

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code by
2 amending Section 27.33.040 to delete subparagraph (m) to delete the storage of vehicles
3 for sale and resale in the B-3 Commercial District on any portion of the lot where parking
4 is permitted; amending Section 27.41.030 of the Lincoln Municipal Code to add a
5 subparagraph (g) to provide conditions regarding the storage/display of vehicles for sale
6 and resale in the H-2 Highway Business District when located on any portion of the lot
7 where parking is permitted; amending Section 27.41.040 to delete subparagraph (m) to
8 delete the storage of vehicles for sale and resale in the H-2 zoning district on any portion
9 of the lot where parking is permitted; amending Section 27.43.030 of the Lincoln Municipal
10 Code to revise subparagraph (k) to provide additional conditions regarding the
11 storage/display of vehicles for sale and resale in the H-3 Highway Commercial District
12 when located on any portion of a lot where parking is permitted, and amending Section
13 27.43.040 to delete subparagraph (q) to delete the storage of vehicles for sale and resale
14 in the H-3 zoning district on any portion of a lot where parking is permitted as a special
15 permitted use; amending Section 27.49.040 to delete subparagraph (j) to delete the
16 storage of vehicles for sale and resale in the I-2 zoning district on any portion of the lot
17 where parking is permitted; repealing Section 27.63.700 of the Lincoln Municipal Code
18 relating to special permits for the storage of vehicles for sale where parking is permitted;
19 and repealing Sections 27.33.040, 27.41.030, 27.41.040, 27.43.030, 27.43.040, and
20 27.49.040 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 Section 27.33.040 of the Lincoln Municipal Code be
23 amended to read as follows:

1 **27.33.040 Permitted Special Uses.**

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

- 5 (a) Health care facilities;
- 6 (b) Recreational facilities;
- 7 (c) Church steeples, towers, and ornamental spires which exceed the maximum
8 district height;
- 9 (d) Broadcast towers;
- 10 (e) Expansion of nonconforming use;
- 11 (f) Historic preservation;
- 12 (g) Public utility purposes;
- 13 (h) Wind energy conversion systems;
- 14 (i) Cemeteries;
- 15 (j) Dwellings above the first story of a building which cannot meet the yard
16 requirements of Section 27.33.080(g);
- 17 (k) Sale of alcoholic beverages for consumption on the premises;
- 18 (l) Sale of alcoholic beverages for consumption off the premises;
- 19 ~~(m) Storage of vehicles for sale and resale on any portion of the lot where parking~~
20 ~~is permitted.~~

21 Section 2. That Section 27.41.030 of the Lincoln Municipal Code be
22 amended to read as follows:

23 **27.41.030 Permitted Conditional Uses.**

24 A building or premises may be used for the following purposes in the H-2 Highway
25 Business District in conformance with the conditions prescribed herein:

- 26 (a) Automobile/truck wash facility:
 - 27 (1) Automatic, conveyor-operated: The length and location of vehicle
28 stacking lane or lanes for the approach side or sides and the exit side or sides of the wash
29 operation shall be in conformance with the "guidelines and regulations for driveway design
30 and location" as adopted by the City of Lincoln.

1 (2) Self-service, coin-operated: The wash facility shall not exceed six
2 wash bays. The length and location of vehicle stacking lane or lanes for the approach side
3 or sides and the exit side or sides of the wash operation shall be in conformance with the
4 "guidelines and regulations for driveway design and location" as adopted by the City of
5 Lincoln.

6 (b) Motels and hotels: A distance of at least twenty feet shall be maintained
7 between buildings on the lot, and each hotel or motel unit shall have a minimum enclosed
8 floor area of 200 square feet.

9 (c) Service facilities, including but not limited to repair and maintenance of home
10 and office equipment, electrical appliances, radio and television sets, and rental equip-
11 ment; and the places of business of plumbing, electrical, and heating and air conditioning
12 contractors.

13 All storage and display of merchandise shall be screened from public view by a
14 fence, walls, shrubs, material obstruction, or all such storage and display shall be within
15 the enclosure walls of a building.

16 (d) Early childhood care facilities:

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

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

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

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

25 (e) Recycling center:

26 (1) Building area of such center shall not exceed 8,000 square feet;

27 (2) Adequate traffic stacking shall be provided on site as determined by
28 the city;

29 (3) All required parking shall be provided on site;

30 (4) The facility shall not be designed to receive nor shall it accept
31 shipments by semi-trailer trucks;

1 (5) Construction and operation of such center shall comply with all
2 applicable health and fire codes.

3 (f) Vehicle body repair shop:

4 (1) All salvage material including vehicles being salvaged shall be inside
5 a building;

6 (2) All vehicles stored outside shall be repaired to an operating state
7 within thirty days;

8 (3) All vehicles stored outside waiting repair shall be screened in
9 accordance with the screening requirements for salvage and scrap processing operations;

10 (4) Construction and operation of such shop shall comply with all
11 applicable health and fire codes;

12 (5) Vehicle body repair shops lawfully existing on the effective date of this
13 ordinance shall have until January 1, 1987 to be brought into compliance with conditions
14 (1), (2), (3), and (4) above.

15 (g) The storage of vehicles for sale and resale in the front yard:

16 (1) The storage of vehicles for sale and resale is permitted in the front
17 yard except for the front six feet.

18 (2) Parking barriers in accordance with parking lot design standards must
19 be provided around the storage/display area to prevent the vehicles stored/displayed for
20 sale or resale from overhanging the front six feet of the front yard where vehicles are not
21 permitted to be stored/displayed for sale or resale.

22 (3) No vehicle shall be stored/displayed for sale or resale in the front yard
23 upon a raised concrete island or on a raised display structure.

24 (4) The hood or trunk or both of vehicles stored/displayed for sale or
25 resale in the front yard shall not be open except when inspected by a customer or for
26 servicing.

27 (5) The front six feet of the front yard not permitted to be used for the
28 storage of vehicles for sale and resale shall not be used for customer or employee parking
29 but shall be devoted to shrubs and grasses.

30 (6) The front six feet of the front yard not permitted to be used for the
31 storage of vehicles for sale and resale shall be screened at least sixty percent from zero

1 feet to two feet above the surface of the lot. The design and construction of the
2 landscaping shall be in conformance with the Design Standards for Screening and
3 Landscaping except that fences may not be used to meet the above screening
4 requirements. If plant material is used, the density percentage is calculated using the
5 design size found in the City of Lincoln's plant material list approved by the Planning
6 Director. The screen shall be located throughout the area but far enough from the barrier
7 so as to be protected from the bumpers of overhanging vehicles. Entrance driveways shall
8 be excluded from the required screen.

9 (7) No fence shall be erected in the front yard.

10 (8) Any existing automobile sales facility lawfully established on the
11 effective date of this ordinance which does not comply with conditions (1) through (7)
12 above may be continued in accordance with the provisions of Chapter 27.61 for
13 nonconforming uses.

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

16 **27.41.040 Permitted Special Uses.**

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

- 20 (a) Outdoor theaters;
- 21 (b) Broadcast towers;
- 22 (c) Extraction of sand, gravel, and soil;
- 23 (d) Church steeples, towers, and ornamental spires exceeding the maximum
24 permitted height of the H-2 Highway Business District;
- 25 (e) Outdoor lighting for recreational facilities;
- 26 (f) Expansion of nonconforming uses;
- 27 (g) Historic preservation;
- 28 (h) Public utilities purposes;
- 29 (i) Wind energy conversion systems;
- 30 (j) Cemeteries;
- 31 (k) Sale of alcoholic beverages for consumption on the premises;

1 (l) Sale of alcoholic beverages for consumption off the premises;

2 (m) ~~Storage of vehicles for sale and resale on any portion of the lot where parking~~
3 ~~is permitted;~~

4 ~~—(n)—~~ Sexually oriented live entertainment establishments.

5 Section 4. That Section 27.43.030 of the Lincoln Municipal Code be
6 amended to read as follows:

7 **27.43.030 Permitted Conditional Uses.**

8 A building or premises may be used for the following purposes in the H-3 Highway
9 Commercial District in conformance with the conditions prescribed herein:

10 (a) Automobile/truck wash facility:

11 (1) Automatic, conveyor-operated: The length and location of vehicle
12 stacking lane or lanes for the approach side or sides and the exit side or sides of the wash
13 operation shall be in conformance with the "guidelines and regulations for driveway design
14 and location" as adopted by the City of Lincoln.

15 (2) Self-service, coin-operated: The length and location of vehicle stacking
16 lane or lanes for the approach side or sides and the exit side or sides of the wash
17 operation shall be in conformance with the "guidelines and regulations for driveway design
18 and location" as adopted by the City of Lincoln.

19 (b) Motels and hotels: A distance of at least twenty feet shall be maintained
20 between buildings on the lot and each hotel or motel unit shall have a minimum enclosed
21 floor area of 200 square feet.

22 (c) Early childhood care facilities:

23 (1) Such facilities shall comply with all applicable state and local early
24 childhood care and building requirements;

25 (2) Such facilities shall comply with all applicable building and life safety
26 code requirements;

27 (3) Such facilities shall be fenced and have play areas that comply with
28 the design standards for early childhood care facilities;

29 (4) Such facilities must receive a conditional use permit from the
30 Department of Building and Safety.

31 (d) Recycling center:

- 1 (1) Building area of such center shall not exceed 8,000 square feet;
2 (2) Adequate traffic stacking shall be provided on site as determined by
3 the city;
4 (3) All required parking shall be provided on site;
5 (4) The facility shall not be designed to receive nor shall it accept
6 shipments by semi-trailer trucks;
7 (5) Construction and operation of such center shall comply with all
8 applicable health and fire codes.

9 (e) Vehicle body repair shop:

- 10 (1) All salvage material including vehicles being salvaged shall be inside
11 a building;
12 (2) All vehicles stored outside shall be repaired to an operating state
13 within thirty days;
14 (3) All vehicles stored outside waiting repair shall be screened in
15 accordance with the screening requirements for salvage and scrap processing operations;
16 (4) Construction and operation of such shop shall comply with all
17 applicable health and fire codes;
18 (5) Vehicle body repair shops lawfully existing on the effective date of this
19 ordinance shall have until January 1, 1987 to be brought into compliance with conditions
20 (1), (2), (3), and (4) above.
21 (6) Parking shall be provided in accordance with Section 27.67.066.
22 (7) Vehicle body repair shops shall not be converted to a permitted use
23 unless all the parking requirements of Section 27.67.020 for such use are met.

24 (f) Truck and heavy equipment sales:

- 25 (1) Parking shall be provided in accordance with Section 27.67.066.
26 (2) Truck and heavy equipment sales shall not be converted to a
27 permitted use unless all the parking requirements of Section 27.67.020 for such use are
28 met.

29 (g) Farm machinery sales establishments:

- 30 (1) Parking shall be provided in accordance with Section 27.67.066.

1 (2) Farm machinery sales establishments shall not be converted to a
2 permitted unless all the parking requirements of Section 27.67.020 for such use are met.

3 (h) Motor truck terminals:

4 (1) Parking shall be provided in accordance with Section 27.67.066.

5 (2) Motor truck terminals shall not be converted to a permitted use unless
6 all the parking requirements of Section 27.67.020 for such use are met.

7 (i) Mobile home sales:

8 (1) Parking shall be provided in accordance with Section 27.67.066.

9 (2) Mobile home sales shall not be converted to a permitted use unless
10 all the parking requirements of Section 27.67.020 for such use are met.

11 (j) Places of business of plumbing contractors, heating and air conditioning
12 contractors, and cabinet shops:

13 (1) Parking shall be provided in accordance with Section 27.67.066.

14 (2) Said places of business shall not be converted to a permitted unless
15 all the parking requirements of Section 27.67.020 for such use are met.

16 (k) Automobile sales and repair, but not including vehicle body repair shops:

17 (1) Parking shall be provided in accordance with Section 27.67.066.

18 (2) The storage of vehicles for sale and resale is permitted in the front
19 yard under the following conditions:

20 (i) The storage of vehicles for sale and resale is permitted in the
21 front yard except for the front six feet.

22 (ii) Parking barriers in accordance with parking lot design standards
23 must be provided around the storage/display area to prevent the vehicles stored/displayed
24 for sale or resale from overhanging the front six feet of the front yard where vehicles are
25 not permitted to be stored/displayed for sale or resale.

26 (iii) No vehicle shall be stored/displayed for sale or resale in the
27 front yard upon a raised concrete island or on a raised display structure.

28 (iv) The hood or trunk or both of vehicles stored/displayed for sale
29 or resale in the front yard shall not be open except when inspected by a customer or for
30 servicing.

1 (3) The front six feet of the front yard not permitted to be used for the
2 storage of vehicles for sale and resale shall not be used for customer or employee parking
3 but shall be devoted to shrubs and grasses.

4 (4) The front six feet of the front yard not permitted to be used for the
5 storage of vehicles for sale and resale shall be screened at least sixty percent from zero
6 feet to two feet above the surface of the lot. The design and construction of the
7 landscaping shall be in conformance with the Design Standards for Screening and
8 Landscaping except that fences may not be used to meet the above screening
9 requirements. If plant material is used, the density percentage is calculated using the
10 design size found in the City of Lincoln's plant material list approved by the Planning
11 Director. The screen shall be located throughout the area but far enough from the barrier
12 so as to be protected from the bumpers of overhanging vehicles. Entrance driveways shall
13 be excluded from the required screen.

14 (5) No fence shall be erected in the front yard.

15 (6) Any existing automobile sales facility lawfully established on the
16 effective date of this ordinance which does not comply with conditions (1) through (5)
17 above may be continued in accordance with the provisions of Chapter 27.61 for
18 nonconforming uses.

19 (27) Automobile sales and repair shops shall not be converted to a
20 permitted use unless all the parking requirements of Section 27.67.020 for such use are
21 met.

22 (l) Assembly facilities, including but not limited to the assembly of equipment,
23 instruments and appliances such as computers and musical instruments.

24 (1) Assembly facilities may include limited fabrication of finished parts to
25 be used in such assembly.

26 (2) The floor area of such facilities shall not exceed 50,000 square feet.

27
28 (3) Parking shall be provided in accordance with Section 27.67.066.

29 (4) Assembly facilities shall not be converted to a permitted use unless
30 all the parking requirements of Section 27.67.020 for such use are met.

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

3 **27.43.040 Permitted Special Uses.**

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

- 7 (a) Extraction of sand, gravel, and soil;
- 8 (b) Bulk storage of petroleum products;
- 9 (c) Broadcast towers;
- 10 (d) Church steeples, towers, and ornamental spires exceeding the maximum
11 permitted height in the H-3 Highway Commercial District;
- 12 (e) Outdoor lighting for recreational facilities;
- 13 (f) Expansion of nonconforming use;
- 14 (g) Historic preservation;
- 15 (h) Stores and shops for retail sales and service which exceed 20,000 square
16 feet of floor area;
- 17 (i) Public utility purposes;
- 18 (j) Wind energy conversion systems;
- 19 (k) Small batch concrete dispensing units;
- 20 (l) Health care facilities;
- 21 (m) Cemeteries;
- 22 (n) Sale of alcoholic beverages for consumption on the premises;
- 23 (o) Sale of alcoholic beverages for consumption off the premises;
- 24 (p) Limited landfills;
- 25 (q) ~~Storage of vehicles for sale and resale on any portion of the lot where parking~~
26 ~~is permitted;~~
- 27 ~~(r) Sexually oriented live entertainment establishments.~~

28 Section 6. That Section 27.49.040 of the Lincoln Municipal Code be
29 amended to read as follows:

1 **27.49.040 Permitted Special Uses.**

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

- 5 (a) Mining, quarrying, and stone mills;
- 6 (b) Broadcast towers;
- 7 (c) Early childhood care facilities;
- 8 (d) Expansion of nonconforming use;
- 9 (e) Historic preservation;
- 10 (f) Wind energy conversion systems;
- 11 (g) Enclosed disassembly operation in conformance with Section 27.63.500;
- 12 (h) Sale of alcoholic beverages for consumption on the premises;
- 13 (i) Any permitted use which exceeds the maximum height permitted in the
14 district;
- 15 (j) ~~Storage of vehicles for sale and resale on any portion of the lot where parking~~
16 ~~is permitted;~~
- 17 ~~(k) Sexually oriented live entertainment establishments.~~

18 Section 7. That Section 27.63.700 of the Lincoln Municipal Code be and the
19 same is hereby repealed:

20 ~~**27.63.700 Permitted Special Use: Storage of Vehicles for Sale Where Parking is**~~
21 ~~**Permitted:**~~

22 ~~—The storage of vehicles for sale and resale in the B-3, H-2, H-3, and I-2 zoning~~
23 ~~districts may be permitted upon any portion of the lot where parking is permitted. Any area~~
24 ~~in a required front yard used for such storage of vehicles must conform to the parking lot~~
25 ~~design standards unless specifically adjusted or waived by the City Council.~~

26 Section 8. That Sections 27.33.040, 27.41.030, 27.41.040, 27.43.030,
27 27.43.040, and 27.49.040 of the Lincoln Municipal Code as hitherto existing be and the
28 same are hereby repealed.

1 Section 9. That this ordinance shall take effect and be in force from and after
2 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

<p>Approved this ___ day of _____, 2002:</p> <hr/>
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