

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

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to  
2 Zoning by amending Section 27.41.040 to provide that any permitted use which exceeds the  
3 maximum height permitted in the H-2 Highway Business District may be allowed as a special  
4 permitted use in said district; amending Section 27.43.040 to provide that any permitted use which  
5 exceeds the maximum height permitted in the H-3 Highway Commercial District may be allowed  
6 as a special permitted use in said district; amending Section 27.63.250 to provide that any permitted  
7 use exceeding the maximum height permitted in the H-2 and H-3 zoning districts may be allowed  
8 by a special permit; and repealing Sections 27.41.040, 27.43.040, and 27.63.250 of the Lincoln  
9 Municipal Code as hitherto existing.

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

11 Section 1. That Section 27.41.040 of the Lincoln Municipal Code be amended to  
12 read as follows:

13 **27.41.040 Permitted Special Uses.**

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

- 17 (a) Outdoor theaters;
- 18 (b) Broadcast towers;
- 19 (c) Excavation and stone milling;
- 20 (d) Church steeples, towers, and ornamental spires exceeding the maximum permitted  
21 height of the H-2 Highway Business District;
- 22 (e) Outdoor lighting for recreational facilities;

- 1 (f) Expansion of nonconforming uses;
- 2 (g) Historic preservation;
- 3 (h) Public utilities purposes;
- 4 (i) Wind energy conversion systems over the district height;
- 5 (j) Cemeteries;
- 6 (k) Sale of alcoholic beverages for consumption on the premises;
- 7 (l) Sale of alcoholic beverages for consumption off the premises;
- 8 (m) Sexually oriented live entertainment establishments;
- 9 (n) Indoor animal hospitals;
- 10 (o) Indoor kennels;
- 11 (p) Any permitted use which exceeds the maximum height permitted in the district.

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

14 **27.43.040 Permitted Special Uses.**

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

- 18 (a) Excavation and stone milling;
- 19 (b) Bulk storage of petroleum products;
- 20 (c) Broadcast towers;
- 21 (d) Church steeples, towers, and ornamental spires exceeding the maximum permitted  
22 height in the H-3 Highway Commercial District;
- 23 (e) Outdoor lighting for recreational facilities;
- 24 (f) Expansion of nonconforming use;
- 25 (g) Historic preservation;

- 1 (h) Stores and shops for retail sales and service which exceed 20,000 square feet of floor
- 2 area;
- 3 (i) Public utility purposes;
- 4 (j) Wind energy conversion systems over the district height;
- 5 (k) Small batch concrete dispensing units;
- 6 (l) Health care facilities;
- 7 (m) Cemeteries;
- 8 (n) Sale of alcoholic beverages for consumption on the premises;
- 9 (o) Sale of alcoholic beverages for consumption off the premises;
- 10 (p) Limited landfills;
- 11 (q) Sexually oriented live entertainment establishments;
- 12 (r) Indoor animal hospitals;
- 13 (s) Indoor kennels;
- 14 (t) Outdoor exercise area associated with an indoor animal hospital or indoor kennel;
- 15 (u) Any permitted use which exceeds the maximum height permitted in the district.

16 Section 3. That Section 27.63.250 of the Lincoln Municipal Code be amended to  
17 read as follows:

18 **27.63.250 Permitted Special Use: Permitted Use Exceeding the Maximum Height**  
19 **Permitted in District.**

20 A permitted use exceeding the maximum height permitted in the district may be allowed by  
21 special permit in the O-1, B-4, H-2, H-3, H-4, I-1, and I-2 zoning districts in conformance with the  
22 restrictions, if any, of the zoning district.

23 Section 4. That Sections 27.41.040, 27.43.040, and 27.63.250 of the Lincoln  
24 Municipal Code as hitherto existing be and the same are hereby repealed.

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

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2010:

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Mayor