

07-79S
Change of Zone 07015

Introduce: 5-14-07

SUBSTITUTE
ORDINANCE NO. 18948

1 AN ORDINANCE amending Section 27.81.010 of the Lincoln Municipal Code
2 relating General Regulations of the Zoning Code to require compliance with Chapter 28.01,
3 Regulations for Construction Site Discharges, for construction activity; and by repealing Section
4 27.81.010 of the Lincoln Municipal Code as hitherto existing.

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

6 Section 1. That Section 27.81.010 of the Lincoln Municipal Code be amended to
7 read as follows:

8 **27.81.010 General Regulations.**

9 The following general regulations shall apply to all zoning districts:

10 (a) Except as otherwise provided in this title, no building shall be erected, converted,
11 enlarged, reconstructed, or structurally altered, nor shall any structure or land be used:

12 (1) Except for a purpose permitted in the district in which the structure or land
13 is located;

14 (2) Except in conformance with the height and minimum lot requirements, and
15 the parking and sign regulations, and any other applicable requirements of the district in which the
16 structure or land is located;

17 (3) Except in conformance with the City of Lincoln Design Standards (but not
18 including Appendix A) for Zoning Regulations adopted by resolution of the City Council.

19 (b) The minimum yards and other open spaces, including lot area per family, required
20 by this title for each and every building at the time of passage of this title or for any building

1 hereafter erected shall not be encroached upon or considered as yard or open space requirements for
2 any other buildings, nor shall any lot area be reduced beyond the district requirements of this title.

3 (c) ~~There shall be no grading or disturbance of any land one acre or greater in size except~~
4 ~~for tilling, cultivation, or agriculturally related conservation practices without first submitting a~~
5 ~~drainage and grading plan to the Director of Public Works and Utilities~~ No person shall engage in
6 construction activity in the Construction Site Discharges Overlay District without a permit in
7 conformance with Chapter 28.01 setting forth the requirements of the design standards applicable
8 to stormwater management, erosion and sedimentation control, including the preservation of
9 minimum flood corridors, ~~and obtaining approval of said plan~~; provided, however, that the
10 requirement to preserve a minimum flood corridor will not apply to property within a subdivision
11 approved prior to March 8, 2000. ~~The required grading and drainage plan may be waived by the~~
12 ~~Director of Public Works and Utilities upon submittal of a written request for such waiver stating~~
13 ~~that the grading or land disturbance is conducted as part of agricultural operations, that the land will~~
14 ~~remain in agricultural use for a period not less than three years, and that grading or land disturbance~~
15 ~~for any other purposes shall not be conducted prior to submitting and obtaining approval of a~~
16 ~~grading and drainage plan as required by this section.~~ For the purpose of this section, the
17 Construction Site Discharges Overlay District is defined to mean the corporate limits of the City of
18 Lincoln and the land outside the corporate limits designated as Tier I.

19 (d) On or after May 1, 2006, no permit for the erection or construction of any new
20 building and no permit for the substantial enlargement of any existing building located in the O-2,
21 O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning district shall be issued
22 before the applicant has submitted a Pedestrian Circulation Plan to the City for review and approval.
23 In addition, on or after May 1, 2006, no permit for the erection or construction of any club or health

1 care facility pursuant to Sections 27.63.200 and 27.63.080, respectively, and no permit for the
2 substantial enlargement of any club or health care facility shall be issued before the permittee has
3 submitted a Pedestrian Circulation Plan to the City for review and approval. The Pedestrian
4 Circulation Plan shall conform to the City of Lincoln's Design Standards for Pedestrian Circulation
5 in Commercial and Industrial Areas. An on-site sidewalk system shall be constructed for any new
6 building and for any redevelopment of any existing building in accordance with the approved
7 Pedestrian Circulation Plan prior to the issuance of a certificate of occupancy for the building. For
8 the purpose of this section, substantial enlargement shall mean any addition to an existing building
9 the cost of which equals or exceeds fifty percent of the County Assessor's assessed value of the
10 property before the start of construction of the addition.

11 (e) Every building hereafter erected or structurally altered shall be located on a lot as
12 herein defined and in no case shall there be more than one main building on one lot except as
13 otherwise provided in Chapters 27.65 and 27.71.

14 (f) All inhabited or occupied mobile homes shall conform to one of the following:

15 (1) Used as a dwelling and located in a mobile home court or mobile home
16 subdivision operating under a valid special permit in conformance with Chapter 27.63;

17 (2) Used as a dwelling associated with a farm;

18 (3) Used as a temporary office or shelter incidental to construction or
19 development on the premises on which the mobile home is located; or

20 (4) One mobile home may be used as an office in any mobile home court or
21 mobile home subdivision operating under a valid special permit in conformance with Chapter 27.63;
22 provided, the mobile home used as an office is located on an approved mobile home space or lot and

1 such office is used only for conducting the business of the mobile home court or subdivision in
2 which the office is located. Said mobile home may also be used as a dwelling.

3 (5) One mobile home may be used as an office in any campground operating
4 under a valid special permit in conformance with Chapter 27.63; provided, the mobile home is used
5 only for conducting the business of the campground. Said mobile home may also be used as a
6 dwelling for the campground manager. A mobile home not in conformance with one of the above
7 shall not be occupied or inhabited; nor shall it be connected to utilities, except when being displayed
8 for sale by a dealer or manufacturer.

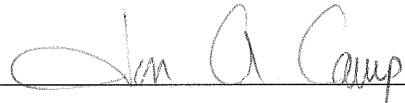
9 (g) If a single building or lot is located in two or more zoning districts, each part of the
10 building or lot shall comply with the regulations of the district in which it is located, except as
11 provided in Chapter 27.05 or Chapter 27.75.

12 Section 2. That Section 27.81.010 of the Lincoln Municipal Code as hitherto existing
13 be and the same is hereby repealed.

14 Section 3. That this ordinance shall take effect and be in force from and after its
15 passage and publication according to law.

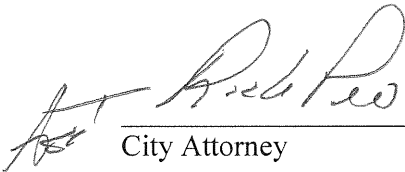
Introduced by:

See further Council Proceedings
on next page.

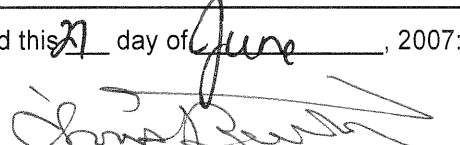


AYES: Camp, Cook, Emery,
Eschliman, Marvin, Spatz,
Svoboda; NAYS: None.

Approved as to Form & Legality:



City Attorney

Approved this 21 day of June, 2007:


Mayor

PASSED
JUN 25 2007
BY CITY COUNCIL

07-79S

6/04/07 Council Proceedings:

COOK Moved to continue Public Hearing with Action on Bill No. 07-79 to 6/25/07.
 Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook,
 Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

6/25/07 Council Proceedings:

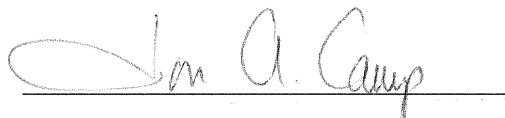
CAMP Moved Amendment #2 to amend Bill No. 07-79 by accepting the Substitute
 Ordinance attached hereto.
 Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook,
 Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

07-79

MOTION TO AMEND NO. 2

I hereby move to amend Bill No. 07-79 by accepting the Substitute Ordinance attached hereto.

Introduced by:



Approved as to Form & Legality:



Assistant City Attorney

AYES: Camp, Cook, Emery,
Eschliman, Marvin, Spatz,
Svoboda; NAYS: None.

Requested by: Law Department

Reason for Request: The substitute ordinance reflects terms and conditions agreed upon by the City and the Erosion and Sediment Control Working Group and limits applicability of Chapter 28.01 to the area of future urban growth.

ADOPTED
JUN 25 2007
BY CITY COUNCIL