

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to  
2 Zoning by adding a new section numbered 27.03.638 to define wind energy conversion system  
3 (WECS); by amending Sections 27.07.020, 27.09.020, 27.11.020, 27.13.020, 27.15.020, 27.17.020,  
4 27.19.020, 27.21.020, 27.23.020, 27.24.020, 27.25.020, 27.26.020, 27.27.020, 27.29.020, 27.31.030,  
5 27.33.020, 27.37.020, 27.39.020, 27.41.020, 27.43.020, 27.45.020 to add WECS as a permitted use  
6 in the AG, AGR, R-1 through R-8, O-1 through O-3, B-1, B-2, B-3, B-5 and H-1 through H-4  
7 zoning districts; by amending Sections 27.07.030, and 27.09.030 to add WECS as a permitted  
8 conditional use in the AG and AGR districts, amending Sections 27.11.040, 27.13.040, 27.15.040,  
9 27.17.040, 27.19.040, 27.21.040, 27.23.040, 27.24.040, 27.25.030, 27.26.040, 27.27.030, 27.29.040,  
10 27.31.050, 27.33.040, 27.35.030, 27.37.030, 27.45.030, 27.47.030, 27.49.040 and 27.51.050 to add  
11 WECS as a permitted special use in the R-1 through R-8, O-1 through O-3, B-1 through B-5, H-1  
12 through H-4, and I-1 through I-3 zoning districts; amending Section 27.63.420 to amend the special  
13 permit requirements for WECS; amending Section 27.71.025 to clarify WECS may exceed the  
14 height of the district in which the WECS is located.; and repealing Sections 27.07.020, 27.07.030,  
15 27.09.020, 27.09.030, 27.11.020, 27.11.040, 27.13.020, 27.13.040, 27.15.020, 27.15.040, 27.17.020,  
16 27.17.040, 27.19.020, 27.19.040, 27.21.020, 27.21.040, 27.23.020, 27.23.040, 27.24.020, 27.24.040,  
17 27.25.020, 27.25.030, 27.26.020, 27.26.040, 27.27.020, 27.27.030, 27.29.020, 27.29.040, 27.31.030,  
18 27.31.050, 27.33.020, 27.33.040, 27.35.030, 27.37.020, 27.37.030, 27.39.020, 27.39.030, 27.41.020,  
19 27.41.040, 27.43.020, 27.43.040, 27.45.020, 27.45.030, 27.47.030, 27.49.040, 27.51.050, 27.63.420,  
20 and 27.71.025 of the Lincoln Municipal Code as hitherto existing.

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

22 Section 1. That Chapter 27.03 of the Lincoln Municipal Code be amended by adding  
23 a new section numbered 27.03.638 to read as follows:

24 **27.03.638 Wind Energy Conversion System (WECS).**

25 Wind energy conversion system is any device, such as a wind charger, windmill, or wind  
26 turbine, which converts wind energy to a form of usable energy.

27 Section 2. That Section 27.07.020 of the Lincoln Municipal Code be amended to  
28 read as follows:

1     **27.07.020     Permitted Uses.**

2             A building or premises shall be permitted to be used for the following purposes in the AG  
3 agriculture district:

- 4             (a)     Agriculture, except confined feeding facilities for livestock or poultry;
- 5             (b)     Confined feeding facilities for livestock or poultry, of a maximum area of 15,000  
6 square feet;
- 7             (c)     Breeding, raising, management, and sale of fur-bearing animals and the produce  
8 thereof;
- 9             (d)     Dog-breeding establishments and kennels;
- 10            (e)     Stables and riding academies;
- 11            (f)     Public uses: including but not limited to public parks, playgrounds, golf courses, and  
12 recreational uses; fire stations; public elementary and high schools, or private schools having a  
13 curriculum equivalent to a public elementary or public high school; and public utilities and utility  
14 distribution systems;
- 15            (g)     Single-family dwellings;
- 16            (h)     Churches;
- 17            (i)     Wind energy conversion systems.

18             Section 3. That Section 27.07.030 of the Lincoln Municipal Code be amended to  
19 read as follows:

20     **27.07.030     Permitted Conditional Uses.**

21             A building or premises may be used for the following purpose in the AG agriculture district  
22 in conformance with the conditions prescribed herein:

- 23            (a)     Cemeteries, including mausoleums:
  - 24                    (1)     Mausoleums shall be located at least 200 feet from every street and adjoining  
25 property line;
  - 26                    (2)     Any cemetery established after the effective date of this title shall contain an  
27 area of twenty acres or more.
- 28            (b)     Pet cemeteries: Minimum area shall be five acres;
- 29            (c)     Roadside stands for the temporary or seasonal sale of produce shall be permitted on  
30 any premises in addition to any other main use, regardless of lot size for specified use:
  - 31                    (1)     Such roadside stands shall be permitted in a required yard; however, no  
32 roadside stand shall be permitted in a right of way, nor closer than thirty feet to the edge of a  
33 traveled roadway;
  - 34                    (2)     Such roadside stand shall not be operated for more than 180 days in any one  
35 year.

1 (d) Group homes:

2 (1) Group homes shall comply with all sign, height, and area regulations of the  
3 district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated  
4 in conformance with the provisions of Chapter 27.67;

5 (2) The distance between the proposed use and any existing group home  
6 measured from lot line to lot line is not less than one-half mile;

7 (3) Such use shall be permitted only so long as the facility continues to be validly  
8 licensed by the State of Nebraska.

9 (e) Wind energy conversion systems over the district height, provided they meet the  
10 following conditions:

11 (1) The distance from all lot lines to any tower support base of the WECS shall  
12 be ~~determined according to the following WECS setback table~~ equal to the height of the tower plus  
13 the radius of the rotor. ~~Intermediate rotor size distances shall be interpolated.~~ The City Council may  
14 grant a reduction in the specific setback table distance when it finds that such reduction shall not  
15 adversely affect surrounding property and is consistent with the intent of this title to promote the  
16 public health, safety, and general welfare.

17 **WECS SETBACK TABLE**

18 <b>Rotor Diameter</b>	<b>Setback</b>
19 <b>in Feet</b>	<b>Distance</b>
20 5	100
21 10	165
22 15	220
23 20	270
24 25	310
25 30	340
26 35	365
27 40	385

28 (2) The distance from any tower support base of a WECS to any tower support  
29 base of another WECS under other ownership shall be a minimum of five rotor distances figured by  
30 the size of the largest rotor. The City Council may grant a reduction in this requirement if it finds  
31 that such reduction does not adversely affect the operation of either WECS.

32 (3) The WECS operation shall not cause interference to the radio and television  
33 reception on adjoining property.

1           (4) ~~To limit climbing access to the WECS tower, a fence six feet high with a~~  
2 ~~locking portal shall be placed around the WECS tower base or the tower climbing apparatus shall~~  
3 ~~be limited to no lower than twelve feet from the ground, or the WECS tower may be mounted on a~~  
4 ~~roof top.~~

5           ~~\_\_\_\_\_~~(5) The WECS, if interconnected to a utility system, shall meet the requirements  
6 for interconnection and operation as set forth in the electric utility's then current service regulations  
7 applicable to WECS.

8           (f) Greenhouses:

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

13           (2) Parking shall be in conformance with Chapter 27.67.

14           (g) Early childhood care facilities in churches:

15           (1) The parking and loading/unloading area for such facilities shall comply with  
16 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
17 childhood care facilities;

18           (2) Such facilities shall comply with all applicable state and local early childhood  
19 care requirements;

20           (3) Such facilities shall comply with all applicable building and life safety code  
21 requirements;

22           (4) Such facilities shall be fenced and have play areas that comply with the design  
23 standards for early childhood care facilities;

24           (5) Such facilities must receive a conditional use permit from the Department of  
25 Building and Safety.

26           (h) Early childhood care facilities with a maximum of fifteen children present at any  
27 time:

28           (1) The parking and loading/unloading area for such facilities shall comply with  
29 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
30 childhood care facilities;

31           (2) Such facilities shall comply with all applicable state and local early childhood  
32 care requirements;

33           (3) Such facilities shall comply with all applicable building and life safety code  
34 requirements;

1 (4) Such facilities shall be fenced and have play areas that comply with the design  
2 standards for early childhood care facilities;

3 (5) Such facilities shall be used as the permanent residence of the licensed child  
4 care provider;

5 (6) Such facilities with thirteen or more children must receive a conditional use  
6 permit from the Department of Building and Safety;

7 (7) Early childhood care facilities located in mobile homes shall have a severe  
8 weather emergency action plan approved by the Health Department.

9 (i) Domestic Shelter:

10 (1) Parking shall be in conformance with Chapter 27.67;

11 (2) The maximum number of residents occupying such a facility shall not exceed  
12 one person per 3,000 square feet of lot area;

13 (3) The distance between the proposed use of any existing domestic shelter  
14 measured from lot line to lot line shall not be less than one mile.

15 Section 4. That Section 27.09.020 of the Lincoln Municipal Code be amended to  
16 read as follows:

17 **27.09.020 Permitted Uses.**

18 A building or premises shall be permitted to be used for the following purposes in the AGR  
19 Agricultural Residential District:

20 (a) Agriculture, except confined feeding facilities for livestock or poultry;

21 (b) Dog-breeding establishments and kennels;

22 (c) Stables and riding academies;

23 (d) Public uses; and publicly owned and operated uses including but not limited to public  
24 parks, playgrounds, golf courses, and recreational uses; fire stations; public elementary and high  
25 schools; and public utilities and utility distribution systems; and airports;

26 (e) Churches;

27 (f) Single-family dwellings;

28 (g) Wind energy conversion systems.

29 Section 5. That Section 27.09.030 of the Lincoln Municipal Code be amended to  
30 read as follows:

31 **27.09.030 Permitted Conditional Uses.**

32 A building or premises may be used for the following purpose in the AGR Agricultural  
33 Residential District in conformance with the conditions prescribed herein:

34 (a) Cemeteries, including mausoleums:

1 (1) Mausoleums shall be located at least 200 feet from every street line and  
2 adjoining property line;

3 (2) Any cemetery established after the effective date of this title shall contain an  
4 area of twenty acres or more;

5 (b) Pet cemeteries: Minimum area shall be five acres;

6 (c) Roadside stands for the temporary or seasonal sale of produce;

7 (1) Such roadside stands shall be permitted in a required yard; however, no  
8 roadside stand shall be permitted in a right of way, nor closer than thirty feet to the edge of a  
9 traveled roadway;

10 (2) Such roadside stand shall not be operated for more than 180 days in any one  
11 year.

12 (d) Group homes:

13 (1) Group homes shall comply with all sign, height, and area regulations of the  
14 district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated  
15 in conformance with the provisions of Chapter 27.67;

16 (2) The distance between the proposed use and any existing group home measur-  
17 ed from lot line to lot line is not less than one-half mile;

18 (3) Such use shall be permitted only so long as the facility continues to be validly  
19 licensed by the State of Nebraska.

20 (e) Wind energy conversion systems over the district height, provided they meet the  
21 following conditions:

22 (1) The distance from all lot lines to any tower support base of the WECS shall  
23 be ~~determined according to the following WECS setback table~~ equal to the height of the tower plus  
24 the radius of the rotor. ~~Intermediate rotor size distances shall be interpolated.~~ The City Council may  
25 grant a reduction in the specific setback table distance when it finds that such reduction shall not  
26 adversely affect surrounding property and is consistent with the intent of this title to promote the  
27 public health, safety, and general welfare.

28 **WECS SETBACK TABLE**

29 <b>Rotor Diameter</b>	<b>Setback</b>
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31 5	100
32 10	165
33 15	220
34 20	270
35 25	310

1	30	<del>340</del>
2	35	<del>365</del>
3	40	<del>385</del>

4           (2)     The distance from any tower support base of a WECS to any tower support  
5 base of another WECS under other ownership shall be a minimum of five rotor distances figured by  
6 the size of the largest rotor. The City Council may grant a reduction in this requirement if it finds  
7 that such reduction does not adversely affect the operation of either WECS.

8           (3)     The WECS operation shall not cause interference to the radio and television  
9 reception on adjoining property.

10          (4)     To limit climbing access to the WECS tower, a fence six feet high with a  
11 locking portal shall be placed around the WECS tower base or the tower climbing apparatus shall  
12 be limited to no lower than twelve feet from the ground, or the WECS tower may be mounted on a  
13 roof top.

14          (5)     The WECS, if interconnected to a utility system, shall meet the requirements  
15 for interconnection and operation as set forth in the electric utility's then current service regulations  
16 applicable to WECS.

17          (f)     Greenhouses:

- 18           (1)     The minimum lot area shall be two acres;
- 19           (2)     All materials shall be stored inside buildings;
- 20           (3)     Not more than twenty-five percent of the land may be devoted to such use;
- 21           (4)     Greenhouses shall comply with the same setback requirements as are applic-  
22 able to main buildings;
- 23           (5)     Parking shall be in conformance with Chapter 27.67.

24          (g)     Early childhood care facilities in churches:

- 25           (1)     The parking and loading/unloading area for such facilities shall comply with  
26 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
27 childhood care facilities;
- 28           (2)     Such facilities shall comply with all applicable state and local early childhood  
29 care requirements;
- 30           (3)     Such facilities shall comply with all applicable building and life safety code  
31 requirements;
- 32           (4)     Such facilities shall be fenced and have play areas that comply with the design  
33 standards for early childhood care facilities;

1 (5) Such facilities must receive a conditional use permit from the Department of  
2 Building and Safety.

3 (h) Early childhood care facilities with a maximum of fifteen children present at any  
4 time:

5 (1) The parking and loading/unloading area for such facilities shall comply with  
6 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
7 childhood care facilities;

8 (2) Such facilities shall comply with all applicable state and local early childhood  
9 care requirements;

10 (3) Such facilities shall comply with all applicable building and life safety code  
11 requirements;

12 (4) Such facilities shall be fenced and have play areas that comply with the design  
13 standards for early childhood care facilities;

14 (5) Such facilities shall be used as the permanent residence of the licensed child  
15 care provider;

16 (6) Such facilities with thirteen or more children must receive a conditional use  
17 permit from the Department of Building and Safety;

18 (7) Early childhood care facilities located in mobile homes shall have a severe  
19 weather emergency action plan approved by the Health Department.

20 (i) Domestic Shelter:

21 (1) Parking shall be in conformance with Chapter 27.67;

22 (2) The maximum number of residents occupying such a facility shall not exceed  
23 one person per 3,000 square feet of lot area;

24 (3) The distance between the proposed use of any existing domestic shelter  
25 measured from lot line to lot line shall not be less than one mile.

26 Section 6. That Section 27.11.010 of the Lincoln Municipal Code be amended to  
27 read as follows:

28 **27.11.020 Use Regulations.**

29 A building or premises shall be permitted to be used for the following purposes in the R-1  
30 Residential District:

31 (a) Single-family dwellings;

32 (b) Two-family dwellings;

33 (c) Parks, playgrounds, and community buildings owned or operated by a public agency;

34 (d) Public libraries;

1 (e) Public elementary and high schools, or private schools having a curriculum equiv-  
2 alent to a public elementary or public high school and having no facilities regularly used for housing  
3 or sleeping purposes;

4 (f) Wind energy conversion systems.

5 Section 7. That Section 27.11.040 of the Lincoln Municipal Code be amended to  
6 read as follows:

7 **27.11.040 Permitted Special Uses.**

8 A building or premises may be used for the following purposes in the R-1 Residential  
9 District if a special permit for such use has been obtained in conformance with the requirements of  
10 Chapter 27.63:

11 (a) Community unit plans in conformance with Chapter 27.65;

12 (b) Private schools, other than those permitted under Section 27.11.020(e) above;

13 (c) Health care facilities;

14 (d) Dwellings for members of religious orders;

15 (e) Mobile home courts;

16 (f) Recreational facilities;

17 (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires  
18 which exceed the maximum district height;

19 (h) Broadcast towers;

20 (i) Certain parking lots as defined in Chapter 27.63;

21 (j) Elderly or retirement housing;

22 (k) Expansion of nonconforming uses;

23 (l) Historic preservation;

24 (m) Public utility purposes;

25 (n) Wind energy conversion systems over the district height;

26 (o) Mobile home subdivisions;

27 (p) Housing and related facilities for the physically handicapped;

28 (q) Outdoor seasonal sales;

29 (r) Cemeteries;

30 (s) Domiciliary care facility;

31 (t) Expansion of nonstandard single and two-family dwellings into required yards;

32 (u) Early childhood care facilities with sixteen or more children, or with fifteen or fewer  
33 children not meeting the specified conditions for a permitted conditional use under Section  
34 27.11.030;

35 (v) Neighborhood support services;

- 1 (w) Clubs;
- 2 (x) Dwelling units for domestic employees in accessory buildings;
- 3 (y) Connection of single-family dwelling to accessory building for the physically
- 4 handicapped;
- 5 (z) Alternative to imprisonment facilities;
- 6 (aa) Children's homes.

7 Section 8. That Section 27.13.020 of the Lincoln Municipal Code be amended to  
8 read as follows:

9 **27.13.020 Use Regulations.**

10 A building or premises shall be permitted to be used for the following purposes in the R-2  
11 Residential District:

- 12 (a) Single-family dwellings;
- 13 (b) Two-family dwellings;
- 14 (c) Parks, playgrounds, and community buildings owned or operated by a public agency;
- 15 (d) Public libraries;
- 16 (e) Public elementary and high schools, or private schools having a curriculum equiv-
- 17 alent to a public elementary or public high school and having no facilities regularly used for housing
- 18 or sleeping purposes;
- 19 (f) Wind energy conversion systems.

20 Section 9. That Section 27.13.040 of the Lincoln Municipal Code be amended to  
21 read as follows:

22 **27.13.040 Permitted Special Uses.**

23 A building or premises may be used for the following purposes in the R-2 Residential  
24 District if a special permit for such use has been obtained in conformance with the requirements of  
25 Chapter 27.63:

- 26 (a) Community unit plans in conformance with Chapter 27.65;
- 27 (b) Private schools, other than those permitted under Section 27.13.020(e) above;
- 28 (c) Health care facilities;
- 29 (d) Dwellings for members of religious orders;
- 30 (e) Mobile home courts;
- 31 (f) Recreational facilities;
- 32 (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires
- 33 which exceed the maximum district height;
- 34 (h) Broadcast towers;
- 35 (i) Certain parking lots as defined in Chapter 27.63;

- 1 (j) Elderly or retirement housing;
- 2 (k) Expansion of nonconforming uses;
- 3 (l) Historic preservation;
- 4 (m) Public utility purposes;
- 5 (n) Wind energy conversion systems over the district height;
- 6 (o) Mobile home subdivisions;
- 7 (p) Housing and related facilities for the physically handicapped;
- 8 (q) Outdoor seasonal sales;
- 9 (r) Cemeteries;
- 10 (s) Domiciliary care facility;
- 11 (t) Expansion of nonstandard single and two-family dwellings into required yards;
- 12 (u) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
- 13 children not meeting the specified conditions for a permitted conditional use under Section
- 14 27.13.030;
- 15 (v) Neighborhood support services;
- 16 (w) Clubs;
- 17 (x) Connection of single-family dwelling to accessory building for the physically
- 18 handicapped;
- 19 (y) Garden centers;
- 20 (z) Adult care centers;
- 21 (aa) Alternative to imprisonment facilities;
- 22 (bb) Children's homes.

23 Section 10. That Section 27.15.020 of the Lincoln Municipal Code be amended to  
24 read as follows:

25 **27.15.020 Use Regulations.**

26 A building or premises shall be permitted to be used for the following purposes in the R-3  
27 Residential District:

- 28 (a) Single-family dwellings;
- 29 (b) Two-family dwellings;
- 30 (c) Parks, playgrounds, and community buildings owned or operated by a public agency;
- 31 (d) Public libraries;
- 32 (e) Public elementary and high schools, or private schools having a curriculum
- 33 equivalent to a public elementary or public high school and having no facilities regularly used for
- 34 housing or sleeping purposes;
- 35 (f) Wind energy conversion systems.

1           Section 11. That Section 27.15.040 of the Lincoln Municipal Code be amended to  
2 read as follows:

3 **27.15.040     Permitted Special Uses.**

4           A building or premises may be used for the following purposes in the R-3 Residential  
5 District if a special permit for such use has been obtained in conformance with the requirements of  
6 Chapter 27.63:

7           (a)     Community unit plans in conformance with the following requirements:

8                   (1)     The average lot area shall be at least 5,000 square feet;

9                   (2)     All the requirements of Chapter 27.65.

10           (b)    Private schools, other than those permitted under Section 27.15.020(e) above;

11           (c)    Health care facilities;

12           (d)    Dwellings for members of religious orders;

13           (e)    Mobile home courts;

14           (f)    Recreational facilities;

15           (g)    Church steeples, amateur radio antenna installations, towers, and ornamental spires

16 which exceed the maximum district height;

17           (h)    Broadcast towers;

18           (i)    Extracting sand, gravel, and soil;

19           (j)    Certain parking lots as defined in Chapter 27.63;

20           (k)    Elderly or retirement housing;

21           (l)    Expansion of nonconforming uses;

22           (m)    Historic preservation;

23           (n)    Garden centers;

24           (o)    Public utility purposes;

25           (p)    Wind energy conversion systems over the district height;

26           (q)    Mobile home subdivisions;

27           (r)    Housing and related facilities for the physically handicapped;

28           (s)    Greenhouses;

29           (t)    Outdoor seasonal sales;

30           (u)    Cemeteries;

31           (v)    Domiciliary care facility;

32           (w)    Expansion of nonstandard single and two-family dwellings into required yards;

33           (x)    Early childhood care facilities with sixteen or more children, or with fifteen or fewer  
34 children not meeting the specified conditions for a permitted conditional use under Section  
35 27.15.030;

- 1 (y) Neighborhood support services;
- 2 (z) Clubs;
- 3 (aa) Connection of single-family dwelling to accessory building for the physically
- 4 handicapped;
- 5 (bb) Adult care centers;
- 6 (cc) Alternative to imprisonment facilities;
- 7 (dd) Children’s homes.

8 Section 12. That Section 27.17.020 of the Lincoln Municipal Code be amended to  
9 read as follows:

10 **27.17.020 Use Regulations.**

11 A building or premises shall be permitted to be used for the following purposes in the R-4  
12 Residential District:

- 13 (a) Single-family dwellings;
- 14 (b) Two-family dwellings;
- 15 (c) Parks, playgrounds, and community buildings owned or operated by a public agency;
- 16 (d) Public libraries;
- 17 (e) Public elementary and high schools, or private schools having a curriculum
- 18 equivalent to a public elementary or public high school and having no facilities regularly used for
- 19 housing or sleeping purposes;
- 20 (f) Wind energy conversion systems.

21 Section 13. That Section 27.17.040 of the Lincoln Municipal Code be amended to  
22 read as follows:

23 **27.17.040 Permitted Special Uses.**

24 A building or premises may be used for the following purposes in the R-4 Residential  
25 District if a special permit for such use has been obtained in conformance with the requirements of  
26 Chapter 27.63:

- 27 (a) Community unit plans in conformance with Chapter 27.65;
- 28 (b) Private schools, other than those permitted under Section 27.17.020(e) above;
- 29 (c) Health care facilities;
- 30 (d) Dwellings for members of religious orders;
- 31 (e) Mobile home courts;
- 32 (f) Recreational facilities;
- 33 (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires
- 34 which exceed the maximum district height;
- 35 (h) Broadcast towers;

- 1 (i) Certain parking lots as defined in Chapter 27.63;
- 2 (j) Clubs;
- 3 (k) Elderly or retirement housing;
- 4 (l) Expansion of nonconforming uses;
- 5 (m) Historic preservation;
- 6 (n) Public utility purposes;
- 7 (o) Wind energy conversion systems over the district height;
- 8 (p) Mobile home subdivisions;
- 9 (q) Housing and related facilities for the physically handicapped;
- 10 (r) Outdoor seasonal sales;
- 11 (s) Cemeteries;
- 12 (t) Domiciliary care facility;
- 13 (u) Expansion of nonstandard single and two-family dwellings into required yards;
- 14 (v) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
- 15 children not meeting the specified conditions for a permitted conditional use under Section
- 16 27.17.030;
- 17 (w) Neighborhood support services;
- 18 (x) Connection of single-family dwelling to accessory building for the physically
- 19 handicapped;
- 20 (y) Adult care centers;
- 21 (z) Alternative to imprisonment facilities;
- 22 (aa) Children's homes.

23 Section 14. That Section 27.19.020 of the Lincoln Municipal Code be amended to  
24 read as follows:

25 **27.19.020 Use Regulations.**

26 A building or premises shall be permitted to be used for the following purposes in the R-5  
27 Residential District:

- 28 (a) Single-family dwellings;
- 29 (b) Two-family dwellings;
- 30 (c) Multiple dwellings;
- 31 (d) Townhouses;
- 32 (e) Parks, playgrounds, and community buildings owned or operated by a public agency;
- 33 (f) Public libraries;

1 (g) Public elementary and high schools, or private schools having a curriculum  
2 equivalent to a public elementary or public high school and having no rooms regularly used for  
3 housing or sleeping purposes;

4 (h) Wind energy conversion systems.

5 Section 15. That Section 27.19.040 of the Lincoln Municipal Code be amended to  
6 read as follows:

7 **27.19.040 Permitted Special Uses.**

8 A building or premises may be used for the following purposes in the R-5 Residential  
9 District if a special permit for such use has been obtained in conformance with the requirements of  
10 Chapter 27.63:

- 11 (a) Private schools, other than those permitted under Section 27.19.020(g) above;
- 12 (b) Health care facilities;
- 13 (c) Dwellings for members of religious orders;
- 14 (d) Recreational facilities;
- 15 (e) Church steeples, amateur radio antenna installations, towers, and ornamental spires  
16 which exceed the maximum district height;
- 17 (f) Broadcast towers;
- 18 (g) Certain parking lots as defined in Chapter 27.63;
- 19 (h) Clubs;
- 20 (i) Elderly or retirement housing;
- 21 (j) Community unit plans in conformance with Chapter 27.65;
- 22 (k) Expansion of nonconforming uses;
- 23 (l) Historic preservation;
- 24 (m) Public utility purposes;
- 25 (n) Wind energy conversion systems over the district height;
- 26 (o) Housing and related facilities for the physically handicapped;
- 27 (p) Outdoor seasonal sales;
- 28 (q) Cemeteries;
- 29 (r) Domiciliary care facility;
- 30 (s) Expansion of nonstandard single and two-family dwellings into required yards;
- 31 (t) Early childhood care facilities with sixteen or more children, or with fifteen or fewer  
32 children not meeting the specified conditions for a permitted conditional use under Section  
33 27.19.030;
- 34 (u) Neighborhood support services;

1 (v) Connection of single-family dwelling to accessory building for the physically  
2 handicapped;

3 (w) Alternative to imprisonment facilities;

4 (x) Children's homes.

5 Section 16. That Section 27.21.020 of the Lincoln Municipal Code be amended to  
6 read as follows:

7 **27.21.020 Use Regulations.**

8 A building or premises shall be used only for the following purposes in the R-6 Residential  
9 District:

10 (a) Single-family dwellings;

11 (b) Two-family dwellings;

12 (c) Multiple dwellings;

13 (d) Townhouses;

14 (e) Parks, playgrounds, and community buildings owned or operated by a public agency;

15 (f) Public libraries;

16 (g) Public elementary and high schools, or private schools having a curriculum  
17 equivalent to a public elementary or public high school and having no rooms regularly used for  
18 housing or sleeping purposes;

19 (h) Private clubs, fraternities, sororities, and lodges, except those the primary activity of  
20 which is a service customarily carried on as a business;

21 (i) Wind energy conversion systems.

22 Section 17. That Section 27.21.040 of the Lincoln Municipal Code be amended to  
23 read as follows:

24 **27.21.040 Permitted Special Uses.**

25 A building or premises may be used for the following purposes in the R-6 Residential  
26 District if a special permit for such use has been obtained in conformance with the requirements of  
27 Chapter 27.63:

28 (a) Private schools, other than those permitted under Section 27.21.020(g) above;

29 (b) Health care facilities;

30 (c) Dwellings for members of religious orders;

31 (d) Recreational facilities;

32 (e) Church steeples, amateur radio antenna installations, towers, and ornamental spires  
33 which exceed the maximum district height;

34 (f) Broadcast towers;

35 (g) Certain parking lots as defined in Chapter 27.63;

- 1 (h) Elderly or retirement housing;
- 2 (i) Community unit plans in conformance with Chapter 27.65;
- 3 (j) Expansion of nonconforming uses;
- 4 (k) Historic preservation;
- 5 (l) Public utility purposes;
- 6 (m) Wind energy conversion systems over the district height;
- 7 (n) Housing and related facilities for the physically handicapped;
- 8 (o) Outdoor seasonal sales;
- 9 (p) Cemeteries;
- 10 (q) Domiciliary care facility;
- 11 (r) Expansion of nonstandard single and two-family dwellings into required yards;
- 12 (s) Nonprofit religious, educational or philanthropic institutions;
- 13 (t) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
- 14 children not meeting the specified conditions for a permitted conditional use under Section
- 15 27.21.030;
- 16 (u) Connection of single-family dwelling to accessory building for the physically
- 17 handicapped;
- 18 (v) Alternative to imprisonment facilities;
- 19 (w) Children's homes.

20 Section 18. That Section 27.23.020 of the Lincoln Municipal Code be amended to  
 21 read as follows:

22 **27.23.020 Use Regulations.**

23 A building or premises shall be permitted to be used for the following purposes in the R-7  
 24 Residential District:

- 25 (a) Single-family dwellings;
- 26 (b) Two-family dwellings;
- 27 (c) Multiple dwellings;
- 28 (d) Townhouses;
- 29 (e) Apartment hotels;
- 30 (f) Parks, playgrounds, and community buildings owned or operated by a public agency;
- 31 (g) Public libraries;
- 32 (h) Public elementary and high schools, or private schools having a curriculum
- 33 equivalent to a public elementary or public high school and having no rooms regularly used for
- 34 housing or sleeping purposes;

1 (i) Private clubs, fraternities, sororities, and lodges, except those the primary activity of  
2 which is a service customarily carried on as a business;

3 (j) Wind energy conversion systems.

4 Section 19. That Section 27.23.040 of the Lincoln Municipal Code be amended to  
5 read as follows:

6 **27.23.040 Permitted Special Uses.**

7 A building or premises may be used for the following purposes in the R-7 Residential  
8 District if a special permit for such use has been obtained in conformance with the requirements of  
9 Chapter 27.63:

10 (a) Private schools, other than those permitted under Section 27.23.020(h) above;

11 (b) Health care facilities;

12 (c) Dwellings for members of religious orders;

13 (d) Recreational facilities;

14 (e) Church steeples, amateur radio antenna installations, towers, and ornamental spires  
15 which exceed the maximum district height;

16 (f) Broadcast towers;

17 (g) Certain parking lots as defined in Chapter 27.63;

18 (h) Elderly or retirement housing;

19 (i) Expansion of nonconforming uses;

20 (j) Historic preservation;

21 (k) Public utility purposes;

22 (l) Wind energy conversion systems over the district height;

23 (m) Housing and related facilities for the handicapped;

24 (n) Outdoor seasonal sales;

25 (o) Cemeteries;

26 (p) Domiciliary care facility;

27 (q) Expansion of nonstandard single and two-family dwellings into required yards;

28 (r) Nonprofit religious, educational or philanthropic institutions;

29 (s) Early childhood care facilities with sixteen or more children, or with fifteen or fewer  
30 children not meeting the specified conditions for a permitted conditional use under Section  
31 27.23.030;

32 (t) Connection of single-family dwelling to accessory building for the physically  
33 handicapped;

34 (u) Alternative to imprisonment facilities;

35 (v) Children's homes.

1                   Section 20. That Section 27.24.020 of the Lincoln Municipal Code be amended to  
2 read as follows:

3 **27.24.020     Use Regulations.**

4                   A building or premises shall be permitted to be used for the following purposes in the R-8  
5 Residential District:

- 6                   (a)     Single-family dwellings;
- 7                   (b)     Two-family dwellings;
- 8                   (c)     Multiple dwellings;
- 9                   (d)     Townhouses;
- 10                  (e)     Apartment hotels;
- 11                  (f)     Parks, playgrounds, and community buildings owned or operated by a public agency;
- 12                  (g)     Public libraries;
- 13                  (h)     Public elementary and high schools, or private schools having a curriculum  
14 equivalent to a public elementary or public high school and having no rooms regularly used for  
15 housing or sleeping purposes;
- 16                  (i)     Private clubs; civic, cultural, educational, labor, professional, and trade membership  
17 organizations; fraternities; sororities; and lodges, except those the primary activity of which is a  
18 service customarily carried on as a business;
- 19                  (j)     Churches;
- 20                  (k)     Wind energy conversion systems.

21                   Section 21. That Section 27.24.040 of the Lincoln Municipal Code be amended to  
22 read as follows:

23 **27.24.040     Permitted Special Uses.**

24                   A building or premises may be used for the following purposes in the R-8 Residential  
25 District if a special permit for such use has been obtained in conformance with the requirements of  
26 Chapter 27.63:

- 27                  (a)     Private schools, other than those permitted under Section 27.24.020(h) above;
- 28                  (b)     Health care facilities;
- 29                  (c)     Dwellings for members of religious orders;
- 30                  (d)     Recreational facilities;
- 31                  (e)     Broadcast towers;
- 32                  (f)     Certain parking lots as defined in Chapter 27.63;
- 33                  (g)     Elderly or retirement housing;
- 34                  (h)     Expansion of nonconforming uses;
- 35                  (i)     Historic preservation;

- 1 (j) Offices;
- 2 (k) Church steeples, amateur radio antenna installations, towers, and ornamental spires
- 3 which exceed the maximum height permitted in the district;
- 4 (l) Public utility purposes;
- 5 (m) Wind energy conversion systems over the district height;
- 6 (n) Housing and related facilities for the physically handicapped;
- 7 (o) Outdoor seasonal sales;
- 8 (p) Cemeteries;
- 9 (q) Domiciliary care facility;
- 10 (r) Expansion of nonstandard single and two-family dwellings into required yards;
- 11 (s) Nonprofit religious, educational or philanthropic institutions;
- 12 (t) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
- 13 children not meeting the specified conditions for a permitted conditional use under Section
- 14 27.24.030;
- 15 (u) Connection of single-family dwelling to accessory building for the physically
- 16 handicapped;
- 17 (v) Alternative to imprisonment facilities;
- 18 (w) Children's homes.

19 Section 22. That Section 27.25.020 of the Lincoln Municipal Code be amended to  
 20 read as follows:

21 **27.25.020 Permitted Uses.**

22 A building or premises shall be permitted to be used for the following purposes in the O-1  
 23 Office District:

- 24 (a) Office buildings;
- 25 (b) Dwellings;
- 26 (c) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- 27 (d) Public libraries;
- 28 (e) Public elementary and high schools, or private schools having a curriculum
- 29 equivalent to a public elementary or public high school, and having no rooms regularly used for
- 30 housing or sleeping purposes;
- 31 (f) Churches;
- 32 (g) Nonprofit religious, educational, and philanthropic institutions;
- 33 (h) Private schools;
- 34 (i) Wind energy conversion systems.

1                   Section 23. That Section 27.25.030 of the Lincoln Municipal Code be amended to  
2 read as follows:

3 **27.25.030     Permitted Special Uses.**

4                   A building or premises may be used for the following purposes in the O-1 Office District if  
5 a special permit for such use has been obtained in conformance with the requirements of Chapter  
6 27.63:

- 7                   (a)     Health care facilities;
- 8                   (b)     Recreational facilities;
- 9                   (c)     Clubs;
- 10                  (d)     Church steeples, towers, and ornamental spires which exceed the maximum height  
11 of forty-five feet;
- 12                  (e)     Banks, savings and loan associations, credit unions, and finance companies;
- 13                  (f)     Expansion of nonconforming uses;
- 14                  (g)     Historic preservation;
- 15                  (h)     Any permitted use which exceeds the maximum height permitted in the district up  
16 to seventy-five feet;
- 17                  (i)     Public utility purposes;
- 18                  (j)     Wind energy conversion systems over the district height;
- 19                  (k)     Outdoor seasonal sales;
- 20                  (l)     Early childhood care facilities with sixteen or more children, or with fifteen or fewer  
21 children not meeting the specified conditions for a permitted conditional use under Section  
22 27.25.025;
- 23                  (m)     Parking garages, including parking garages accessory to a main use.

24                   Section 24. That Section 27.26.020 of the Lincoln Municipal Code be amended to  
25 read as follows:

26 **27.26.020     Permitted Uses.**

27                   A building or premises shall be permitted to be used for the following purposes in the O-2  
28 Suburban Office District:

- 29                  (a)     Office buildings;
- 30                  (b)     Parks, playgrounds, and community buildings, owned or operated by a public agency;
- 31                  (c)     Public libraries;
- 32                  (d)     Public elementary and high schools, or private schools having a curriculum  
33 equivalent to a public elementary or public high school, and having no rooms regularly used for  
34 housing or sleeping purposes;
- 35                  (e)     Churches;

- 1 (f) Nonprofit religious, educational, and philanthropic institutions;
- 2 (g) Banks, savings and loans, credit unions, and finance companies;
- 3 (h) Barber shops, beauty parlors, and shoeshine shops;
- 4 (i) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops,
- 5 or other, similar business establishments; however, that portion of the premises of such business
- 6 establishments not devoted to sales or office space shall not exceed 5,000 square feet of floor area;
- 7 (j) Adult care centers;
- 8 (k) Wind energy conversion systems. .

9 Section 25. That Section 27.26.040 of the Lincoln Municipal Code be amended to  
10 read as follows:

11 **27.26.040 Permitted Special Uses.**

12 A building or premises may be used for the following purposes in the O-2 Suburban Office  
13 District if a special permit for such use has been obtained in conformance with the requirements of  
14 Chapter 27.63:

- 15 (a) Broadcast towers;
- 16 (b) Expansion of nonconforming uses;
- 17 (c) Historic preservation;
- 18 (d) Public utility purposes;
- 19 (e) Wind energy conversion systems over the district height;
- 20 (f) Outdoor seasonal sales;
- 21 (g) Certain parking lots as defined in Chapter 27.63;
- 22 (h) Mail order catalog sales;
- 23 (i) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
- 24 children not meeting the specified conditions for a permitted conditional use under Section
- 25 27.26.030;
- 26 (j) Private schools.

27 Section 26. That Section 27.27.020 of the Lincoln Municipal Code be amended to  
28 read as follows:

29 **27.27.020 Use Regulations.**

30 Any development, including building and open land uses, except farming and the sale of  
31 farm produce, shall be prohibited in the O-3 Office Park District prior to the approval of a use permit  
32 in conformance with the requirements of this chapter. O-3 Office Park District zoning shall not be  
33 permitted or granted upon any property having a total area of less than two acres. A building or  
34 premises shall be permitted to be used for the following purposes in the O-3 Office Park District:

- 35 (a) Office buildings;

- 1 (b) Single-family dwellings;  
2 (c) Two-family dwellings;  
3 (d) Multiple dwellings;  
4 (e) Townhouses;  
5 (f) Pharmacies;  
6 (g) Medical supply shops;  
7 (h) Barber shops, beauty parlors, and shoeshine shops;  
8 (i) Book, newspaper, and magazine stores;  
9 (j) Parks, playgrounds, and community buildings owned or operated by a public agency;  
10 (k) Public libraries;  
11 (l) Banks, savings and loan associations, credit unions, and finance companies, and  
12 insurance companies;  
13 (m) Churches;  
14 (n) Nonprofit religious, educational, and philanthropic institutions;  
15 (o) Technology transfer industries or applications if the area proposed for such use is  
16 designated in the Comprehensive Plan as a Technology Park;  
17 (p) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops,  
18 or other, similar business establishments; however, that portion of the premises of such business  
19 establishments not devoted to sales or office space shall not exceed 5,000 square feet of floor area;  
20 (q) Public elementary and high schools, or private schools having a curriculum  
21 equivalent to a public elementary or public high school, and having no rooms regularly used for  
22 housing or sleeping purposes;  
23 (r) Wind energy conversion systems.

24 The total area occupied by permitted uses identified as (f), (g), (h), (i) and (p) shall be  
25 located within an office building and shall be accessible only through an interior lobby, corridor, or  
26 passageway of the office building; provided, however, a pharmacy may also have a separate exterior  
27 entrance if the total area occupied by such pharmacy does not exceed five percent of the total square  
28 footage of the office building or 1,000 square feet, whichever is less.

29 Section 27. That Section 27.27.030 of the Lincoln Municipal Code be amended to  
30 read as follows:

31 **27.27.030 Permitted Special Uses.**

32 A building or premises may be used for the following purposes in the O-3 Office Park  
33 District if a special permit for such use has been obtained in conformance with the requirements of  
34 this chapter and Chapter 27.63:

- 35 (a) Expansion of nonconforming uses;

- 1 (b) Historic preservation;
- 2 (c) Restaurants;
- 3 (d) Recreational facilities;
- 4 (e) Clubs;
- 5 (f) Church steeples, towers, and ornamental spires which exceed the maximum height;
- 6 (g) Broadcast towers;
- 7 (h) Public utility purposes;
- 8 (i) Wind energy conversion systems over the district height;
- 9 (j) Health care facilities;
- 10 (k) Motels and hotels;
- 11 (l) Private schools;
- 12 (m) Outdoor seasonal sales;
- 13 (n) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
- 14 children not meeting the specified conditions for a permitted conditional use under Section
- 15 27.27.025;
- 16 (o) Mail order catalog sales
- 17 (p) Sale of alcoholic beverages for consumption on the premises in restaurants, provided
- 18 the locational requirements of Section 27.63.680 have been met or waived by the City Council.
- 19 Section 28. That Section 27.29.020 of the Lincoln Municipal Code be amended to
- 20 read as follows:
- 21 **27.29.020 Permitted Uses.**
- 22 A building or premises shall be permitted to be used for the following purposes in the B-1
- 23 Local Business District:
- 24 (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- 25 (b) Public libraries;
- 26 (c) Public elementary and high schools, or private schools having a curriculum
- 27 equivalent to a public elementary or public high school, and having no rooms regularly used for
- 28 housing or sleeping purposes;
- 29 (d) Churches;
- 30 (e) Nonprofit religious, educational, and philanthropic institutions;
- 31 (f) Banks, savings and loan associations, credit unions, and finance companies;
- 32 (g) Barber shops, beauty parlors, and shoeshine shops;
- 33 (h) Private schools, including but not limited to business or commercial schools, dance
- 34 or music academies, and nursery schools;
- 35 (i) Adult care centers;

- 1 (j) Service stations;
- 2 (k) Hospitals and clinics for animals, but not open kennels;
- 3 (l) Self-service laundromats;
- 4 (m) Messenger and telegraph stations;
- 5 (n) Office buildings;
- 6 (o) Parking lots and storage garages;
- 7 (p) Restaurants;
- 8 (q) Stores or shops for the sale of goods at retail, but not including
- 9 motor vehicles;
- 10 (r) Undertaking establishments;
- 11 (s) Photography studios;
- 12 (t) Bicycle sales and repair shops;
- 13 (u) Key shops;
- 14 (v) Ambulance services;
- 15 (w) Garden centers;
- 16 (x) Clubs;
- 17 (y) Marinas, for sale, service, and storage of motor boats and other related water craft;
- 18 (z) Receiving store for dry or steam cleaning which shall be done elsewhere;
- 19 (aa) Dry cleaning or laundry establishments, provided that the floor area does not exceed
- 20 2,000 square feet exclusive of office and pickup space;
- 21 (bb) Enclosed commercial recreational facilities;
- 22 (cc) Mail order catalog sales;
- 23 (dd) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops,
- 24 or other, similar business establishments;
- 25 (ee) Wind energy conversion systems.

26 Section 29. That Section 27.29.040 of the Lincoln Municipal Code be amended to  
27 read as follows:

28 **27.29.040 Permitted Special Uses.**

29 A building or premises may be used for the following purposes in the B-1 Local Business  
30 District if a special permit for such use has been obtained in conformance with the requirements of  
31 Chapter 27.63:

- 32 (a) Health care facilities;
- 33 (b) Recreational facilities;
- 34 (c) Broadcast towers;

- 1 (d) Church steeples, towers, and ornamental spires which exceed the maximum of forty
- 2 feet;
- 3 (e) Expansion of nonconforming uses;
- 4 (f) Historic preservation;
- 5 (g) Public utility purposes;
- 6 (h) Wind energy conversion systems over the district height;
- 7 (i) Cemeteries;
- 8 (j) Dwellings above the first story of a building which cannot meet the yard requirements
- 9 of Section 27.29.080(g);
- 10 (k) Sale of alcoholic beverages for consumption on the premises;
- 11 (l) Sale of alcoholic beverages for consumption off the premises;
- 12 (m) Indoor animal hospitals;
- 13 (n) Indoor kennels.

14 Section 30. That Section 27.31.030 of the Lincoln Municipal Code be amended to  
 15 read as follows:

16 **27.31.030 Permitted Uses.**

17 Any development, including building and open land uses, except farming and the sale of  
 18 farm produce, shall be prohibited in the B-2 Planned Neighborhood Business District prior to the  
 19 approval of a use permit in conformance with the requirements of this chapter. B-2 Planned  
 20 Neighborhood Business District zoning shall not be permitted or granted upon any property having  
 21 a total area of less than five acres. A building or premises shall be used only for the following  
 22 purposes in the B-2 Planned Neighborhood Business District:

- 23 (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- 24 (b) Public libraries;
- 25 (c) Public elementary and high schools, or private schools having a curriculum equi-
- 26 valent to a public elementary or public high school, and having no rooms regularly used for housing
- 27 or sleeping purposes;
- 28 (d) Churches;
- 29 (e) Nonprofit religious, educational, and philanthropic institutions;
- 30 (f) Banks, savings and loan associations, credit unions, and finance companies;
- 31 (g) Garden centers;
- 32 (h) Barber shops, beauty parlors, and shoeshine shops;
- 33 (i) Private schools, including but not limited to business or commercial schools, dance
- 34 or music academies, and nursery schools;
- 35 (j) Service stations;

- 1 (k) Hospitals and clinics for animals, but not open kennels;
- 2 (l) Self-service laundromats;
- 3 (m) Receiving stores for dry cleaning or laundry;
- 4 (n) Dry cleaning or laundry establishments, provided that the floor area does not exceed
- 5 2,000 square feet exclusive of office and pickup space.
- 6 (o) Messenger and telegraph stations;
- 7 (p) Office buildings;
- 8 (q) Restaurants;
- 9 (r) Stores or shops for the sale of goods at retail, but not including motor vehicles;
- 10 (s) Undertaking establishments;
- 11 (t) Photography studios;
- 12 (u) Bicycle sales and repair shops;
- 13 (v) Key shops;
- 14 (w) Ambulance services;
- 15 (x) Clubs;
- 16 (y) Enclosed commercial recreational facilities;
- 17 (z) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops,
- 18 or other, similar business establishments;
- 19 (aa) Wind energy conversion systems.

20 Section 31. That Section 27.31.050 of the Lincoln Municipal Code be amended to  
21 read as follows:

22 **27.31.050 Permitted Special Uses.**

23 A building or premises may be used for the following purposes in the B-2 Planned  
24 Neighborhood Business District if a special permit for such use has been obtained in conformance  
25 with the requirements of this chapter and Chapter 27.63:

- 26 (a) Health care facilities;
- 27 (b) Recreational facilities;
- 28 (c) Broadcast towers;
- 29 (d) Extraction of sand, gravel, and soil;
- 30 (e) Church steeples, towers, and ornamental spires which exceed the maximum height
- 31 permitted in the B-2 Planned Neighborhood Business District;
- 32 (f) Expansion of nonconforming uses;
- 33 (g) Historic preservation;
- 34 (h) Public utility purposes;
- 35 (i) Wind energy conversion systems over the district height;

- 1 (j) Cemeteries.
- 2 (k) Mail order catalog sales;
- 3 (l) Indoor animal hospitals;
- 4 (m) Indoor kennels.

5 Section 32. That Section 27.33.020 of the Lincoln Municipal Code be amended to  
6 read as follows:

7 **27.33.020 Permitted Uses.**

8 A building or premises shall be permitted to be used for the following purposes in the B-3  
9 Commercial District:

- 10 (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- 11 (b) Public libraries;
- 12 (c) Public elementary and high schools, or private schools having a curriculum  
13 equivalent to a public elementary or public high school, and having no rooms regularly used for  
14 housing or sleeping purposes;
- 15 (d) Churches;
- 16 (e) Nonprofit religious, educational, and philanthropic institutions;
- 17 (f) Banks, savings and loan associations, credit unions, and finance companies;
- 18 (g) Barber shops, beauty parlors, and shoeshine shops;
- 19 (h) Private schools, including but not limited to, business or commercial schools, dance  
20 or music academies, and nursery schools;
- 21 (i) Adult care centers;
- 22 (j) Hospitals and clinics for animals, but not open kennels;
- 23 (k) Self-service laundromats, and laundrettes;
- 24 (l) Receiving stores for dry cleaning or laundry;
- 25 (m) Messenger and telegraph stations;
- 26 (n) Office buildings;
- 27 (o) Restaurants;
- 28 (p) Stores or shops for the sale of goods at retail;
- 29 (q) Undertaking establishments;
- 30 (r) Photography studios;
- 31 (s) Key shops;
- 32 (t) Ambulance services;
- 33 (u) Retail bakery;
- 34 (v) Sales and showrooms, including service facilities and rental of equipment, provided  
35 all displays and merchandise are within the enclosure walls of the buildings;

- 1 (w) Milk distribution stations, but not involving any bottling on the premises;
- 2 (x) Food storage lockers;
- 3 (y) Optical lens grinding and finishing;
- 4 (z) Clubs;
- 5 (aa) Parking lots and storage garages;
- 6 (bb) Enclosed commercial recreational facilities;
- 7 (cc) Motorcycle, bicycle, and home and office equipment, but not including vehicle body
- 8 repair shops
- 9 (dd) Mail order catalog sales;
- 10 (ee) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops,
- 11 or other, similar business establishments;
- 12 (ff) Wind energy conversion systems.

13 Section 33. That Section 27.33.040 of the Lincoln Municipal Code be amended to  
 14 read as follows:

15 **27.33.040 Permitted Special Uses.**

16 A building or premises may be used for the following purposes in the B-3 Commercial  
 17 District if a special permit for such use has been obtained in conformance with the requirements of  
 18 Chapter 27.63:

- 19 (a) Health care facilities;
- 20 (b) Recreational facilities;
- 21 (c) Church steeples, towers, and ornamental spires which exceed the maximum district
- 22 height;
- 23 (d) Broadcast towers;
- 24 (e) Expansion of nonconforming use;
- 25 (f) Historic preservation;
- 26 (g) Public utility purposes;
- 27 (h) Wind energy conversion systems over the district height;
- 28 (i) Cemeteries;
- 29 (j) Dwellings above the first story of a building which cannot meet the yard requirements
- 30 of Section 27.33.080(g);
- 31 (k) Sale of alcoholic beverages for consumption on the premises.
- 32 (l) Sale of alcoholic beverages for consumption off the premises;
- 33 (m) Indoor animal hospitals;
- 34 (n) Indoor kennels.

1           Section 34. That Section 27.35.030 of the Lincoln Municipal Code be amended to  
2 read as follows:

3 **27.35.030     Permitted Special Uses.**

4           Notwithstanding any provision to the contrary in Section 27.35.020 above:

5           (a) A building or premises may be used for the following purposes in the B-4 Lincoln Center  
6 Business District if a special permit for such use has been obtained in conformance with the  
7 requirements of Chapter 27.63:

- 8                   (1)     Expansion of nonconforming use;
- 9                   (2)     Historic preservation;
- 10                  (3)     Any permitted use which exceeds the maximum height permitted in the  
11 district;
- 12                  (4)     Temporary shelter for the homeless.

13           (b) A building or premises may be used for the following purposes in that portion of the  
14 B-4 Lincoln Center Business District bounded by 10th Street, 150 feet north of "P" Street, 14th  
15 Street, and "N" Street if a special permit for such use has been obtained in conformance with the  
16 requirements of Section 27.63.180:

- 17                   (1)     Parking lots, parking garages, and other off-street parking facilities;
- 18                   (2)     Service stations and car washes located within a parking garage when such  
19 uses are accessory to the parking garage;
- 20                   (3)     Drive-in teller windows;
- 21                   (4)     Wind energy conversion systems over the district height.

22           (c) Dwellings above the first story of a building which cannot meet the yard requirements  
23 of Section 27.35.070(e).

24           (d) A building or premises may be used for the following purposes in the area of the B-4  
25 Lincoln Center Business District from 150 feet east of 17th Street to the eastern edge of the B-4  
26 Lincoln Center Business District if a special permit for such use has been obtained in conformance  
27 with the requirements of Section 27.63.180:

- 28                   (1)     Service stations.

29           Section 35. That Section 27.37.020 of the Lincoln Municipal Code be amended to  
30 read as follows:

31 **27.37.020     Use Regulations.**

32           (a) General regulations. Any development, including building and open land uses,  
33 except farming and the sale of farm produce, shall be prohibited in the B-5 Planned Regional  
34 Business District prior to the approval of a use permit in conformance with the requirements of this

1 chapter. B-5 Planned Regional Business District zoning shall not be permitted or granted upon any  
2 property having a total area of less than thirty acres.

3 (b) Permitted uses. A building or premises may be used only for the following purposes  
4 in the B-5 Planned Regional Business District:

5 (1) Stores or shops for the sale of goods at retail, and shops providing service for  
6 such goods;

7 (2) Office buildings;

8 (3) Personal and professional services;

9 (4) Places of public assembly, entertainment, or recreation facilities, except  
10 theaters;

11 (5) Hotels or motels;

12 (6) Banks, savings and loan associations, credit unions, and finance companies;

13 (7) Private schools, including but not limited to business or commercial schools,  
14 dance or music academies, and nursery schools;

15 (8) Restaurants;

16 (9) Service stations, and automobile wash facilities;

17 (10) Automobile sales establishments;

18 (11) Dwellings;

19 (12) Public or nonprofit community services;

20 (13) Dry cleaning or laundry establishment; provided, the floor area does not ex-  
21 ceed 2,000 square feet, exclusive of office and "pickup space";

22 (14) Enclosed commercial recreational facilities;

23 (15) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying  
24 shops, or other, similar business establishments;

25 (16) Public elementary and high schools, or private schools having a curriculum  
26 equivalent to a public elementary or public high school, and having no rooms regularly used for  
27 housing or sleeping purposes;

28 (17) Wind energy conversion systems.

29 Section 36. That Section 27.37.030 of the Lincoln Municipal Code be amended to  
30 read as follows:

31 **27.37.030 Permitted Special Uses.**

32 A building or premises may be used for the following purposes in the B-5 Planned Regional  
33 Business District if a special permit for such use has been obtained in conformance with the  
34 requirements of this chapter and Chapter 27.63:

35 (a) Historic preservation;

- 1 (b) Public utility purposes;
- 2 (c) Wind energy conversion systems over the district height;
- 3 (d) Theaters;
- 4 (e) Broadcast towers.

5 Section 37. That Section 27.39.020 of the Lincoln Municipal Code be amended to  
6 read as follows:

7 **27.39.020 Permitted Uses.**

8 A building or premises shall be used only for the following purposes in the H-1 Interstate  
9 Commercial District:

- 10 (a) Public or storage garages;
- 11 (b) Restaurants;
- 12 (c) Service stations;
- 13 (d) Hotels and motels;
- 14 (e) Dwelling for a caretaker employed and residing on the premises;
- 15 (f) Wind energy conversion systems.

16 Section 38. That Section 27.39.030 of the Lincoln Municipal Code be amended to  
17 read as follows:

18 **27.39.030 Permitted Special Uses.**

19 A building or premises may be used for the following purposes in the H-1 Interstate  
20 Commercial District if a special permit for such use has been obtained in conformance with the re-  
21 quirements of Chapter 27.63:

- 22 (a) Expansion of nonconforming uses;
- 23 (b) Historic preservation;
- 24 (c) Public utility purposes;
- 25 (d) Wind energy conversion systems over the district height;
- 26 (e) Cemeteries;
- 27 (f) Sale of alcoholic beverages for consumption on the premises;
- 28 (g) Broadcast towers;
- 29 (h) Sale of alcoholic beverages for consumption off the premises;
- 30 (i) Sexually oriented live entertainment establishments.

31 Section 39. That Section 27.41.020 of the Lincoln Municipal Code be amended to  
32 read as follows:

33 **27.41.020 Permitted Uses.**

34 A building or premises shall be permitted to be used for the following purposes in the H-2  
35 Highway Business District:

- 1 (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;  
2 (b) Public libraries;  
3 (c) Public elementary and high schools, or private schools having a curriculum equi-  
4 valent to a public elementary or public high school, and having no rooms regularly used for housing  
5 or sleeping purposes;  
6 (d) Churches;  
7 (e) Banks, savings and loan associations, credit unions, and finance companies;  
8 (f) Barber shops, beauty parlors, and shoeshine shops;  
9 (g) Private schools;  
10 (h) Dwelling for a caretaker employed and residing on the premises;  
11 (i) Hospitals and clinics for animals, but not open kennels;  
12 (j) Messenger and telegraph stations;  
13 (k) Office buildings;  
14 (l) Restaurants;  
15 (m) Undertaking establishments;  
16 (n) Photography studios;  
17 (o) Key shops;  
18 (p) Ambulance services;  
19 (q) Recreational facilities;  
20 (r) Food storage lockers;  
21 (s) Bakeries;  
22 (t) Bottling works;  
23 (u) Laundry, and drycleaning establishments, including laundromats, and receiving stores  
24 for drycleaning or laundry;  
25 (v) Printing shops;  
26 (w) Mini-warehouses;  
27 (x) Optical lens grinding and finishing;  
28 (y) Parking lots;  
29 (z) Clubs;  
30 (aa) Stores or shops for the sale of goods at retail, not otherwise permitted in this chapter,  
31 of no more than 20,000 square feet of floor area;  
32 (bb) Enclosed commercial recreational facilities;  
33 (cc) Service stations and automobile, motorcycle, bicycle, and home and office equip-  
34 ment, and appliance sales and repair, but not including vehicle body repair shops;  
35 (dd) Mail order catalog sales;

- 1 (ee) Warehouses, provided that no storage bay shall exceed 600 square feet;
- 2 (ff) Wind energy conversion systems.

3 Section 40. That Section 27.41.040 of the Lincoln Municipal Code be amended to  
4 read as follows:

5 **27.41.040 Permitted Special Uses.**

6 A building or premises may be used for the following purposes in the H-2 Highway Business  
7 District if a special permit for such use has been obtained in conformance with the requirements of  
8 Chapter 27.63:

- 9 (a) Outdoor theaters;
- 10 (b) Broadcast towers;
- 11 (c) Extraction of sand, gravel, and soil;
- 12 (d) Church steeples, towers, and ornamental spires exceeding the maximum permitted  
13 height of the H-2 Highway Business District;
- 14 (e) Outdoor lighting for recreational facilities;
- 15 (f) Expansion of nonconforming uses;
- 16 (g) Historic preservation;
- 17 (h) Public utilities purposes;
- 18 (i) Wind energy conversion systems over the district height;
- 19 (j) Cemeteries;
- 20 (k) Sale of alcoholic beverages for consumption on the premises;
- 21 (l) Sale of alcoholic beverages for consumption off the premises;
- 22 (m) Sexually oriented live entertainment establishments;
- 23 (n) Indoor animal hospitals;
- 24 (o) Indoor kennels.

25 Section 41. That Section 27.43.020 of the Lincoln Municipal Code be amended to  
26 read as follows:

27 **27.43.020 Permitted Uses.**

28 A building or premises shall be permitted to be used for the following purposes in the H-3  
29 Highway Commercial District:

- 30 (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- 31 (b) Public libraries;
- 32 (c) Public elementary and high schools, or private schools having a curriculum equi-  
33 valent to a public elementary or public high school, and having no rooms regularly used for housing  
34 or sleeping purposes;
- 35 (d) Churches;

- 1 (e) Nonprofit religious, educational, and philanthropic institutions;  
2 (f) Banks, savings and loan associations, credit unions and finance companies;  
3 (g) Barber shops, beauty parlors, and shoeshine shops;  
4 (h) Private schools;  
5 (i) Dwelling for a caretaker employed and residing on the premises;  
6 (j) Hospitals and clinics for animals, but not open kennels;  
7 (k) Messenger and telegraph stations;  
8 (l) Office buildings;  
9 (m) Restaurants;  
10 (n) Undertaking establishments;  
11 (o) Photography studios;  
12 (p) Key shops;  
13 (q) Ambulance services;  
14 (r) Recreational uses;  
15 (s) Food storage lockers;  
16 (t) Bakeries;  
17 (u) Bottling works;  
18 (v) Printing shops and photocopy centers;  
19 (w) Mini-warehouses;  
20 (x) Optical lens grinding and finishing;  
21 (y) Laundries, dyeing, and drycleaning establishments, including laundrettes, laund-  
22 romats, and receiving stores for drycleaning or laundry;  
23 (z) Creameries;  
24 (aa) Sale barns;  
25 (bb) Warehouses;  
26 (cc) Outdoor theaters;  
27 (dd) Parking lots;  
28 (ee) Clubs;  
29 (ff) Service facilities, including but not limited to repair and maintenance of home and  
30 office equipment and appliances;  
31 (gg) Contractors' offices and storage yards, and lumber and coal yards;  
32 (hh) Stores or shops for the sale of goods at retail, not otherwise permitted in this chapter,  
33 of no more than 20,000 square feet of floor area;  
34 (ii) Enclosed commercial recreational facilities;

1 (jj) Service stations and motorcycle, bicycle, home and office equipment, and appliance  
2 sales and repair but not including vehicle body repair shops;

3 (kk) Mail order catalog sales;

4 (ll) Wind energy conversion systems.

5 Section 42. That Section 27.43.040 of the Lincoln Municipal Code be amended to  
6 read as follows:

7 **27.43.040 Permitted Special Uses.**

8 A building or premises may be used for the following purposes in the H-3 Highway  
9 Commercial District if a special permit for such use has been obtained in conformance with the  
10 requirements of Chapter 27.63:

11 (a) Extraction of sand, gravel, and soil;

12 (b) Bulk storage of petroleum products;

13 (c) Broadcast towers;

14 (d) Church steeples, towers, and ornamental spires exceeding the maximum permitted  
15 height in the H-3 Highway Commercial District;

16 (e) Outdoor lighting for recreational facilities;

17 (f) Expansion of nonconforming use;

18 (g) Historic preservation;

19 (h) Stores and shops for retail sales and service which exceed 20,000 square feet of floor  
20 area;

21 (i) Public utility purposes;

22 (j) Wind energy conversion systems over the district height;

23 (k) Small batch concrete dispensing units;

24 (l) Health care facilities;

25 (m) Cemeteries;

26 (n) Sale of alcoholic beverages for consumption on the premises;

27 (o) Sale of alcoholic beverages for consumption off the premises;

28 (p) Limited landfills;

29 (q) Sexually oriented live entertainment establishments;

30 (r) Indoor animal hospitals;

31 (s) Indoor kennels;

32 (t) Outdoor exercise area associated with an indoor animal hospital or indoor kennel.

33 Section 43. That Section 27.45.020 of the Lincoln Municipal Code be amended to  
34 read as follows:

35 **27.45.020 Permitted Uses.**

1 H-4 General Commercial District zoning shall not be permitted or granted upon any property  
2 having a total area of less than five acres. A building or premises shall be permitted to be used for  
3 the following purposes in the H-4 General Commercial District:

- 4 (a) Automobile, motorcycle, truck, and heavy equipment sales;
- 5 (b) Commercial storage or sale of farm implements and products used for agriculture,  
6 but not including fertilizer, or toxic or flammable agricultural chemicals;
- 7 (c) Lumber yards;
- 8 (d) Warehouses;
- 9 (e) Mini-warehouses;
- 10 (f) Service centers for the repair of machinery and equipment, but not including salvage  
11 or scrap processing operations;
- 12 (g) Truck terminals;
- 13 (h) Dwellings for caretakers employed and required to reside on the premises;
- 14 (i) Ambulance service;
- 15 (j) Outdoor theaters;
- 16 (k) Hospitals and clinics for animals but not open kennels;
- 17 (l) Sale barns;
- 18 (m) Contractors' offices and storage, including electrical, plumbing, heating, and air  
19 conditioning contractors;
- 20 (n) Restaurants;
- 21 (o) Service stations;
- 22 (p) Truck stops;
- 23 (q) Mobile home sales;
- 24 (r) Auctions;
- 25 (s) Stores or shops for retail sales and service, not to exceed 30,000 square feet of floor  
26 area;
- 27 (t) Food storage lockers;
- 28 (u) Enclosed commercial recreational facilities;
- 29 (v) Banks, savings and loan associations, credit unions, and finance companies;
- 30 (w) Mail order catalog sales;
- 31 (x) Churches;
- 32 (y) Wind energy conversion systems.

33 Section 44. That Section 27.45.030 of the Lincoln Municipal Code be amended to  
34 read as follows:

35 **27.45.030 Permitted Special Uses.**

1 A building or premises may be used for the following purposes in the H-4 General  
2 Commercial District if a special permit for such use has been obtained in conformance with the re-  
3 quirements of Chapter 27.63:

- 4 (a) Extraction of sand, gravel, and soil;
- 5 (b) Bulk storage of petroleum products;
- 6 (c) Stores and shops for retail sales and service of more than 30,000 but less than  
7 100,000 square feet in floor area;
- 8 (d) Any permitted use which exceeds the maximum height permitted in the district;
- 9 (e) Facilities for the commercial storage or sale of fertilizer, or toxic or flammable  
10 agricultural chemicals;
- 11 (f) Broadcast towers;
- 12 (g) Expansion of nonconforming use;
- 13 (h) Historic preservation;
- 14 (i) Public utility purposes;
- 15 (j) Wind energy conversion systems over the district height;
- 16 (k) Planned service commercial development;
- 17 (l) Small batch concrete dispensing units;
- 18 (m) Cemeteries;
- 19 (n) Sale of alcoholic beverages for consumption on the premises;
- 20 (o) Sale of alcoholic beverages for consumption off the premises;
- 21 (p) Early childhood care facilities;
- 22 (q) Sexually oriented live entertainment establishments;
- 23 (r) Indoor animal hospitals;
- 24 (s) Indoor kennels;
- 25 (t) Outdoor exercise area associated with an indoor animal hospital or indoor kennel.

26 Section 45. That Section 27.47.030 of the Lincoln Municipal Code be amended to  
27 read as follows:

28 **27.47.030 Permitted Special Uses.**

29 A building or premises may be used for the following purposes in the I-1 Industrial District  
30 if a special permit for such use has been obtained in conformance with the requirements of Chapter  
31 27.63:

- 32 (a) The refining, distillation or manufacture of:
  - 33 (1) Acids or alcohols;
  - 34 (2) Ammonia, bleach, or chlorine;
  - 35 (3) Asphalt, tar, or products made therewith, including roofing or waterproofing;

- 1 (4) Cement, lime, gypsum, or plaster of paris;
- 2 (5) Disinfectants;
- 3 (6) Dyestuffs;
- 4 (7) Fertilizer;
- 5 (8) Glue, sizing, or gelatin;
- 6 (9) Oilcloth, linoleum, or oiled rubber goods;
- 7 (10) Paint, shellac, turpentine, or oils;
- 8 (11) Rubber, gutta-percha, balata, creosote, or products treated therewith;
- 9 (12) Shoe polish;
- 10 (b) The operation of:
  - 11 (1) Bag cleaning works;
  - 12 (2) Blast furnaces, coke ovens, smelting or ore reduction works;
  - 13 (3) Boiler works;
  - 14 (4) Forge;
  - 15 (5) Rock crusher, stone mill, or quarry;
  - 16 (6) Rolling mill;
  - 17 (7) Yeast plant;
- 18 (c) Production, manufacture, distribution, and storage of toxic, radioactive, flammable,  
19 or explosive materials, including chemicals and gases, fireworks, and explosives, except that any  
20 of the above referenced uses, except fireworks, may be stored or used in connection with a permitted  
21 commercial, business, or industrial purpose as allowed by Section 27.47.020(b) as incidental to the  
22 referenced permitted use without the requirement of obtaining a special permit;
- 23 (d) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals  
24 or fowl; rendering fat; distillation of bones, coal or wood;
- 25 (e) Dumping or reduction of garbage, offal, or dead animals;
- 26 (f) Scrap processing operation, salvage yard, or enclosed disassembly operation in  
27 conformance with Section 27.63.500;
- 28 (g) Refining or bulk storage of petroleum or natural gas, or their products;
- 29 (h) The manufacture of acetylene, the transfer of the gas from one container to another,  
30 or the storage of the gas in containers having a capacity greater than the equivalent of 1,000 cubic  
31 feet at standard temperature and pressure;
- 32 (i) Stores and shops for retail sales and service exceeding 20,000 square feet in floor  
33 area;
- 34 (j) Any permitted use which exceeds the maximum height permitted in the district;
- 35 (k) Broadcast towers;

- 1 (l) Outdoor theaters;
- 2 (m) Extraction of sand, gravel, and soil;
- 3 (n) Expansion of nonconforming uses;
- 4 (o) Historic preservation;
- 5 (p) Technical training centers;
- 6 (q) Wind energy conversion systems over the district height;
- 7 (r) Temporary shelter for the homeless;
- 8 (s) Health care facilities;
- 9 (t) Early childhood care facilities;
- 10 (u) Limited landfills;
- 11 (v) Race tracks for motorized vehicles;
- 12 (w) Sale of alcoholic beverages for consumption on the premises;
- 13 (x) Sale of alcoholic beverages for consumption off the premises;
- 14 (y) Private schools in conformance with Section 27.63.075;
- 15 (z) Sexually oriented live entertainment establishments.

16 Section 46. That Section 27.49.040 of the Lincoln Municipal Code be amended to  
17 read as follows:

18 **27.49.040 Permitted Special Uses.**

19 A building or premises may be used for the following purposes in the I-2 Industrial Park  
20 District if a special permit for such use has been obtained in conformance with the requirements of  
21 Chapter 27.63:

- 22 (a) Mining, quarrying, and stone mills;
- 23 (b) Broadcast towers;
- 24 (c) Early childhood care facilities;
- 25 (d) Expansion of nonconforming use;
- 26 (e) Historic preservation;
- 27 (f) Wind energy conversion systems over the district height;
- 28 (g) Enclosed disassembly operation in conformance with Section 27.63.500;
- 29 (h) Sale of alcoholic beverages for consumption on the premises;
- 30 (i) Any permitted use which exceeds the maximum height permitted in the district;
- 31 (j) Sexually oriented live entertainment establishments.

32 Section 47. That Section 27.51.050 of the Lincoln Municipal Code be amended to  
33 read as follows:

34 **27.51.050 Permitted Special Uses.**

1 A building or premises may be used for the following purposes in the I-3 Employment  
2 Center District if a special permit for such use has been obtained in conformance with the  
3 requirements of this chapter and Chapter 27.63:

- 4 (a) Broadcast tower;
- 5 (b) Sale of alcoholic beverages for consumption on the premises, provided the locational  
6 requirements of Section 27.63.680 have been met;
- 7 (c) Sale of alcoholic beverages for consumption off the premises, provided the locational  
8 requirements of Section 27.63.685 have been met;
- 9 (d) Early childhood care facilities;
- 10 (e) Public elementary and high schools or private schools having a curriculum equivalent  
11 to a public elementary or public high school;
- 12 (f) Sexually oriented live entertainment establishments;
- 13 (g) Wind energy conversion systems.

14 Section 48. That Section 27.63.420 of the Lincoln Municipal Code be amended to  
15 read as follows:

16 **27.63.420 Permitted Special Use: Wind Energy Conversion Systems (WECS) Over the**  
17 **District Height.**

18 In any zoning district, except the AG and AGR, a special permit may be granted to allow  
19 wind energy conversion systems (WECS) to exceed the height provisions of the district. For pur-  
20 poses of this section, a wind energy conversion system is defined as any device, such as a wind  
21 charger, windmill, or wind turbine, which converts wind energy to a form of usable energy. A  
22 special permit may be granted by the Planning Commission subject to the following conditions:

- 23 (a) The distance from all lot lines to any tower support base of the WECS shall be  
24 ~~determined according to the following WECS setback table. Intermediate rotor size distances shall~~  
25 ~~be interpolated~~ equal to the height of the tower plus the rotor radius. The Planning Commission may  
26 grant a reduction in the specific setback table distance when it finds that such reduction shall not  
27 adversely affect surrounding property and is consistent with the intent of this title to promote the  
28 public health, safety, and general welfare.

29 **WECS SETBACK TABLE**

30 <b>Rotor Diameter</b>	<b>Setback</b>
31 <b>in Feet</b>	<b>Distance</b>
32 -5	-100
33 +0	-165
34 +5	-220
35 +20	-270

1	25	-310
2	30	-340
3	35	-365
4	40	-385

(b) The distance from any tower support base of a WECS to any tower support base of another WECS under other ownership shall be a minimum of five rotor distances figured by the size of the largest rotor. The Planning Commission may grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS.

(c) The WECS operation shall not cause interference to the radio and television reception on adjoining property.

~~(d) To limit climbing access to the WECS tower, a fence six feet high with a locking portal shall be placed around the WECS tower base or the tower climbing apparatus shall be limited to no lower than twelve feet from the ground, or the WECS tower may be mounted on a roof top.~~

~~————(e) Data pertaining to the machine’s safety and stability shall be filed with the application. Such data shall include safety results from tests conducted by the Rocky Flats testing facility or other testing facilities.~~

~~————(f) The applicant shall provide covenants, easements, or similar documentation from the abutting owners providing access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on the site.~~

~~————(g) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility’s then current service regulations applicable to WECS.~~

Section 49. That Section 27.71.025 of the Lincoln Municipal Code be amended to read as follows:

**27.71.025 Chimneys, Antenna Towers, and Grain Elevators.**

Chimneys, cooling towers, elevator bulkheads, grain elevators, fire towers, stage towers or scenery lofts, amateur radio antenna installations not exceeding sixty-five feet in height (which includes a tower not exceeding fifty feet in height), noncommercial radio towers not exceeding fifty feet in height, wind energy conversion systems over the height of the district authorized by conditional use or special permit, or water towers are exempt from the height regulations as contained herein.

Section 50. That Sections 27.07.020, 27.07.030, 27.09.020, 27.09.030, 27.11.020, 27.11.040, 27.13.020, 27.13.040, 27.15.020, 27.15.040, 27.17.020, 27.17.040, 27.19.020, 27.19.040, 27.21.020, 27.21.040, 27.23.020, 27.23.040, 27.24.020, 27.24.040, 27.25.020, 27.25.030, 27.26.020,

1 27.26.040, 27.27.020, 27.27.030, 27.29.020, 27.29.040, 27.31.030, 27.31.050, 27.33.020, 27.33.040,  
2 27.35.030, 27.37.020, 27.37.030, 27.39.020, 27.39.030, 27.41.020, 27.41.040, 27.43.020, 27.43.040,  
3 27.45.020, 27.45.030, 27.47.030, 27.49.040, 27.51.050, 27.63.420, and 27.71.025 of the Lincoln  
4 Municipal Code as hitherto existing be and the same are hereby repealed.

5 Section 51. Pursuant to Article VII, Section 7 of the City Charter, this ordinance  
6 shall be posted on the official bulletin board of the City in lieu of and in place of newspaper  
7 publication with notice of passage and such posting to be given by publication one time in the  
8 official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after  
9 its passage and publication as herein and in the City Charter provided.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2008:  _____ Mayor
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