

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

1 AN ORDINANCE amending Chapter 27.63 of the Lincoln Municipal Code relating to  
2 Special Permits by amending Section 27.63.470(d) to authorize City Council to increase or  
3 decrease the minimum parking requirements in the H-4 General Commercial District; and  
4 repealing Section 27.63.470 as hitherto existing.

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

6 Section 1. That Section 27.63.470 of the Lincoln Municipal Code be amended to read as  
7 follows:

8 **27.63.470 Planned Service Commercial.**

9 Planned service commercial development may be allowed by special permit in the H-4  
10 General Commercial District under the following conditions:

11 (a) The uses approved within a planned service commercial development shall be  
12 limited to:

- 13 (1) Motor vehicle sales;
- 14 (2) Warehouses;
- 15 (3) Mini-warehouses;
- 16 (4) Wholesale and distribution centers not exceeding 30,000 square feet in floor  
17 area per building, provided outside storage is permitted only when the storage  
18 area is enclosed with a solid fence, or wall, and gates eight feet in height and  
19 the stored material and equipment is less than the height of the fence, or wall,  
20 and gates enclosing the storage area. The fence, or wall, and gates shall be  
21 located where buildings are permitted;

1 (5) Service centers for the repair of household appliances and lawn and garden  
2 equipment, provided outdoor storage of items to be repaired are permitted only  
3 when the storage area is enclosed with a solid fence; or wall; and gates eight  
4 feet in height and the items to be repaired are less than the height of the fence;  
5 or wall; and gates enclosing the storage area and no salvage or scrap processing  
6 operation shall be permitted. The fence; or wall; and gates shall be located  
7 where buildings are permitted;

8 (6) Dwellings for caretakers employed and required to reside on the premises;

9 (7) Ambulance services;

10 (8) Veterinary facilities;

11 (9) Contractors' services, provided outdoor storage of equipment and materials  
12 shall be permitted only when the storage area is enclosed with a solid fence; or  
13 wall; and gates eight feet in height and the stored equipment and material are  
14 less than the height of the fence; or wall; and gates enclosing the storage area.  
15 The fence; or wall; and gates shall be located where buildings are permitted;

16 (10) Restaurants;

17 (11) Motor fuel service facilities;

18 (12) Stores or shops for retail sales and services not exceeding 30,000 square feet in  
19 floor area per building; provided, there is at least four and one-half square feet  
20 of land area excluding other uses and their accessory uses within the approved  
21 special permit area per one square foot of floor area;

22 (13) Food storage lockers;

23 (14) Clubs, provided the activities are located ~~no less than~~ at least 150 feet from an  
24 abutting residential district;

- 1 (15) Outdoor and enclosed commercial recreational facilities; provided that outdoor  
2 recreational facilities are ~~no less than~~ at least 150 feet from an abutting  
3 residential district;
- 4 (16) Offices not exceeding 15,000 square feet of floor area per building; provided  
5 that there is at least four and one-half square feet of land area excluding other  
6 uses and their accessory uses within the approved special permit area per one  
7 square foot of floor area;
- 8 (17) Early childhood care facilities, provided that such facilities shall be fenced and  
9 have play areas that comply with the design standards for early childhood care  
10 facilities. In addition, such facilities shall comply with all applicable state and  
11 local early childhood care requirements and all applicable building and life  
12 safety code requirements;
- 13 (18) Cabinet shops and stores; provided that the total floor area of the operation  
14 does not exceed 5,000 square feet and that all materials, both raw and finished,  
15 be stored inside;
- 16 (19) Places of Religious Assembly;
- 17 (20) Motor vehicle repair, including vehicle body repair shops, provided that all  
18 disabled vehicles and all new and used parts are stored inside the building ~~only~~;
- 19 (21) Academies;
- 20 (22) Banks, savings and loan associations, credit unions, and finance companies;
- 21 (23) Broadcast towers;
- 22 (24) Indoor kennels;

- 1 (25) Outdoor exercise area associated with an indoor animal hospital or indoor  
2 kennel; provided that such facilities comply with the requirements of Section  
3 27.63.780.
- 4 (26) Motor vehicle and/or truck wash facility:
- 5 (i) Automatic, conveyor-operated: The length and location of vehicle  
6 stacking lane or lanes for the approach side or sides and the exit side or  
7 sides of the wash operation shall be in conformance with the Guidelines  
8 and Regulations for Driveway Design and Location as adopted by the  
9 City of Lincoln.
- 10 (ii) Self-service, coin-operated: The length and location of vehicle stacking  
11 lane or lanes for the approach side or sides and the exit side or sides of  
12 the wash operation shall be in conformance with the Guidelines and  
13 Regulations for Driveway Design and Location as adopted by the City of  
14 Lincoln.
- 15 (27) Public elementary, middle, and high schools, or private schools having a  
16 curriculum equivalent to a public elementary, middle, or ~~public~~-high school,  
17 and having no rooms regularly used for housing or sleeping purposes.
- 18 (28) Motels and hotels.
- 19 (29) Sale of alcohol for uses that meet the conditions of Sections 27.63.680 and  
20 27.63.685.
- 21 (30) Non-residential healthcare facilities per the conditions of Section 27.63.080.
- 22 (31) Assembly facilities; provided that such facilities comply with the conditions of  
23 Section 27.62.150(a).

1 (b) An applicant for a special permit under the provisions of this section shall comply  
2 with environmental performance standards relating to noise, emission, dust, odor, glare, and heat  
3 as shall be from time to time established for those districts requiring use permits.

4 (c) Each application for a special permit under this section shall include a landscape  
5 plan which shall show proposed plantings in conformance with city standards in all required yard  
6 areas, open space areas, malls, parking areas, and around proposed buildings. The applicable  
7 standards shall be those adopted by resolution of the City Council for those districts requiring  
8 use permits.

9 (d) The City Council may ~~adjust~~~~increase or decrease~~ the floor area requirements above,  
10 height and ~~lot~~~~area~~ regulations, and minimum parking ~~the floor area to land area ratios otherwise~~  
11 applicable in the H-4 General Commercial District, consistent with adequate protection of the  
12 environments of adjacent land uses;

13 (e) That the land surrounding the tracts for the proposed planned service commercial  
14 development will not be adversely affected;

15 (f) That upon approval of a planned service commercial development, the land pro-  
16 posed to be included within such development shall not be developed for or devoted to any other  
17 permitted use or specially permitted use of the H-4 General Commercial District, except those  
18 specifically approved in the special permit authorizing the planned service commercial  
19 development, unless an amendment thereto has been approved in accordance with the procedures  
20 set forth for approving special permits generally.

21 Section 2. That Section 27.63.470 of the Lincoln Municipal Code as hitherto existing  
22 be and the same is hereby repealed.

23 Section 3. This ordinance shall be published, within fifteen days after the passage hereof,  
24 in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the

1 official bulletin board of the City, located on the wall across from the City Clerk's office at 555  
2 S. 10<sup>th</sup> Street, in lieu and in place of the foregoing newspaper publication with notice of passage  
3 and such posting to be given by publication one time in the official newspaper by the City Clerk.  
4 This ordinance shall take effect and be in force from and after its passage and publication or after  
5 its posting and notice of such posting given by publication as herein and in the City Charter  
6 provided.

Introduced by:

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Approved as to Form & Legality:

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

Approved this ____ day of _____, 2017:  _____ Mayor
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