apply regardless of the available right-of-way. Where necessary, the streetscape shall extend onto private property to fulfill the minimum requirement.

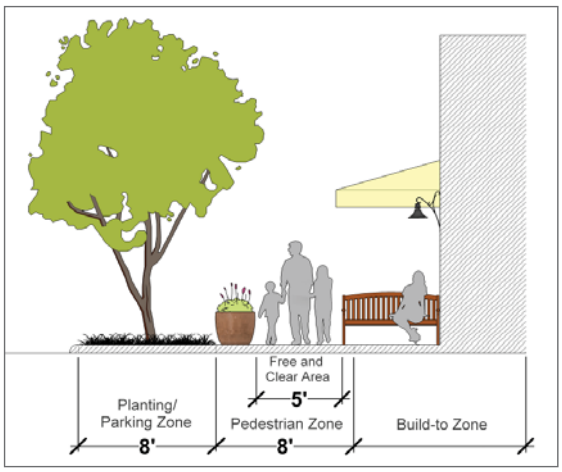


Examples of Streetscapes with Varying Available Right-of-Way

  - Streetscape zones shall align with and transition to abutting streetscapes zones.
  - Street trees are required for all development. Street trees shall be planted in conformance with the Design Standards for Street Trees.



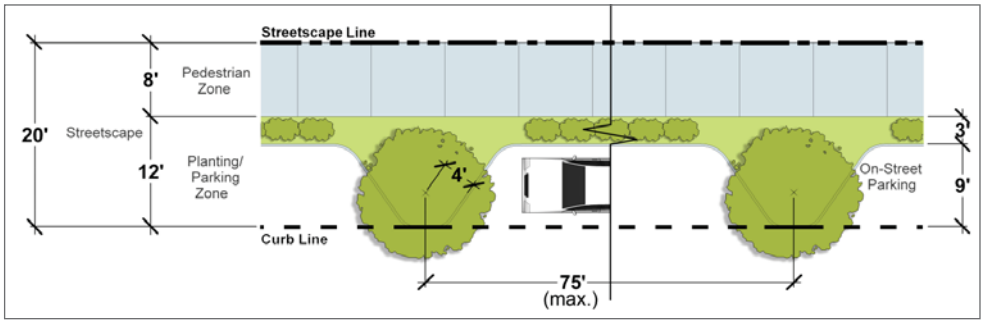
Minimum Streetscape Dimensions, Plan



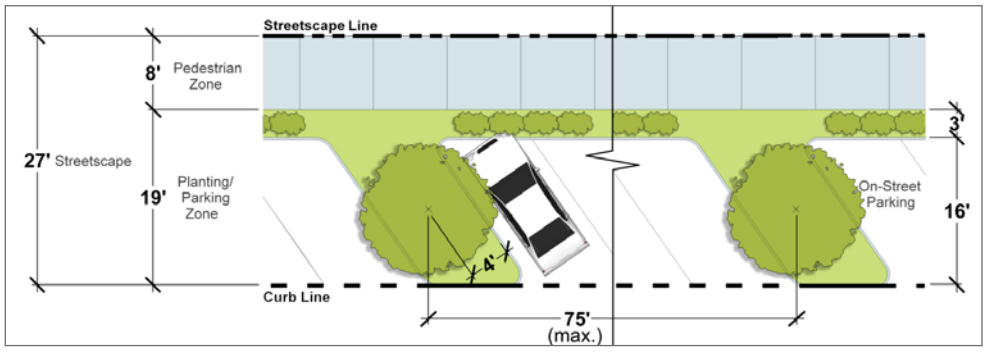
Minimum Streetscape Dimensions, Section

2. Streetscape with On-Street Parking

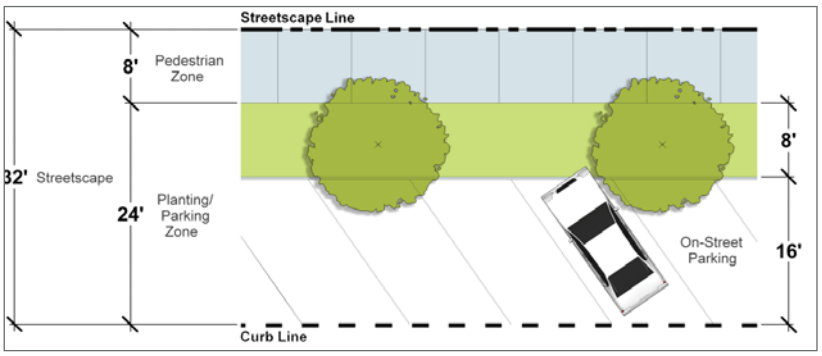
- Where on-street parking is permitted and desired, the planting/parking zone shall be wide enough to accommodate parking and vehicle over-hangs and door swings.
  - For parallel parking, the planting/parking zone shall be a minimum of 12 feet wide with a minimum 3-foot wide planting area and a minimum 9-foot wide on-street parking area.
  - For angled parking, the planting/parking zone shall be a minimum of 19 feet wide with a minimum 3-foot wide planting area and a minimum 16-foot wide on-street parking area.
  - On-street parking shall be interrupted by planting areas for street trees planted at a maximum spacing of 75 feet. Planting areas for street trees shall have a minimum radius of 4 feet from the center of the tree.
  - Required planting areas for street trees can be provided in a planting peninsula or in a planting strip.
  - The streetscape shall follow the curb line, regardless of the varying relationship between the curb line and the property line. Occasionally, the curb line will be interrupted by on-street parking.



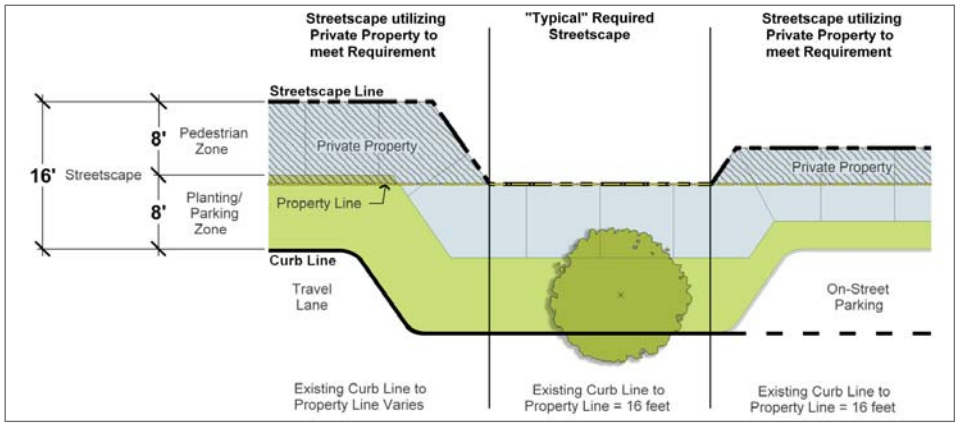
Minimum Streetscape Dimensions where On-Street Parallel Parking is Provided



MInimum Streetscape Dimensions where On-Street Angled Parking is Provided



Example of Streetscape with Planting Strip



Examples of Streetscapes with Varying Curb Line

Section 4. Corridors (COR)

a. Intent

Design standards strive to revive, repair, and enhance Corridor areas by creating attractive streetscapes, pedestrian-scale facades, and by reinforcing the continuation of a historical building pattern in B-3 and H-2 zoning districts.

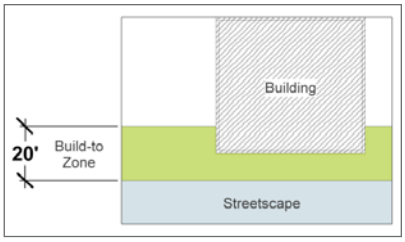
b. Site Development Standards

1. Streetscape

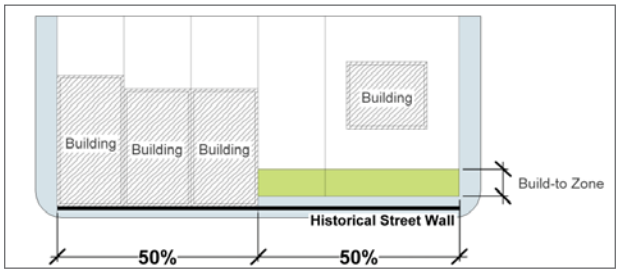
- Where the streetscape is less than 16 feet wide because a historical street wall has been established (see build-to zone below), the pedestrian zone shall be a minimum of 5 feet wide to accommodate the minimum free and clear area. The planting/parking zone may be adjusted according to the circumstance.

2. Build-to Zone

- The build-to zone shall be between: 1) the front property line, ROW line, public access easement, or the streetscape line, whichever is a greater distance from the curb line; and 2) 20 feet from the front property line, ROW line, public access easement, or the streetscape line, whichever is a greater distance from the curb line.
- Street facades shall be built within the build-to zone.
- If 50 percent or more of the frontage of a block face is developed at the same line (+/- 2 feet), then a historical street wall has been established and shall be continued. Where a historical street wall has been established, street facades shall align with the historical street wall.
    - Where the historical street wall is closer to the street than the standard build-to zone, buildings shall be built up to the historical street wall. This may result in a streetscape width less than the standard.



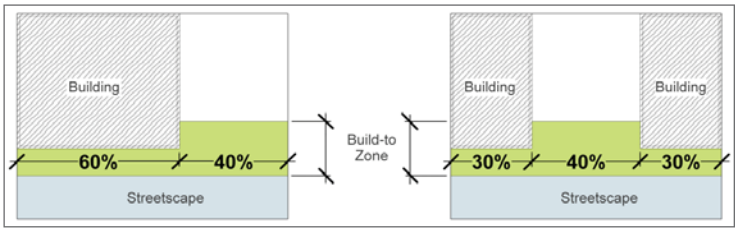
Examples of street Facade Placement within Build-To Zone



Example of Established Historical Street Wall

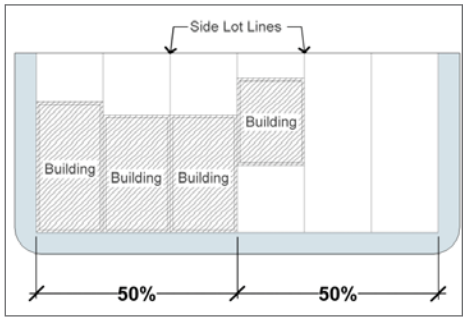
3. Net Frontage Length

- At least 60 percent of the net frontage length of the property must consist of street facade within the build-to zone. For corner lots, this may be reduced to 30 percent along the frontage of the street that is not a primary street.



Examples of Building Placement to achieve Net Frontage Length

- In some areas, existing buildings are constructed from side lot line to side lot line, whether allowed by current zoning or not. In these areas, if 50 percent or more of the frontage of a block face is developed with zero or minimal side yards (2 feet or less), then a historical street frontage has been established and shall be continued. Where a historical street frontage has been established, 100 percent of the net frontage length of the property must consist of street facade within the build-to zone.



Example of Established Historical Street Frontage

4. Orientation

- On lots 150 feet deep or less, buildings shall be oriented to present the entrance facade to the primary street.

5. Additional Pedestrian Considerations

- To minimize interruptions of and conflicts with the pedestrian routes across abutting sidewalks, garage doors and service bays shall not open directly onto sidewalks, but instead shall be oriented toward alleys or toward the interior of the lot. One service bay shall be permitted facing a sidewalk if a building has no alley access.

6. Vehicular Access, Circulation and Parking

- Off-street parking and drive-through lanes are prohibited within the build-to zone between the streetscape and the building.

c. Building Design Standards

1. Articulation

- Any street or entrance facade exceeding 100 feet in length shall incorporate two or more of the following building elements every 40 feet:
  - Changes in wall or roof plane with a depth or height of at least 2 feet.
  - Changes of color, texture, or material.
  - Columns, ribs, pilasters, or reveals at least 1 foot wide and 8 inches deep.
  - Window or door openings.
  - Balconies, awnings or canopies with a depth of at least 5 feet and no more than 10 feet that are a minimum of 8 feet above sidewalk grade. The size and proportion of awnings and canopies should reflect the size and proportion of openings on the building facade.

2. Transparency

- At least 50 percent of the area between 4 and 9 feet above grade of any street or entrance facade shall consist of windows, glass doors or other transparent (clear or slightly tinted) building surfaces. Display windows that are at least 2 feet deep are permitted and may be counted toward the 50 percent transparency requirement.

3. Materials

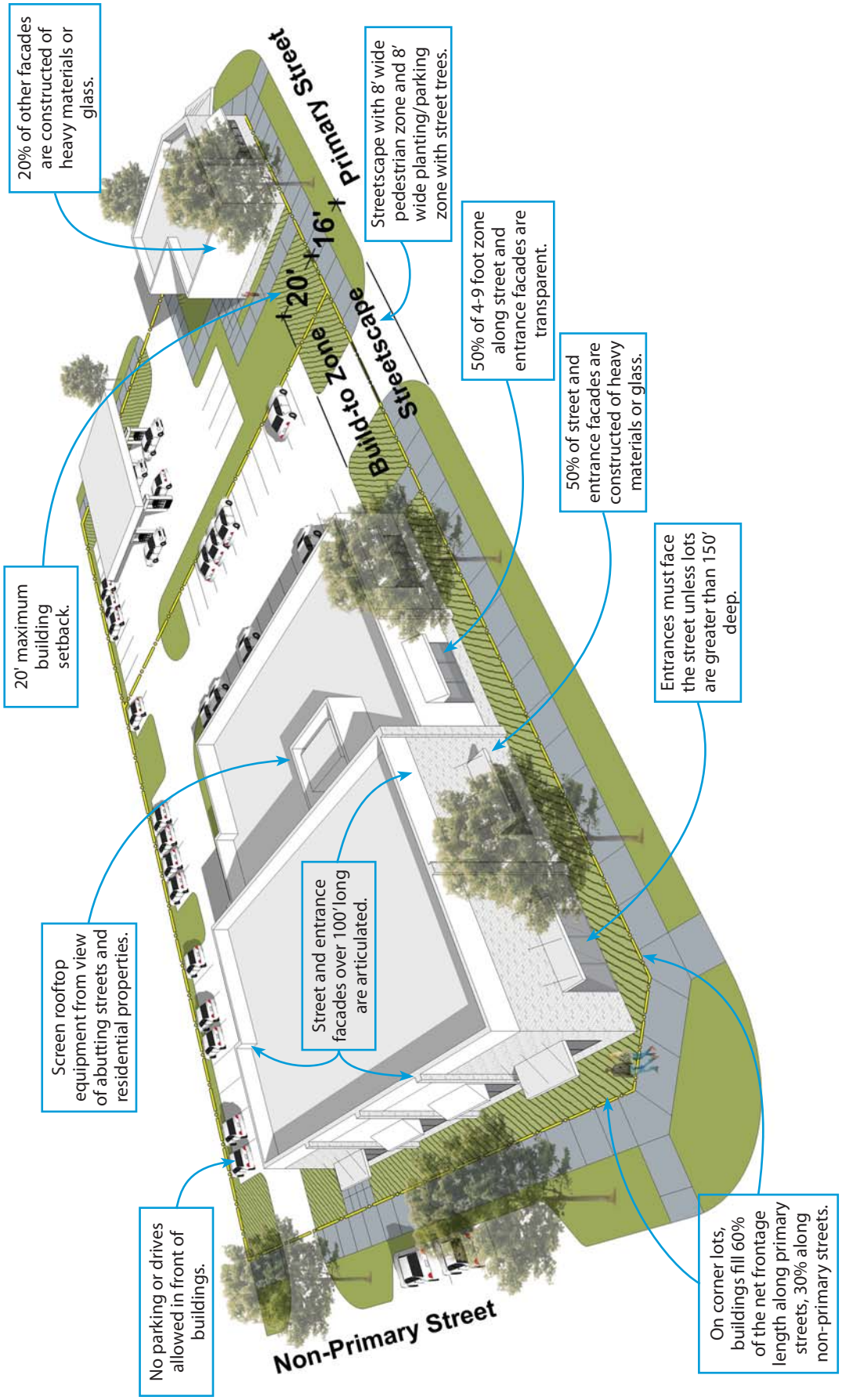
- Prohibited materials for all building facades include plain or painted concrete block, and non-architectural grade vinyl, plastic, aluminum or other metal siding, especially that designed with an appearance like wooden siding materials.
- Allowed materials are categorized into two groups according to their perceived physical weight:
  - Heavy materials: Natural or manufactured stone; brick; integrally-colored concrete panels and concrete block; and other materials that are equivalent in appearance and durability.
  - Light materials: Stucco, EIFS, cement board, metal architectural panels, architectural tile, metalwork, and wood.
- Street facades and entrance facades shall be constructed of at least 50 percent heavy materials or glass and be designed to a similar level of building detail and finish. The balance of exterior wall area, if any, shall be light materials.
  - All other building facades shall be constructed of at least 20 percent heavy materials or glass.
- Non-durable materials such as EIFS and cement board are not allowed on the first 3 feet above grade on all street and entrance facades.
- The design of inconspicuous side and rear walls will be reviewed for approval on a case by case basis.

4. Parking Structures

- Any ground-floor parking in structures shall be screened from public sidewalks.
- Parking structures shall be designed with the appearance of horizontal floors, concealing sloped floors or ramps visible on street facades. (Entrance and exit ramps may be visible through openings on the ground floor.)
- Materials for parking structures shall be compatible with materials of the main building.

5. Equipment Screening

- Ground level and rooftop mechanical equipment and trash and storage areas shall be screened with materials compatible with the main walls of the building so they are not visible from abutting streets and residential properties.



Standards for Corridors

Section 5. Center (CTR)

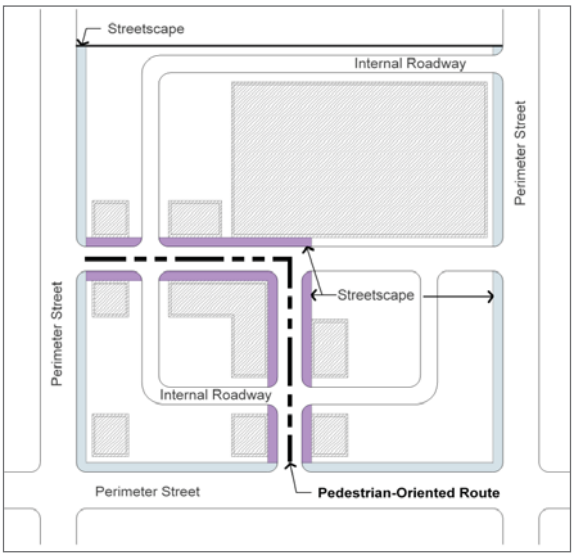
a. Intent

Design standards strive to enhance Centers by providing a pedestrian-oriented route, pedestrian-friendly building arrangement, open space amenities, and defined streetscapes. Center standards are applied to Use Permits for land zoned B-2, B-5, and H-4.

b. Site Development Standards

1. Pedestrian-Oriented Route

- A pedestrian-oriented route shall be designated on the site plan. The following standards assume that the pedestrian-oriented route is along an internal roadway. If the pedestrian-oriented route is desired along perimeter streets rather than along an internal roadway, the Planning Director may allow the pedestrian-oriented route along primary streets and follow site development standards of Corridors and building design standards for Centers.
- Pedestrian-oriented routes shall be continuous from perimeter street to perimeter street or from perimeter street to another pedestrian-oriented route. If there is only one perimeter street, it may be appropriate to terminate the pedestrian-oriented route at the intersection with another internal roadway; preferably one that connects to adjacent development or a perimeter street.
- The pedestrian-oriented route shall connect to a perimeter street at two or more points; this could be the same perimeter street or more than one. If only one perimeter street, then only one connection to it is required.
- At least 90 percent of the Center's floor area must be in buildings that abut a pedestrian-oriented route. Isolated pad sites are allowed, but may not exceed 10 percent of the total floor area of the Center. Buildings may also meet this requirement if a pedestrian amenity is located between the building and the pedestrian-oriented route, as long as the street facade facing the pedestrian-oriented route is no more than 100 feet from the streetscape line.



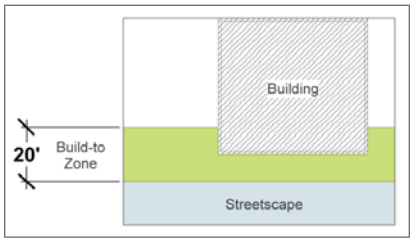
Example of Center with Designated Pedestrian-Oriented Route

2. Streetscape

- Streetscapes are required on both sides of pedestrian-oriented routes.
  - When abutting parking lots, the streetscape shall continue. The streetscape for a pedestrian-oriented route may be interrupted by driveways and/or drive aisles, but there shall be no less than 150 feet from centerline to centerline of the driveway or drive aisle. At corners, the length of two intersecting driveways/drive aisles/internal roadways/perimeter streets may be added together in order to meet the 150-foot minimum requirement.
- Pedestrian-oriented routes which are between buildings rather than along internal roadways shall be a minimum of 30 feet wide with a minimum 5-foot wide free and clear area. Thirty percent of the defined area between buildings along the pedestrian-oriented routes shall consist of landscaping. In addition to landscaping, one shade tree is required per 50 feet of pedestrian-oriented route between buildings.
- On-street parking is encouraged along pedestrian-oriented routes.

3. Build-to Zone

- The build-to zone shall be between: 1) the front property line, ROW line, public access easement, or the streetscape line, whichever is a greater distance from the curb line; and 2) 20 feet from the front property line, ROW line, public access easement, or the streetscape line, whichever is a greater distance from the curb line.
- Street facades shall be built within the build-to zones of pedestrian-oriented routes.



Examples of Street Facade Placement within Build-To Zone

4. Net Frontage Length

- At least 60 percent of the net frontage length of a pedestrian-oriented route must be two-sided (a street facade within the build-to zone along both sides of the route).
  - Greens, squares, or plazas can contribute to the two-sided requirement if they are at least 20 feet in depth and abut a building.

5. Orientation

- Where a large footprint building (footprint of over 40,000 sq. ft.) abuts a pedestrian-oriented route, it shall provide at least one customer entrance along the route. This customer entrance does not have to provide access to the "main tenant" of the structure, for example, it could be a single department or a separate leased space attached or within the structure of the large footprint building.
- Where all other buildings abut a pedestrian-oriented route they shall have at least one entrance facade on the route.

6. Additional Pedestrian Considerations

- Continuous building facades shall not exceed 500 feet in length.
- A minimum 16-foot wide pedestrian access shall be provided between buildings to encourage safe and convenient walking between the storefronts and parking areas behind buildings.

7. Pedestrian Amenities

- Pedestrian amenities such as greens, squares, or plazas shall be provided. The minimum area of the amenities shall be 0.5 percent of the area of the commercial/mixed-use development with a minimum width and depth of 20 feet. Pedestrian amenities shall be accessible for use and enjoyment by pedestrians (this excludes private/fenced areas for outdoor dining) and shall abut a pedestrian-oriented route. A building wall must abut at least one side. Indoor spaces may qualify as a primary amenity if they meet the minimum space requirements and function as public spaces with uses such as sitting, amusement, flexible space, events, etc.

8. Vehicular Access, Circulation and Parking

- Off-street parking and drive-through lanes are prohibited within the build-to zone between the streetscape and the building.

c. Building Design Standards

1. Articulation

- Any arterial, street, or entrance facade exceeding 100 feet in length shall incorporate two or more of the following building elements every 40 feet:
  - Changes in wall or roof plane with a depth or height of at least 2 feet.
  - Changes of color, texture, or material.
  - Columns, ribs, pilasters, or reveals at least 1 foot wide and 8 inches deep.
  - Window and door openings.

- Balconies, awnings and canopies with a depth of at least 5 feet and no more than 10 feet that are a minimum of 8 feet above sidewalk grade. The size and proportion of awnings and canopies should reflect the size and proportion of openings on the building facade.

2. Entrance Design

- Principal entrances shall be clearly defined and distinguishable from the abutting street, pedestrian walkway or parking lot by incorporating three or more of the following design elements:
  - Architectural detailing such as brickwork or ornamental moldings.
  - Recesses or projections from the building facade with a minimum depth of 3 feet.
  - Parapet wall or roof raised a minimum of 3 feet above the adjoining structure.
  - Pilasters projecting from the building facade a minimum of 8 inches and/or architectural or decorative columns.
  - Arcades, colonnades, and galleries.
  - Awnings and canopies with a depth of at least 5 feet and no more than 10 feet that are a minimum of 8 feet above sidewalk grade.
  - Integral planters or wing walls that incorporate landscape or seating.
  - Display windows surrounding the entrance.

3. Transparency

- For pedestrian-oriented routes, at least 70 percent of the area between 4 and 9 feet above grade of any street or entrance facade shall consist of windows, glass doors or other transparent (clear or slightly tinted) building surfaces.
- For arterial facades without a public entrance, at least 20 percent of the area between 4 and 9 feet above grade shall consist of windows, glass doors or other transparent (clear or slightly tinted) building surfaces.
- For all other buildings not located along the pedestrian-oriented route, at least 50 percent of the area between 4 and 9 feet above grade of any entrance facade shall consist of windows, glass doors or other transparent (clear or slightly tinted) building surfaces. Display windows that are at least 2 feet deep are permitted and may be counted toward the 50 percent transparency requirement.

4. Materials

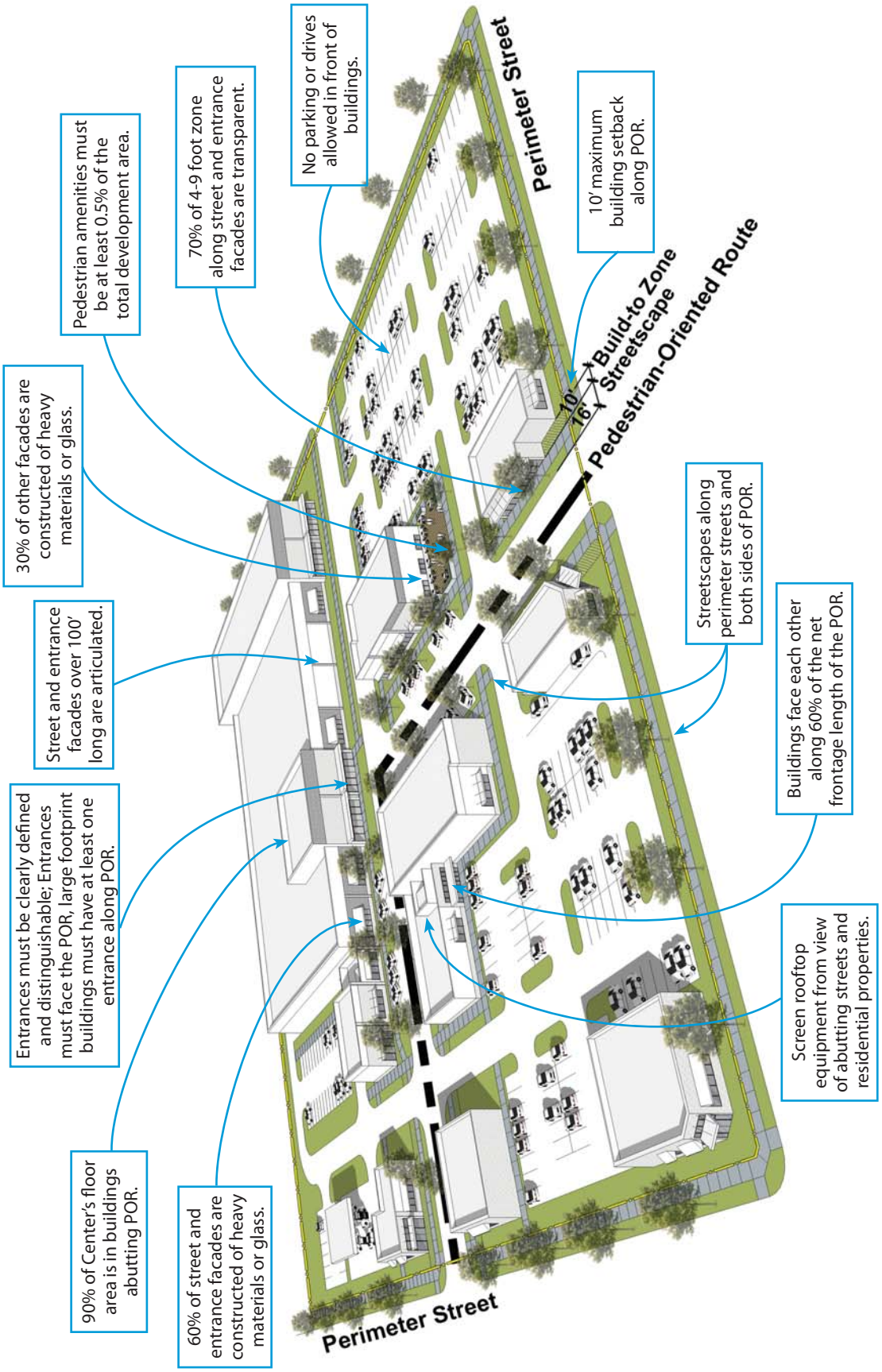
- Prohibited materials for all building facades include plain or painted concrete block, and non-architectural grade vinyl, plastic, aluminum or other metal siding, especially that designed with an appearance like wooden siding materials.
- Allowed materials are categorized into two groups according to their perceived physical weight:
  - Heavy materials: Natural or manufactured stone; brick; integrally-colored concrete panels and concrete block; and other materials that are equivalent in appearance and durability.
  - Light materials: Stucco, EIFS, cement board, metal architectural panels, architectural tile, metalwork, and wood.
- Arterial, street, and entrance facades shall be constructed of at least 60 percent heavy materials or glass and be designed to a similar level of building detail and finish. The balance of exterior wall area, if any, shall be light materials.
  - All other building facades shall be constructed of at least 30 percent heavy materials or glass.
- Non-durable materials such as EIFS and cement board are not allowed on the first 3 feet above grade on all arterial, street, and entrance facades.
- The design of inconspicuous side and rear walls not defined as arterial facades will be reviewed for approval on a case by case basis.

5. Parking Structures

- Any ground-floor parking in structures shall be screened from public sidewalks.
- Parking structures shall be designed with the appearance of horizontal floors, concealing sloped floors or ramps visible on street facades. (Entrance and exit ramps may be visible through openings on the ground floor.)
- Materials for parking structures shall be compatible with materials of the main building.

6. Equipment Screening

- Ground level and rooftop mechanical equipment; and trash and storage areas shall be screened with materials compatible with the main walls of the building so they are not visible from abutting streets and residential properties.



Standards for Centers

Section 6. Definitions

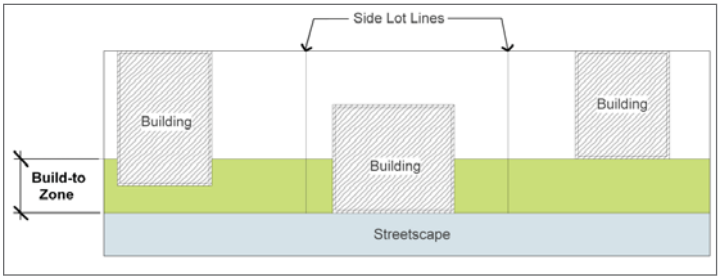
Articulation: Articulation is a method of breaking up long, homogenous building facades into smaller parts using architectural elements such as changes in wall or roof plane; changes of color, texture, or material; columns, ribs or pilasters; window and door openings; and balconies, awnings and canopies.

Arterial Street: Streets identified in the Comprehensive Plan as arterial streets.

Block face: The front side of property on one side of a street between two cross streets.

Build-to Zone: A defined range within which the street facade must be located. The build-to zone shall be between: 1) the front property line, ROW line, public access easement, or the streetscape line, whichever is a greater distance from the curb line; and 2) 20 feet from the front property line, ROW line, public access easement, or the streetscape line, whichever is a greater distance from the curb line.

All elements of the street facade including alcoves, changes in wall plane, indentions for entrance displays, etc. shall be located within the build-to zone.



Example of Build-To Zone

Curb Line: Measured at the back of curb. The curb line is the street edge of the streetscape. A curb line may be interrupted by on-street parking.

Design Category: Areas of commercial and mixed use development based on zoning designation that are categorized based on the contextual pattern of the future desired outcome for development. Design categories include Corridors (COR) and Centers (CTR).

Facade:

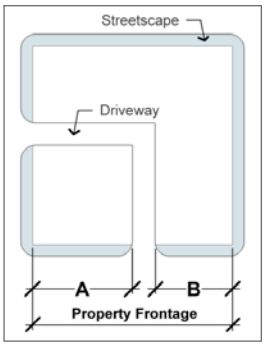
- **Arterial Facade (for Centers only):** The facade of a building that is within 100' and parallel or roughly parallel to an arterial street. The arterial facade can be either a primary building facade with an entrance or a secondary building facade without an entrance. For buildings with facades that are not within a build-to zone, all facades within 100' facing and parallel or roughly parallel to the streetscape of an arterial street shall be considered an arterial facade.
- **Entrance Facade:** The facade of a building that contains the principal entrance; the primary building facade. When the principal entrance is contained in the street facade, the entrance facade is the same as the street facade.
- **Street Facade:** The facade of a building within the build-to zone that is parallel or roughly parallel to a street or pedestrian-oriented route. The street facade can be either a primary building facade with an entrance or a secondary building facade without an entrance. For buildings with facades that are not within a build-to zone, all facades within 100' facing and parallel or roughly parallel to the streetscape of a primary street (Corridors) shall be considered a street facade. In Centers, a facade parallel or roughly parallel to the street or pedestrian-oriented route that is behind a pedestrian amenity such as a plaza shall be considered a street facade if within 100 feet of the streetscape.

Frontage: The part of the property along the front (street side) property line or streetscape line.

Internal Roadways: Public or private streets, roadways, driveways, and drive aisles that provide circulation and access in Centers.

Large Footprint Building: A building or attached buildings with one or more tenants with a floor area of 40,000 square feet or more on the first story. Permanently enclosed outdoor display areas shall count as floor area for the purpose of these design standards.

Net Frontage Length: The net frontage length is determined by subtracting internal roadways, setbacks, easements, minimum flood corridors, and other non-buildable areas from the total property length, as measured along the streetscape line (frontage). In the image to the right, the net frontage length is A + B. Segments of pedestrian-oriented routes with inadequate depth for buildings (less than 50 feet buildable area) on one or both sides shall be exempt from the net frontage length calculation.



Example of Net Frontage Length

Pedestrian-Oriented Route: The primary internal route for pedestrian circulation in Centers. This is the primary focus for concentration of floor area, building orientation, streetscapes, and pedestrian amenities within the site.

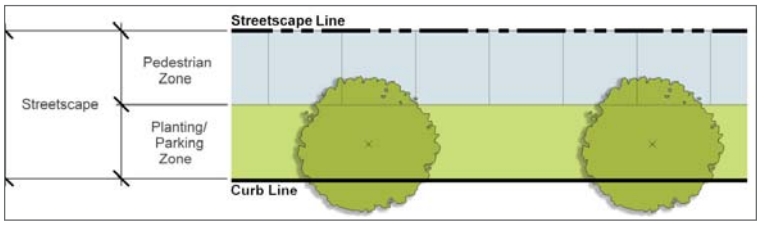
Perimeter Streets: Public or private streets on the perimeter of a Center development. Typically perimeter streets are arterials, however local streets will occasionally serve as perimeter streets. Internal roadways that are roughly parallel to and are within close proximity to the Center's perimeter may be considered as a Perimeter Street on a case by case basis by the Planning Director.

Primary Street: Any arterial street, the street with higher traffic volume, the wider street, or the street with dominant established building orientation. Some corner properties will be abutting more than one primary street such as at the intersection of two arterials.

Streetscape: The streetscape is the area along a public or private street or drive between the curb line and the streetscape line. With the exception of historical street walls, the minimum streetscape requirement shall apply regardless of the available right-of-way. Where necessary, the streetscape shall extend onto private property to fulfill the minimum requirement. The streetscape is made up of two zones:

- **Pedestrian Zone:** The pedestrian zone is the area where pedestrians walk parallel to the street. Depending on the streetscape's relation to the public ROW, this zone may include landscaping, planters, outdoor displays, outdoor café space, street furniture, and paving as long as the minimum free and clear area is provided.
    - **Free and Clear Area:** The free and clear area is a hardscaped area which is a minimum of 5 feet wide and is located within the pedestrian zone of the streetscape. It facilitates a continuous pathway along the length of the street and should provide for transition to connecting free and clear areas. The free and clear area should be ADA accessible.
- **Planting/Parking Zone:** The planting/parking zone is between the curb line and the Pedestrian Zone. This zone may include street trees, landscaping, street furniture, street and pedestrian lighting, special paving, on-street parking, bicycle parking, and transit stations.

Streetscape Line: The development side of the streetscape; opposite the curb line.



Typical Streetscape

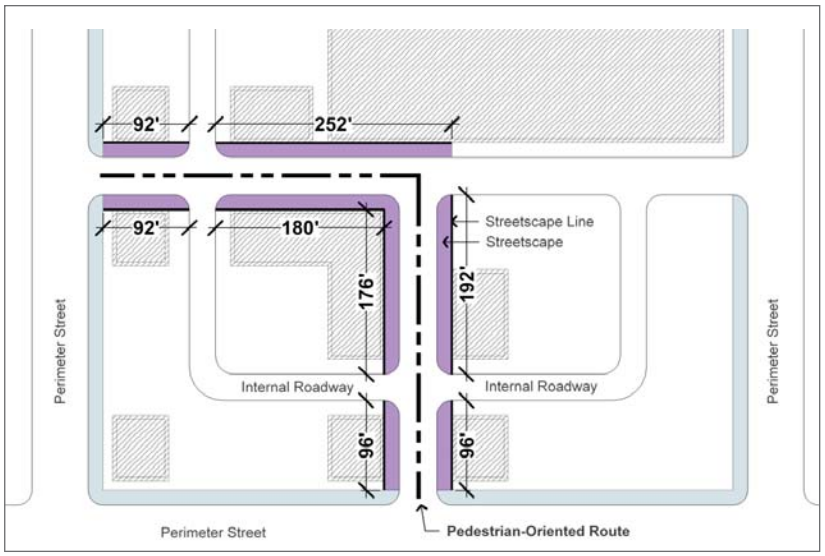
Example of Net Frontage Length Calculations and Two-Sided Requirement for Centers

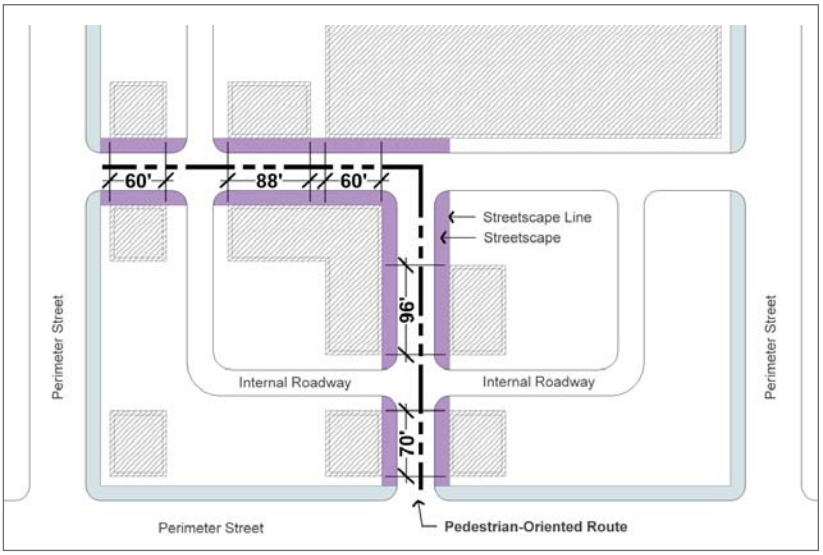
Step 1: Find the total net frontage length on both sides of the pedestrian-oriented route as illustrated in the top image (92 + 252 + 92 + 180 + 176 + 96 + 192 + 96 = 1176 feet).

Step 2: Calculate 60% of the total net frontage length (1176 x 0.6 = 706 feet).

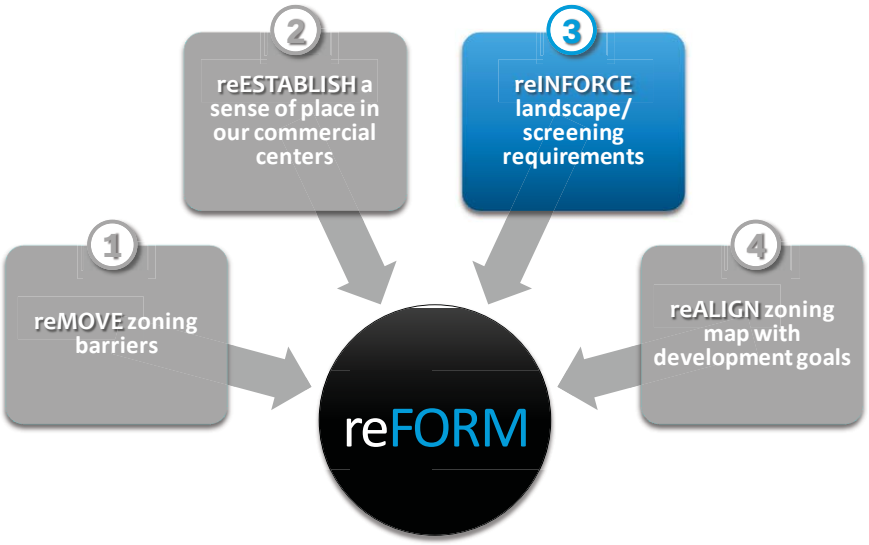
Step 3: Find the total length of building facade within the build-to zone that are directly across from each other along the pedestrian-oriented route as illustrated in the bottom image (60x2 + 88x2 + 60x2 + 96x2 + 70x2 = 748 feet).

Step 4: The total length of building facades that are directly across from each other should equal or exceed 60% of the net frontage length (748 feet > 706 feet).





3. reINFORCE



GOAL: reINFORCE Landscape/Screening Requirements

"Comprehensive and adaptive urban forestry management approaches should be applied to sustain the city's urban forest; it is essential that adequate human and financial resources be allocated and specifically dedicated to sustaining our community's expanding public green infrastructure in conjunction with increasing development and population growth. "

—LPlan2040 (P. 9.2)

"Develop a program of standards and incentives to include bicycle amenities in employment, commercial, educational and office centers such as lockers, showers, and bicycle parking."

—LPlan2040 (P. 10.48)

Table of Contents

Objective A. Achieve desirable and permanent screens/ buffers 40

Objective B. Enhance buffers between incompatible uses . 43

"Design standards for landscape elements should be developed and then monitored and enforced with attention to long-term sustainability, or the benefit of this investment can quickly be lost."
—LPlan2040 (P. 4.6-4.7)

"Establish stronger design standards for redevelopment projects to provide assurance that they will blend into the context of, or enhance, the surrounding neighborhood and avoid conflicting visions among developers, neighbors, and city officials."
—LPlan2040 (P. 6.10)

"Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials."
—LPlan2040 (P. 5.7)

The Comprehensive Plan identifies issues related to design standards for the community that should be addressed. Some standards are missing and need to be created. Others are inadequate to achieve their intended purpose. And still others are not being effectively enforced. A study done by the Planning Department in 2012 reviewed a sample of sites developed over the past 5 years to determine the degree of compliance with the City's standards for landscaping and screening. That study found that less than 1/7 of surveyed properties were in full compliance with the standards, and less than half of the properties were providing 75% or more of the required landscaping. The following design standards intend to address some of these issues related to screening, buffering, and bicycle parking.

Objective A. Achieve desirable and permanent screens/ buffers

Reinforce and enhance existing standards which, with a minimum amount of maintenance, provide buffers to minimize the visual effect of adjacent incompatible land uses, land uses substantially different, and similar land uses of different character.

Strategy 1. Provide better enforcement of existing landscape/screening standards.

Enforcement of all zoning requirements, including the landscaping and screening requirement, is complaint-based. Typically, occupancy certificates for buildings are issued before the landscaping has been installed, and there is no later 'final-inspection' of the plantings to ensure compliance. Based on a study done by the

10th and South Streets

50th and O Streets

Planning department in 2012, approximately 50% of commercial properties required to provide landscaping provided less than 75% of the required screening and landscaping as per Chapter 3.50 Design Standards. There is reason to suggest that more systematic enforcement is needed. Moreover, there should be some mechanism to continue sustained monitoring of the landscape and screening requirements to ensure the landscape/ screening standards are enforced. Just checking for initial compliance is necessary but so is long-term monitoring. A new permit fee collected at the time of reviewing the landscape plan should be implemented to cover the cost of initial inspection and periodic monitoring.

Strategy 2. Require street trees at the time of building permit if not planted as part of a new subdivision.

Landscape screening is not the only Design Standard that needs improved enforcement.

Current Photo, 48th and O Streets

Research indicates that street trees have public health and environmental benefits, enhance the values of adjoining residences and the economic vitality of commercial districts, and even improve traffic safety as a traffic calming measure. Street trees are currently required when an individual or developer plats or replats a property. A bond is taken to ensure that the street trees get planted by the developer within 6 years of the approval of the plat. Many redeveloping areas of the city are already platted and do not require a plat so there is no mechanism in place to replace street trees with new developments in redeveloping areas. And some developments, if their lots are more than 10 acres in size, are not required to submit subdivision plates for the city to review. The City can ask for street trees with zoning agreements or special permits but requiring these trees on a case by case basis is not effective or desirable. A solution to this problem would be to require street trees with new developments at the building permitting stage, not just with new subdivisions. This new requirement would apply to all new construction and to the areas of expansions if valued at 50% or more of existing value of the property.

Enhanced Photo, 48th and O Streets

> ***"Continue to promote planting and management of street trees along all public streets within the corporate limits, and planting and management of trees in park areas."***
>
> ***—LPlan2040 (P. 9.10)***

Strategy 3. Require more parking lot trees.

Urban forests reduce reflective heat gain, slow down storm water runoff, provide wildlife habitat and stabilize soil, as well as provide visual relief to our landscape. One way to both maintain and enhance our existing urban forest is to require more parking lot trees. The Design Standards today do not require parking lot trees be planted for parking lots that are less than 6,000 square feet (20 parking spaces). Other communities that require parking lot trees have no such exemption. It would be appropriate to reduce the exemption to lots less than 2,000 square feet (6 spaces), and to require 1 tree for parking lots 2,000 to 6,000 square feet, as well as to increase the number of required trees from 1 to 2 on parking lots 6,000 to 12,000 square feet (20-40 spaces), and from 2 to 3 on parking lots 12,000 to 18,000 square feet (40-60 spaces).

Strategy 4. Screen parking areas and motorized vehicles on display

Low screening (3 feet) of vehicles from the street view is required for new parking lots and substantial additions to existing parking lots. However, if the lot has an average lot depth of 150 feet, it is exempt from this standard. Many redevelopment projects occur on lots that are less than 150 feet deep (approximately a half block). This exemption has resulted in little streetscape enhancement with redevelopment in older areas, and should be removed, with exceptions considered on a case by case basis. In addition, it should be clarified that the parking lot screening requirements apply not only to parking areas, but also display areas for motorized vehicles (auto dealerships). Whether the vehicles are for display or for use, the impact on the streetscape is the same.

33rd and A Streets

North Cotner Blvd. and Leighton Avenue

Required Code Revisions

- Remove exceptions 2 and 3 from Chapter 3.50 Section 7.1 of the Design Standards. This eliminates the exception of screening for lots that are less than 150 foot deep.
- Establish a new fee at the time of building permit for landscape plan reviews.
- Add Parking Display Areas to the title of Chapter 3.50 Section 7.1 of the Design Standards.
- Adjust Chapter 3.50 Section 7.1 of the Design Standards (i) to reflect exemption for lots that are less than 2,000 square feet and to require 1 tree for parking lot 2,000 to 6,000 square feet as well as to increase the number of required trees from 1 to 2 on parking lots 6,000 to 12,000 square feet and from 2 to 3 on parking lots 12,000 to 18,000 square feet.

Objective B. Enhance buffers between incompatible uses

Although the Comprehensive Plan encourages mixed use development it also recognizes that a diversity of land uses requires buffering, screening and maintaining the character of a block or neighborhood. Today's Design Standards address adjacent uses and zoning districts of substantially different character, but these standards could be enhanced by requiring more and taller screening of taller buildings from abutting residential districts, and by requiring solid screens plus dense landscaping of more intensive commercial uses.

Strategy 1. Require more and taller screening for taller buildings that abut lower density residential zoning districts.

As more redevelopment occurs, particularly on sites that are not able to accommodate extensive setbacks, there should be an alternative for buffering taller buildings that might abut lower density residential uses. This can be accomplished by providing taller permanent screens such as a combination of deciduous trees, evergreen trees and shrubs.

Strategy 2. Require solid fencing plus dense landscaping to separate more intensive uses from residential uses.

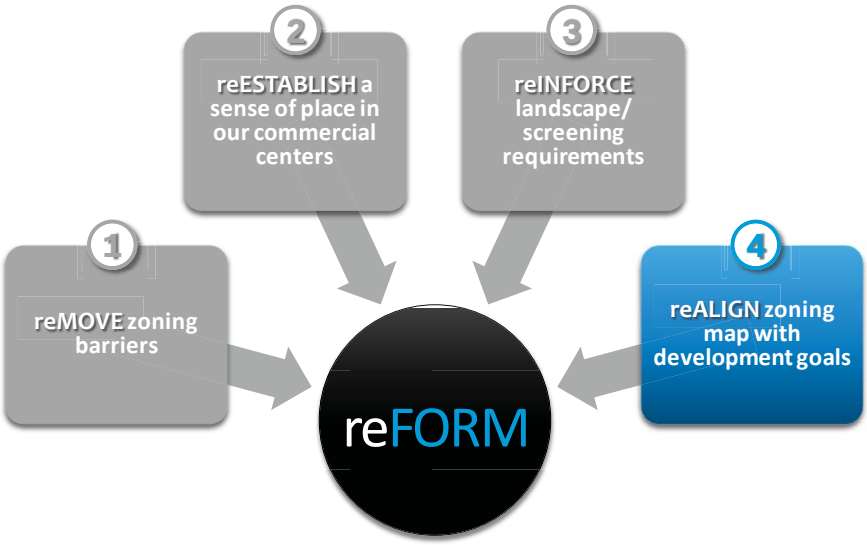
Another alternative would be to provide a setback that would accommodate a solid wall of landscaping and potentially a fence to separate uses.

10th and Charleston Streets

Required Code Revisions

- Enhance Section 7.5 (Adjacent Land Uses and Zoning Districts of Substantially Different Character; B-1, B-2, B-3, H-1, H-2, H-3, H-4, B-5, O-2, I-1, I-2, I-3 Abutting Residential Districts) of Chapter 3.50 to include additional taller landscaping for buildings that exceed 35 feet in height that are less than 40 feet from a residential district.
- Add a section to Chapter 3.5 that requires screening for uses that generate high levels of noise and activity (such as gas dispensing machines, carwashes and vacuums, vehicle sales and repair, overhead doors for service/loading, etc.) from abutting residential areas/ uses.

4. reALIGN



GOAL: reALIGN zoning map with development goals

LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

—LPlan2040 (P. 1.2)

Mixed Use Redevelopment Nodes and Corridors should strive to locate: In areas where there is a predominance of commercial or industrial zoning and/or development, focusing on non-residential areas as opposed to existing neighborhoods.

—LPlan2040 (P. 6.6)

Table of Contents

Objective A. Consolidate similar zoning districts to align with desired design context 46

Objective B. Rezone properties to align with desired design context 47

Aligning design categories (discussed in the reESTABLISH section of this report) with zoning districts makes the proposed standards easier to follow and easier to enforce. It makes for a more functional development process and streamlines project reviews. To do this there are several considerations that need to be made with regard to the B-1, H-1, H-2, H-3, H-4 and I-1 zoning districts.

Although changing zoning districts may allow uses that were not previously allowed, those uses would be mitigated by the new design standards and proposed increase screening and buffering as discussed in the reINFORCE section of this report.

Each objective below is followed by a discussion of the considerations related to each of the strategies proposed to achieve the objective.

Objective A. Consolidate similar zoning districts to align with desired design context

Strategy 1. Consolidate B-1 into other zoning districts.

B-1 is currently a district found in both Centers and Corridors. All B-1 zoning district locations have been examined to determine the appropriate future zoning based on the current and/or future desired context of the area. If "Corridor" standards are more appropriate, then the properties would be rezoned to B-3 or H-2. For example, the business district of Bethany at N. Cotner Blvd. and Holdrege is currently zoned B-1; the reFORM effort would rezone the property to B-3 because it has the character of a Corridor similar to Havelock or University Place. If "Center" standards are more appropriate, then the properties would be rezoned to B-2, B-5, or H-4. For example, the Bishop Heights shopping center at the northeast corner of S. 27th and Highway 2 is currently zoned B-1; the reFORM effort would rezone the property to B-2 because it is a Center. There may be rare exceptions where B-1 is proposed to change to another district based on the existing and/or future context or zoning of the area. There are many acres of B-1 in the City, primarily in older areas. B-3 is a very similar zoning district that is used in many of the same types of areas as B-1, but does not have a front yard setback requirement. The majority of changes that are proposed are B-1 to B-3.

Strategy 2. Consolidate H-1 into H.3.

There are only a few areas of H-1 zoning in the City. H-1 is found along I-80. The H-1 zoning district is very restrictive in terms of permitted uses, even commercial ones. In many cases, H-1 is adjacent to H-3 or H-4 that allow a wide-range of commercial uses. It would be appropriate to rezone all H-1 to H-3 given the context and location of these areas.

Objective B. Rezone properties to align with desired design context

Strategy 1. Strategy 1. Rezone H-3 to H-2 where abutting residential neighborhoods.

In some areas where H-3 zoning abuts residential it would be appropriate to rezone to the H-2 zoning district. H-3 allows for intensive commercial uses. Many uses that are commonly found in H-3 may be considered nuisances by residents and therefore rarely appropriate when near residential uses. H-2 has a similar but less intense list of allowed uses. Therefore, H-2 uses may be more appropriate near residential. This transition to H-2 would allow a current H-3 property owner to continue use of their property with H-2 uses that are more intense than allowed in the B districts but less intense than what is currently allowed in the H-3 district. H-2 zoning would be required to meet "Corridor" standards. (See Chapter *"2. reESTABLISH"*.) Areas such as the north side of West Cornhusker and the north side of West O Street, currently zoned H-3 but are adjacent to neighborhoods and contain more neighborhood service uses, would be appropriate to rezone as H-2.

Strategy 2. Rezone H-2 to H-3 where it is not abutting residential neighborhoods.

In areas where H-2 abuts industrial zoning or where there are no residential neighborhoods nearby, it would be appropriate to change the zoning from H-2 to H-3. H-3 would be exempt of the proposed design standards. (See Chapter *"2. reESTABLISH"*.) Most H-2 zoning is currently located near 48th Street and O Street and the Abbot Sports Complex, and Abbott would be appropriate for H-3 zoning.

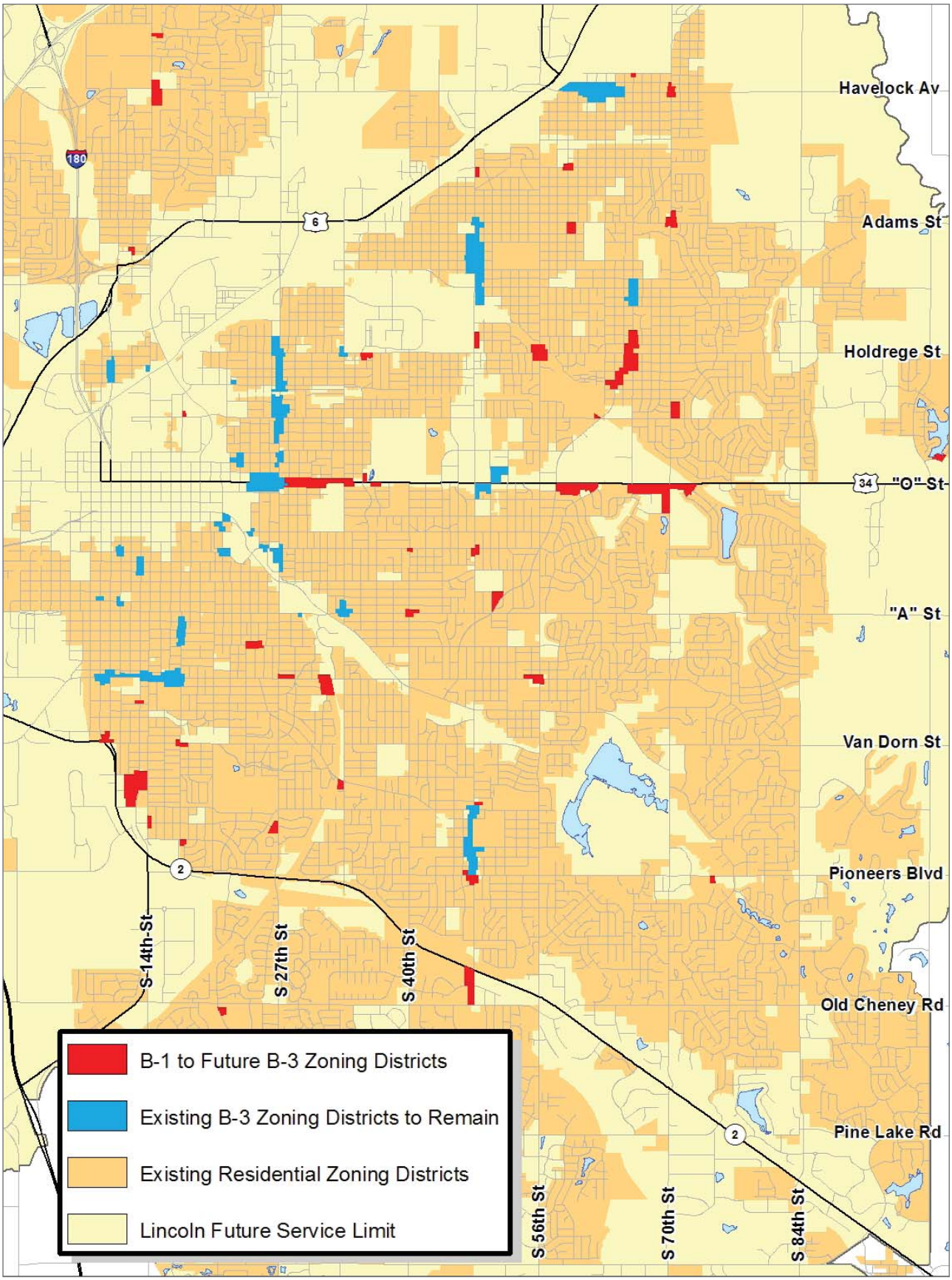
Strategy 3. Rezone I-1 to H-2 where it has redevelopment potential and is near residential neighborhoods.

Similar to the process above to rezone H-3 to H-2 and H-2 to H-3 where appropriate, I-1 zoned land adjacent to residential districts has been examined for appropriateness. Some of these I-1 industrial areas are remnants from former railroad corridors that are no longer active and are now bike trails. Many of these areas are adjacent to residential districts and are not appropriate for high-intensity industrial uses. Some of these areas should be rezoned from I-1 to H-2. H-2 would allow some commercial uses/very light industrial uses. The change to add residential to H-2 by special permit would help these areas blend back into the neighborhood. Some I-1 areas might change to residential zoning on a case by case basis as well, but not as a part of this reFORM effort.

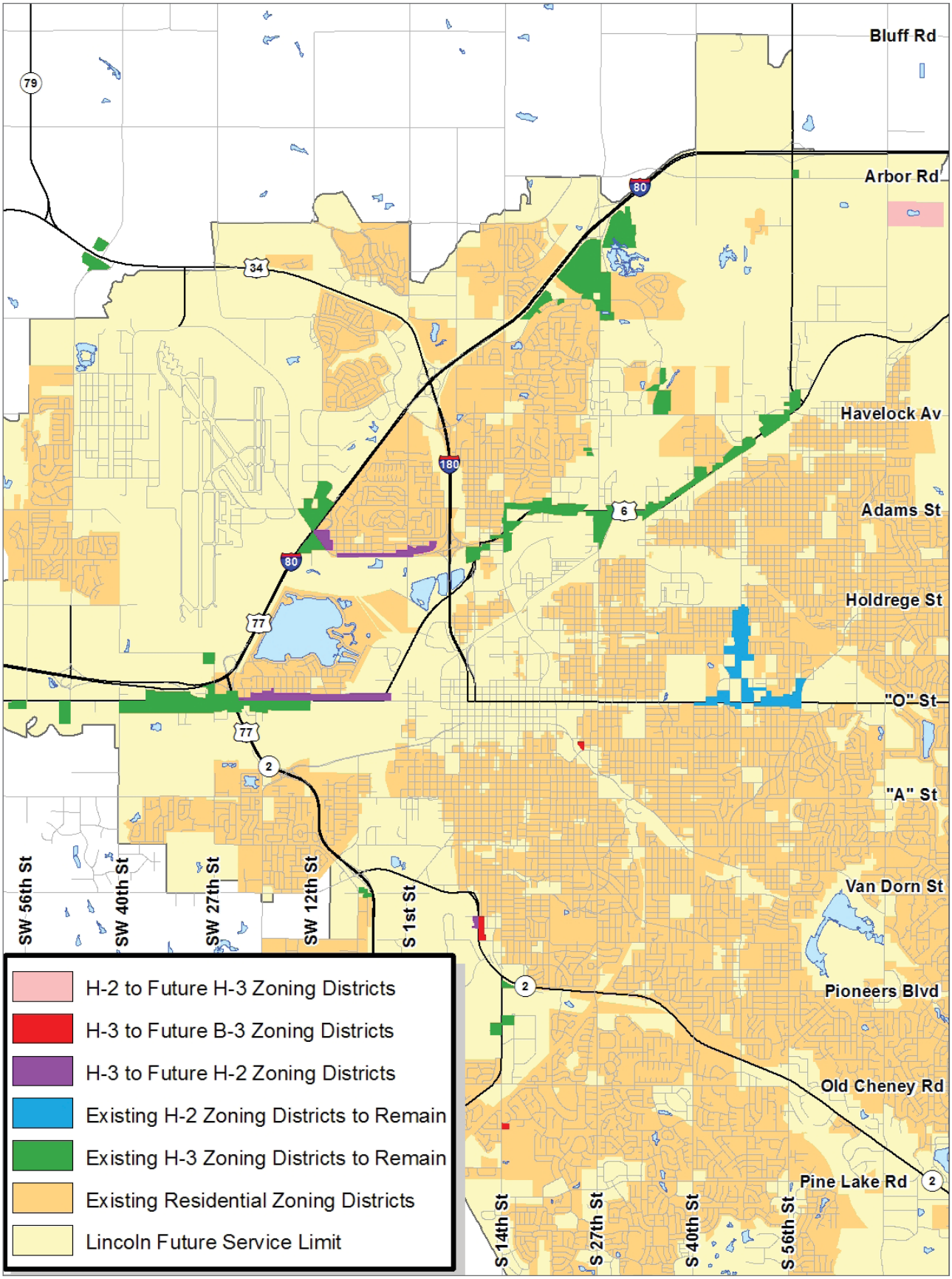
Infill Housing in Former I-1 Zoning

Strategy 4. Rezone some H-4 to H-3 where located in areas that are predominately auto-oriented and isolated from neighborhoods.

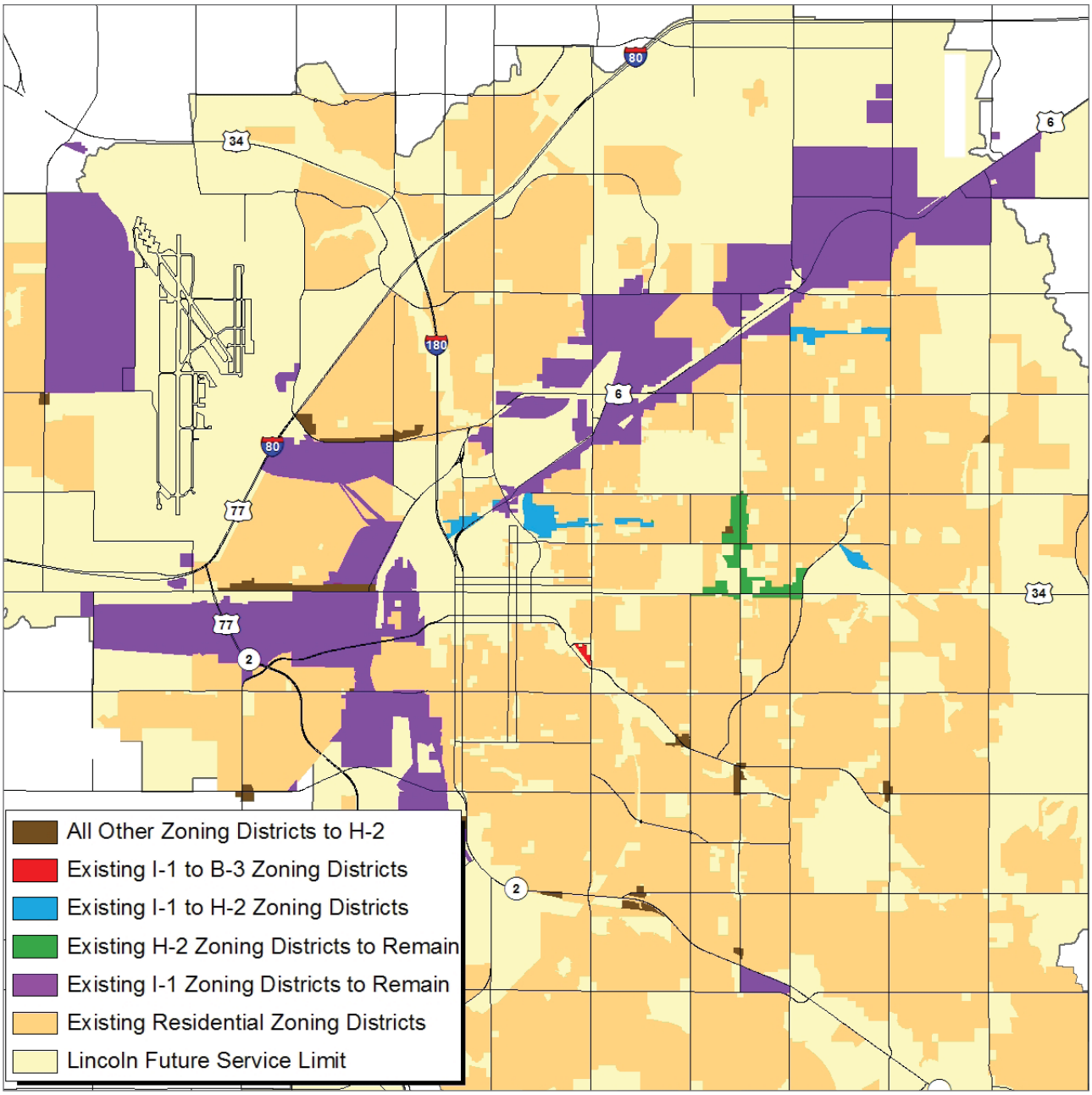
In areas where H-4 abuts industrial zoning or where there are no residential neighborhoods nearby, it would be appropriate to change the zoning from H-4 to H-3. H-3 would be exempt of the proposed design standards. (See Chapter *"2. reESTABLISH"*.) Some H-4 zoning can be found along West O west of Highway 77; this area is not proposed for new residential or mixed use development.



Strategy for Rezoning B-1



Strategy for Rezoning H-2 and H-3



Strategy for Rezoning I-1