

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to the
2 Zoning Code by amending Sections 27.60.060 and 27.65.060 to grant the Planning Director
3 authority to approve amendments to a planned unit development or community unit plan to allow
4 a height increase not to exceed ten feet over the maximum height limit for a multi-family dwelling;
5 by further amending Section 27.65.060 to grant the Planning Director authority to approve
6 amendments to a community unit plan to allow a percentage of stacked parking stalls on a driveway
7 behind a garage attached to a multi-family dwelling to be used toward satisfaction of required
8 parking; by amending Section 27.65.090 to delete the requirement that the use of such stacked
9 parking stalls in satisfaction of required parking be approved by the Planning Commission; and
10 repealing Sections 27.60.060, 27.65.060 and 27.65.090 of the Lincoln Municipal Code as hitherto
11 existing.

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

13 Section 1. That Section 27.60.060 of the Lincoln Municipal Code be amended to
14 read as follows:

15 **27.60.060 Planned Unit Development; Amendments.**

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

18 (a) A request for amendment is filed with the Planning Director and, if appropriate,
19 accompanied by a plot plan showing all pertinent information;

1 (b) Minor increases in the number of dwelling units or total floor area originally
2 authorized by the City Council may be approved if such increases will not cause a significant
3 adverse impact on the public infrastructure, existing development within the planned unit
4 development and adjoining properties. Minor increases shall not exceed more than fifteen percent
5 (15%) cumulative additional dwelling units or total floor area;

6 (c) No public land will be accepted as a result of the amendment;

7 (e d) Amendments shall keep with the intent and spirit of the approved development plan;

8 (d e) Amendments shall not violate any regulation set forth in this title;

9 (e f) No change is made to the applicable setback, yard, or height requirements for lots
10 along the perimeter of the planned unit development;

11 (f g) Minor internal changes to the applicable setback, yard, or height requirements may
12 be made within the planned unit development if they conform to the intent of the approved
13 development plan and do not adversely impact existing development within the planned unit
14 development;

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

19 (i) Parking spaces located on a driveway approach to a garage, as part of a multi-family
20 complex, may be approved and counted toward the satisfaction of a portion of the required parking
21 stalls.

1 (g j) Any amendment not in conformance with this paragraph shall be submitted to the
2 City Council in the same manner as a formal application for a planned unit development.

3 Section 2. That Section 27.65.060 of the Lincoln Municipal Code be amended to
4 read as follows:

5 **27.65.060 Community Unit Plan Amendments.**

6 After the Planning Commission has approved a community unit plan, including the specific
7 plot plan, the Planning Director is authorized to approve amendments in the community unit plan
8 provided that:

9 (a) A request for amendment is filed with the Planning Director, and, if appropriate,
10 accompanied by a plot plan ~~drawn to an accurate scale and~~ showing all pertinent information;

11 (b) ~~There is no increase in the number of dwelling units, except that i~~In community unit
12 plans containing more than five acres, minor increases in the number of dwelling units originally
13 authorized may be approved if such increases do not exceed the maximum density allowed and such
14 increases will not cause a significant adverse impact on existing development within the community
15 unit plan and adjoining properties. Minor increases shall not exceed more than fifteen percent (15%)
16 cumulative additional dwelling units;

17 (c) No public land will be accepted as a result of the amendment;

18 (d) The amendment shall ~~not be contrary to the general purposes of this chapter as set~~
19 ~~forth in Section 27.65.010~~ keep with the intent and spirit of the approved development plan;

20 (e) Such amendment shall not violate any regulations set forth in this title;

21 (f) No reduction is made to the applicable setback, yard, or height requirements, ~~except~~
22 that along the perimeter of the community unit plan;

1 (g) In community unit plans containing more than five acres, minor internal changes to
2 the applicable setback, yard, or height requirements may be made within the community unit plan
3 if they conform to the intent of the approved plan and do not adversely impact existing development
4 within the community unit plan;

5 (h) Notwithstanding any provision to the contrary in (f) and (g) above, a request for a
6 height increase up to ten feet over the allowed zoning district height may be approved for multi-
7 family dwellings along the perimeter or within the community unit plan in accordance with Section
8 1.2 of Chapter 3.35, City of Lincoln Design Standards for Community Unit Plans.

9 (i) Parking spaces located on a driveway approach to a garage, as part of a multi-family
10 complex, may be approved and counted toward the satisfaction of a portion of the required parking
11 stalls.

12 (g j) Any amendment not in conformance with this paragraph shall be submitted to the
13 Planning Commission in the same manner as an original community unit plan.

14 Section 3. That Section 27.65.090 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **27.65.090 Parking.**

17 All parking within the community unit plan shall be regulated in conformance with the
18 provisions of Chapter 27.67; ~~however, the Planning Commission may modify the parking~~
19 ~~regulations for multi-family dwellings to allow a percentage of parking spaces located on a driveway~~
20 ~~behind a garage attached to a dwelling unit to be considered as required parking stalls for creative~~
21 ~~designs otherwise meeting the purpose and intent of this chapter, provided the minimum depth of~~
22 ~~the parking spaces is 22 feet.~~

1 Section 4. That Sections 27.60.060, 27.65.060 and 27.65.090 of the Lincoln
2 Municipal Code as hitherto existing be and the same are hereby repealed.

3 Section 5. That this ordinance shall take effect and be in force from and after passage
4 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
5 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2012:

Mayor