
Lincoln City - Lancaster County

**PLANNING COMMISSION
AGENDA**

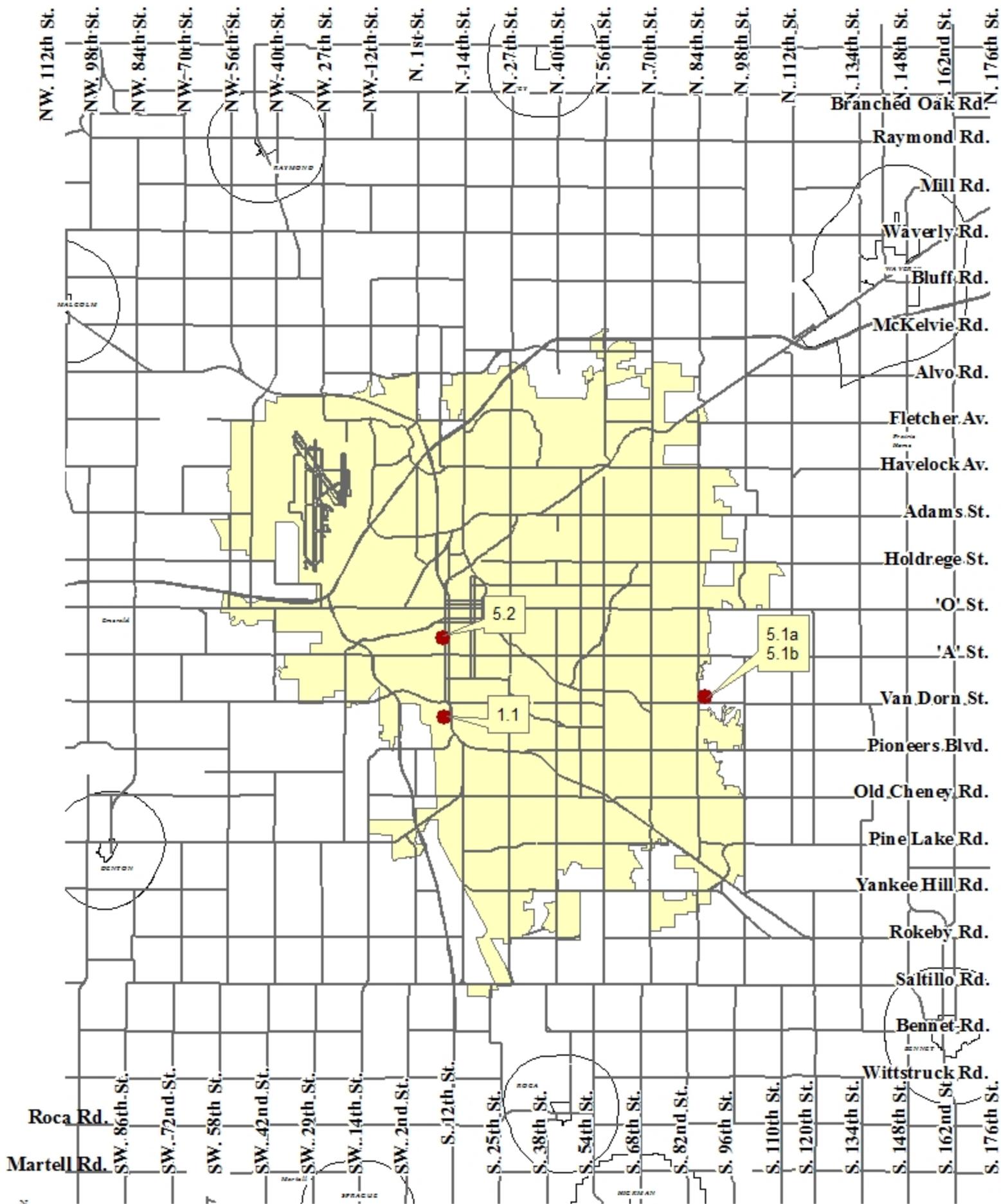
PLANNING COMMISSION

Chris Hove: Chair
Dennis Scheer: Vice-Chair
Michael Cornelius
Tracy Corr
Maja V. Harris
Jeanelle R. Lust
Lynn Sunderman
Ken Weber

PLANNING STAFF

David R. Cary: Director
Geri Rorabaugh: Administrative Officer
Amy Huffman: Office Specialist

August 3, 2016



Planning Commission Agenda Item Map

August 3, 2016

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, August 3, 2016, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of “FINAL ACTION”. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, AUGUST 3, 2016

Approval of minutes of the regular meeting held July 20, 2016.

**1. CONSENT AGENDA
(Public Hearing and Administrative Action):**

CHANGE OF ZONE:

- Page
01
- 1.1 Change of Zone No. 16021, from H-3 (Highway Commercial District) to I-1 (Industrial District), on property generally located at 3255 South 10th Street, which is not zoned I-1 Industrial District, but which is zoned H-3 Highway Commercial District.
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

**3. ITEMS REMOVED FROM CONSENT AGENDA
(Public Hearing and Administrative Action):**

- 3.1 _____
- 3.2 _____

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

TEXT AMENDMENTS:

Page 07 4.1 Text Amendment No. 16007, amending various sections of the Lincoln Municipal Code throughout Title 27, including but not limited to amendments to the definitions, parking regulations, height and lot regulations, and special permits regulations, adding a new Section 27.63.065, and repealing Sections 21.52.010, 27.63.430, and 27.63.590, of the Lincoln Municipal Code as hitherto existing.

Staff recommendation: Approval

Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

Page 123 4.2 Text Amendment No. 16008, amending Title 27 of the Lincoln Municipal Code by amending Section 27.02.080 to revise the definitions; by amending Section 27.72.120 to provide a maximum height of 15 feet for accessory buildings not part of a main building which extend into the required side yard in the listed zoning districts, and to establish the maximum allowable area for accessory buildings on single-family or 2-family lots or tracts in the AG, AGR and R-1 to R-8 Zoning districts.

Staff recommendation: Approval

Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN AMENDMENT AND ASSOCIATED ANNEXATION:

Page 139 5.1a Comprehensive Plan Amendment No. 16003, to amend the 2040 Lincoln-Lancaster County Comprehensive Plan, by changing the 2040 Priority Growth Areas designation from Priority C to Priority B, Tier 1, on property generally located on the north side of Van Dorn Street, from South 87th to South 98th Streets.

Staff recommendation: Approval

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

Page 149 5.1b Annexation No. 16008, to annex approximately 5.12 acres, more or less, for future development, on property generally located on the north side of Van Dorn Street, west of South 91st Street.

Staff recommendation: Conditional Approval

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

SPECIAL PERMIT:

Page 161 5.2 Special Permit No. 16025, to allow for the development of a new Community Unit Plan comprised of 7 single-family units, with waivers to setbacks, minimum area and width requirements, and the lot width-to-depth ratio, on property generally located at 828 D Street and 848 D Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM

NOT ON THE AGENDA, MAY DO SO

Adjournment

PENDING LIST: *None*

Planning Dept. staff contacts:

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**The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and
Sundays at 12:30 p.m. on 5 City TV, Cable Channel 5.**

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**The Planning Commission agenda may be accessed on the Internet at
<http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 3, 2016 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 16021

PROPOSAL: From H-3 Highway Commercial District to I-1 Industrial District.

LOCATION: 3255 South 10th Street

LAND AREA: 0.87 acres, more or less

EXISTING ZONING: H-3 Highway Commercial District

CONCLUSION: The proposed change of zone to the I-1 zoning district is in conformance with the intent of the 2040 Comprehensive Plan and is consistent with the zoning pattern in the area.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: That portion of Part of Lot B and Part of Lot D and Part of the Adjacent Vacated Road Containing 54.02 square feet beginning 416' South of the NE Corner of Lot B, County Clerks Subdivision (Of Lots 17 & 18 Fairmont), located in the NE 1/4 of Section 2-9-6, Lincoln, Lancaster County Nebraska which is not zoned I-1 Industrial District, but which is zoned H-3 Highway Commercial District.

EXISTING LAND USE: Light industrial (vehicle sales and recycling center)

SURROUNDING LAND USE AND ZONING:

North: Commercial; H-3 and I-1
South: Light industrial (vehicle sales); H-3 and I-1
East: Commercial; H-3
West: Light industrial (grain elevators and railroad tracks); I-1

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - The Future Land Use Map of the Comprehensive Plan designates commercial and industrial land uses for this site.

P. 5.1 - Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

P. 5.2 - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

P. 5.2 - Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities. Provide flexibility to the marketplace in siting future commercial and industrial locations.

P. 5.5 - 5.6 - It is the policy that Commercial and Industrial Centers in Lancaster County be located:

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term.
- In sites supported by adequate road capacity — commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.
- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

UTILITIES: All utilities are available.

TOPOGRAPHY: The site slopes down approximately 10 feet from east to west.

AESTHETIC CONSIDERATIONS: There are no design standards for this area.

PUBLIC SERVICE: The nearest fire station is located at 2760 South 17th Street.

TRAFFIC ANALYSIS: South 10th Street is classified as a Principal Arterial in the 2040 Comprehensive Plan.

ANALYSIS:

1. This is a request for a change of zone from H-3 Highway Commercial District to I-1 Industrial District. This property has split zoning, being located primarily within the H-3 zoning district, with portions of the south and west located within the I-1 zoning district. The applicant proposes to rezone the H-3 portion to I-1 to allow for grain storage on the site.
2. The proposed use on this property is grain storage to be operated by Nebraska Malt, LLC. Grain storage bins are closest in intent to the “grain elevator” use in the Manufacturing, Processing, Storage and Distribution Use Group. Grain elevators are a permitted use in the I-1, I-2, and I-3 zoning districts. The grain storage bins may or may not involve an elevator component. However, stored grain is more volatile than other types of goods storage that could be included under the “warehouse” use. Therefore, the proposed grain storage use is determined to fall within the “grain elevator” use category as grain storage is substantially different

than the type of storage commonly associated with a warehouse building. There are existing grain elevators to the north and northwest of this property.

- 3. The proposed change of zone would cause the zoning to match the property lines, whereas currently there is split zoning. Highway commercial zoning abuts the west side of 10th Street in this area, nearer to the south boundary of Van Dorn Park at South 10th Street and High Street. Farther to the south on the west side of 10th Street is industrial zoning. The change of zone is consistent with the zoning pattern of the area, as the highway commercial zoning buffer between Van Dorn Park and the industrial uses to the south would remain intact. This property relates more closely to the large area of industrial zoning west of the South 10th Street corridor, where there are existing grain elevator and other industrial uses.
- 4. In general, the I-1 zoning district has fewer use restrictions than the H-3 zoning district. It also allows smaller front, side, and rear yards and a greater building height than does the H-3 district. The height and lot regulations for the two districts are listed below for comparison:

H-3

Front Yard: 20'
 Side Yard: Smaller of 15' or 10% of the lot width (min. 5')
 Rear Yard: Smaller of 30'
 Height: 55' *

* In all H zoning districts, if the height of the building is over 45 feet but not more than 55 feet, that portion of the building in excess of 45 feet shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 zoning residential district for each one foot of building height in excess of 45 feet.

I-1

Front Yard: 15' *
 Side Yard: 0'
 Rear Yard: 0'
 Height: 75'

* For lots developed with buildings on the effective date of this title, the front yard shall be none except where the frontage on one side of a street between two intersecting streets is located partly in the I-1 zoning district and partly in a zoning district that requires a front yard, in which case the front yard requirements of the adjacent district shall apply to the I-1 zoning district from the place where it abuts the other district to the next intersecting street, or for 300 feet, whichever is less.

5. It is not anticipated that this change of zone would negatively impact neighboring properties. It is adjacent to existing industrial and commercial uses that should not be negatively affected if industrial uses were to locate on this site in the future. There are no dwellings or areas of residential zoning nearby. The closest residential use is located approximately 420 feet to the northeast.

6. Industrial zoning is supportable in this location due to the proximity of industrial zoning and land uses to the south and west. This change of zone is supportive of the intent of the future land use map in the Comprehensive Plan, which shows both future commercial and industrial uses on the west side of South 10th Street between High Street and Calvert Street. There is adequate road capacity via South 10th Street to support industrial uses in this location.

Prepared by:

Rachel Jones, Planner

DATE: July 26, 2016

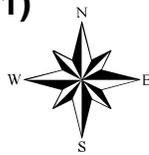
APPLICANT: Nebraska Malt, LLC
9322 South 28th Street
Lincoln, NE 68516

OWNER: Benny and Connie Dahlberg
3255 South 10th Street
Lincoln, NE 68502

CONTACT: Brian Podwinski
9322 South 28th Street
Lincoln, NE 68516



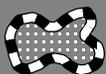
**Change of Zone #: CZ16021 (H-3 to I-1)
S 10th St & Arapahoe St**

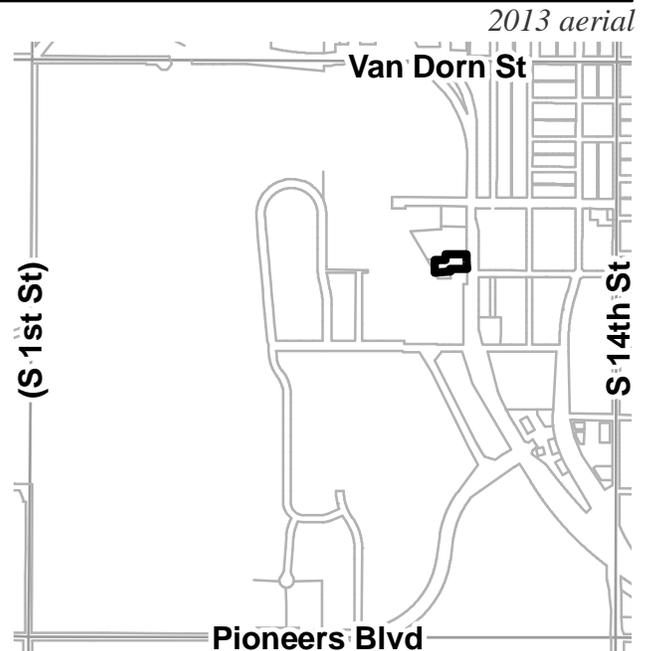


**One Square Mile:
Sec.02 T09N R06E**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



Brian Podwinski
Nebraska Malt, LLC
9322 S 28th Street
Lincoln, NE 68516

July 6, 2016

Planning Commission
555 S 10th Street
Lincoln, NE 68508

Dear Planning Commission:

This application is to change the zone of the property located at 3255 S 10th Street from H-3 to I-1. The property is bordered by a used car lot on the southeast corner, grain elevator to the west, Blue Blood Brewing Company to the northwest and Romantix to the north.

Currently the property is operated as Dahlberg Motors and A-Can Recycling at which U-Haul vehicles are rented, vehicle repair, aluminum cans are recycled, and used shipping containers are sold. All of these uses are allowed in both I-1 as well as H-3.

The reason for the change to I-1 is the potential use of the property by Nebraska Malt. In H-3 zoning grain bins and silos are not a permitted use. While Nebraska Malt will not begin with outdoor grain bins, the potential for bins in the future is there. This change of zone will allow for Nebraska Malt to reside on this property and allow for growth of the company in the future. Additionally, we hope to refurbish the building and continue with the building look started by Blue Blood Brewing Company in order to continue to revitalize the area. Grain bins erected will be very similar to that installed by Blue Blood Brewing Company.

Sincerely,



Brian Podwinski
President

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 3, 2016 PLANNING COMMISSION MEETING

PROJECT #: Text Amendment No. 16007

PROPOSAL: This is a set of proposed text amendments to Lincoln Municipal Code Title 21, the Housing Ordinance, and Title 27, the Zoning Ordinance.

CONCLUSION: The proposed changes are in conformance with the 2040 Comprehensive Plan, and should not have a significant negative impact on surrounding properties affected by these amendments.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

These revisions have been collected by City staff over the past several years, and range from correction of errors, to clarification of unclear terms and concepts, to more substantive changes that streamline approval processes for City staff and the public and eliminate burdensome requirements.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.2 - LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 1.7 - The area of transition from one land use to another is often gradual. LPlan 2040 also encourages the integration of compatible land uses, rather than a strict segregation of different land uses.

P. 2.7-2.9 - Guiding Principles for Community Form - The Urban Environment

- Transition of uses; less intense office uses near residential areas
- Near and long term growth areas for the City of Lincoln should be preserved in order to facilitate future urban development. Acreages will be directed to areas outside of the future urban growth areas, or designed to easily accommodate future "build-through" of urban services and densification, in order to minimize conflicts between urban and acreage uses and 2.8 Lincoln/Lancaster County Comprehensive Plan so that the City may provide urban services as efficiently as possible

P. 3.12 - Production of food closer to the urban center, if not within it, reduces the distance food must be transported, increases the freshness of food available, supports the local agricultural economy, and provides nutritious food to those who might not otherwise be able to obtain it.

P. 3.12 - Local food may be produced in the rural area of the county, or counties nearby; or it may also be produced within the urban area itself.

P. 3.12 - Strategies for Local Food

- Promote more community gardens.
- Allow community gardens in all zoning districts at appropriate locations and with appropriate standards.

P. 5.6 - Transitional uses (such as offices or commercial uses) should develop between Moderate to Heavy Industrial Centers and residential uses.

P. 5.7 - Strategies for Commercial Centers

- Develop Commercial Centers as compact clusters or mixed use nodes with appropriate site design features to accommodate shared parking and ease of pedestrian movement, to minimize impacts on adjacent areas, and encourage a unique character.

P. 6.11 - Strategies for Facilitating Mixed Use Redevelopment

- Revise the Zoning Ordinance to provide more flexibility, particularly in commercial districts.
 - Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.

P. 7.2 Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.7 - Encourage shared parking wherever possible.

P. 7.10 - Detailed Strategies for Existing Neighborhoods

- Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

P. 7.11 - Utilize streets for commercial and residential parking.

P. 8.2 - Health Care Guiding Principles

- Medical services, including physical and mental health care services, should be integrated and accessible within the community.
- Many of the existing medical facilities are located near existing residential neighborhoods and are expected to remain the vital core of health care services in the county and region.

P. 8.6 - Health Care Strategies

- Provide for accessible physical and mental health care services in appropriate areas in and around residential neighborhoods.

P. 12.10 - Zoning is a legal means cities and counties use for deciding how land can be used, the intensity of those land uses, and the relationships between various land uses. Nebraska State law, as with most states, requires zoning to be developed in accordance with the community's adopted Comprehensive Plan.

ANALYSIS:

This is a set of proposed text amendments to the Title 27, the Zoning Ordinance and remove one chapter from Title 21, the Housing Ordinance, of the Lincoln Municipal Code. These revisions have been collected by City staff over the past several years, and range from correction of errors, to clarification of unclear terms and concepts, to more substantive changes that streamline approval processes for City staff and the public and eliminate burdensome requirements.

Text changes proposed as part of the Planning Department's 2013 proposed ReFORM package are not included, with the exception of two amendments reducing the parking requirements for doctors' and dentists' offices and commercial uses in the B-5 district. These two parking requirement reductions have been approved on a case by case basis to this point. Regarding the B-5 district parking reduction, several major shopping centers within the B-5 zoning district have had the proposed parking reduction approved individually as part of amendments to their use permits (Gateway Mall, East Park Plaza, Edgewood Shopping Center, and SouthPointe Pavilions).

These text amendments have been posted on the Planning Department website for public review since May 1, 2016. They were sent out to neighborhood organization representatives and the development community requesting comments on May 5, 2016 and presented to the Clinton Neighborhood Association by request on June 6, 2016. The amendments were also presented at the Mayor's Neighborhood Roundtable on June 13, 2016. Since these meetings, no additional public comments have been received.

The revisions proposed with this application are summarized below. The amendments are listed in full legislative format on the attached draft ordinance.

Remove "Housing Above Second Story" Chapter 21.52

Housing Above Second Story - Chapter 21.52

This chapter prohibits housing for inmates or patients above the second story of specific uses. According to the Building and Safety Department, which is responsible for enforcing this chapter, these provisions are no longer used, so the proposal is to remove this chapter from the Lincoln Municipal Code.

Amend definition of "Mini-warehouse"

Definitions - Section 27.02.140

Amend the definition of "Mini-warehouse" to remove unnecessarily restrictive language and clarify that these facilities typically serve multiple renters. The removal of provision (a) would clarify that outdoor storage is allowed as an accessory use as part of a mini-warehouse use. Provision (a) is removed because it is unnecessarily restrictive, and outdoor storage is an appropriate accessory use to a mini-warehouse. Provision (c) is removed because indoor mini-warehouses occasionally have loading docks, and so they should not be excluded from this use category based on having a loading dock. However, provision (b) is retained because one of the distinguishing features of mini-warehouse versus warehouse is that mini-warehouses are intended to have separate compartments that serve many renters. If the interior of the storage bays were connected, the use would more closely approximate a warehouse use.

Amend definition of "Health Care Facility, Residential"

Definitions - Section 27.02.090

Amend the definition of "Health Care Facility, Residential" to note that independent living units, assisted living units, and/or memory care are permissible as part of a combined multi-level service facility. This more closely follows the business model today that offers multiple services and housing types within the same facility.

Amend definition of "Outdoor Dining"

Definitions - Section 27.02.160

Amend the definition of "Outdoor Dining" to clarify that a permanent roof can cover outdoor dining areas and may be surrounded by a fence. Recently there have been restaurants requesting a permanent roof over their outdoor dining area, which did not fit the definition.

Amend definitions of "Grade" and "Buildings, Height of" and minor height adjustments per these changes.

Definitions - Sections 27.02.030, 27.02.080

Revise the definitions of "Buildings, Height of" and "Grade" to match the definitions used in the Building Code. Lincoln appears to be relatively unique in the region in measuring the height from the height point, as long as that point is not more than ten feet above grade. The proposed revision is to measure the height from the average grade rather than the highest point.

For some older buildings on a lot with a significant sloping grade built under the current measurement, the new definition might result in them being 3 to 5 feet over the height limit due to the new way of calculating height. A provision is included below to automatically adjust the height of any building lawfully existing when this amendment is approved. Most houses would not likely be affected, as most are not built to the maximum height. This change is most likely to impact very tall commercial buildings that have significant grade changes between the elevations at the front and back of the building, such as those with walk out basements. In general, most commercial buildings are on a relatively flat grade.

As mentioned above, in accordance with the revised definitions of "Grade" and "Buildings, Height of," a new provision is proposed to be added to the Nonconforming and Nonstandard Uses chapter that would automatically adjust the height of all lawfully buildings that would be made nonstandard under the revised definitions, so they remain conforming.

Planned Unit Development District - Section 27.60.060

Community Unit Plan - Section 27.65.060

Nonconforming and Nonstandard Uses - Section 27.61.090

Height and Lot Regulations - Section 27.72.190

Accompanying revisions are proposed that would allow minor administrative height modifications for most buildings approved under the current definitions, but not yet constructed, within Planned Unit Developments (PUDs) and Community Unit Plans (CUPs). There is already a provision in place for minor administrative height adjustments for buildings interior to Use Permits (as opposed to on the perimeter). The revisions slightly expand the height modifications that may be approved administratively, while keeping with the intent of the current language.

Currently, minor height adjustments may be approved administratively for all buildings on the interior of PUDs and CUPs, and for multi-family dwellings on the perimeter. The proposed revisions would also allow minor height adjustments for single or two family dwellings on the perimeter of PUDs and CUPs.

A provision would also be added to the Height and Lot Regulations chapter to allow minor administrative height increases for buildings not within such development plans. Currently, minor modifications are permitted to the rear yard setback in this instances.

Amend definitions of "Garden Center," "Greenhouse," and "Urban Garden"; add a use for Agriculture, amend use restrictions for Urban Gardens, and remove the Greenhouses use from the Agriculture Use Group table.

Definitions - Sections 27.02.080 and 27.02.220

Amend the definitions for "Garden Center" and "Urban Garden" to further clarify these terms, which often cause confusion.

"Greenhouses" as a standalone use will be removed from Title 27 because a greenhouse is a building rather than a use, and can exist as an accessory building within the Garden Center and Agriculture uses. The definition for "Greenhouse" will be retained to reflect the commonly understood definition of a greenhouse as an accessory building rather than a standalone use. Because a greenhouse will now refer to the building rather than the use, the references to a "premises" and to retail sales are no longer necessary.

Construction of a greenhouse will still be possible as part of the Garden Center and Agriculture uses. Greenhouses will be excluded from Urban Gardens because a greenhouse building would not fit with the character of the residential, office, and commercial neighborhoods where Urban Gardens are permitted.

Use Groups - Section 27.06.060

In accordance with removing references to the "Greenhouses" use from Title 27, the proposal also removes its listing from the Agriculture Use Group table. There is only one known approved Special Permit for a Greenhouse in the R-3 zoning district, approved in 1983, but it was never constructed.

In addition, the proposal amends the Agriculture Use Group table to add "Agriculture" as a use listing permitted by right in the AG, AGR, and all B, H, and I zoning districts. Currently, Agriculture is permitted in the AG, AGR, and I districts under the "All other uses" category. This change would additionally permit Agriculture in all B and H districts. In accordance with typical agricultural activities, the raising and selling of animals would be permitted anywhere the Agriculture use is permitted. The types and number of animals permitted within the City limits would continue to be regulated per Lincoln-Lancaster County Health Department Regulations.

Currently, urban gardens are a conditional use in all districts except the AG and AGR districts, where they are not permitted. The Urban Garden use would also be added as a conditional use in the AGR zoning district, as it is also a suitable use for the character of agricultural residential areas. Urban Gardens will be kept as a conditional use in the AGR district as elsewhere, as it is appropriate for the Health Department to have oversight to help prevent negative impacts to neighborhoods and ensure soil safety. Urban Gardens are proposed to be permitted by right in the AG district without Health Department oversight, as urban gardens in that district would have a rural agricultural setting similar to the permitted Agriculture use in that district, and the Health Department does not conduct soil sampling for commercial agriculture.

Conditional Uses - Section 27.62.030

In accordance with removing references to the "Greenhouses" use from Title 27, remove related language on Greenhouses from the Conditional Uses chapter. In addition, revise this section in accordance with the changes to the districts in which Urban Gardens are permitted.

Change "Church" to "Place of Religious Assembly"; add a definition for "Place of Religious Assembly"

Definitions - Section 27.02.170

Add a definition for "Place of Religious Assembly" based on the state tax code for property tax exemption for religious organizations. The Nebraska Property Tax Exemption Regulations state that the following property that is exempted from property taxes: "Property owned by educational, religious, charitable, or cemetery organizations or any organization created for the exclusive benefit of any qualified organization, and used exclusively for educational, religious, charitable, or cemetery purposes. The property cannot be (1) owned or used for financial gain or profit to either the owner or user, (2) used for the sale of alcoholic liquors for more than 20 hours per week, or (3) owned or used by an organization which discriminates in membership or employment based on race, color, or national origin." (Title 350, Chapter 40 of the Nebraska Administrative Code).

The term "Church" is used many times throughout the Zoning Ordinance but is not defined, and the more inclusive term "Place of Religious Assembly" should be

substituted. There are a number of related amendments to sections where "church" will be changed to "place of religious assembly" throughout Title 27. The term "Church" will also be added to cover any instances of the term that inadvertently remain, but will direct readers to "Place of Religious Assembly."

Remove definition of "Boarding House"

Definitions - Section 27.02.030

Remove the definition for "Boarding House." This term was previously removed from Title 27 and appears nowhere else in the Title except in the Definitions chapter.

Change "Campsite" definition to "Campground"

Definitions - Section 27.02.040

"Campgrounds" is listed as a special permitted use in the AG and AGR zoning districts. The term "Campsite" is defined in Chapter 27.02, Definitions, but the only place this term appears in the description for the Special Permit for "Campgrounds", Section 27.63.260. The term "Campsite" should be changed to "Campground" in the Definitions chapter in accordance with the Special Permit for Campgrounds.

Remove the Special Permit for Broadcast Stations in the AG district and amend the use from Special Permitted to Permitted in the H-4 district.

Use Groups - Section 27.06.090

Broadcast stations were mistakenly listed as a special permitted use in the AG zoning district under the Utilities Use Group. There is no corresponding reference in Chapter 27.63, Special Permits, so the "S" for Broadcast stations in the AG district should be removed from the table.

Broadcast stations should also be changed in the H-4 district from an "S" special permitted use to a "P" permitted use to match the other H districts. Broadcast stations are treated as office uses. It was originally envisioned that broadcast stations in the H-4 district would be allowed through the Special Permit for Planned Service Commercial. However, office uses are permitted by right in the H-4 district. Therefore, broadcast stations should be permitted by right in that district.

Add a catch-head to the R-T Residential Transition District chapter; clarify that it is a commercial district.

R-T Residential Transition District - Chapter 27.28

Add a catch-head to this chapter to clarify that the R-T zoning district is envisioned as a commercial district rather than a residential district.

R-T Residential Transition District - Section 27.28.020

Clarify that the R-T zoning district is a commercial district. Although the district title includes the word "Residential," this district is meant to be a commercial district acting

as a buffer between residential areas and more intensive commercial areas.

Adjust the setback automatically when the City acquires right-of-way so those properties are not considered nonstandard.

Nonconforming and Nonstandard Uses - Section 27.61.090

Adjust the setback automatically when the City obtains property for right-of-way so that a property will not be considered as nonstandard. There are several circumstances where right-of-way acquisition along arterial streets has reduced setbacks to existing structures. A few homeowners have objected to becoming nonstandard due to government action and have concerns about lending or implications for resale.

Remove an incorrect reference to a special permit.

Conditional Uses - Section 27.62.040

The note at the end of Section 27.62.040(a)(1) refers the reader to a special permit for dwelling units in the O-2, B-1, B-2, and B-3 zoning districts. There is no special permit that would apply, so this language should be removed.

Remove the Special Permit for Temporary Storage of Construction Equipment and Materials.

Use Groups - Section 27.06.170

This change eliminates the "Temporary storage of construction equipment and materials" use from the Heavy Commercial Services Use Group table. This use is a special permitted use in the AG zoning district and a permitted use in the B-4, I-1, I-2, and I-3 zoning districts. The special permit has only been approved once, for the permittee that it was created for in 1989, and that special permit has since been subsumed under a Planned Unit Development. There are no other known instances of this use. This temporary storage of construction equipment and materials is still allowed as part of a construction project.

Special Permits - Section 27.63.590

In accordance with eliminating the use for "Temporary Storage of Construction Equipment and Materials," remove the special permit for this use from the Special Permits chapter.

Clarify that lots separated by a street can be treated as a single premises for purposes of a special permit.

Special Permits - New Section 27.63.065

Create a new section in the Special Permits chapter to clarify that lots separated by a street may be treated as a single premises and included under the same special permit, provided that some portion of the lots or tracts on each side of the street are directly opposite one another. There are several existing special permits that include lots separated by a street within the overall boundary. This new section is proposed clarify

that such a circumstance is permissible.

Restrict the "40% rule" related to increasing front yard setbacks beyond the district minimum to the R-1 district only.

Height and Lot Regulations - Section 27.72.080

Amend the Exceptions to the Front Yard Requirements to remove the requirement that new buildings in all districts except the R-3, O-3, B-2, B-5, H-4, and I-3 districts must meet a greater front yard depth than is required by the Zoning Ordinance if 40% or more of the frontage is developed with front yards greater than required. The rule should be retained for the R-1 district, but is not necessary in any other district, especially in dense neighborhoods with smaller lots that limit building envelopes such as those typical of the R-2 and R-4 districts.

There have been several cases in the R-2 and R-4 zoning districts where there are two to four houses on a short block face. Two of the houses happen to be set further back than the zoning, which causes a new house being built to be placed further back than the district requires. It denies the property owner the ability to use the entire buildable area because 40% of the houses happen to be further back. In the R-1 district, there are whole blocks in the Country Club or Piedmont neighborhoods, for example, where all the houses are substantially further back. This provision should be kept for the R-1 districts, but not the other districts.

Clarify that parking for accessory buildings for retail sales is not required if they are not fully enclosed or left open during business hours.

Parking - Section 27.67.040

Add a provision clarifying that parking for accessory buildings for retail sales is not required to be provided, when they are not fully enclosed. This is implied in the definition of "Floor Area" on which parking requirements are based, but it is not specifically stated.

This issue arises most commonly with storage of lumber and other building materials by home improvement stores. These storage areas may have a roof with open sides or they may be essentially a storage building with large doors left open during business hours. Regardless, it should be made clear that accessory buildings are not considered floor area for purposes of parking requirements because they do not contribute to customer traffic and parking demand in the same way that the size of the store itself does.

Require a minimum amount of guest parking for two-family or attached single-family dwellings approved in CUPs, PUDs, and Use Permits.

Parking - Section 27.67.040

Require a minimum amount of guest parking at 1 guest stall per 2 dwelling units in developments with two-family or attached single-family dwellings on lots having a width

of less than 35 feet, and where garages take direct access from a public street or private roadway.

It has been a requirement to show minimum guest parking in Community Unit Plans and Planned Unit Developments on a case-by-case basis. The lack of guest parking has proved to be a problem in attached single family and two-family developments with narrow lots because there is not enough curb space for on-street parking if each garage also has a driveway, causing guests to park blocking driveways or necessitate parking several blocks away. It is proposed to add this guest parking requirement of one guest stall per two dwelling units to the Zoning Ordinance, rather than requesting it on a case-by-case basis.

Reduce the required parking for office, retail, and commercial uses in the B-5 district.

Parking - Section 27.67 (Figure 27.67.020)

Require a reduced parking ratio of 1 stall per 300 sq. ft. for Office/Retail/Commercial Uses in the B-5 zoning district instead of 4.5 stalls per 1,000 sq. ft. Several shopping centers in Lincoln in the B-5 district have recently decreased their parking requirement to 1:300 based on reduced parking needs, including East Park Plaza in July 2012, Edgewood Shopping Center in August 2013, Gateway Mall in January 2016, and SouthPointe Pavilions in February 2016. This parking ratio should be made standard for all commercial uses in the B-5 district. The entire column for "4.5 per 1,000 sq. ft." can be removed from the table, as no other uses use this standard.

This amendment was proposed in the 2013 ReFORM package.

Parking - Section 27.67.040

In accordance with revising the parking requirement for Office/Retail/Commercial Uses in the B-5 zoning district, amend the reference to this requirement in the Joint Parking section of the Parking chapter for the use having the largest floor area in a nonconcurrent parking arrangement.

Specify outdoor use areas are not considered floor area for parking requirements.

Parking - Section 27.67.030

Today, no parking is required to be provided for outdoor dining areas. This amendment clarifies that outside open use areas (such as for sales/display, patios with and without restaurant seating, beer gardens, etc.) are not considered floor area for purposes of the parking calculation. This is implied in the definition of "Floor Area" on which parking requirements are based, but it is not specifically stated.

Amend the parking requirement for Domestic Shelters.

Parking - Section 27.67.030

Amend the parking requirement for Domestic Shelters to remove the reference to maximum occupancy of the lot area, as this requires an unnecessary amount of parking for domestic shelters located on very large lots.

Remove the special parking requirement for doctors' and dentists' offices.

Parking - Section 27.64.040

Remove the special parking requirement for doctors' and dentists' offices. This special parking requirement was added in 1979. Doctors' and dentists' offices have a higher requirement than other types of office uses, at one stall per 225 square feet. With this change, the medical office parking requirement would be based upon the Parking Matrix at the end of the Parking chapter, which lists a standard parking requirement for office/retail/commercial uses in each zoning district.

When an office building and parking are constructed, medical offices often come and go over the years. It creates a problem to have two different parking requirements for medical office and general office. Therefore, this special parking requirement will be removed and parking for these uses will be per the standard office parking requirement for each zoning district.

With the proposed reduction of the B-5 district parking requirement, this will reduce the parking requirement for doctors' and dentists' offices in every district where they are permitted. In most districts, the requirement will become 1 stall per 300 square feet. An added benefit of this amendment is that it should encourage doctors' and dentists' offices to locate in older districts near neighborhoods because it is more likely they could meet the new lower parking requirement in the densely developed areas of town.

Parking requirements for medical office have generally been decreasing in recent decades. This is reflected in the Institute of Transportation Engineers (ITE) Parking Generation manual. The most recent edition of the manual, the 4th Edition published in 2010, lists an average peak parking demand of 1 stall per 313 square feet. The ratio is based on a nationwide study of 86 medical office users. The 3rd Edition (2004) shows parking demand at 1 stall per 283 square feet, and the 2nd Edition (1987) shows 1 stall per 243 square feet. The reduction in required medical office parking is therefore supportable based on a roughly equivalent demand to the standard office parking required in the code today.

This amendment was proposed in the 2013 ReFORM package.

Reduce required parking for restaurants in the B-1 and B-3 districts.

Parking - Section 27.67.040

Amend the special parking requirement for restaurants to allow a reduced parking requirement of one space per 200 square feet when located in the B-1 and B-3 zoning districts. Areas within the B-1 and B-3 districts are typically smaller establishments that are in close proximity to neighborhoods. More customers would have the option of walking or parking on the street, so the parking requirement could be reasonably reduced.

The special parking requirement for Restaurants and Social Halls at one space per 100 square feet was added in 2007, which was an increase over the previous 1:300 required ratio in the B-1 district and the 1:600 ratio in the B-3 district. Because restaurants have a much higher parking requirement than other commercial uses, restaurants locating in existing commercial areas often encounter difficulty in providing enough parking due to limited space. In addition, the 2007 text change was very recent compared to the age of many commercial buildings in the B-3 district, which tend to be located in older areas of town. Many older commercial buildings were built with sufficient parking provided for restaurant uses based on the prior requirement. However, the text change implementing the 1:100 restaurant parking ratio took away the option for restaurants to locate in many of those buildings because the areas were fully developed and there was no space to construct additional parking.

This change, while not lowering the restaurant parking requirement in these districts to the ratio for other commercial uses, reduces it somewhat to create less of a disparity. The 200 square foot figure is proposed for this parking reduction because it is half of the current requirement. Parking reductions have often been determined by halving the requirement, similarly to how the standard B-3 parking ratio (1 per 600 sq. ft.) is half of the B-1 ratio (1 per 300 sq. ft.)

Amend the required parking for mini-warehouses.

Parking - Section 27.67.040

This change would amend the parking requirement for mini-warehouses. Most mini-warehouses provide the required one space per 200 cubicles near their office if access lanes are less than 20 feet wide. But parking at the office is rarely needed at modern self-storage where reservation is online, so office parking is less important.

We also now have mini-warehouses with a mix of outdoor units accessed directly from parking and "indoor storage" accessed via a hallway. Indoor storage today (i.e., those with access lanes less than 20 feet wide) requires one space per 10 storage cubicles, which is excessive compared to usage. Based on actual usage, one stall per 60 cubicles is proposed for indoor use. For storage accessed from the outdoors (those with access lanes at least 20 feet wide), there is generally no need for additional parking

because people park at the unit door.

This amendment would also note that the requirement to provide two parking spaces for manager's quarters would also apply to an office, as not all mini-warehouses have a manager's quarters.

Remove outdated references from the General Provisions chapter.

General Provisions - Section 27.81.030

This section refers to illustrations at the end of Chapter 27.03, Definitions, and Section 27.71.190, but there are no such illustrations in the Definitions chapter currently. Chapter 27.71, Additional Height and Area Regulations, no longer exists as of 2012. Revise this section to remove references to illustrations and chapter that no longer exist.

Remove a requirement from the siting regulations for off-premises signs.

Signs - Section 27.69.035

Amend the off-premises siting location requirements to remove a requirement related to the sign setback from residential districts. This change would not remove the requirement for a setback to residential districts, but would set the minimum at 150 feet rather than the greater of 150 feet OR one-half the depth of the zoning district where the sign will be located.

This section was added in 2000. The clause proposed to be removed does not appear to serve a significant purpose, and has created problems for several proposed signs wherein one-half the width of the district was greater than 150' and therefore became the required setback. For example, a sign locating across the street from a residential district that had a required 300' setback from the residential district based on the width of its own zoning district could not even be easily seen from the road. There is not a reason to increase the setback simply because the zoning district is deeper. The 150 foot setback should provide a sufficient buffer to residential areas.

It is anticipated that this change would tend to make existing off-premises signs more conforming because there are likely a number of older signs that were installed prior to 2000 which would not be set back a sufficient distance to meet the requirement today.

Revise the Build Through Acreage Overlay District regulations to encourage smaller lots of 1 acre or less wherein a future final plot plan for conversion would not be required to be provided for such small lots.

Community Unit Plan - Section 27.65.020

Amend Section 27.65.020(b)(3)(i) to add the word "plan" which was mistakenly left out.

Community Unit Plan - Section 27.65.020

Amend Section 27.65.020(h) to clarify that the 20% maximum dwelling unit bonus for community unit plans is a cumulative total of all possible density bonus calculations.

Community Unit Plan - Section 27.65.075

Revise the Community Unit Plan chapter provisions in Section 27.65.075(b) for Build Through Acreages (BTA) and lot sizes in the Acreage Development Component to encourage smaller lots in the Acreage Development area. Experience has shown that acreage owners are rarely interested in future subdivision of one to three acre lots. So the preferred method would be to develop a plan which doesn't plan for the future subdivision of the acreage owners lots and instead starts with lots of one acre or less.

Prepared by:

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DATE: July 26, 2016

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ORDINANCE NO. _____

1 AN ORDINANCE amending Title 21 of the Lincoln Municipal Code relating to
2 Housing by repealing Section 21.52.010 to eliminate an obsolete provision prohibiting housing
3 in a frame or veneer building above the second story; amending Title 27 of the Lincoln
4 Municipal Code (“Zoning Code”) by amending Section 27.02.030 defining terms beginning with
5 the letter B to remove the definition of Boarding House and to revise the definition of Buildings,
6 Height of; by amending Section 27.02.040 defining terms beginning with the letter C to revise
7 the definitions of Campsite and Clubs and to add a definition for Church; by amending Section
8 27.02.080 defining terms beginning with the letter G to revise the definitions of Garden Center,
9 Grade and Greenhouses; by amending Section 27.02.090 defining terms beginning with the letter
10 H to revise the definition of Health Care Facility, Residential; by amending Section 27.02.140
11 defining terms beginning with the letter M to revise the definition of Mini-warehouse; by
12 amending Section 27.02.160 defining terms beginning with the letter O to revise the definitions
13 of Outdoor Dining; by amending Section 27.02.170 defining terms beginning with the letter P to
14 add definition of Place of Religious Assembly; by amending Section 27.02.220 defining terms
15 beginning with the letter U to revise the definition of Urban Garden; by amending Section
16 27.06.060 to remove Greenhouses from the Agriculture Use Group; by amending Section
17 27.06.090 to delete Broadcast Stations as a special permitted use in the AG District and to re-
18 designate Broadcast Stations as a permitted use rather than permitted special use in the H-4
19 District under the Utilities Use Group; by amending Section 27.06.170 to eliminate Temporary
20 Storage of Construction Equipment and Materials as a common use type within the Heavy
21 Commercial Services Use Group Table; by amending Chapter 27.28 to add an introductory

1 statement at the beginning of the R-T District to state that the R-T zoning district is envisioned as
2 a transition area consisting primarily of office and other types of small scale commercial uses in
3 close proximity to residential use; by amending Section 27.28.020 to clarify that the R-T zoning
4 district is a commercial district; by amending Section 27.60.060 to allow the Planning Director to
5 approve an amendment to a Planned Unit Development District granting a height increase up to
6 five feet for single-family or two-family dwellings; by amending Section 27.61.090 to
7 automatically adjust the setback when the City obtains property for right-of-way and to
8 automatically adjust the maximum building height for existing buildings built prior to the
9 adoption of this ordinance to reflect their existing height under the new definition when the
10 revised definitions of building, height of and grade cause the building to exceed the applicable
11 district maximum height allowed; by amending Section 27.62.030 to remove Greenhouses as a
12 conditional use type under the Agriculture Use Group and to modify the districts Urban Gardens
13 are allowed in as a conditional use; by amending Section 27.62.040 to delete the note providing
14 that if the dwellings do not qualify as a conditional use the dwelling use may be allowed by
15 special permit; by adding a new section 27.63.065 to allow by special permit more than one
16 platted lot or irregular tract under common ownership or under combined ownership of the
17 Permittees under a special permit, separated by a street to be used as a single premises provided
18 at least 50 percent of the street frontage of the platted lots or irregular tracts on each side of the
19 street are directly opposite of each other; by repealing Sections 27.63.430 and 27.63.590 to
20 eliminate Greenhouses and Temporary Storage of Construction Equipment and Material as
21 special permitted uses; by amending Section 27.65.020 to clarify that in a Community Unit Plan
22 the allowed dwelling unit bonuses shall not exceed a cumulative total of twenty percent; by
23 amending Section 27.65.060 to allow the Planning Director to approve an amendment to increase

1 the maximum building height of single and two-family dwellings in a Community Unit Plan up
2 to 5 feet; by amending Section 27.65.075 to revise provisions for the Acreage Development
3 Component in Community Unit Plans for Build Through Acreages and to adopt a preferred plan
4 for the Acreage Development Component; by amending Section 27.67.030 to add under the
5 general conditions for parking that no parking space is required for outside open use areas; by
6 amending Section 27.67.040 to modify the special parking requirements for mini-warehouses,
7 domestic shelters, restaurants in the B-1 and B-3 Districts, and joint parking in the B-5 District,
8 to eliminate the special parking requirement for doctors' and dentists' offices and to add special
9 parking requirements for guest parking associated with small width lots for two-family or
10 attached single family dwellings under a CUP, PUD or Use Permit; by amending Figure
11 27.67.020 (Parking Matrix) to reduce the required parking ratios from 4.5 stalls/1,000 sq. ft. to 1
12 stall/300 sq. ft. for office, retail and commercial uses in a B-5 District and to clarify that parking
13 for accessory buildings for retail sales is not required to be provided, when the accessory
14 buildings are not fully enclosed; by amending Figure 27.67.040 to delete dentists' offices and
15 doctors' offices and to add accessory buildings for retail and guest parking for single and two-
16 family dwellings as uses with Special Parking Requirements; by amending Section 27.69.035 to
17 provide that the only required setback for off premises signs from residential districts is 150 feet;
18 by amending Section 27.72.080 to modify the existing exception to the Front Yard Requirements
19 requiring a greater front yard setback in all zoning districts except the R-1, O-3, B-2, B-5, H-4
20 and I-3 districts where 40% or more of the frontage in the same zoning district is developed with
21 two or more main buildings that have a greater frontage and setback than required and to adopt a
22 new exception for the R-1 Zoning District; by amending Sections 27.06.020, 27.06.100,
23 27.51.060, 27.62.070, 27.62.110, 27.62.120, 27.62.150, 27.63.170, 27.63.220, 27.63.470,

1 27.63.610, 27.63.680, 27.63.685, 27.63.730, 27.67.040, 27.67.040, 27.69.090, 27.72.110, the
2 introductory statement in Chapters 27.11, 27.13, 27.17, 27.19, 27.21, 27.23, 27.24 and Figure
3 27.67.040 to change references to Church to Place of Religious Assembly; by amending Section
4 27.72.190 to provided that the Planning Director may make minor modifications to the
5 maximum height regulations; by amending Section 27.81.030 to delete language referring to
6 illustrations as illustrations are no longer in the Zoning Code; and repealing Sections 21.52.010,
7 27.02.030, 27.02.040, 27.02.080, 27.02.090, 27.02.140, 27.02.160, 27.02.170, 27.02.220,
8 27.06.020, 27.06.060, 27.06.090, 27.06.100, 27.06.170, 27.28.020, 27.51.060, 27.60.060,
9 27.62.030, 27.62.040, 27.62.070, 27.62.110, 27.62.120, 27.62.150, 27.63.170, 27.63.220,
10 27.63.470, 27.63.610, 27.63.680, 27.63.685, 27.63.730, 27.65.020, 27.65.060, 27.65.075,
11 27.67.030, 27.67.040, 27.69.035, 27.69.090, 27.72.080, 27.72.110, 27.72.190, 27.81.030, Figure
12 27.67.020 and Figure 27.67.040 as hitherto existing.

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

14 Section 1. That Section 21.52.010 of the Lincoln Municipal Code be and the
15 same is hereby repealed:

16 ~~21.52.010 — Housing Above Second Story.~~

17 ~~*Editor's Note: Chapters 5.46 and 5.49 were renumbered to Chapters 21.52 and 21.56,~~
18 ~~respectively, during the 1991 recodification.~~

19 ~~21.52.010 — Housing Above Second Story.~~

20 ~~— It shall be unlawful for any person, firm, corporation, or association operating a child~~
21 ~~care center, children's home, old age home, maternity home, or nursing home where two or more~~
22 ~~persons as inmates or patients are kept, cared for, or housed for all or any portion of the day or~~

~~night to keep, care for, or house such inmate or patient at any time above the second story of a frame or veneer dwelling, building, or structure as defined by the Building Code of the city.~~

Section 2. That Section 27.02.030 of the Lincoln Municipal Code be amended to read as follows:

27.02.030 B.

Basement. Basement shall mean that portion of a building between the lowest floor and the ceiling above which is fully below grade or partly below grade and partly above grade but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling.

Boarding. Boarding shall mean caring for, feeding, watering, or sheltering a pet animal belonging to another by any person or business for pay, trade, barter, commission, or remuneration of any sort.

~~**Boarding House.** Boarding house shall mean a building other than a hotel or motel or group home where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons.~~

Broadcast Tower. Broadcast tower shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves; provided, however, that personal wireless service facilities and noncommercial radio towers not exceeding fifty feet in height and amateur radio antenna installations shall not be considered broadcast towers.

Building. Building shall mean any structure designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property.

Buildings, Height of. Height of a building shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the

1 | average height of the highest gable of a pitched, hipped, or shed roof. The measurement ~~may~~
2 | shall be taken from the ~~highest adjoining sidewalk or ground surface within a five foot~~
3 | ~~horizontal distance at the exterior wall of the building, when such sidewalk or ground surface is~~
4 | ~~not more than ten feet above~~ grade.

5 | Section 3. That Section 27.02.040 of the Lincoln Municipal Code be amended to
6 | read as follows:

7 | **27.02.040 C.**

8 | Campground~~Campsite~~. Campground~~Campsite~~ shall mean a parcel of land intended for
9 | temporary occupancy by any of the following: tent, tent trailer, or recreational vehicle.

10 | **Care.** Care shall mean the exercise of concern or responsibility for the comfort, welfare,
11 | and habilitation of persons, including a minimum amount of supervision and assistance with or
12 | the provision of personal care, activities of daily living, health maintenance activities, or other
13 | supportive services.

14 | For purposes of this definition:

15 | **Activities of daily living** shall mean transfer, ambulation, exercise, toileting,
16 | eating, self administered medication, and similar activities;

17 | **Health maintenance activities** shall mean noncomplex interventions which can
18 | safely be performed according to exact directions, which do not require alteration of the
19 | standard procedure, and for which the results and resident responses are predictable; and

20 | **Personal care** shall mean bathing, hair care, nail care, shaving, dressing, oral
21 | care, and similar activities.

22 | **Center for the Developmentally Disabled.** Center for the developmentally disabled
23 | shall mean a facility where shelter, food, and care, advice, counseling, diagnosis, treatment, or

1 related services are provided for a period of more than twenty four consecutive hours to sixteen
2 or more persons residing at such facility who have developmental disabilities.

3 **Change of Use.** Change of use shall mean the replacement of an existing use by a new
4 use, or a change in the nature of an existing use, but not including a change of ownership,
5 tenancy, or management where the previous nature of the use, line of business, or other function
6 is substantially unchanged.

7 **Childhood Care Facility.** See Early Childhood Care Facility.

8 **Children’s Home.** Children’s home shall mean a facility engaged in the service of
9 exercising 24-hour daily care, supervision, custody, or control over sixteen or more children for
10 compensation or hire in lieu of the care or supervision normally exercised by parents in their own
11 home.

12 | [Church.](#) See definition for Place of Religious Assembly.

13 **Club.** Club shall mean a building or facility owned or operated by persons associated for
14 a social, educational, civic, cultural, labor, or professional or recreational purpose, not operated
15 primarily for profit nor to render a service which is customarily carried on as a business, and
16 which is generally restricted to members and their guests using the facility for the purpose for
17 which they have associated; this shall not include a building of religious assembly~~church~~
18 ~~building~~, or social hall or the occasional accessory use of a private residence as a meeting place.

19 **Commercial Feed Lot.** See Confined Feeding Facility.

20 **Commercial Solar Energy Conversion System.** Commercial Solar Energy Conversion
21 System shall mean a commercial grade solar energy conversion system (CSECS) intended to be
22 used primarily to provide off-site power.

1 **Commercial Wind Energy Conversion System/ Turbine (CWECS).** Commercial
2 Wind Energy Conversion System/Turbine shall mean a commercial grade wind energy
3 conversion system (WECS) of over 100 Kilowatt (KW) plate rated capacity and intended to be
4 used primarily to provide off-site power.

5 **Confined Feeding Facility.** Confined feeding facility shall mean a facility where the
6 principal business is the feeding of livestock or poultry, also called a commercial feedlot.

7 **Contractor Services.** Contractor services shall mean a business which provides a
8 service which is primarily performed off-site. Few customers visit the site. Common examples
9 of contractor services include plumbing, heating, electrical, and air conditioning service,
10 exterminator service, lawn and garden service, and construction services. Contractor services
11 shall not include garbage or recycling hauling services or tree service. Outdoor storage,
12 machinery, trucks, and service vehicle fleets are common accessory uses. (Ord. 20171 §1; March
13 16, 2015; prior Ord. 19733 §1; June 25, 2012).

14 Section 4. That Section 27.02.080 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **27.02.080 G.**

17 **Garage, Private.** Private garage shall mean an accessory building designed or used for
18 storage by the occupants of the building to which it is accessory and consisting of no more than
19 four bays.

20 **Garden Center.** Garden center shall mean one or more a-buildings ~~or premises~~-used
21 primarily for the retail sale of items useful in the culture, display, or decoration of lawns,
22 gardens, or indoor plants; including books, appliances, and tools, but not including ~~power tools~~
23 ~~or~~ tractors.

1 **Grade** shall mean:

2 ~~(a) For buildings having walls adjoining one street only, the elevation of the sidewalk~~
3 ~~at the center of the wall adjoining the street;~~

4 ~~(b) For buildings having walls adjoining more than one street, the average of the~~
5 ~~elevation of the sidewalk at the center of all walls adjoining the streets;~~

6 ~~(c) For buildings having no wall adjoining the street, the average level of the finished~~
7 ~~surface of the ground adjacent to the exterior walls of the building.~~

8 ~~Any wall approximately parallel to and not more than five feet from a street line is to be~~
9 ~~considered as adjoining the street and where no sidewalk exists, the sidewalk grade~~
10 ~~shall be established by the Department of Public Works and Utilities.~~

11 A reference plane representing the average of finished ground level adjoining the
12 building at exterior walls. Where the finished ground level slopes away from the exterior walls,
13 the reference plane shall be established by the lowest points within the area between the building
14 and the lot line or, where the lot line is more than 6 feet from the building, between the building
15 and a point 6 feet from the building.

16 **Greenhouse.** Greenhouse shall mean a building ~~or premises~~ used for growing plants,
17 preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or
18 dry storage of materials used for agricultural or horticultural purposes, ~~provided no retail sales~~
19 ~~shall be conducted on such premises.~~

20 **Group Home.** Group home shall mean a building or structure licensed or approved by
21 the State or an appropriate agency, if required, used as any one of the following:

1 (a) A facility in which more than three but less than sixteen disabled persons who are
2 unrelated by blood, marriage, or adoption reside while receiving therapy or
3 counseling, but not nursing care;

4 (b) A facility engaged in the service of exercising 24-hour daily care, supervision,
5 custody, or control over more than three but less than sixteen children, for
6 compensation or hire in lieu of the care or supervision normally exercised by
7 parents in their own home.

8 Section 5. That Section 27.02.090 of the Lincoln Municipal Code be amended to
9 read as follows:

10 **27.02.090 H.**

11 **Hazardous Materials.** Hazardous materials shall mean substances defined by the
12 Secretary of Transportation in (49 U.S.C. 5103) and those materials listed in the Hazardous
13 Materials Table 49 CFR 172.101.

14 **Health Care Facility, Non-Residential.** Non-residential health care facility shall mean
15 a building or structure that generally includes an office environment, outpatient services and little
16 to no permanent residential component but which may allow for a stay in the facility by patients
17 receiving care for more than 24 hours. These facilities shall be licensed or approved by the state
18 or an appropriate agency, if required. A hospital is an example of a non-residential health care
19 facility.

20 **Health Care Facility, Residential.** Residential health care facility shall mean a building
21 or structure that is to be used in a residential nature, licensed or approved by the state or an
22 appropriate agency, if required. Residential health care facility could include but would not be
23 limited to the following types of facilities: Assisted Living, Nursing Care, [Memory Care](#),

1 Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care,
2 [and may include independent living units.](#)

3 **Heritage Center.** Heritage center shall mean one or more buildings and open space
4 within which an historically significant era or activity is displayed. The retail sale of crafts and
5 other works and the provision of entertainment, but not a full-scale amusement park, may be
6 included as part of a heritage center if they are complementary to the displayed era or activity.

7 **Home Occupation.** Home occupation shall mean any occupation or activity carried on
8 within a dwelling unit or accessory building by a person or persons residing on the premises,
9 which occupation or activity is incidental and secondary to the residential occupancy and does
10 not change the residential character thereof. The regulations pertaining to home occupations can
11 be found in Section 27.70.010.

12 **Hospital.** Hospital shall mean a facility where diagnosis, treatment, medical care,
13 obstetrical care, nursing care, or related services are provided on an outpatient basis or on an
14 inpatient basis for a period of more than twenty four consecutive hours to persons who have an
15 illness, injury, or deformity or to aged or infirm persons requiring or receiving convalescent care.
16 A hospital may include accessory offices of medical societies, offices of charitable public health
17 associations and private office space for the practice of medicine and dentistry under a license
18 from the Department of Health of the State of Nebraska; provided, that any such private offices
19 for the practice of medicine and dentistry shall be located on the hospital premises and the
20 doctors and dentists involved therein must be on the staff of the hospital.

21 **Hotel or Motel.** Hotel or motel shall mean a facility offering transient lodging
22 accommodations to the general public and which also may provide additional services, such as
23 food establishments, meeting rooms, entertainment, or recreational opportunities.

1 **Housing for the Physically Handicapped.** Housing for the physically handicapped
2 shall mean any dwelling in which each occupied dwelling unit is occupied by at least one person
3 who has a physical handicap. A physical handicap is a mobility impairment which requires
4 certain construction design features for ingress, egress, and freedom of movement within the
5 premises. Such impairment shall be expected to be permanent or of long or indefinite duration.
6 Such design features include but are not limited to ground level construction, level entrances,
7 wider doorways, adjustable counters, roll-in showers, lower electrical switches, higher outlets,
8 and lever-type hardware.

9 Section 6. That Section 27.02.140 of the Lincoln Municipal Code be amended to
10 read as follows:

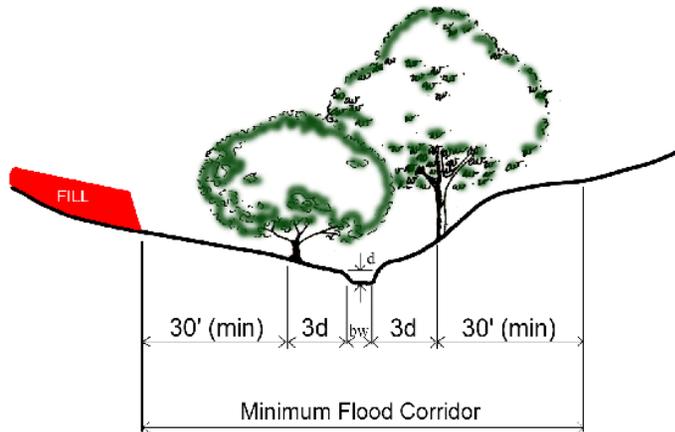
11 **27.02.140 M.**

12 **Mail Order Catalog Sales.** Mail order catalog sales shall mean an establishment
13 primarily engaged in the retail sale of products by television, telemarketing, catalog, and mail
14 order. Such a use may include warehousing, shipping, and receiving of merchandise intended
15 for retail sale.

16 **Market Garden.** Market garden shall mean a relatively small scale farming operation
17 (20 to 40 acres in size) where the production of a diversity of fruits, vegetables, herbs and
18 flowers is grown for sales primarily for direct human consumption rather than as feed for
19 animals or for major processing before consumption. Market gardens are distinguished from
20 other types of farming by the inclusion of accessory uses not typically found on farms. These
21 accessory uses may include restaurants, agricultural education and training centers, agricultural
22 tourism, or sales of agricultural products not grown on site.

1 **Mental Health Center.** Mental health center shall mean a facility where shelter, food,
2 and counseling, diagnosis, treatment, care, or related services are provided for a period of more
3 than twenty four consecutive hours to persons residing at such facility who have a mental
4 disease, disorder, or disability.

5 **Minimum Flood Corridor.** Minimum flood corridor shall mean the existing channel
6 bottom width plus 60 feet plus six times the channel depth and the corridor will be centered on
7 the channel, as shown in Figure 1 below, or aligned such that the corridor follows the natural
8 flow of flood waters.



9 **Mini-warehouse.** Mini-warehouse shall mean a storage facility containing individual
10 compartments or lockers designed to serve multiple persons ~~families~~ and small businesses. ~~only~~
11 ~~and complying with the following requirements:~~ Storage bays shall not be interconnected by
12 interior doors or other interior means providing access from one storage bay to another.

- 13 ~~(a) All storage facilities shall be located within a building;~~
- 14 ~~(b) Storage bays shall not be interconnected by interior doors or other interior~~
15 ~~means providing access from one storage bay to another;~~
- 16 ~~(c) Loading docks shall be prohibited and loading areas to storage bays shall~~
17 ~~be at the same elevation as the means of vehicular access thereto.~~

1 **Mobile Home.** Mobile home shall mean any single family or two-family permanent
2 living quarters, designed and built to be towed on its own chassis. Each dwelling unit shall be at
3 least eight feet in width and thirty-two feet in length, but two-family mobile homes may have
4 less length than the required minimum if the required width is exceeded by an amount sufficient
5 to provide an area of at least 512 square feet.

6 **Motor Fuel Sales Facility.** Motor Fuel Sales Facility shall mean any building or
7 premises used for the retail dispensing or sale of motor fuels as defined in Neb. Rev. Stat. § 66-
8 712 R.R.S. 1943 as amended. Motor Fuel Sales Facilities are often commonly referred to as
9 filling stations, gas stations, convenience stores or service stations.

10 **Motorized Vehicle.** Motorized vehicle shall mean automobiles including pick-up trucks,
11 motorcycles, all terrain vehicles, recreational vehicles, snow mobiles, watercraft, farm machinery
12 or other motorized vehicles not elsewhere defined. Motorized wheel chairs for human mobility
13 and toys, shall not be considered a motorized vehicle. Trucks as defined in Section 27.02.210
14 are also not considered a motorized vehicle.

15 **Multiple Dwelling Unit.** Multiple dwelling unit shall mean a room or rooms in a
16 multiple dwelling intended or designed for use as a residence by a single family, including
17 kitchen facilities.

18 Section 7. That Section 27.02.160 of the Lincoln Municipal Code be amended to
19 read as follows:

20 **27.02.160 O.**

21 **Office.** Office shall mean a room or group of rooms within a building used for
22 conducting the affairs of professional, commercial, industrial, religious, institutional, public, or
23 semipublic persons or organizations, provided no goods, wares, or merchandise shall be prepared

1 or sold on the premises except that a portion of a building used for offices may be occupied and
2 used as a drugstore, barbershop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand,
3 or newsstand when such uses are located entirely within the building with no entrance from the
4 street nor visible from any sidewalk and having no sign or display visible from the outside of the
5 building indicating the existence of such use. Offices and studios within a broadcast station shall
6 be considered to be an office use; broadcast towers as defined in this title shall not be so
7 considered.

8 Office use shall also include an office or clinic used by a health care practitioner, or
9 group of practitioners, including other accessory or ancillary uses such as medical testing
10 laboratories that perform routine clinical diagnostic tests on human or animal specimens,
11 dentistry, or podiatry; provided, however, that patients upon whom procedures have been
12 performed or who have otherwise received care or treatment at such office or clinic shall not be
13 permitted to stay on the premises for recovery or observation for more than 24 hours. Medical
14 testing laboratories shall exclude any laboratory which is required by federal law to hold a
15 certificate of registration for their activity in compliance with CFR 42 Part 73, Selected Agents
16 and Toxins.

17 **Outdoor Dining.** Outdoor dining shall mean an open area for dining when associated
18 with a food or drink establishment in which tables and seats are uncovered or ~~un~~covered by a
19 permanent roof or individual umbrellas or canopies (no tents or other types of temporary
20 structures) and may be surrounded by a fence.

21 **Outlot.** Outlot shall mean a parcel of real property with a separate and distinct outlot
22 designation shown on a final plat recorded in the office of the Register of Deeds for Lancaster

1 County, Nebraska, and which is reserved for future building or occupancy after replatting and
2 subdivision or reserved for agricultural uses, open space or common facilities.

3 **Owner.** For purposes of making application for a special permit or a use permit under
4 this title, the term “owner” shall include an owner of record, a trustee under a deed of trust or
5 similar trust document, or a long-term lessee. A person, other than an owner, may be authorized
6 to apply on behalf of an owner.

7 Section 8. That Section 27.02.170 of the Lincoln Municipal Code be amended to
8 read as follows:

9 **27.02.170 P.**

10 **Parking Lot.** Parking lot shall mean an area consisting of six or more parking spaces for
11 the storage of automobiles, together with a driveway connecting the parking area with a street or
12 alley and permitting ingress and egress for an automobile, provided that there shall be no storage
13 of automobiles for the purpose of sale or resale.

14 **Parking Space.** Parking space shall mean an area, enclosed or unenclosed, sufficient in
15 size to store one automobile, together with a driveway connecting the parking space with a street
16 or alley and permitting ingress and egress of an automobile.

17 **Permanent Residence.** Permanent residence shall mean the place where a person
18 actually lives and which such person regularly intends to occupy over a substantial period of
19 time. If a person has more than one such place where he or she lives, the permanent residence
20 shall be the place occupied the majority of the time by such person.

21 **Personal Services.** Personal Services shall mean establishments primarily engaged in
22 providing services involving the care of a person or his or her personal goods or apparel. Such
23 services may include but are not limited to: beauty shops, barbershops, shoe repair, funeral

1 services, nail salons, health clubs, domestic services, dry cleaning drop off stations including
2 cleaning and pressing and diaper services.

3 Place of Religious Assembly. Any use of a building or premises by a religious
4 organization, as defined in the Nebraska Administrative Code, for religious worship, religious
5 services and/or religious training (Title 350, Chapter 40 – Property Tax Exemption Regulations,
6 or as may be amended from time to time by the State of Nebraska).

7 **Premises.** Premises shall mean a tract of land, consisting of one platted lot or irregular
8 tract, or more than one platted lot or irregular tract, provided such lots or tracts are under
9 common ownership and contiguous.

10 **Private College.** Private college shall mean privately owned education and instruction
11 facilities for post-secondary education.

12 **Private School.** Private school shall mean privately owned education and instruction
13 facilities that meet the State of Nebraska requirements for elementary or secondary education.
14 Private school shall not mean academies, early childhood care facilities, private colleges, or
15 vocational schools.

16 Section 9. That Section 27.02.220 of the Lincoln Municipal Code be amended to
17 read as follows:

18 **27.02.220 U.**

19 **Urban Garden.** Urban garden shall mean a plot of ground where plants are cultivated by
20 multiple people; including accessory items for cultivation, including but not limited to sheds,
21 trellises, fences and utilities, but excluding greenhouses.

22 Section 10. That Section 27.06.060 of the Lincoln Municipal Code be amended
23 to read as follows:

1 **27.06.060 Agriculture Use Group.**

2 Characteristics: The Agriculture Use Group is characterized by activities that involve the
 3 practice of cultivating soil, producing crops, farming, raising livestock; training, producing,
 4 keeping, caring for, and/or selling of plants or animals in varying degrees and the preparation
 5 and marketing of the resulting product. These activities generally require more than 3 acres of
 6 land. Such uses include but are not limited to stables, riding academies, stock yards, sale barns,
 7 confined feeding facilities roadside stands for the temporary or seasonal sale of produce, pet
 8 cemeteries, agricultural attractions, urban gardens, farms, ranches, orchards, vineyards and
 9 wineries.

10 Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
<u>Agriculture</u>	P	P													P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Attraction	C																									
Confined feeding facilities	C																									
Farm wineries	S																									
<u>Greenhouses</u>	€	€			S													P	P		P	P	P	P	P	P
Heritage centers	S																									
Market gardens	S	S																								
Pet cemeteries (only allowed outside of City limits) (see 6.04.260)	C	C																								
Sale barn	S																							P	P	
Urban garden	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
All other uses in this Use Group	P	P																						P	P	P

11 Section 11. That Section 27.06.090 of the Lincoln Municipal Code be amended
 12 to read as follows:

13 **27.06.090 Utilities Use Group.**

14 Characteristics: The Utilities Use Group is characterized by the use of equipment for the
 15 purposes of distribution of basic utilities which provide service for, but is not limited to
 16 electricity, gas, phones, cable, and fiber optics. In addition, such uses include but are not limited
 17 to broadcast stations and towers, commercial wind energy conversion system, commercial solar

1 energy conversion system, personal wireless services facilities, and alternative and renewable
 2 energy generation systems.

3 Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Broadcast stations	S									S	P	P	P	P	P	P	P	P	P		P	P	S	P	P	P
Broadcast towers	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Commercial Solar Energy Conversion System (CSECS)	S																							P	P	P
Commercial Wind Energy Conversion System	S																									
Personal wireless services facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Public utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Utility and cable television purposes	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S	S	S	P	P	P
Wind Energy Conversion System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
All other uses in this Use Group																								P	P	P

4 Section 12. That Section 27.06.170 of the Lincoln Municipal Code be amended
 5 to read as follows:

6 **27.06.170 Heavy Commercial Services Use Group.**

7 Characteristics: The Heavy Commercial Services Use Group is characterized by uses
 8 that are engaged in the repair or servicing of industrial, business, or consumer machinery,
 9 equipment, products, or by-products. Firms that service consumer goods do so by mainly
 10 providing centralized services for separate retail outlets. Contractors, building maintenance
 11 services, and similar uses perform the majority of their services off-site. Outdoor storage and
 12 activity and a fleet of service vehicles and machinery are common. Heavy equipment or truck
 13 idling may occur for long periods of time. Few customers, especially the general public, come to
 14 the site on a regular basis. Such uses include but are not limited to private landing strips,
 15 building and construction contractor services, tree services, truck stops, truck terminals, truck
 16 wash facilities, mini-warehouse and lumber yards.

1 Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3	
Contractor services																	C	P	P		C	P	P	P	P	P	
Cabinet shops or stores																	C	P	P		C	P	S	P	P	P	
Lumber yards																		P	P			P	P	P	P	P	
Mini-warehouses																	C	C			P	P	P	P	P	P	
Private landing strips and appurtenances	S	S																									
Temporary storage of construction equipment and materials	S																	P							P	P	P
Tree service	S																	P						P	P		
Truck stops																		P		P		P	P	P	P	P	
Truck terminals																		P				P	P	P	P	P	
Truck wash facilities																	C		P	C	C	S	P	P	P	P	
All other uses in this Use Group																	P			P	P	P	P	P	P	P	

2 Section 13. That Chapter 27.28 of the Lincoln Municipal Code be amended to
 3 read as follows:

4 This district is intended to provide a transitional area consisting primarily of office and other
 5 types of small-scale commercial uses in close proximity to residential uses. This district is
 6 intended to provide a buffer between neighborhoods and more intensive commercial or industrial
 7 uses, stressing compatibility with nearby residential areas.

8 Section 14. That Section 27.28.020 of the Lincoln Municipal Code be amended
 9 to read as follows:

10 **27.28.020 General Regulations.**

11 (a) R-T Residential Transition Zoning. An R-T Residential Transition District zoning
 12 designation may only be granted upon property abutting upon, or directly across a street from
 13 and fronting the same street as property zoned B-1, B-2, B-3, H-2, H-3, H-4, I-1, and I-2.

14 (b) General Use Regulations.

1 (1) Any development, except single-family dwellings, two-family dwellings,
2 group homes, and domestic shelters shall be prohibited in the R-T Residential Transition District
3 prior to the approval of a use permit in conformance with the requirements of this chapter.

4 (2) Each building to be located within a Residential Transition District shall
5 have:

6 (i) A two and one-half inch in twelve inch pitched roof or steeper;

7 (ii) A nonreflective exterior siding material which is or simulates wood,
8 stucco, brick, or stone;

9 (iii) A nonreflective roof material which is or simulates asphalt or wood
10 shingles, tile, or rock;

11 (iv) No air conditioners on the roof.

12 (c) For purposes of this title, the R-T zoning district shall be considered a commercial
13 district.

14 Section 15. That Section 27.60.060 of the Lincoln Municipal Code be amended
15 to read as follows:

16 **27.60.060 Planned Unit Development; Amendments.**

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

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

21 (b) Minor increases in the number of dwelling units or total floor area originally
22 authorized by the City Council may be approved if such increases will not cause a significant
23 adverse impact on the public infrastructure, existing development within the planned unit

1 development and adjoining properties. Minor increases shall not exceed more than fifteen
2 percent (15%) cumulative additional dwelling units or total floor area;

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

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

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

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

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

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

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

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

22 Section 16. That Section 27.61.090 of the Lincoln Municipal Code be amended
23 to read as follows:

1 **27.61.090 Continuation of Nonstandard Uses.**

2 Nonstandard uses existing immediately prior to the effective date of this title and uses
3 becoming nonstandard through a change in the zoning ordinance or district boundaries may be
4 continued, although such uses do not conform to the provisions hereof.

5 Structures and buildings located upon a premises the use of which constitutes a
6 nonstandard use may be enlarged, extended, or reconstructed, as follows:

7 (a) Enlargements, extensions, or reconstructions may be made as required by law or
8 ordinance or ordered by the Director of Building and Safety to secure the safety of the structure;

9 (b) Enlargements, extensions or reconstruction of buildings or structures may be
10 made if authorized under the provisions of Section 27.63.280;

11 (c) Enlargement, extension, or reconstruction of buildings or structures may other-
12 wise be made if such changes comply with the minimum requirements as to front yard, side yard,
13 rear yard, height, and unobstructed open space for the district in which they are located.

14 (d) The number of dwellings units in multiple dwellings shall be limited to no more
15 than the number of dwelling units licensed with Building and Safety on the effective date of this
16 title or on the effective date of the change in district boundaries from another zoning district to
17 the new zoning district.

18 Whenever an existing building has a reduced setback below the requirements of this title,
19 due to the acquisition of land for right-of-way by a government agency, the setback to the new
20 property line shall be considered automatically adjusted and will not be deemed as nonstandard.

21 Whenever the 2016 amended definitions of “building, height of” and “grade” under
22 Change of Zone TX 16007 cause a lawfully existing building to exceed the maximum height
23 allowed in the zoning district in which the building is located, the allowed maximum height of

1 the building shall be considered automatically adjusted to the height of the building under the
2 amended definitions and the building will not be deemed nonstandard as to height.

3 Section 17. That Section 27.62.030 of the Lincoln Municipal Code be amended
4 to read as follows:

5 **27.62.030 Agriculture Use Group.**

6 Upon issuance of a certificate of occupancy, a building or premises may be used for the
7 following use types as a permitted conditional use in the designated zoning districts and in
8 compliance with the conditions of approval applicable for that use type.

9 (a) Agricultural Attraction is allowed in the AG zoning district under the following
10 conditions:

11 (1) The premises is located outside the city limits, contains twenty acres or more of land,
12 and the majority of the premises is in agriculture use for the purpose of raising and
13 harvesting crops.

14 (2) The attraction has received an Amusement License from the Lancaster County
15 Board.

16 (b) Confined feeding facilities for livestock or poultry is allowed in the AG zoning district
17 provided the confined feeding facility does not exceed a maximum area of 15,000 square
18 feet. (NOTE: Facilities that exceed 15,000 square feet may be allowed upon approval of
19 a special permit for said use pursuant to Chapter 27.63).

20 ~~(c) Greenhouses are allowed in the AG and AGR zoning Districts under the following~~
21 ~~conditions:~~

22 ~~(1) In the AG zoning district the minimum lot area shall be twenty acres; provided,~~
23 ~~however, that if a lot has less area, width, or frontage or any combination thereof~~

1 ~~than herein required, and its entire boundary was under different ownership on the~~
2 ~~effective date of this title and has not been since changed, such lot may be used for~~
3 ~~a greenhouse, provided that no such lot be less than two acres;~~

4 ~~(2) In the AGR zoning district:~~

5 ~~(i) The minimum lot area shall be two acres;~~

6 ~~(ii) All materials shall be stored inside buildings;~~

7 ~~(iii) Not more than twenty five percent of the land may be devoted to such use;~~

8 ~~(iv) Greenhouses shall comply with the same setback requirements as are~~
9 ~~applicable to main buildings;~~

10 (c~~d~~) Pet cemeteries are allowed in the AG and AGR zoning districts provided that the use has
11 a minimum lot area of five acres;

12 (d~~e~~) Urban Gardens are permitted in all zoning districts except the AG zoning district ~~and~~
13 ~~AGR~~ under the following conditions:

14 (1) There is no commodity sold upon the premises;

15 (2) Approval has been granted by the Lincoln Lancaster County Health Department.

16 Section 18. That Section 27.62.040 of the Lincoln Municipal Code be amended
17 to read as follows:

18 **27.62.040 Household Living Use Group.**

19 A building or premises may be used for the following use types as a permitted
20 conditional use in the designated zoning districts and in compliance with the conditions of
21 approval applicable for that use type.

22 (a) Dwelling units are allowed in the O-2, B-1, B-2, B-3 and B-4 zoning districts under the
23 following conditions:

1 (1) In the, O-2, B-1, B-2 and B-3 zoning districts:

2 (i) Dwellings shall only be permitted above or below the first story of a building;

3 (ii) The first story of the building shall be used for a nondwelling use allowed in
4 the district, except that first floor dwellings shall be permitted in buildings that
5 were originally constructed for a residential use prior to November 1, 1997.

6 The first floor nondwelling use shall not:

7 A. be an accessory use to the residential use;

8 B. be a parking lot or garage;

9 (iii) The first story of the building shall not have more than twenty percent of its
10 height below grade.

11 ~~(NOTE: If the above condition (a)(1) cannot be met, the use may be allowed upon~~
12 ~~approval of a special permit pursuant to Chapter 27.63).~~

13 (2) In the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the
14 B-4 zoning district, single-family and/or two-family dwellings on the first floor or
15 in the basement of a building are prohibited.

16 Section 19. That Title 27 of the Lincoln Municipal Code be amended by adding a
17 new section numbered 27.63.065 to read as follows:

18 **27.63.065 Platted Lots; Irregular Tracts.**

19 The use of more than one platted lot or irregular tract under common ownership or under
20 combined ownership of the Permittees under a special permit separated by a street may be
21 allowed by special permit to be used as a single premises provided some portion of the platted
22 lots or irregular tracts on each side of the street are directly opposite of each other.

1 Section 20. That Section 27.63.430 of the Lincoln Municipal Code be and the
2 same is hereby repealed:

3 ~~**27.63.430 Greenhouses.**~~

4 ~~Greenhouses are intended to be located in areas of special consideration such as~~
5 ~~designated flood plains and noise hazard districts or in urban fringe or large lot developments~~
6 ~~where such use will not have an adverse impact on surrounding residential uses. Greenhouses~~
7 ~~shall be allowed by special permit in the R-3 district under the following conditions:~~

8 ~~(a) The minimum lot area is at least two acres;~~

9 ~~(b) No retail sales shall be conducted on the premises;~~

10 ~~(c) The greenhouse is an accessory use to a main residential use;~~

11 ~~(d) All materials are stored inside buildings;~~

12 ~~(e) Not more than twenty five percent of the lot area may be devoted to such use;~~

13 ~~(f) The proposed use shall not have any adverse or detrimental effect upon the values of~~
14 ~~the surrounding land uses;~~

15 ~~(g) In order to assure such use is compatible with surrounding uses, the Planning~~
16 ~~Commission may impose more restrictive height, area, parking, and sign requirements as may be~~
17 ~~necessary.~~

18 Section 21. That Section 27.63.590 of the Lincoln Municipal Code be and the
19 same is hereby repealed:

20 ~~**27.63.590 Temporary Storage of Construction Equipment and Materials.**~~

~~Temporary storage of construction equipment and materials may be allowed by special permit in the AG zoning district under the following conditions:~~

~~(a) The site shall be located in or within one mile of the future urban area as designated in the Comprehensive Plan.~~

~~(b) Such use shall comply with the height, and area regulations of the AG district; except that the City Council may reduce the minimum lot area to seven acres.~~

~~(c) The combined area of indoor and outdoor storage on the site shall not exceed two acres and such area shall be fenced.~~

~~(d) The building and outdoor storage area shall be screened in accordance with city design standards.~~

~~(e) Such use shall be permitted for a limited period of time not to exceed fifteen years which shall be determined by the Planning Commission with reference to the anticipated urbanization of the surrounding area in accordance with the Comprehensive Plan and the Capitol Improvements Plan. The permittee may request one administrative amendment for an extension of the use up to five years.~~

Section 22. That Section 27.65.020 of the Lincoln Municipal Code be amended to read as follows:

27.65.020 Requirements.

(a) General Requirements. The owner or owners of any tract of land in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, or R-8 zoning district which is one acre or more in area; in the BTA Overlay District with underlying AG zoning which is forty acres or more in area; or in the BTA Overlay District with underlying AGR zoning which is ten acres or more in area, including and up to the centerline of existing public rights-of-way abutting the tract of land may submit a plan

1 for the use and development thereof for residential purposes or for the repair and alteration of
2 any existing residential development. The plan may propose a modification of height and area
3 regulations of the district in which the community unit plan is located.

4 (b) Specific Requirements.

5 (1) In the R-1, R-2, R-3, R-4, R-5, or R-6 zoning district:

6 (i) A community unit plan may be permitted on a tract of land which is less
7 than ten acres but more than five acres in area. The maximum permitted density on such a tract
8 shall be calculated as provided in Section 27.65.080, and this maximum will be reduced by ten
9 percent to accommodate the small size of the tract.

10 (ii) A community unit plan may be permitted on a tract of land which is not
11 more than five acres but more than one acre in area. The maximum permitted density shall be
12 calculated as provided in Section 27.65.080, and this maximum will be reduced by twenty
13 percent to accommodate the small size of the tract.

14 (iii) A community unit plan may be permitted on a tract of land which is less
15 than ten acres but more than one acre in area where such tract is bounded on at least two sides by
16 one or more existing community unit plans. The maximum density of such a tract shall be
17 calculated as in Section 27.65.080.

18 (iv) A community unit plan may be permitted on a tract of land which is ten
19 or more acres in area. The maximum permitted density of such a tract shall be calculated as in
20 Section 27.65.080.

21 (v) A community unit plan which complies with the energy conservation
22 standards adopted by the City Council and on file with the City Clerk may receive a dwelling
23 unit bonus in accordance with the standards adopted by resolution of the City Council.

1 (vi) Additional dwelling units may be granted for each dwelling unit
2 subsidized by the state or federal government for low-income families or as a dwelling unit
3 bonus for the provision of barrier-free units; however, the number of additional dwelling units
4 shall not exceed those provided in the standards adopted by resolution of the City Council.

5 (2) In the R-7 or R-8 zoning district, a community unit plan may be permitted on a
6 tract of land which is more than one acre in area. The maximum permitted density will be
7 calculated as provided in Section 27.65.080.

8 (3) In the BTA Overlay District the land within the community unit plan shall be
9 divided into two components: an Acreage Development Component and an Urban Reserve
10 Component, except as provided in subsection (ii) below. The Acreage Development Component
11 may be subdivided in conformance with requirements of the City Land Subdivision Ordinance
12 into residential lots for single-family dwellings. The Urban Reserve Component may not be
13 subdivided or built upon but rather shall be reserved for future residential development until such
14 time as City sanitary sewer and water utilities are extended to the Urban Reserve Component and
15 the land within the community unit plan is annexed by the City of Lincoln.

16 (i) In the BTA Overlay District with underlying AG zoning, the Acreage
17 Development Component shall not exceed twenty-five percent (25%) of the total area of the
18 community unit [plan](#).

19 (ii) In the BTA Overlay District with underlying AGR zoning, the Urban
20 Reserve Component is not required and the total area of the community unit plan may be used
21 for the Acreage Development Component if the single-family dwellings will utilize on-site
22 wastewater systems and in such case the minimum lot size shall be three acres. The Acreage
23 Development Component shall not exceed forty percent (40%) of the total area of the community

1 unit plan if the single-family dwellings will utilize a community wastewater system and in such
2 case the maximum lot size shall be one acre.

3 (c) A community unit plan located in the BTA Overlay District which will substantially
4 protect an open space area as designated on the future land use plans included in the Lincoln
5 City-Lancaster County Comprehensive Plan may receive a dwelling unit bonus provided that:

6 (1) The request for a dwelling unit bonus shall be accompanied by a showing of
7 the need for protection of the open space, a description of the proposed use of the open space and
8 any limitations there on, and the proposed method of protecting the open space which may
9 include, but is not necessarily limited to, protective covenants, conservation or preservation
10 easements, or similar restrictions of record.

11 (2) The proposed method of protecting the open space shall expressly (i) prohibit
12 the construction or installation of any structures or other improvements in the open space for a
13 period of 99 years, except minimal above ground structures or improvements reasonably
14 necessary and incidental to the proposed use of the open space; and (ii) prohibit such uses as
15 shooting ranges, basketball courts, baseball fields, football and soccer fields, racetracks, or other
16 stadium uses, facilities for spectator sports, and any activities that would unreasonably disturb
17 the residents of the community unit plan or the surrounding neighborhoods.

18 (3) The open space shall be accessible to, and available for use by, the residents of
19 the community unit plan;

20 For the purposes of this subsection, “open space” shall mean land or water which is
21 undeveloped or which is set aside for public or private outdoor recreational uses, such as parks,
22 trail systems, golf courses, or bodies of water for swimming, fishing, or boating.

1 (d) A community unit plan located in the BTA Overlay District with underlying AG
2 zoning in consideration of providing for future subdivision of the lots within the Acreage
3 Development Component as well as the Urban Reserve Component shall receive a twenty
4 percent (20%) density bonus.

5 (e) A community unit plan located in the BTA Overlay District with underlying AGR
6 zoning in consideration of providing for future subdivision of the Urban Reserve Component
7 shall receive a twenty percent (20%) density bonus.

8 (f) A community unit plan located in either the AG Agriculture District or AGR
9 Agricultural Residential District which utilizes a community wastewater disposal system rather
10 than individual wastewater systems shall receive a twenty percent (20%) density bonus.

11 (g) A community unit plan located in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, or
12 BTA Overlay zoning districts which will substantially protect floodplain or floodprone areas
13 may receive a dwelling unit bonus if a permanent conservation easement or permanent deed
14 restriction is dedicated to preserve the floodplain or floodprone area. The bonus allotment will
15 be proportionally equal to the amount of floodplain preserved on the site and the size of the lot as
16 in conformance with the design standards.

17 (h) The dwelling unit bonuses permitted under subsections (c), (d), (e) and (g) of this
18 section shall not exceed a cumulative total of twenty percent (20%) in any community unit plan.

19 Section 23. That Section 27.65.060 of the Lincoln Municipal Code be amended
20 to read as follows:

1 **27.65.060 Community Unit Plan Amendments.**

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

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

7 (b) In community unit plans containing more than five acres, minor increases in the
8 number of dwelling units originally authorized may be approved if such increases do not exceed
9 the maximum density allowed and such increases will not cause a significant adverse impact on
10 existing development within the community unit plan and adjoining properties. Minor increases
11 shall not exceed more than fifteen percent (15%) cumulative additional dwelling units;

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

13 (d) The amendment shall keep with the intent and spirit of the approved development
14 plan;

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

16 (f) No reduction is made to the applicable setback, yard, or height requirements along
17 the perimeter of the community unit plan;

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

22 (h) Notwithstanding any provision to the contrary in (f) and (g) above, a request for a
23 height increase ~~up to ten feet~~ over the allowed zoning district height may be approved for up to

1 | ten feet for multi-family dwellings, and up to five feet for single or two family dwellings, along
2 the perimeter or within the community unit plan in accordance with Section 1.2 of Chapter 3.35,
3 City of Lincoln Design Standards for Community Unit Plans.

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

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

9 Section 24. That Section 27.65.075 of the Lincoln Municipal Code be amended
10 to read as follows:

11 **27.65.075 Form of Community Unit Plan in the BTA Overlay District.**

12 (a) A final plot plan for the Acreage Development Component shall be accurately,
13 clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the
14 details of the plan clearly and shall contain the information required for final plot plans in
15 Section 27.65.070 and the following requirements:

16 (1) Building envelopes shown on lots in the final plot plan shall meet required
17 setbacks for the lots shown under the future final plot plan providing for conversion of the
18 Acreage Development Component to higher urban residential density; and

19 (2) The drainage and site grading plans shall include both the Acreage
20 Development Component and the Urban Reserve Component and shall be designed to drain and
21 grade both components in accordance with the future final plot plan for the Acreage
22 Development Component and the Master Plan for the Urban Reserve Component. Final and

1 rough grading of the Acreage Development Component shall be accomplished as set forth in
2 Lincoln Municipal Code Section 26.11.038.

3 (b) The preferred plan for the Acreage Development Component is for lots of one acre
4 or less that do not require further subdivision in the future. A plan which does not require future
5 subdivision will be less disruptive for future lot owners. A future final plot plan for conversion
6 of the Acreage Development Component shall be provided unless the final plot plan for the
7 Acreage Development Component has an average lot size of ~~less than one third acre~~ one acre or
8 less. ~~If the average lot area in final plot plan for the Acreage Development Component is~~
9 ~~between one third acre to one acre, the future final plot plan shall provide at least two times the~~
10 ~~number of lots included in said final plot plan. If the Acreage Development Component~~
11 ~~coverage area of the community unit plan is reduced by 20%, a future final plot plan for~~
12 ~~conversion of the Acreage Development Component shall be provided unless the final plot plan~~
13 ~~for the Acreage Development Component has an average lot size of less than one half acre and~~
14 ~~no lot in the Acreage Development Component coverage area exceeds one acre.~~ If the average
15 lot area in the final plot plan for the Acreage Development Component is more than one acre but
16 less than three acres, the future final plot plan shall provide at least ~~2.5~~ times the number of lots
17 included in said final plot plan. If the average lot area in the final plot plan for the Acreage
18 Development Component is three acres or more, the future plot plan shall provide at least 3.0
19 times the number of lots included in said final plot plan. Any calculation of the number of lots to
20 be included in the future plot plan resulting in a partial lot shall be rounded up to the next whole
21 number. The future final plot plan providing for conversion of the Acreage Development
22 Component to higher urban residential density shall be accurately, clearly, and legibly drawn on
23 tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and

1 shall contain the information required for final plot plans in Section 27.65.070 and the following
2 information:

3 (1) Final lot lines and building lines that will be implemented with the extension
4 of urban infrastructure and annexation by the City.

5 (2) The location and layout of any future streets not dedicated and improved as
6 part of the final plot plan for the Acreage Development Component, but needed in the future to
7 convert the Acreage Development Component and Urban Reserve Component to Urban Density.

8 (3) Easement locations for future utilities and stormwater drainage.

9 (4) Building envelopes which meet required setbacks under the conversion.

10 (c) A Master Plan providing an urban framework for future development of the Urban
11 Reserve Component of the community unit plan which establishes the major systems that serve
12 the overall development, documenting the future relationships between the Acreage
13 Development Component and the Urban Reserve Component. The Urban Framework Master
14 Plan shall be accurately, clearly and legibly drawn on tracing cloth or mylar in a sufficient size
15 and scale to show the details of the plan clearly and shall contain the following information:

16 (1) The layout of arterial and collector streets on the site. These will typically
17 include streets approximately on half section lines, along with connections to adjacent parcels.

18 (2) Major infrastructure lines, including water distribution, sanitary sewers, and
19 storm sewers, if part of the stormwater management plan.

20 (3) A master stormwater management plan, indicating general grading concepts
21 and directions, stormwater retention and detention structures, and storm sewers.

22 (4) Easements and dedications for all major utility services.

23 (5) Proposed parks, open spaces, trails, and greenways.

1 (6) Resource conservation or preservation areas, including wetlands, wooded
2 areas, streams and waterways, and other features that will be maintained and incorporated into
3 future development concepts.

4 (7) The Master Plan shall provide a minimum gross residential density of no less
5 than four units per acre on the portion of the site that is to be developed for urban residential
6 purposes.

7 (8) The Master Plan may propose a land use master plan, displaying the location
8 and relationship of various uses, but such a plan is not a requirement for approval.

9 Section 25. That Section 27.67.030 of the Lincoln Municipal Code be amended
10 to read as follows:

11 **27.67.030 General Conditions.**

12 The following general conditions shall apply, except as otherwise modified in this title:

13 (a) No parking space is permitted in the required front yard in any district except as
14 follows:

15 (1) Parking lots, parking areas, and driving aisles in the front yard are permitted
16 in the B-1, B-3, H-1, H-2, and H-3 zoning district in accordance with parking
17 lot design standards; and

18 (2) Parking in the front yard is permitted in the R-1, R-2, R-3, and R-4 zoning
19 districts for passenger cars, pickup trucks, or vans outside of an enclosed
20 structure on a concrete driveway or its equivalent under the following
21 conditions:

22 (i) The width of such parking area shall not exceed thirty-five percent of the
23 width of the front yard;

1 (ii) The parking area shall be not less than two feet from and parallel to the
2 side lot line and not less than two feet from the front property line;

3 (iii) The property shall be used for one- and two-family dwellings.

4 (3) Parking in the front yard is permitted as otherwise provided in Section
5 27.63.170.

6 (b) No parking space is permitted in the required side yard in any district except as
7 otherwise provided in this chapter and in Section 27.63.170.

8 (c) Parking spaces are permitted in any required rear yard.

9 (d) All required parking spaces shall be provided on the same lot as the use for which
10 they are required.

11 (e) Any parking requirement resulting in a partial parking space shall be rounded up to
12 the next whole number.

13 (f) Where additional parking is required by this chapter due to a change in use and
14 provision for such additional parking is not made, a special review and approval shall be required
15 by the City Council.

16 (g) For single-family dwellings and two-family dwellings in the R-1, R-2, R-3 and R-4
17 zoning districts, the required parking spaces may be stacked front-to-back, one vehicle deep.

18 (h) No parking space is required for the area of outdoor dining, open use areas
19 including but not limited to outdoor sales and display areas, and patios with and without
20 restaurant seating.

21 Section 26. That Section 27.67.040 of the Lincoln Municipal Code be amended
22 to read as follows:

23 **27.67.040 Parking Requirements; Special Conditions.**

1 An alphabetical list of uses with special parking requirements for this title are set out in
2 Figure 27.67.040 at the end of this chapter. The following special parking requirements shall
3 apply to the listed uses in place of the general parking requirements found in Section 27.67.020:

4 (a) A fraternity or sorority shall provide 0.75 spaces per resident. Parking shall be
5 provided either onsite or within 600 feet of the premises. Notwithstanding the above, no parking
6 shall be required for a fraternity or sorority located within the boundaries of 14th Street to 17th
7 Street and Q Street to W Street.

8 (b) Group homes: One space per three client or employee residents, plus two spaces per
9 three nonresident employees on the largest shift; provided, however, that no spaces shall be
10 required for client residents who will not possess motor vehicle operator's licenses. Appropriate
11 documentation from the group home licensing agency shall be provided evidencing the non-
12 possession of motor vehicle operator's licenses by clients.

13 (c) Adult day service facilities: One space/employee on the largest shift, plus off-street
14 loading/unloading area for one automobile per ten care receivers. Joint parking with another use
15 is acceptable if the adult care center and the other use have nonconcurrent parking demands.

16 (d) Elderly or retirement housing: One space/dwelling unit.

17 (e) Mini-warehouses:

18 (1) Two spaces for manager's quarters or office; and

19 (2) One space for every ~~60~~200 storage cubicles; ~~to be located at the project office~~
20 ~~for the use of clients; however, if provided~~ access lanes and roads to the
21 storage area are twenty feet or greater in width, to allow vehicles to unload
22 and pass, no additional parking for the storage cubicles is required. ~~If access~~
23 ~~lanes and roads are less than twenty feet in width, parking at a rate of one~~

1 ~~space per ten storage cubicles shall be provided equally throughout the storage~~
2 ~~area.~~

3 (f) ~~Doctors' and dentists' offices: One space/225 sq. ft. of floor area.~~ Two-family or
4 attached single-family dwellings, approved as part of a Special Permit for a Community Unit
5 Plan pursuant to Chapter 27.65 Community Unit Plan, a development plan for a planned unit
6 development pursuant to Chapter 27.60 Planned Unit Development District, or a use permit
7 pursuant to Chapter 27.64 Use Permits on lots having a width of less than 35 feet and where
8 garages take direct access from a public street or private roadway are required to provide 1 off-
9 premises guest parking stall per 2 dwelling units. On-street parking may be counted if there is at
10 least 22 contiguous feet of uninterrupted curb space abutting each lot along the face of curb from
11 the edge of the curb return to the lot line.

12 (g) Drive-in restaurants: One space/40 sq. ft. of floor area.

13 (h) Bowling alleys: 4 spaces/lane (plus required parking for affiliated uses.)

14 (i) Auditoriums, theaters, grandstands, stadia, amphitheaters, and other places of public
15 assembly: One space/50 sq. ft. of seating area plus parking for affiliated uses within 300 ft. of the
16 main use.

17 (j) Recreational uses:

18 (1) Racquetball and other court games: Four spaces/court (plus required spaces
19 for affiliated uses);

20 (2) Swimming pools: One space/100 sq. ft. of water surface (plus parking for
21 affiliated uses) as determined by the city;

22 (3) Golf courses: Two spaces/hole of course, plus parking for affiliated uses.

23 (k) Hospitals: One space/2.5 beds, plus one space/employee on the largest shift.

1 | (l) ~~Churches~~Places of religious assembly, chapels, public schools, private schools
2 | having a curriculum equivalent to a public elementary or public high school, and private business
3 | or commercial schools: One space/50 sq. ft. in largest assembly hall as determined by the City.

4 | (m) Academies, such as gymnastic, karate, judo, dance, or music academies: One space
5 | for every three students allowed per class session plus one space for every employee. In those
6 | instances where two sessions of classes occur one after another, without at least one-half hour
7 | separation between sessions, the maximum number of students allowed at both sessions shall be
8 | combined in determining the amount of required parking per class session.

9 | (n) Housing for the physically handicapped: (see also Section 27.63.215) One space/
10 | dwelling unit.

11 | (o) Domestic shelters: One space for every four residents ~~based on the maximum~~
12 | ~~occupancy allowed by the lot area~~ and two spaces for every three employees on the largest shift.

13 | (p) Salvage yard: Six spaces, two spaces/acre of lot area or one space/1,000 square feet
14 | of floor area, whichever is greater.

15 | (q) Dwellings for members of a religious order: one space for every three residents.

16 | (r) Warehouses:

17 | (1) Warehouses with a floor area of 50,000 square feet or less: one space per
18 | every 1,000 square feet of floor area or a minimum of one space per employee
19 | on the largest shift. The floor area shall be calculated based on the total floor
20 | area of all structures on the lot.

21 | (2) Warehouses with a floor area of more than 50,000 square feet: one space per
22 | every 1,000 square feet of floor area for the first 50,000 square feet of floor
23 | area and one additional space per 2,000 square feet of floor area in excess of

1 50,000 square feet, or a minimum of one space per employee on the largest
2 shift. The floor area shall be calculated based on the total floor area of all
3 structures on the lot.

4 (3) If the number of spaces required by the building ratio is greater than required
5 by the employee ratio in (1) or (2) above, the additional parking spaces need
6 not be provided physically, but sufficient areas shall be reserved for to
7 accommodate construction of the additional spaces. If the Building Official
8 finds at any time that the character of the use of the warehouse is such as to
9 require the full provision of parking facilities to be constructed, the Building
10 Official shall report this fact to the City Council which may, after holding a
11 hearing of which the owner shall be notified, require such additional parking
12 to be installed.

13 (s) Hotels and motels: one space per room and one space per 100 square feet of
14 accessory uses.

15 (t) Restaurants and Social Halls: one space per 100 square feet; one space per 200
16 square feet for restaurants located in the B-1 and B-3 zoning districts.

17 (u) Dwellings for caretakers employed and residing on the premises: one space per
18 dwelling unit.

19 (v) Early childhood care facilities: One space/ employee on the largest shift, plus off-
20 street loading/unloading area for one automobile per ten care receivers. Joint parking with
21 another use is acceptable if the early childhood care facility and the other use have
22 nonconcurrent parking demands.

1 (w) Residential Healthcare Facilities: One space for every four residents and two spaces
2 for every three employees on the largest shift.

3 (x) Sale of alcoholic beverages for consumption on the premises: One space per 100
4 square feet of floor area.

5 (y) Greenhouses and garden centers located in the AG or AGR zoning districts: For
6 greenhouses, one parking space shall be provided for each employee on the maximum shift.
7 Parking for greenhouses and garden centers in the AG zoning district may be provided on
8 unpaved areas, except for ADA accessible stalls.

9 (z) Heritage Centers and Agricultural Attractions located in the AG zoning district:
10 One space shall be provided for every 200 square feet of floor area devoted to permanent retail
11 and service use. In addition, an overflow parking area shall be provided with three stalls for
12 every acre included within the special permit area. Parking may be provided on unpaved areas,
13 except for ADA accessible stalls.

14 (aa) Community Halls, Farm Wineries, and Market Gardens located in the AG and AGR
15 zoning districts: There shall be adequate parking for vehicles compatible with the number of
16 people using the facility.

17 (bb) Off-street Freight Loading Requirements. At the time of construction, alteration, or
18 enlargement of any commercial or industrial building having a floor area of 10,000 square feet or
19 more, and containing a use or uses which requires off-street freight loading, off-street freight
20 loading areas shall be provided on the premises to serve the use and maintained as follows:

21 (1) Six hundred square feet for the first 10,000 square feet of floor area;

22 (2) An additional 600 square feet for each additional 20,000 square feet of floor
23 area.

1 (cc) Joint Parking. Uses that have nonconcurrent parking demand may join their parking
2 facilities so as to reduce aggregate parking requirements as follows:

3 (1) B-5 District. The uses shall be located in the B-5 District and may include
4 adjacent ~~churches~~places of religious assembly or chapels located outside the
5 B-5 District. Uses that have nonconcurrent parking demand may join their
6 parking facilities; however, the use having the largest floor area shall provide
7 14.5 parking spaces for every 300~~1,000~~ square feet of floor area, ~~and all other~~
8 ~~uses included in the joint parking arrangement shall provide two parking~~
9 ~~spaces per 1,000 square feet of their floor area;~~ provided, however, that the
10 number of additional spaces that would be required in the absence of this
11 paragraph need not be provided physically, but sufficient land shall be
12 reserved in the event that future uses may not have nonconcurrent parking
13 demand. For the purpose of determining the adequacy of the joint parking
14 arrangement, all such joint parking use shall be authorized by a written
15 agreement between the city and all parties to such use.

16 (2) O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4 Zoning Districts. The uses shall
17 be located in the following zoning districts: O-3, B-1, B-2, B-3, B-4, H-2, H-
18 3, and H-4, and may include uses in adjacent O-2 districts and adjacent
19 ~~churches~~places of religious assembly and chapels outside the above districts.
20 The aggregate parking requirement shall be computed on the basis of
21 providing the parking required for that use or those uses having concurrent
22 parking demand that have the largest parking demands as determined by the
23 parking matrix (Section 27.67.020) and any additional conditions in this

1 chapter; provided, however, that the number of additional spaces that would
2 be required in the absence of this paragraph need not be provided physically,
3 but sufficient land shall be reserved in the event that future uses may not have
4 nonconcurrent parking demand. For the purpose of determining the adequacy
5 of the joint parking arrangement, all such joint parking use shall be authorized
6 by a written agreement between the city and all parties to such use.

7 (3) O-1 District. The uses shall be located in the O-1 District and may include
8 adjacent ~~churches~~places of religious assembly or chapels located outside the
9 O-1 District. Uses that have nonconcurrent parking demand may join their
10 parking facilities. The aggregate parking requirement shall be computed on
11 the basis of providing the parking required for that use or those uses having
12 concurrent parking demands that have the largest parking demands as
13 determined by the parking matrix and any additional conditions in this
14 chapter; provided, however, that the number of additional spaces that would
15 be required in the absence of this paragraph need not be provided physically,
16 but sufficient land shall be reserved in the event the future uses may not have
17 nonconcurrent parking demand. For the purpose of determining the adequacy
18 of the joint parking arrangement, all such joint parking use shall be authorized
19 by a written agreement between the city and all parties to such use.

20 (dd) Data Center: Two (2) spaces per three (3) employees on largest shift, plus land
21 shall be reserved to provide required parking for office uses in the underlying zoning districts in
22 the event the Data Center is changed to another office use.

1 (ee) Urban Gardens greater than two acres in size shall provide three off-street parking
2 stalls per every acre or part thereof over two acres.

3 (ff) Joint parking is a permitted use in the O-3, R-T, B-2, B-5 and I-3 zoning districts
4 under the following conditions:

5 (1) The joint use of parking lots and garages shall be authorized by a cross access
6 easement or by other written agreement between the parties to such joint
7 parking (“Joint Use Agreement”).

8 (2) The minimum aggregate number of parking stalls provided under the Joint
9 Use Agreement shall be equal to the sum of the required parking for each use.

10 (3) The Joint Use Agreement shall be submitted to and approved by the City Law
11 Department.

12 (4) The Joint Use Agreement shall be filed of record with the Register of Deeds
13 for Lancaster County, Nebraska and indexed against the affected properties.

14 (gg) Dwellings for Nonrelated Persons, for four to six persons living as a single
15 housekeeping unit permitted under a community unit plan: One space per resident.

16 (hh) Parking for accessory buildings for retail sales, such as lumber storage areas, is
17 not required to be provided, when they are not fully enclosed or are left open during business
18 hours.

19 Section 27. That Figure 27.67.020 of the Lincoln Municipal Code be amended to
20 read as follows:

[see figure on next page]

**Figure 27.67.020
PARKING MATRIX**

Parking Spaces Required

	Dwellings				Office/Retail/Commercial Uses							Industrial Uses
	0.5 per dwelling unit	1 per dwelling unit	1.75 per dwelling unit	2 per dwelling unit	1 per 1,200 sq. ft.	2 per 3 persons on max. shift or 1 per 1,000 sq. ft. *	1 per 600 sq. ft.	1 per 500 sq. ft.	1 per 300 sq. ft.	4.5 per 1,000 sq. ft.	1 per 150 sq. ft.	2 per 3 persons on maximum shift or 1 per 1,000 sq. ft. *
AG	AG District: None except uses with special parking requirements listed under Section 27.67.040 of the Lincoln Municipal Code.											
AGR				•								
R-1				•								
R-2				•								
R-3				•								
R-4				•								
R-5			•									
R-6			•									
R-7		•										
R-8		•					•					
R-T		•							•			
O-1	•				within 900'							
O-2		•							•			
O-3				•					•			
B-1		•							within 300'			
B-2		•							within 300'			
B-3		within 300'					within 300'					
B-4	B-4 District: Refer to special parking requirements under Section 27.67.050 of the Lincoln Municipal Code											
B-5				•					•	•		
H-1											•	
H-2									within 300'			
H-3									within 300'			
H-4									•			
I-1						within 300'						within 300'
I-2						within 300'						within 300'
I-3									•			•

* If the number of spaces required by the building ratio is greater than required by the employee ratio, an additional parking area shall be reserved to accommodate the construction of the additional spaces.
Refer to Figure 27.67.040 of the Lincoln Municipal Code for a list of uses with special parking requirements.
Refer to Section 27.67.040 of the Lincoln Municipal Code for uses with special parking requirements.
Refer to Section 27.67.066 of the Lincoln Municipal Code for uses in the H-3 district with special parking requirements.
Any parking requirement resulting in a partial parking space shall be rounded up to the next whole number as per Section 27.67.030(e) of the Lincoln Municipal Code.

1 Section 28. That Figure 27.67.040 of the Lincoln Municipal Code be amended to
2 read as follows:

3 **Figure 27.67.040**

4 **Uses with Special Parking Requirements**

5 The following uses have special parking requirements that shall apply in place of the general
6 parking requirements found in Section 27.67.020:

7 Academies27.67.040(m)
8 ~~Accessory buildings for retail sales27.67.040(hh)~~
9 Adult day services facility27.67.040(c)
10 Agricultural attractions (located in the AG zoning district)27.67.040(z)
11 Amphitheaters27.67.040(i)
12 Auditoriums27.67.040(i)
13 Bowling alleys27.67.040(h)
14 Chapels.....27.67.040(l)
15 ~~Churches27.67.040(l)~~
16 Community halls (located in the AG zoning district).....27.67.040(aa)
17 Court games27.67.040(j)
18 Data center27.67.040(dd)
19 ~~Dentists' offices27.67.040(f)~~
20 ~~Doctors' offices27.67.040(f)~~
21 Domestic shelters27.67.040(o)
22 Drive-in restaurants.....27.67.040(g)
23 Dwellings for members of a religious order27.67.040(q)

1 Dwellings for caretakers employed and residing on premises.....27.67.040(u)

2 Early childhood care facilities27.67.040(v)

3 Elderly housing27.67.040(d)

4 Farm wineries..... 27.67.040(aa)

5 Fraternities 27.67.040(a)

6 Grandstands.....27.67.040(i)

7 Greenhouses (located in the AG or AGR zoning districts).....27.67.040(x)

8 Group homes27.67.040(b)

9 Golf courses27.67.040(j)

10 | [Guest parking for small lot two-family and single family dwellings27.67.040\(f\)](#)

11 Healthcare residential..... 27.67.040(w)

12 Heritage centers (located in the AG zoning district) 27.67.040(z)

13 Hospitals27.67.040(k)

14 Hotels 27.67.040(s)

15 Housing for the physically handicapped.....27.67.040(n)

16 Joint parking..... 27.67.040(cc)(ff)

17 Market Garden 27.67.040(aa)

18 Mini-warehouses..... 27.67.040(e)

19 Motels 27.67.040(s)

20 Off-street freight loading requirements27.67.040(bb)

21 Places of public assembly27.67.040(i)

22 | [Places of religious assembly27.67.040\(l\)](#)

23 Private business or commercial schools27.67.040(l)

1 Private schools having a curriculum equivalent to a public school27.67.040(l)

2 Public schools27.67.040(l)

3 Recreational uses27.67.040(k)

4 Restaurants (also see Drive-in restaurants).....27.67.040(t)

5 Retirement housing27.67.040(d)

6 Salvage yards27.67.040(p)

7 Sale of alcoholic beverages for consumption on the premises27.67.040(x)

8 Social halls27.67.040(t)

9 Sororities27.67.040(a)

10 Stadia.....27.67.040(i)

11 Swimming pools27.67.040(j)

12 Theaters27.67.040(i)

13 Warehouses27.67.040(r)

14 Urban gardens27.67.040(ee)

15 Section 29. That Section 27.69.035 of the Lincoln Municipal Code be amended
 16 to read as follows:

17 **27.69.035 Off-Premises Signs.**

18 (a) Administrative Permits. Off-premises signs are permitted in the B-1, B-3, B-4, H-1,
 19 H-2, H-3, H-4, and I-1 zoning districts by administrative permit issued by the Director of
 20 Building and Safety. The administrative permits shall automatically expire ten years from their
 21 date of issuance. The permittee may make application for renewal of the administrative permit.

22 (1) Applications for administrative permits and renewals thereof shall include:

1 (i) The legal description of the land upon which an off-premises sign is to
2 be located.

3 (ii) A copy of a signed lease or other verification that the applicant has
4 permission of the owner of the land upon which the off-premises sign shall be located to locate
5 the off-premises sign thereon.

6 (iii) The area of the proposed off-premises sign.

7 (iv) The description and location of a nonconforming off-premises sign or
8 signs to be removed as required by subsection (e) below or which was removed after January 10,
9 2000 and registered with the Department of Building and Safety and not previously used to
10 satisfy the requirement of subsection (3) below. The above provisions are not required to be met
11 for renewal of an administrative permit. For the purpose of this section, a nonconforming off-
12 premises sign shall mean any off-premises sign which was lawfully installed on the January 10,
13 2000 effective date of Ordinance No. 17585 and for which an administrative permit has not been
14 issued.

15 (2) The administrative permit and any renewals thereof shall be issued under the
16 following conditions:

17 (i) The off-premises sign shall be subject to the provisions of this section,
18 notwithstanding any other applicable regulation of the zoning district in which the off-premises
19 sign is located.

20 (ii) The nonconforming off-premises sign or signs identified in the
21 application for removal shall be removed prior to application for the permit or within 30 days of
22 the date of the issuance of the permit.

1 (iii) The off-premises sign shall be removed within 30 days following the
2 expiration of the permit.

3 (b) Siting Limitations.

4 (1) The minimum distance between an off-premises sign and an existing off-
5 premises sign or nonconforming off-premises sign shall be 600 feet measured in all directions
6 regardless of the zoning jurisdiction in which the existing off-premises sign or nonconforming
7 off-premises sign is located.

8 (2) The minimum distance between any two off-premises electronic changeable
9 copy signs shall be 5,000 feet measured in all directions regardless of the zoning jurisdiction in
10 which the existing off-premises electronic changeable copy sign is located.

11 (3) The minimum distance between an off-premises sign and a public elementary
12 or public high school, private school having a curriculum equivalent to a public elementary or
13 public high school, college or university, park, or cemetery shall be 600 feet measured in all
14 directions regardless of the zoning jurisdiction in which the public elementary or high school,
15 private school having a curriculum equivalent to a public elementary or public high school,
16 university, park, or cemetery is located.

17 (4) No off-premises sign shall be permitted in the areas designated as District A,
18 District B, or District C of the Capitol View Corridor Overlay District.

19 (5) No off-premises sign shall be permitted within the B-4 zoning district area
20 bounded by 10th Street, 14th Street, N Street, and P Street, or within the B-4 zoning district area
21 west of 9th Street or in the area beginning 150 feet east of 17th Street continuing to the eastern
22 boundary of the district.

1 (6) Within one-fourth mile on either side of the corporate limits of the City, the
2 minimum distance between an off-premises sign and any of the below listed entrance corridors to
3 the City shall be 800 feet measured in all directions.

4 (i) Interstate 80 and 180;

5 (ii) Homestead Expressway (U.S. Highway 77) and Rosa Parks Way;

6 (iii) L55X (defined as the north line of Interstate 80 to the north line of
7 Cornhusker Highway);

8 (iv) Nebraska Highway 2;

9 (v) U.S. 6;

10 (vi) Cornhusker Highway;

11 (vii) North 27th Street;

12 (viii) "O" Street.

13 (7) Off-premises signs shall be located a minimum of 150 feet ~~or one-half of the~~
14 ~~depth of the zoning district in which the off-premises sign shall be located, whichever is greater,~~
15 measured in all directions from all residential zoning districts.

16 (8) No off-premises signs shall be located within 600 feet measured in all
17 directions from a sensitivity zone. For the purpose of this section, a sensitivity zone shall mean
18 an historic district, historic landmark, and Capitol environs.

19 (9) No off-premises signs shall be located within 660 feet of Interstate 80 and
20 180.

21 Notwithstanding the above (b)(1) through (b)(9) siting limitations, the Director of
22 Building and Safety may approve an administrative permit for the face of the sign to be changed

1 to an electronic changeable copy sign of equal or lesser face area provided that the sign is located
2 at least 150 feet from and does not face a residential district, cemetery or park.

3 (c) Lighting. Illumination of off-premises signs shall not be allowed from midnight to
4 5:00 a.m., except for government initiated emergency information announcements. If off-
5 premises signs are illuminated by reflected lighting, the lighting shall be provided by
6 downlighting methods, until such time as sign illumination standards are adopted by resolution
7 of the City Council and thereafter it shall in accordance with design standards. The lighting shall
8 be controlled by an automatic timing device.

9 (d) Abandoned Signs. In addition to all other applicable regulations, off-premises sign
10 structures and existing nonconforming off-premises sign structures which contain no sign copy
11 on all faces for a continuous period of six months shall be considered an abandoned sign and
12 shall be removed. This removal shall take place within ten days of the date of the abandonment.

13 (e) Removal of Existing Nonconforming Off-Premises Signs. For each new off-
14 premises sign of a given total face area (rather than area of sign) to be erected within the zoning
15 jurisdiction of the City in conformance with this section, an existing nonconforming off-premises
16 sign or signs encompassing equal or greater total face area to the new off-premises sign shall be
17 removed. In the alternative a nonconforming off-premises sign or signs removed after January
18 10, 2000 and registered with the Director of Building and Safety encompassing equal or greater
19 face area to the new off-premises sign may be removed from the from the Director of Building
20 and Safety registration and used in whole or part to satisfy this requirement. Notwithstanding the
21 foregoing, for each new off-premises electronic changeable copy sign of a given sign area (rather
22 than face area) to be erected within the zoning jurisdiction of the City in conformance with this
23 section, three existing nonconforming signs each encompassing equal or greater sign area to the

1 new off-premises electronic changeable copy sign shall be removed. In the alternative, three
2 nonconforming off-premises signs removed after January 10, 2000 and registered with the
3 Director of Building and Safety, each encompassing equal or greater sign area value to the new
4 off-premises sign, may be removed from the Director of Building and Safety registration and
5 used in whole or part to satisfy this requirement.

6 (f) Notwithstanding (e) above, upon request of the applicant, the City Council may,
7 after report and recommendation of the Planning Commission, grant the applicant a bonus of one
8 additional off-premises sign of equal square footage to the nonconforming off-premises sign to
9 be removed upon a finding that the nonconforming off-premises sign to be removed is located is
10 in an area of special aesthetic value to the community and that removal of the nonconforming
11 off-premises sign in question is a special desire of the community.

12 Section 30. That Section 27.72.080 of the Lincoln Municipal Code be amended
13 to read as follows:

14 **27.72.080 Exceptions to the Front Yard Requirements.**

15 (a) In the R-3, R-5, R-6, and R-7 where corner lots are separated by a common rear lot line, the
16 minimum required front yard shall be ten feet on the side along the street adjacent to both
17 corner lots.

18 (b) In any commercial district, including the R-T district, where the district boundary line is
19 located on the same block face as an adjoining residential district, the front yard setback of
20 the adjacent residential district shall apply on said block face to the abutting lot in such
21 commercial district. In the B-3 district, such front yard setback may be reduced by one
22 foot for every two feet of distance the building on the commercial lot is set back from the
23 abutting residential district over and above the side yard setback required for the

1 commercial lot, provided that for any building located within the reduced front yard
2 setback, the building facade facing the street from which the reduced front yard setback is
3 measured shall have a minimum of thirty percent (30%) transparency from three to nine
4 feet above grade. If said commercial lot is a corner lot, the thirty percent (30%)
5 transparency requirement shall also apply to the building facade not located on the same
6 block face as the residential district unless the building is set back at least 30 feet from the
7 street.

8 (c) In the AG and AGR zoning districts, the sum of (1) the distance from the centerline of
9 abutting road to the property line, plus (2) the required front yard need not exceed 80 feet.
10 The required front yard may be reduced, where necessary, to reach this total.

11 (d) In the I-1 zoning district, lots developed with buildings on the effective date of this title, the
12 front yard shall be none except where the frontage on one side of a street between two
13 intersecting streets is located partly in the I-1 zoning district and partly in a district that
14 requires a front yard, in which case the front yard requirements of the adjacent district shall
15 apply to the I-1 zoning district from the place where it abuts the other district to the next
16 intersecting street, or for 300 feet, whichever is less.

17 ~~(e) The front yards located within the same zoning district may be adjusted in the hereinafter-~~
18 ~~stated circumstances. This section shall not apply to the R-3, O-3, B-2, B-5, H-4, and I-3~~
19 ~~zoning districts.~~

20 ~~(1) Where any forty percent (40%) or more of the frontage in the same zoning district is~~
21 ~~developed with two or more main buildings that have (with a variation of five feet or~~
22 ~~less) a front yard greater in depth than herein required, new buildings shall not be~~

1 | ~~erected closer to the street than the greater of the front yards established by the~~
2 | ~~existing main building nearest the street line.~~

3 | (e~~2~~) In all zoning districts except the R-1, O-3, B-2, B-5, H-4, and I-3 districts, ~~W~~where any
4 | forty percent (40%) or more of the frontage in the same zoning district is developed with
5 | two or more buildings that have a front yard of less depth than herein required, then:

6 | (1~~i~~) Where a building is to be erected on a parcel of land that is within 100 feet of
7 | existing main buildings on both sides, the minimum front yard shall be a line
8 | drawn between the two closest front corners of the adjacent main building on each
9 | side; or

10 | (2~~ii~~) Where a building is to be erected on a parcel of land that is within 100 feet of an
11 | existing main building on one side only, such building may be erected as close to
12 | the street as the existing adjacent main building.

13 | (f) In the R-1 zoning district, where any forty percent (40%) or more of the frontage in the
14 | same zoning district is developed with two or more main buildings that have (with a
15 | variation of five feet of less) a front yard greater in depth than herein required, new
16 | buildings shall not be erected closer to the street than the greater of the front yards
17 | established by the existing main building nearest the street line.

18 | Section 31. That Section 27.72.190 of the Lincoln Municipal Code be amended
19 | to read as follows:

20 | **27.72.190 Minor Modifications.**

21 | The Planning Director is authorized to approve minor modifications to the rear yard
22 | setback or maximum heights of buildings provided that a request for modification is filed with
23 | the Planning Director which sets forth the specific modification requested, a statement of the

1 reasons (practical difficulties), and supporting documentation as to why the modification will not
2 adversely affect existing or reasonably anticipated future uses of land in the surrounding area.

3 Within thirty (30) days from the date of filing of the request for modification, the Planning
4 Director shall approve or deny the request and shall notify the applicant in writing of the
5 director's approval or denial. The request for minor modification shall be approved by the
6 Planning Director only upon a finding that:

- 7 (1) The premises is located in the AG, AGR, or R-1 through R-8 zoning district;
- 8 (2) The premises is used for a single- or two-family dwelling;
- 9 (3) The requested modification is for no more than five (5) feet;
- 10 (4) The modification will have no significant adverse impact on existing or
11 reasonably anticipated future uses in the surrounding area;
- 12 (5) The modification shall keep with the intent and spirit of the Zoning Code; and
- 13 (6) The modification is needed to address practical difficulties encountered by the
14 applicant. For the purpose of this section, practical difficulty shall mean a
15 difficulty which cannot be alleviated by an amendment to an existing special
16 permit, use permit, or Planned Unit Development; compliance with the setback
17 requirement is unnecessarily burdensome; and which amounts to more than a
18 mere inconvenience in the reasonable use of the premises for a single- or two-
19 family dwelling.

20 Any council member, the Mayor, or any aggrieved person may appeal any approval or
21 denial of the request for modification by the Planning Director in accordance with Section
22 27.81.021.

1 Section 32. That Section 27.81.030 of the Lincoln Municipal Code be amended
2 to read as follows:

3 **27.81.030 Purpose of Catch-heads, Introductory Statements, and Illustrations.**

4 The catch-heads appearing in connection with the sections of this title are inserted simply
5 for convenience to serve the purpose of an index. The introductory statements found at the
6 beginning of each zoning district are to serve as general references only. ~~The illustrative~~
7 ~~examples of zoning terms found at the end of Chapter 27.03 and at the end of Section 27.71.190~~
8 ~~are inserted simply for convenience and clarification.~~ The catch-heads; and introductory
9 statements; ~~and illustrative examples of zoning terms~~ shall be wholly disregarded by any person,
10 officer, court, or other tribunal in construing the terms and provisions of this title.

11 Section 33. That Section 27.06.020 of the Lincoln Municipal Code be amended
12 to read as follows:

13 **27.06.020 Classification of Use Types.**

14 (a) Considerations.

15 (1) Main uses of a building or premises (sometimes referred to in this Title as “use
16 types”) are assigned to the Use Group whose description most closely describes the nature of the
17 main use. The main use may have one or more accessory uses. The use of a building or premises
18 for more than one main use is addressed in subsection (b) below. Accessory uses are addressed
19 in subsection (c) below.

20 (2) The Building Official shall prepare and maintain an up-to-date list of common uses
21 included within each use group (“List of Use Group Types”). When any proposed use is not
22 listed on the List of Use Group Types, the Building Official shall make a determination as to
23 what Use Group the proposed use will be assigned to. If a building or premises is used for two

1 or more main uses, each use shall be classified in the Use Group whose description most closely
2 portrays the nature of such uses. The Building Official’s classification of a use is subject to the
3 right of appeal to the Board of Zoning Appeals pursuant to Section 27.75.030. The following
4 items shall be considered when determining what Use Group a main use is classified in, and
5 whether the activities associated with the main use constitute an accessory use:

6 (i) The description of the activity in relationship to the characteristics of each
7 use group;

8 (ii) The relative amount of site or floor space and equipment devoted to the
9 activity;

10 (iii) Relative amounts of sales from each activity;

11 (iv) The customer type for each activity;

12 (v) The relative number of employees in each activity;

13 (vi) Hours of operation;

14 (vii) Building and site arrangement;

15 (viii) Vehicles and/or machinery used with the activity;

16 (ix) The relative number of vehicle trips generated by the activity;

17 (x) Whether the activity would be likely to be found independent of the other
18 activities on the site.

19 (xi) Off-site impacts

20 (b) More Than One Main Use.

21 (1) When a building or premises has more than one main use, each main use shall
22 comply with the regulations of the zoning district in which the use is located.

1 (2) More Than One Main Building or Use on a Lot or Tract in R-5, R-6, R-7, R-8, O-
2 1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 District. A lot or
3 tract located in the R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2,
4 H-3, H-4, I-1, I-2, or I-3 district may have more than one main building or use, but only when
5 such buildings or uses conform to all open space requirements for the district in which the lot or
6 tract is located. The exception is that no more than two single-family dwellings may be on a lot
7 or tract. In addition, in the R-5, R-6, R-7, and R-8 districts, the lot or tract must meet the
8 minimum lot requirements and conditions in said district for each main building or use.

9 (3) Two or More Buildings for Two-family Dwellings, Multiple-family, or
10 Institutional Purposes. In the event that a lot or tract located in the R-1 through R-4 zoning
11 district is to be occupied under a special permit or planned unit development by a group of two
12 or more buildings to be used as a unit for any combination of two-family dwellings, multiple-
13 family dwelling, or institutional purposes, there may be more than one main building on the lot;
14 provided, however, that the open space between buildings shall have a minimum dimension of
15 twenty feet, unless modified by the approval of a special permit or planned unit development. In
16 addition, the lot or tract must meet the height and area regulations in said district for each main
17 building or use except yards, average lot width, and height may be modified by of approval for
18 such use under the special permit or planned unit development.

19 (4) Multiple Dwelling Considered as One Building. For the purpose of the side yard
20 regulations, a two-family dwelling or a multiple dwelling shall be considered as one building
21 occupying one lot.

22 (c) Accessory Uses.

1 (1) Accessory uses permitted in each district are accessory buildings and uses
2 customarily incident to any of the permitted uses, permitted conditional uses, or permitted
3 special uses in the district unless stated otherwise in the regulations.

4 (2) Construction and Use of Accessory Buildings. No accessory buildings shall be
5 constructed upon a lot until the construction of the main building has been commenced, and no
6 accessory buildings shall be used for dwelling purposes, except that in the AG, AGR, and R-1
7 zoning districts, an accessory building may be used for dwelling purposes by not more than two
8 domestic employees employed entirely on the premises if a special permit for such use has been
9 obtained in conformance with the requirements of Chapter 27.63.

10 (3) Unless otherwise stated, accessory uses are subject to all applicable regulations of
11 the main use.

12 (4) Production, manufacture, distribution, and storage of toxic, radioactive,
13 flammable, or explosive materials, including chemicals and gases, fireworks, and explosives,
14 except fireworks, shall be allowed in connection with a permitted commercial, business, or
15 industrial purpose as incidental to the referenced permitted use without the requirement of
16 obtaining a special permit.

17 (5) Early childhood care facilities and schools are not a permitted accessory use to a
18 ~~church~~ place of religious assembly in the I-1 Industrial District.

19 (d) Occupancy of Basements and Cellars. No basement or cellar shall be occupied for
20 residential purposes until the remainder of the building has been substantially completed.

21 Section 34. That Section 27.06.100 of the Lincoln Municipal Code be amended
22 to read as follows:

23 **27.06.100 Civic Services Use Group.**

1 Characteristics: The Civic Services Group is characterized by uses which provide
 2 services that enhance the health, safety and welfare of the community. Such uses often serve and
 3 are complimentary to neighborhoods. They also provide for assemblies of members, guests,
 4 and/or the general public for social, cultural, charitable, religious and civic purposes. Such uses
 5 include but are not limited to adult care centers, clubs, cemeteries and mausoleums,
 6 ~~churches~~[places of religious assembly](#), museums and hospitals. Such Civic Services typically do
 7 not include people living on site as their permanent residence.

8 Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Adult day services facility				S	S	S					P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
Cemeteries and mausoleums	C	C	S	S	S	S	S	S	S	S					S	S	S	P		S	S	S	S	P	P	P
Churches Place of Religious Assembly	P	P	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P		P	P	S	C	C	C
Clubs/ Lodges	S	S	S	S	S	S	S	P	P	P	S	P	P	P	P	P	P	P	P		P	P	P	P	P	P
Health care facilities, Non-residential			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S		S	S	S			S
Neighborhood support services			S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
All other uses in this Use Group											P	P	P	P	P	P	P	P	P		P	P	P	P	P	P

9

10 Section 35. That Section 27.51.060 of the Lincoln Municipal Code be amended
 11 to read as follows:

12 **27.51.060 Accessory Uses.**

13 Accessory uses permitted in the I-3 Employment Center District are accessory buildings
 14 and uses customarily incident to any of the permitted uses, permitted conditional uses, or
 15 permitted special uses in said district, except that early childhood care facilities, academies, and
 16 schools are not a permitted accessory use to a ~~church~~[place of religious assembly](#) in the I-3
 17 Employment Center District. Accessory uses involving the open storage of materials or other

1 articles shall only be allowed in areas enclosed or otherwise adequately screened from public
2 view with an enclosure or screen at least six feet in height.

3 Section 36. That Section 27.62.070 of the Lincoln Municipal Code be amended
4 to read as follows:

5 **27.62.070 Civic Services Use Group.**

6 A building or premises may be used for the following use types as a permitted
7 conditional use in the designated zoning districts and in compliance with the conditions of
8 approval applicable for that use type.

9 (a) Cemeteries, including mausoleums are allowed in the AG and AGR zoning districts
10 under the following conditions:

11 (1) Mausoleums shall be located at least 200 feet from every street and adjoining
12 property line;

13 (2) Any cemetery established after the effective date of this title shall contain a
14 minimum area of twenty acres or more.

15 (b) ~~Churches~~ Places of religious assembly are allowed in the R-1 thru R-7 and I-1, I-2 and I-3
16 zoning districts under the following conditions:

17 (1) In the R-1 thru R-7 residential districts, the required side and rear yards shall be
18 fifteen feet or the same as the district the use is located in, whichever is greater.

19 (2) In I-1, I-2 and I-3 zoning districts:

20 (i) The ~~church~~ place of religious assembly shall develop an emergency response
21 plan to the satisfaction of the Health Department, both written and drawn,
22 including a house-in-place scenario and an off-site evacuation. The Health
23 Department may provide technical assistance in this matter.

1 | (ii) The ~~ehureh~~place of religious assembly shall, within 48 hours of becoming
2 | aware that quantities of hazardous materials requiring a permit under Section
3 | 19.03.100 of the Lincoln Municipal Code are being stored, transported,
4 | dispensed, used, or handled on property within 300 feet of the building area
5 | being used for the ~~ehureh~~place of religious assembly, notify the Health
6 | Department of such condition. Following such notification, the ~~ehureh~~place of
7 | religious assembly shall, in cooperation and consultation with the Health
8 | Department, attempt to work with the owner of property upon which such
9 | hazardous materials are being stored, transported, dispensed, used or handled
10 | to arrive at a means to assure the health, safety, and welfare of persons using
11 | the ~~ehureh's~~place of religious assembly's property. The ~~ehureh~~place of
12 | religious assembly shall further cooperate with the Health Department in
13 | determining measures which may be taken on the ~~ehureh's~~place of religious
14 | assembly's property to protect the health safety, and welfare of persons using
15 | the ~~ehureh's~~place of religious assembly's property, including, but not limited
16 | to, establishment of training programs for employees to assure detection of
17 | hazardous materials and evacuation of the premises, installation of filtration
18 | systems in the HVAC system of the building, or other precautionary
19 | measures.

20 | (iii) The electrical breaker switch of the ~~ehureh's~~place of religious assembly
21 | heating, ventilation and air conditioning (HVAC) system shall be clearly
22 | marked and readily accessible at all times to the ~~ehureh's~~place of religious
23 | assembly's staff or the ~~ehureh~~place of religious assembly shall equip the

1 building with not more than two emergency shut-off switches so the HVAC
2 system can be immediately shut down in the case of a hazardous chemical
3 spill in the area to the satisfaction of the Health Department. The shut-off
4 switch shall be located so that it is easily accessible at all times to the
5 ~~church's~~place of religious assembly's staff. The ~~ehureh's~~place of religious
6 assembly's staff shall be trained on how to locate and operate the electrical
7 breaker switch or the emergency shut-off switch.

8 Section 37. That Section 27.62.110 of the Lincoln Municipal Code be amended
9 to read as follows:

10 **27.62.110 Food and Drink Establishments Use Group**

11 A building or premises may be used for the following use types as a permitted
12 conditional use in the designated zoning districts and in compliance with the conditions of
13 approval applicable for that use type.

14 (a) Restaurants are allowed in the O-1 zoning district under the following conditions:

15 (1) Such use shall be located entirely within a building containing office or residential
16 uses.

17 (2) Such use shall not exceed twenty percent of the total square feet of floor area in such
18 building.

19 (b) Sale of alcoholic beverages for consumption on the premises is allowed in the B-2 and B-
20 5 zoning districts under the following conditions:

21 (1) Parking shall be in conformance with the provisions of Chapter 27.67, provided that
22 in the B-5 zoning district no parking spaces shall be located in that portion of any

1 required side yard or rear yard of the building containing the licensed premises that
2 abuts a residential district.

3 (2) Any exterior door opening must meet the following conditions:

4 (i) Be located at least 100 feet (as measured by the shortest, most direct distance)
5 from a day care facility, ~~ehureh~~[place of religious assembly](#), state mental health
6 institution, park (excluding golf courses and hiker/biker trails), or a residential
7 district; provided that, if there is an intervening exterior wall of the building
8 containing the licensed premises between the exterior door opening and such
9 day care facility, ~~ehureh~~[place of religious assembly](#), state mental health
10 institution, park (excluding golf courses and hiker/biker trails), then the 100
11 feet shall be measured from the exterior door opening, along the exterior base
12 of the building wall(s) to the point where there is no intervening exterior
13 building wall, and from that point the shortest, most direct distance to the day
14 care facility, ~~ehureh~~[place of religious assembly](#), state mental health institution,
15 park (excluding golf courses and hiker/biker trails), or residential district.

16 (ii) If the exterior door opening faces a residential district, then such opening shall
17 be at least 150 feet from a residential district as measured by the shortest,
18 most direct perpendicular distance. The exterior door shall not be kept or
19 propped open during the hours of operation. For purposes of this section,
20 “exterior door opening” shall mean (A) that portion of the exterior wall face
21 of the building containing the licensed premises that contains a break to
22 accommodate the exterior building door, door frame, door vestibule, or door
23 entryway area; and (B) provides public or membership access to the licenses

1 premises. "Exterior door opening" shall not apply to openings for emergency
2 exit doors required by building or safety codes, loading doors or unloading
3 doors that are not available for public or membership access in the ordinary
4 course of business.

5 (3) Vehicle stacking for a drive-through window used as any part of the permitted
6 business operation shall not be located in any required building setback from a
7 residential district.

8 (4) The use shall not have any amplified outside sound or noise source, including bells,
9 buzzers, pagers, microphones, or speakers within 150 feet of any residential district.
10 This shall not apply to sound sources audible only to the individual to whom they are
11 directed, such as personal pagers, beepers, or telephones.

12 (5) Notwithstanding any contrary provision contained in Section 27.64.010(h), the yard
13 requirements, the parking location requirements, and the exterior door opening
14 location requirements in this section shall not be adjusted by the City Council.

15 (6) In addition, in the B-2 zoning district, all exterior door openings of the licensed
16 premises shall be located more than 100 feet away from any parking spaces located
17 in a side or rear yard adjacent to a residential district. For the purpose of this
18 measurement, the side yard shall be 50 feet. In addition, if there is an intervening
19 exterior wall of the building containing the licensed premises between the exterior
20 door opening and such residential district, then the 100 feet shall be measured from
21 the exterior door opening, along the exterior base of the building wall(s) to the point
22 where there is no intervening exterior building wall, and from that point the shortest,

1 most direct distance to any parking spaces located in a side or rear yard adjacent to
2 the residential district.

3 (7) In addition, in the B-5 zoning district when the building containing the licensed
4 premises abuts a residential district, the required yards shall be met.

5 Section 38. That Section 27.62.120 of the Lincoln Municipal Code be amended
6 to read as follows:

7 **27.62.120 Commercial Recreation and Entertainment Facilities Use Group.**

8 A building or premises may be used for the following use types as a permitted
9 conditional use in the designated zoning districts and in compliance with the conditions of
10 approval applicable for that use type.

11 (a) Social halls are allowed in the B-1, B-2, B-3, B-5, H-2, H-3 and H-4 under the following
12 conditions:

13 (1) There shall be no amplified sound or noise source of any kind outside of the social
14 hall;

15 (2) Except as provided in (ii) and (iii) below, any exterior door opening must meet the
16 following conditions:

17 (i) Either be located at least 100 feet (as measured by the shortest, most direct
18 distance) from a day care facility, ~~church~~place of religious assembly, state
19 mental health institution, park (excluding golf courses and hiker/biker trails),
20 or a residential district; provided that, if there is an intervening exterior wall of
21 the building containing the social hall between the exterior door opening and
22 such day care facility, ~~church~~place of religious assembly, state mental health
23 institution, park (excluding golf courses and hiker/biker trails), then the 100

1 feet shall be measured from the exterior door opening, along the exterior base
2 of the building wall(s) to the point where there is no intervening exterior
3 building wall, and from that point the shortest, most direct distance to the day
4 care facility, ~~church~~place of religious assembly, state mental health institution,
5 park (excluding golf courses and hiker/biker trails), or residential district.

6 (ii) If the exterior door opening is less than 100 feet from a residential district, it
7 must face the opposite direction from that district.

8 (iii) If the exterior door opening faces a residential district, then such opening shall
9 be at least 150 feet from a residential district as measured by the shortest,
10 most direct perpendicular distance. The exterior door shall not be kept or
11 propped open during the hours of operation.

12 For purposes of this section, “exterior door opening” shall mean (a) that portion of
13 the exterior wall face of the building containing the social hall that contains a break
14 to accommodate the exterior building door, door frame, door vestibule, or door
15 entryway area; and (b) provides access to the social hall. “Exterior door opening”
16 shall not apply to openings for emergency exit doors required by building or safety
17 codes, loading doors or unloading doors that are not available for access in the
18 ordinary course of business.

19 Section 39. That Section 27.62.070 of the Lincoln Municipal Code be amended
20 to read as follows:

21 **27.62.150 Manufacturing, Processing, Storage and Distribution Use Group.**

1 A building or premises may be used for the following use types as a permitted
2 conditional use in the designated zoning districts and in compliance with the conditions of
3 approval applicable for that use type.

4 (a) Assembly facilities, including but not limited to the assembly of equipment, instruments
5 and appliances such as computers and musical instruments are allowed in the H-2 and H-
6 3 zoning districts under the following condition: All storage and display of merchandise
7 shall be screened from public view by a fence, walls, shrubs, or all such storage and
8 display shall be within the enclosure walls of a building.

9 (b) Liquefied petroleum gas and similar gas used for fuel stored above ground is allowed in
10 the I-2 and I-3 zoning districts under the following conditions:

- 11 (1) Tanks may not exceed 30,000 gallon capacity;
- 12 (2) The storage of gas shall be for use on the premises, and not for resale;
- 13 (3) All other combustible material shall be stored in such a way as to permit free access
14 of fire-fighting equipment.
- 15 (4) Open storage of any other material is allowed only in areas enclosed or otherwise
16 adequately screened from public view with an enclosure or screen at least six feet in
17 height.
- 18 (5) In the I-2 zoning district tanks shall be adequately screened from public view by a
19 fire-resistant ventilated barrier which shall be at least six feet in height;

20 (c) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable
21 liquids and chemicals are allowed in the I-2 and I-3 zoning districts under the following
22 conditions:

- 23 (1) Such use shall be adequately screened from public view;

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(2) Storage of such materials shall be for use on the premises and not for resale, except that resale of such stored material at retail only is allowed in conjunction with the operation of a fuel sales facility or similar retail outlet.

(d) Outdoor motorized vehicle storage is allowed in the H-3, H-4 and I-2 zoning districts under the following conditions:

- (1) The outdoor storage shall be screened in conformance with the requirements for screening open storage in Chapter 3.50 of the City of Lincoln Design Standards.
- (2) There shall be no dismantling, wrecking, or disassembling of any vehicles.
- (3) Vehicles may not be stacked upon each other.
- (4) Parking shall be in conformance with Section 27.67.066(a).

(e) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, warehouses are prohibited except that pre-existing warehouses in said area may remain, regardless of time unoccupied, but must cease once the building is demolished.

(f) Temporary paving plants used for the paving of federal or state highways or county roads are allowed in any zoning district during the project construction period under the following conditions:

- (1) The plant shall be located outside the city limits on premises abutting the specific construction project and having access to a paved road.
- (2) The boundaries of the property used for the plant shall be located no closer than 300

feet from an occupied dwelling or from any school, ~~church~~[place of religious assembly](#), library, early childhood care facility, hospital, motel, or park.

1 (3) The operator shall require its suppliers to use paved roads or other designated truck
2 routes approved by the County Engineer for the delivery of supplies to the paving
3 plant.

4 (4) Paving material prepared at the plant shall not be transported to any location other
5 than the abutting project.

6 (5) The plant shall be removed upon substantial completion of the construction project.

7 (g) Temporary concrete paving plants. Temporary concrete paving plants are permitted in
8 any zoning district by administrative permit issued by the Planning Director. The
9 Planning Director shall not issue a permit or renew a permit without written approval by
10 the Director of the Lincoln- Lancaster County Health Department and the Director of the
11 Public Works and Utilities Department.

12 (1) Applications for an administrative permit shall include:

13 (i) A site plan showing the entire limits of the permit area including the plant
14 location, material storage areas, and the ingress/egress;

15 (ii) A dust control and suppression plan including the plant operations and haul
16 roads to and from plant to project;

17 (iii) A description or manufacturer's specification regarding particulate control
18 equipment;

19 (iv) A copy of a signed contract or other verification that the applicant is under
20 contract to supply concrete for a city arterial street paving project;

21 (v) A noise control plan that will allow the operation to comply with Chapter 8.24
22 of the Lincoln Municipal Code;

23

1 (vi) A copy of a signed lease or other verification that the applicant has permission
2 of the owner of the land upon which the plant shall be located to locate the
3 plant thereon.

4 (2) The administrative permit shall be issued under the following conditions:

5 (i) The plant site shall be approved by the City Engineer or if outside the city
6 limits by the County Engineer and shall be located in the general vicinity of
7 the specific arterial street paving project or projects and have access to a
8 paved road;

9 (ii) The boundaries of the property used for the plant shall be located no closer
10 than 300 feet from an occupied dwelling or from any school, ~~church~~place of
11 religious assembly, library, early childhood care facility, hospital, motel, or
12 park;

13 (iii) The permittee shall require its suppliers to use only paved roads approved by
14 the Director of Public Works or the County Engineer as the case may be, for
15 the delivery of supplies to the plant. The permittee shall further require that
16 the drivers of concrete trucks leaving the plant also use said paved roads.
17 EXCEPTION: The use of nonpaved roads may be approved on a case-by-case
18 basis by the Director of Public Works or the County Engineer;

19 (iv) The permit site shall be cleaned up and restored to its pre-permit condition
20 within thirty days following the completion of the project. Restoration
21 includes replanting of vegetation and maintenance of erosion and sediment
22 control until the site is reestablished. Any paved or unpaved road damaged by
23 the permittee's use of such road, including permittee's suppliers and concrete

1 trucks entering and/or leaving the plant, shall be repaired at permittee's cost
2 and expense;

3 (v) All concrete produced by this plant shall be used to complete the project. The
4 concrete shall not be provided for concrete work to be performed by persons
5 other than the permittee;

6 (vi) The anticipated set up and removal dates shall be identified on the application.
7 Amendments to these dates must be requested to the Planning Director in
8 writing;

9 (vii) The applicant shall submit a performance bond satisfactory to the City
10 Attorney in the minimum amount of \$5,000, or an amount determined by the
11 City to be sufficient, to guarantee performance and clean up of the permit site
12 and to pay for repairs to paved and unpaved roads damaged by permittee's use
13 of such roads.

14 (3) Permits issued pursuant to this section shall expire on the completion date of the
15 project as set forth in the permit application. The Planning Director may extend the
16 expiration date by administrative amendment upon a showing that the project
17 completion is delayed or that the permittee has contracted for another project in
18 conformance with subparagraph (a) above.

19 (h) Temporary concrete batch plants. Temporary concrete batch plants are permitted in any
20 zoning district by administrative permit issued by the Planning Director. The Planning
21 Director shall not issue a permit or renew a permit without written approval by the
22 Director of the Lincoln- Lancaster County Health Department.

23 (1) Applications for the administrative permit shall include:

- 1 (i) A site plan showing the entire limits of the permit area including the plant
2 location, material storage areas, and the ingress/egress;
- 3 (ii) A dust control and suppression plan including the plant operations and haul
4 roads to and from plant to project;
- 5 (iii) A statement indicating the typical hours of operation. The plant may operate
6 no more than fourteen hours per day, except on New Year Day, Memorial
7 Day, the 4th of July, Labor Day, Thanksgiving Day, and Christmas when the
8 operation shall not begin before noon;
- 9 (iv) A description or manufacturer's specification regarding particulate control
10 equipment;
- 11 (v) A copy of a signed contract or other verification that the applicant is under
12 contract to supply concrete for a project requiring at least 3,000 yards of
13 concrete located within the same section or one mile of the permitted plant.
14 The contract or other verification shall include the commencement and ending
15 dates of the project. The Planning Director may increase the one- mile
16 distance limit to no more than two miles if necessary to avoid routing trucks
17 through local streets or inadequate county roads, or locations near occupied
18 dwellings, schools, libraries, ~~churches~~places of religious assembly, or other
19 noise or dust sensitive uses; and
- 20 (vi) A noise control plan that will allow the operation to comply with Chapter 8.24
21 of the Lincoln Municipal Code.

1 (vii) A copy of a signed lease or other verification that the applicant has permission
2 of the owner of the land upon which the plant shall be located to locate the
3 plant thereon.

4 (2) The administrative permit shall be issued under the following conditions:

5 (i) The plant shall be located on premises in the same section or within one mile
6 of the project identified on the application or as authorized under
7 subparagraph (d)(1)(v) above;

8 (ii) The silo, batch plant, and aggregate storage shall be located no closer than 300
9 feet from an occupied dwelling or from any school, ~~church~~[place of religious](#)
10 [assembly](#), library, early childhood care facility, hospital, motel, or park;

11 (iii) The permittee shall require its suppliers to use only paved roads approved by
12 the Director of Public Works or the County Engineer as the case may be, for
13 the delivery of supplies to the concrete batch plant. The permittee shall further
14 require that the drivers of concrete trucks leaving the plant also use said paved
15 roads. EXCEPTION: The use of nonpaved roads may be approved on a case-
16 by-case basis by the Director of Public Works or County Engineer. Additional
17 bonding may be required to pay for repairs of damage to such nonpaved
18 roads;

19 (iv) The plant shall be removed upon completion of the project identified in the
20 application; or upon construction and occupancy resulting in a violation of
21 subparagraph (d)(2)(ii) above. The permit site shall be cleaned up and restored
22 to its pre-permit condition within thirty days following the completion of the
23 project;

1 (v) All concrete produced by this plant shall be used to complete the project,
2 except that the permittee may use the concrete product for sidewalks,
3 driveways, foundations, parking lots, and other small concrete work to be
4 performed by the permittee. The concrete shall not be provided for concrete
5 work to be performed by persons other than the permittee. The amount of
6 concrete produced for small concrete work shall not exceed fifty percent of
7 that produced for the project;

8 (vi) The plant shall be recalibrated to the satisfaction of the Public Works and
9 Utilities Department prior to construction of any public improvement using
10 concrete produced by this plant;

11 (vii) The anticipated set up and removal dates shall be identified on the application.
12 Amendments to these dates must be requested to the Planning Director in
13 writing;

14 (viii) The applicant shall submit a performance bond satisfactory to the City
15 Attorney in the amount of \$5,000 to guarantee performance and clean up of
16 the permit site.

17 (3) Permits issued pursuant to this section shall expire on December 31 of the year of
18 issuance or the completion date of the project as set forth in the permit application,
19 whichever is earlier. The Planning Director may extend the expiration date by an
20 administrative amendment upon a showing that the project completion date is
21 delayed by weather or other causes beyond control of the permittee, or that the
22 permittee has contracted for another project in conformance with subparagraph (a)
23 above; provided, however, no extension of the expiration date may extend the permit

1 beyond December 31 of the year of issuance. Renewal of a previously issued permit
2 shall be by application in the same form as the original permit.

3 (4) The Planning Director may revoke the temporary permit for any one or more of the
4 following violations:

5 (i) Failure to operate the facility in accordance with the provisions of this section
6 or with the approved application;

7 (ii) A violation of any city, county, state, or federal law;

8 (iii) Denial of access to the site to determine compliance with this section;

9 (iv) Unreasonable noise or disturbance to the surrounding neighborhood;

10 (i) Appeal. The action of the Planning Director in approving, denying, refusing to renew, or
11 revoking an administrative permit for a temporary concrete paving plant or temporary
12 concrete batch plant pursuant to subsections (g) or (h) above may be appealed by any
13 council member, the Mayor, or any aggrieved person to the Planning Commission by
14 filing notice of appeal with the Planning Director within fourteen days following the
15 decision of the Planning Director. Final action by the Planning Commission may be
16 appealed to the City Council by any council member, the Mayor, or any aggrieved person
17 by filing notice of appeal with the City Clerk within fourteen days following the action
18 by the Planning Commission.

19 Section 40. That Section 27.63.170 of the Lincoln Municipal Code be amended
20 to read as follows:

21 **27.63.170 Parking Lots.**

22 (a) Parking lots may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6,
23 R-7, R-8, and O-2 zoning districts in conformance with the provisions of Chapter 27.67 and

1 under one of the following conditions:

2 (1) A. The premises upon which the parking lot is located shall not be located
3 more than 300 feet from the boundary of one of the following districts:
4 O-1, B-1, B-3, B-4, H-2, H-3, or I-1 and the following conditions shall be
5 met:

6 (i) The parking lot shall not use a local residential street for access, unless
7 access cannot be gained to the proposed parking lot from a non-
8 residential street. If access is proposed from a local residential
9 street, such access must be gained at a location that does not
10 negatively impact adjacent residential zoned property.

11 (ii) Any adjacent alley serving the parking lot shall be paved.

12 B. In addition to the above conditions, the Planning Commission, in passing
13 upon applications for special permits under subparagraph (1), shall also
14 consider the following criteria:

15 (i) There shall be no residential use located between the parking lot and the
16 commercial or industrial establishment.

17 (ii) The parking lot shall not disrupt the continuity of the block face, and the
18 character of the existing residential neighborhood shall be
19 preserved.

20 (iii) The parking lot shall be allowed only if it can function as a
21 transitional use while protecting the adjacent residential use.

22 (iv) The parking lot shall abut a commercial or industrial zoning district.

1 An adjustment to these criteria may be granted by the Planning
2 Commission upon a determination that there is a sufficient cause for such
3 an adjustment and that there will be no significant impact on adjacent
4 residential uses, or

5 (2) The land shall not be located more than 360 feet from property occupied by a
6 college, university, or ~~church~~place of religious assembly; provided that the
7 parking lots are used primarily in connection with the said college, university,
8 or ~~church~~place of religious assembly.

9 (b) Parking areas consisting of less than six parking spaces may be allowed by special
10 permit in the same zoning districts in conformance with the same provisions and under the same
11 conditions applicable to parking lots as contained in paragraph (a) of this section.

12 (c) If requested by the applicant, the City Council may adjust the location of any sign
13 permitted by section 27.69.160 and the location of parking and allow parking and drive aisles in
14 the front and side yards and may increase the minimum screening and landscaping requirements
15 consistent with adequate protection of the environment and adjacent land uses.

16 Section 41. That Section 27.63.220 of the Lincoln Municipal Code be amended
17 to read as follows:

18 **27.63.220 ~~Church~~Place of Religious Assembly Steeples, Towers, and Ornamental Spires.**
19 ~~Church~~Place of Religious Assembly steeples, towers, and ornamental spires exceeding the
20 maximum height permitted in the district may be allowed by special permit in the AG, AGR, R-
21 1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, B-3, H-2, and H-3 zoning districts.

22 Section 42. That Section 27.63.470 of the Lincoln Municipal Code be amended
23 to read as follows:

1 **27.63.470 Planned Service Commercial.**

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

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

6 (1) Motor vehicle sales;

7 (2) Warehouses;

8 (3) Mini-warehouses;

9 (4) Wholesale and distribution centers not exceeding 30,000 square feet in floor
10 area per building, provided outside storage is permitted only when the storage
11 area is enclosed with a solid fence, wall, and gates eight feet in height and the
12 stored material and equipment is less than the height of the fence, wall, and
13 gates enclosing the storage area. The fence, wall, and gates shall be located
14 where buildings are permitted;

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

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

23 (7) Ambulance services;

- 1 (8) Veterinary facilities;
- 2 (9) Contractors' services, provided outdoor storage of equipment and materials
3 shall be permitted only when the storage area is enclosed with a solid fence,
4 wall, and gates eight feet in height and the stored equipment and material are
5 less than the height of the fence, wall, and gates enclosing the storage area.
6 The fence, wall, and gates shall be located where buildings are permitted;
- 7 (10) Restaurants;
- 8 (11) Motor fuel service facilities;
- 9 (12) Stores or shops for retail sales and services not exceeding 30,000 square feet in
10 floor area per building; provided, there is at least four and one-half square feet
11 of land area excluding other uses and their accessory uses within the approved
12 special permit area per one square foot of floor area;
- 13 (13) Food storage lockers;
- 14 (14) Clubs, provided the activities are located no less than 150 feet from an abutting
15 residential district;
- 16 (15) Outdoor and enclosed commercial recreational facilities; provided that outdoor
17 recreational facilities are no less than 150 feet from an abutting residential
18 district;
- 19 (16) Offices not exceeding 15,000 square feet of floor area per building; provided
20 that there is at least four and one-half square feet of land area excluding other
21 uses and their accessory uses within the approved special permit area per one
22 square foot of floor area;

1 (17) Early childhood care facilities, provided that such facilities shall be fenced and
2 have play areas that comply with the design standards for early childhood care
3 facilities. In addition, such facilities shall comply with all applicable state and
4 local early childhood care requirements and all applicable building and life
5 safety code requirements;

6 (18) Cabinet shops and stores; provided that the total floor area of the operation
7 does not exceed 5,000 square feet and that all materials, both raw and finished,
8 be stored inside;

9 (19) ~~Churches~~ Places of Religious Assembly;

10 (20) Motor vehicle repair, including vehicle body repair shops, provided that all
11 disabled vehicles and all new and used parts are stored inside the building only;

12 (21) Academies;

13 (22) Banks, savings and loan associations, credit unions, and finance companies;

14 (23) Broadcast towers;

15 (24) Indoor kennels;

16 (25) Outdoor exercise area associated with an indoor animal hospital or indoor
17 kennel; provided that such facilities comply with the requirements of Section
18 27.63.780.

19 (26) Motor vehicle and/or truck wash facility:

20 (i) Automatic, conveyor-operated: The length and location of vehicle
21 stacking lane or lanes for the approach side or sides and the exit side or
22 sides of the wash operation shall be in conformance with the Guidelines

1 and Regulations for Driveway Design and Location as adopted by the
2 City of Lincoln.

3 (ii) Self-service, coin-operated: The length and location of vehicle stacking
4 lane or lanes for the approach side or sides and the exit side or sides of
5 the wash operation shall be in conformance with the Guidelines and
6 Regulations for Driveway Design and Location as adopted by the City of
7 Lincoln.

8 (27) Public elementary and high schools, or private schools having a curriculum
9 equivalent to a public elementary or public high school, and having no rooms
10 regularly used for housing or sleeping purposes.

11 (28) Motels and hotels.

12 (29) Sale of alcohol for uses that meet the conditions of Sections 27.63.680 and
13 27.63.685.

14 (30) Non-residential healthcare facilities per the conditions of Section 27.63.080.

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

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

1 (d) The City Council may increase or decrease the height and area regulations and the
2 floor area to land area ratios otherwise applicable in the H-4 General Commercial District,
3 consistent with adequate protection of the environments of adjacent land uses;

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

6 (f) That upon approval of a planned service commercial development, the land proposed
7 to be included within such development shall not be developed for or devoted to any other
8 permitted use or specially permitted use of the H-4 General Commercial District, except those
9 specifically approved in the special permit authorizing the planned service commercial develop-
10 ment, unless an amendment thereto has been approved in accordance with the procedures set
11 forth for approving special permits generally.

12 Section 43. That Section 27.63.610 of the Lincoln Municipal Code be amended
13 to read as follows:

14 **27.63.610 Neighborhood Support Services.**

15 Neighborhood support services are those human, social, educational, counseling, health,
16 and other support services provided primarily for the support of persons residing in adjacent
17 residential areas, which occur frequently and so require facilities in relative proximity to places
18 of residence. Neighborhood support services may be allowed by special permit in the R-1, R-2,
19 R-3, R-4, and R-5 R-6, R-7, and R-8 zoning districts under the following conditions:

20 (a) The use shall be operated by a nonprofit religious, educational, or philanthropic
21 institution and shall be strictly restricted to administrative offices and assembly associated with
22 such neighborhood support services.

1 (b) The site upon which the use is located shall be an existing structure adjacent,
2 contiguous, or separated by an alley or street to a park, school, ~~ehureh~~place of religious
3 assembly, or neighborhood center.

4 (c) The use shall be restricted to the operation and administration of those neighborhood
5 support services designed to primarily serve the local neighborhood and adjacent areas and not
6 the entire city.

7 (d) The amount of parking required shall be equal to the amount which would otherwise
8 be required for the use as set forth in Chapter 27.67 which is most analogous to the use proposed
9 in connection with such neighborhood support services as determined by the Planning Director.
10 All required parking shall be located on the lot unless otherwise specifically approved by the
11 City Council, but in no event shall required parking be located more than 300 feet from the lot
12 upon which the use is located.

13 (e) No such use shall render a service which is customarily carried on as a business nor
14 shall any such use be approved which involves printing, publishing, manufacturing, or other
15 industrial uses on the premises.

16 (f) All signage shall be in conformance with the requirements set forth in Chapter 27.69
17 of this code.

18 (g) No such use shall be a store or shop for the sale of goods at retail.

19 Section 44. That Section 27.63.680 of the Lincoln Municipal Code be amended
20 to read as follows:

21 **27.63.680 Sale of Alcoholic Beverages for Consumption On the Premises.**

22 (a) The sale of alcoholic beverages for consumption on the premises may be allowed in
23 the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a

1 restaurant in the O-3 district upon the approval of a special permit subject to the requirements of
2 the respective districts, all applicable ordinances, and the following conditions:

- 3 (1) Parking shall be in conformance with Chapter 27.67.
- 4 (2) The sale of alcoholic beverages for consumption off the premises shall not be
5 permitted without issuance of a separate special permit under Section
6 27.63.685 of this code.
- 7 (3) The designated area specified in a license issued under the Nebraska Liquor
8 Control Act of any building approved for such activity must be located no
9 closer than (i) 100 feet from the property line of a premises used in whole or in
10 part for a first-floor residential use, day care facility, park, ~~church~~place of
11 religious, or state mental health institution, or (ii) 100 feet from a residential
12 district (except where such use is accessory to a golf course, country club, farm
13 winery, or market garden).
- 14 (4) Any lighting on the property shall be designed and erected in accordance with
15 all applicable lighting regulations and requirements.
- 16 (5) Vehicle stacking for a drive-through window used as any part of the permitted
17 business operation shall not be located in any required building setback from a
18 residential district.
- 19 (6) The use shall not have any amplified outside sound or noise source, including
20 bells, buzzers, pagers, microphones, or speakers within 150 feet of any
21 residential district. This shall not apply to sound sources audible only to the
22 individual to whom they are directed, such as personal pagers, beepers, or
23 telephones.

1 (7) No access door to the business, including loading or unloading doors, shall
2 face any residential district if such doors are within 150 feet of the residential
3 district. This shall not apply to emergency exit doors required by building or
4 safety codes. No door facing a residential district shall be kept open during the
5 operation of the establishment.

6 (8) Vehicular ingress and egress to and from the property shall be designed to
7 avoid, to the fullest extent possible, disruption of any residential district.
8 Particular attention shall be given to avoiding designs that encourage use of
9 residential streets for access to the site instead of major streets.

10 (9) All other regulatory requirements for liquor sale shall apply, including
11 licensing by the state.

12 (b) In addition, a special permit may be granted to allow alcoholic beverages to be sold
13 for consumption on the premises of a restaurant in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, I-3
14 and O-3 districts subject to the requirements of the respective districts, all applicable ordinances,
15 and the following conditions:

16 (1) The Permittee as the holder of any liquor license issued on the premises
17 pursuant to a special permit for the sale of alcoholic beverages for consumption
18 on the premises of a restaurant shall agree in writing to voluntarily surrender
19 and consent to the cancelling of the liquor license in the event the special
20 permit is revoked by the City. If the Permittee is not the holder of the liquor
21 license, the Permittee shall require such holder to agree in writing to
22 voluntarily surrender and consent to the cancelling of the liquor license in the
23 event the special permit is revoked by the City. In addition, the City shall

1 request that the Nebraska Liquor Control Commission issue the liquor license
2 contingent upon the premises having such special permit.

3 (2) The restaurant shall be located at least 25 feet away from a residential zoning
4 district.

5 (3) Gross sales from the sale of alcoholic beverages shall not exceed forty percent
6 (40%) of the gross sales of food and beverages. Upon request of the City, the
7 license holder/ operator shall provide sales receipts for the past six (6) months
8 for the purpose of demonstrating that no more than 40% of the restaurant's
9 gross sales are derived from the sale of alcohol

10 (4) The restaurant shall serve full-course meals as defined by *Neb. Rev. Stat.* § 53-
11 123.04(c)(3) during the hours of operation.

12 (5) Hours of operation must not commence prior to 8:00 a.m. and shall end no
13 later than 11:00 p.m.

14 (6) Hours of outdoor operation must not commence prior to 8:00 a.m. and shall
15 end no later than 10:00 p.m.

16 (7) The restaurant shall not have any gaming devices or self-serve vending.
17 Gaming devices include pool tables, dart boards, keno. Self-serve vending
18 includes candy machines and drink machines that use electricity.

19 (8) No drive-through windows shall be allowed.

20 (9) The sale of alcoholic beverages for consumption off the premises shall not be
21 permitted without issuance of a separate special permit under Section
22 27.63.685 of this code.

1 (c) For the purposes of this section, restaurant shall mean any place (i) which is kept,
2 used, maintained, advertised, and held out to the public as a place where meals are served and
3 where meals are actually and regularly served; (ii) which has no sleeping area; and (iii) which
4 has adequate and sanitary kitchen and dining room equipment and capacity and a sufficient
5 number and kind of employees to prepare, cook, and serve suitable food for its guests.

6 (d) Alcoholic beverages may also be sold for consumption on the premises as an
7 accessory use to an outdoor recreational facility as part of a separate special permit under Section
8 27.63.130 approving the outdoor recreational facility in any district where outdoor recreational
9 facilities are allowed as a permitted use, permitted conditional use, or permitted special use.

10 (e) The City Council may consider any of the following as cause to revoke the special
11 permit approved under these regulations:

- 12 (1) Revocation or cancellation of the liquor license for the specially permitted
13 premises;
- 14 (2) Repeated violations related to the operation of the permittee's business; or
- 15 (3) Repeated or continuing failure to take reasonable steps to prevent unreasonable
16 disturbances and anti-social behavior on the premises related to the operation
17 of the permittee's business including, but not limited to, violence on site,
18 drunkenness, vandalism, solicitation, or litter.

19 Notwithstanding the above, no special permit or amendment thereto shall be required for
20 interior expansions of existing licensed liquor premises.

21 Section 45. That Section 27.63.685 of the Lincoln Municipal Code be amended
22 to read as follows:

23 **27.63.685 Sale of Alcoholic Beverages for Consumption Off the Premises.**

1 Alcoholic beverages may be sold for consumption off the premises in the B-1, B-3, H-1,
2 H-2, H-3, H-4, I-1, and I-3 zoning districts upon the approval of a special permit. A special
3 permit for such use may be granted subject to the requirements of the respective districts, all
4 applicable ordinances, and the following conditions:

5 (a) Parking shall be in conformance with Chapter 27.67 of the Lincoln Municipal Code.

6 (b) The sale of alcoholic beverages for consumption on the premises shall not be
7 permitted without issuance of a permit under Section 27.63.680 of this code.

8 (c) The licensed premises of any building approved for such activity must be located no
9 closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-
10 floor residential use, day care facility, park, ~~church~~[place of religious assembly](#), or state mental
11 health institution, or (ii) 100 feet from a residential district.

12 (d) Any lighting on the property shall be designed and erected in accordance with all
13 applicable lighting regulations and requirements.

14 (e) Vehicle stacking for a drive-through window used as any part of the permitted
15 business operation shall not be located in any required building setback from a residential
16 district.

17 (f) The use shall not have any amplified outside sound or noise source, including bells,
18 buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall
19 not apply to sound sources audible only to the individual to whom they are directed, such as
20 personal pagers, beepers, or telephones.

21 (g) No access door to the business, including loading or unloading doors, shall face any
22 residential district if such doors are within 150 feet of the residential district. This shall not

1 apply to emergency exit doors required by building or safety codes. No door facing a residential
2 district shall be kept open during the operation of the establishment.

3 (h) Vehicular ingress and egress to and from the property shall be designed to avoid, to
4 the fullest extent possible, disruption of any residential district. Particular attention shall be
5 given to avoiding designs that encourage use of residential streets for access to the site instead of
6 major streets.

7 (i) All other regulatory requirements for liquor sale shall apply, including licensing by
8 the state.

9 (j) The City Council may consider any of the following as cause to revoke the special
10 permit approved under these regulations:

11 (1) Revocation or cancellation of the liquor license for the specially permitted
12 premises; or

13 (2) Repeated violations related to the operation of the permittee's business.

14 Notwithstanding the above, no special permit or amendment thereto shall be required for
15 interior expansions of existing licensed liquor premises or for a farm winery.

16 Section 46. That Section 27.63.730 of the Lincoln Municipal Code be amended
17 to read as follows:

18 **27.63.730 Sexually Oriented Live Entertainment Establishment.**

19 In the H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts, a special permit may be
20 granted to allow a sexually oriented live entertainment establishment, subject to the following
21 conditions:

22 (a) Separation of a sexually oriented live entertainment establishment from other
23 sexually oriented live entertainment establishments. Not more than two sexually oriented live

1 entertainment establishments shall be located within 1,500 feet of each other measured from the
2 nearest access doors of the two establishments, regardless of whether such uses are located in the
3 same facility, separate facilities, or different zoning districts.

4 (b) Separation of sexually oriented live entertainment establishments from certain other
5 uses.

6 (1) Types of other uses to which applicable. The separation requirements of this
7 subsection shall apply to the location of the sexually oriented live
8 entertainment establishment in relationship to property zoned AGR, R-1, R-2,
9 R-3, R-4, R-5, R-6, R-7, R-8 for residential use; a ~~church~~[place of religious](#)
10 [assembly](#); a public elementary or high school or private school having a
11 curriculum equivalent to a public elementary or high school; an early
12 childhood care facility; a public park; a hospital; a public library; a public
13 museum; an amusement park, recreation area or playground that primarily
14 serves persons younger than 18; a correctional facility; or a residential
15 treatment facility licensed by the State of Nebraska in which people reside
16 while receiving therapy, counseling, rehabilitation for physical, emotional or
17 mental disease or disability.

18 (2) General location requirements. No sexually oriented live entertainment
19 establishment shall be located on the same block with (i) any property zoned
20 AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, or R-8 or (ii) any use specified in
21 subsection (b)(1) above.

22 (3) Distance requirements. No sexually oriented live entertainment establishment
23 shall be located within 1,000 feet of (i) any property zoned AGR, R-1, R-2, R-

1 3, R-4, R-5, R-6, R-7, or R-8 or (ii) any use listed in subsection (b)(1) above
2 measured from the nearest access door of the sexually oriented live
3 entertainment establishment to the property line of such property or outdoor
4 use or the nearest access door of a use within a building.

5 (c) Waiver of separation requirement. The City Council may modify or waive the
6 separation requirements in subsections (b)(2) and (b)(3) above upon a finding by the City
7 Council that there is sufficient justification for such adjustment and that there will be no
8 significant adverse affect on existing or reasonably anticipated future uses in the surrounding
9 area.

10 Section 47. That Section 27.69.090 of the Lincoln Municipal Code be amended
11 to read as follows:

12 **27.69.090 ~~Churches~~Places of Religious Assembly, Schools, and Community Playhouses.**

13 In any residential zoning district, ~~churches~~places of religious assembly, schools, and
14 community playhouses are permitted one on-premises internally illuminated freestanding sign on
15 each street frontage, not exceeding fifty square feet of area or six feet in height, for each bulletin
16 board or sign and its supporting structure, and one on-premises wall sign on each building
17 facade, not exceeding twenty square feet in sign area. When a school, ~~church~~places of religious
18 assembly, or community playhouse is located a minimum of 200 feet from any street frontage
19 and is located in an AG or AGR district, said wall sign shall be a maximum of 100 square feet in
20 area.

21 (a) A permitted freestanding sign may be located in the required front yard if it meets
22 the following conditions and requirements:

1 (1) Signs may contain a maximum of fifty square feet in sign area if non-
2 illuminated. If illuminated, such sign shall contain a maximum of thirty-two square feet in sign
3 area, and shall be internally illuminated only;

4 (2) Has a setback from the front lot line at least one-half the distance of the required
5 front yard;

6 (3) Has a setback from the side lot line at least 100 feet if abutting residential lots;
7 and

8 (4) One temporary sign of up to thirty-two square feet may be allowed on premises
9 for up to ten days.

10 (b) A permitted freestanding sign fronting on an arterial street may include electronic
11 changeable copy if it meets the following conditions and requirements:

12 (1) Total area of the electronic changeable copy sign shall not exceed 75% of the
13 total allowed freestanding sign area;

14 (2) The electronic changeable copy sign shall have a setback from the side and rear
15 lot lines of at least 150 feet if abutting residential lots and shall have a setback from a front lot
16 line of at least 150 feet if the sign copy is parallel to the front lot line;

17 (3) The electronic changeable copy sign message shall hold for at least three
18 seconds and transition to a new message shall not exceed a duration of one second; and

19 (4) The electronic changeable copy sign shall be turned off between 10:00 p.m. and
20 7:00 a.m.

21 Section 48. That Section 27.72.110 of the Lincoln Municipal Code be amended
22 to read as follows:

23 **27.72.110 Exceptions to the Height Requirements.**

1 (a) **Wind Energy Conversion Systems Over the District Height.** Wind energy conversion
2 systems over the district height are a permitted use in the AG and AGR zoning district,
3 provided they meet the following conditions:

4 (1) The distance from all lot lines to any tower support base of the WECS shall be
5 equal to the height of the tower plus the radius of the rotor. The City Council may
6 grant a reduction in the specific setback table distance when it finds that such
7 reduction shall not adversely affect surrounding property and is consistent with
8 the intent of this title to promote the public health, safety, and general welfare.

9 (2) The distance from any tower support base of a WECS to any tower support base
10 of another WECS under other ownership shall be a minimum of five rotor
11 distances figured by the size of the largest rotor. The City Council may grant a
12 reduction in this requirement if it finds that such reduction does not adversely
13 affect the operation of either WECS.

14 (3) The WECS operation shall not cause interference to the radio and television
15 reception on adjoining property.

16 (4) In the AGR district, in order restrict climbing access in or to the WECS tower, a
17 fence six feet high with a locking portal shall be placed around the WECS tower
18 base, or the tower climbing apparatus shall be limited to no lower than twelve feet
19 from the ground, or the WECS tower may be mounted on a roof top.

20 (5) The WECS, if interconnected to a utility system, shall meet the requirements for
21 interconnection and operation as set forth in the electric utility's then current
22 service regulations applicable to WECS.

1 (b) **Necessary Mechanical Appurtenances.** All necessary mechanical appurtenances
2 located on top of a building are exempt from the height regulations contained in this title
3 as follows:

4 (1) No such appurtenances may exceed twenty feet in height above the maximum
5 permitted in the district in which they are located;

6 (2) All of said appurtenances must be set back a minimum of fifteen feet from all
7 faces of a building when said faces are adjacent to a street.

8 (c) **Chimneys, Antenna Towers, and Grain Elevators.** Chimneys, cooling towers, elev-
9 ator bulkheads, grain elevators, fire towers, stage towers or scenery lofts, amateur radio
10 antenna installations not exceeding sixty-five feet in height (which includes a tower not
11 exceeding fifty feet in height), noncommercial radio towers not exceeding fifty feet in
12 height, wind energy conversion systems over the height of the district authorized by
13 conditional use or special permit, or water towers are exempt from the height regulations
14 as contained herein.

15 (d) **Buildings, ~~Churches~~Places of Religious Assembly, Height of.** In all zoning districts
16 where ~~churches~~places of religious assembly are allowed, the main ~~church~~place of
17 religious assembly building including ~~church~~place of religious assembly steeples, towers,
18 and ornamental spires, used for the conduct of worship or religious services, may exceed
19 the district height limit by the addition of one foot for each foot that such building is set
20 back from all required yards.

21 **NOTE:** Additional provisions regarding waivers of height restrictions may be found under
22 Chapter 27.63 for the following uses:

23 (1) Amateur radio antennas exceeding 65 feet; see §27.63.670

- 1 (2) Wind Energy Conversion Systems over the district height; see §27.63.420
- 2 (3) ~~Church~~[Place of Religious Assembly](#) Steeples, Towers, and Ornamental Spires;
- 3 see §27.63.220
- 4 (4) Permitted Use Exceeding the Maximum Height Permitted in the District; see
- 5 §27.63.250
- 6 (5) Expansion of Nonconforming and Nonstandard Uses; see §27.63.280
- 7 (6) Community Unit Plans; see §27.63.320

8 Section 49. That the introductory statement of Chapter 27.11 of the Lincoln
9 Municipal Code be amended to read as follows:

10 This district is intended to provide a generally stable residential use in areas of the city that are
11 largely developed. With a gross density of generally three to five dwelling units per acre, the
12 district permits single- and two-family dwellings and such supportive community facilities as
13 parks, playgrounds, schools, libraries, and ~~churches~~[places of religious assembly](#). It is intended
14 that this district be limited to previously platted portions of the city already undergoing
15 substantial development, thereby preserving existing low-density residential development.

16 Section 50. That the introductory statement of Chapter 27.13 of the Lincoln
17 Municipal Code be amended to read as follows:

18 This district is intended to provide a generally stable residential use in areas of the city that are
19 largely developed. With a gross density of generally three to five dwelling units per acre, this
20 district permits single- and two-family dwellings and supportive community services, such as
21 parks, playgrounds, schools, libraries, and ~~churches~~[places of religious assembly](#). It is intended
22 that this district be limited to previously platted portions of the city already undergoing
23 substantial development, thereby preserving existing low-density residential development.

1 Section 51. That the introductory statement of Chapter 27.17 of the Lincoln
2 Municipal Code be amended to read as follows:

3 This district is intended to provide a stable area of residential use at a gross density in the range
4 of three to five dwelling units per acre. It is anticipated that some redevelopment will occur in
5 this district. The use of the district includes single- and two-family dwellings, plus support facil-
6 ities, such as schools, parks, community buildings, and ~~churches~~[places of religious assembly](#).

7 Section 52. That the introductory statement of Chapter 27.19 of the Lincoln
8 Municipal Code be amended to read as follows:

9 This district is intended to provide a redeveloping area of moderate residential density of
10 between six and ten dwelling units per acre. This district provides for single-family, two-family,
11 and multiple and townhouse residential uses, plus support facilities, such as schools, parks,
12 community buildings, and ~~churches~~[places of religious assembly](#).

13 Section 53. That the introductory statement of Chapter 27.21 of the Lincoln
14 Municipal Code be amended to read as follows:

15 This district is intended to provide a generally redeveloping area of moderately high residential
16 density between eleven and fourteen dwelling units per acre. This district provides for single-
17 family, two-family, multiple and townhouse residential uses, private clubs, fraternities and
18 sororities, and support facilities, such as schools, parks, community buildings, and
19 ~~churches~~[places of religious assembly](#).

20 Section 54. That the introductory statement of Chapter 27.23 of the Lincoln
21 Municipal Code be amended to read as follows:

22 This district is intended to provide a redeveloping area of comparatively high density residential
23 use in the range of fifteen dwelling units, gross, per acre. This district provides for single-family,

1 two-family, multiple, and townhouse residential uses, apartment hotels, private clubs, fraternities
2 and sororities, and such facilities as schools, parks, community buildings, and ~~churches~~[places of](#)
3 [religious assembly](#).

4 Section 55. That the introductory statement of Chapter 27.24 of the Lincoln
5 Municipal Code be amended to read as follows:

6 This district is intended to permit high density residential uses; apartment hotels; private clubs;
7 civic, cultural, educational, labor, professional, trade and fraternal membership organizations;
8 and such facilities as schools, parks, community buildings, and ~~churches~~[places of religious](#)
9 [assembly](#) exclusively in that area designated as the E-1 multiple dwelling district which existed
10 immediately prior to the effective date of this title.

11 Section 56. That 21.52.010, 27.02.030, 27.02.040, 27.02.080, 27.02.090,
12 27.02.140, 27.02.160, 27.02.170, 27.02.220, 27.06.020, 27.06.060, 27.06.090, 27.06.100,
13 27.06.170, 27.28.020, 27.51.060, 27.60.060, 27.62.030, 27.62.040, 27.62.070, 27.62.110,
14 27.62.120, 27.62.150, 27.63.170, 27.63.220, 27.63.470, 27.63.610, 27.63.680, 27.63.685,
15 27.63.730, 27.65.020, 27.65.060, 27.65.075, 27.67.030, 27.67.040, 27.69.035, 27.69.090,
16 27.72.080, 27.72.110, 27.72.190, 27.81.030, Figure 27.67.020 and Figure 27.67.040 of the
17 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

18 Section 57. Pursuant to Article VII, Section 7 of the City Charter, this ordinance
19 shall be posted on the official bulletin board of the City, located on the wall across from the City
20 Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice
21 of passage and such posting to be given by publication one time in the official newspaper by the
22 City Clerk. This ordinance shall take effect and be in force from and after its passage and
23 publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2016:

Mayor

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 3, 2016 PLANNING COMMISSION MEETING

PROJECT #: Text Amendment No. 16008

PROPOSAL: To add maximum area standards, along with additional minor revisions, to residential accessory building regulations in the Zoning Ordinance.

CONCLUSION: This proposed amendment will provide residential accessory building maximum area standards that are easily accessible and compatible with existing development patterns. This text amendment conforms to the Comprehensive Plan by improving predictability for residential neighborhoods.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

HISTORY:

May 1979 Accessory buildings included in the comprehensive Zoning Ordinance update. Regulations included setbacks, height, and rear yard coverage. Minor alterations and formatting changes were made in subsequent years.

2012 Approximate date when the Building and Safety Department began enforcing current policy regarding accessory building area.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 7.2 Strive for predictability for neighborhoods and developers for residential development and redevelopment.

ANALYSIS:

1. The primary purpose of this text amendment is to add maximum area standards to the residential accessory buildings regulations found in Chapter 27.72.120 of the Zoning Ordinance. This amendment also includes minor revisions to several other items related to residential accessory buildings. The proposed text is attached.

2. The proposed maximum area standards only apply to accessory buildings on single family and two family residential lots or tracts located within the City's zoning jurisdiction. Multi-family and other uses permitted in residential districts would not have a maximum accessory area. Examples of residential accessory buildings include garages (attached and detached), sheds, and workshops. Accessory buildings on larger lots in rural areas may also include horse arenas, barns, and large equipment garages. Typical sizes of common accessory buildings are listed below:

Garage: 250 - 300 square feet per stall
Storage/garden shed: 100 - 200 square feet
Horse arena/barn: 5,000 - 20,000 square feet
Large equipment storage: 5,000 - 10,000 square feet

3. The Planning Department developed this text amendment in conjunction with a working group consisting of neighborhood representatives, homebuilders, and other local organizations. Seven working group meetings were held from February through April. This proposal represents the consensus opinion of the working group. The working group members are listed below:

Cathy Beecham, Planning Commission
Brad Becker, Home Builders Association of Lincoln (HBAL), Becker construction
Clark deVries, Near South Neighborhood
Lynn Fisher, College View Neighborhood, Real Estate Owners and Managers
Association of Lincoln (REOMA), and acreage owner
Perry Haralson, Cornhusker Bank, HBAL Board Vice President
Tim Hruza, Lincoln Independent Business Association (LIBA)
Matt Kleinschmit, Homebuilder and Developer, HBAL Board President Elect
Brayden McLaughlin, Near South Neighborhood
Jon Carlson, Mayor's Office

4. Residential accessory building area is currently regulated by administrative policy through the Building and Safety Department. The policy was developed to address concerns that the City had no mechanism for regulating accessory building area. Maximum cumulative accessory building area per existing policy is below:

Inside City Limits
2,000 square feet (all lot sizes)

Outside City Limits, Within 3 Mile Jurisdiction
2,000 square feet (lots less than 3 acres)
4,000 square feet (lots 3 acres to less than 4 acres)
5,000 square feet (lots 4 acres to less than 5 acres)
6,000 square feet (lots 5 or more acres)

In some cases the policy may be adjusted depending on the character of the surrounding area. This policy has been in place for approximately four years. Prior to that time the policy was a maximum of 1,800 square feet for all lots in the city. The policy has generally worked well, but its absence from the Zoning Ordinance provides a lack of transparency for applicants and can create administrative challenges.

5. This text amendment provides an opportunity to adjust the area standards to better meet the needs of homeowners across different lot sizes and zoning districts. When compared to the existing policy, this amendment will generally reduce accessory building area for smaller lots and increase area for larger lots.
6. The most commonly-requested waivers from the existing policy relate to owners of large lots who would like more accessory building area. Additionally, members of the working group expressed concern about large accessory buildings on small lots that disrupt the character of the surrounding neighborhood and may negatively impact neighbors.
7. The proposed area table is divided into two categories: “maximum” and “expanded maximum.” Lots within each zoning and size classification are allowed the “maximum” as long as they meet all existing accessory building regulations such as setback, rear yard coverage, and height. The “expanded maximum” area applies if additional conditions can be met. The conditions vary by lot size and zoning classification, but generally homeowners are rewarded with additional accessory building area if they keep a majority of their accessory space outside the setbacks and accessory area is not greater than the house.
8. The “maximum” area would be adequate for a large majority of residential lots, and the “expanded maximum” provides flexibility for larger accessory buildings built to have a minimal impact on surrounding properties.
9. The following is a summary of the proposed area regulations for each zoning district and lot size category. The area allowances are for cumulative residential accessory building area.

R1-R8, lot or tract less than 7,500 square feet

Includes 47 percent of single and two family homes in City’s zoning jurisdiction

Maximum: 1,000 square feet

Expanded Maximum: 1,500 square feet

Existing Policy: 2,000 square feet

Working group members expressed concern about large accessory buildings located on small lots. In areas with small lots, which are commonly older neighborhoods, a large amount of accessory building area can be particularly disruptive to neighborhood character and surrounding properties.

The proposed “maximum” of 1,000 square feet is half the 2,000 square feet that is currently allowed; however, 1,000 square feet could still potentially accommodate a four-stall garage. A sample review of existing small lots shows that most currently use less than 1,000 square feet for accessory building space, although there are some situations where homeowners have used over 1,000 square feet.

The “expanded maximum” is available provided that no more than 500 square feet of accessory area is located within the setbacks and cumulative accessory area is not greater than the house. Working group members felt that homeowners should be rewarded with extra area if accessory buildings are primarily placed outside the setbacks, since locating the buildings away from lot lines would reduce potential negative impact on neighborhood character and surrounding properties. The connection to house size is intended to preserve the predominant development pattern of the house as the primary structure on a residential lot. Lots with a small house would still be permitted the “maximum” area regardless of house size. The proposed “maximum” and “expanded maximum” show a reduction in potential accessory building area, but they provide enough flexibility to meet the needs of most homeowners.

10. R1-R8, lot or tract 7,500 square feet to less than 20,000 square feet
Includes 49 percent of single and two family homes in City’s zoning jurisdiction.
Includes 69 percent of single family homes constructed in City’s zoning jurisdiction since 2005.

Maximum: 1,500 square feet
Expanded Maximum: 3,000 square feet
Existing Policy: 2,000 square feet

R1-R8, lot or tract 20,000 square feet to less than 1 acre
Includes 2 percent of single and two family homes in City’s zoning jurisdiction.

Maximum: 2,000 square feet
Expanded Maximum: 3,000 square feet
Existing Policy: 2,000 square feet

The “expanded maximum” of 3,000 square feet is available to lots 7,500 square feet to 1 acre provided that no more than 250 square feet of accessory area is located within the setbacks, no single accessory building greater than 250 square feet encroaches within the setbacks, and cumulative accessory area is not greater than the house. Allowable accessory area within the setbacks is decreased when compared to small lots because larger lots provide more area outside the setbacks for accessory buildings.

Working group members felt that an increase in accessory area above the existing policy with the “expanded maximum” was appropriate since the impact on neighbors and neighborhood character would be minimized with the additional conditions regarding setback and house size.

11. R1-R8, lot or tract 1 acre or more
Includes less than 1 percent of single and two family homes in City’s zoning jurisdiction.

Maximum: 2,000 square feet
Expanded Maximum: 5,000 square feet
Existing Policy: 2,000 square feet

The “expanded maximum” is available provided that no more than 250 square feet of accessory area is located within the setbacks and no single accessory building greater than 250 square feet encroaches within the setbacks. The connection to house size is removed since the existing character for lots over one acre often includes accessory buildings larger than the house.

12. AG and AGR, lot or tract less than 1 acre
Combined homes in AG and AGR districts represent less than 1 percent of all single and two family homes in City’s zoning jurisdiction

Maximum: 2,000 square feet
Expanded Maximum: 3,000 square feet
Existing Policy: 2,000 square feet

The “expanded maximum” is available provided that no more than 250 square feet of accessory area is located within the setbacks, no single accessory building greater than 250 square feet encroaches within the setbacks, and cumulative accessory area is not greater than the house. Accessory buildings are not currently allowed in the side yard in AG and AGR districts unless also located in the rear yard. This amendment does not change that requirement.

13. AG and AGR, lot or tract 1 acre to less than 2 acres

Maximum: 2,000 square feet
Expanded Maximum: 6,000 square feet
Existing Policy: 2,000 square feet

AG and AGR, lot or tract 2 acre to less than 4 acres

Maximum: 2,000 square feet
Expanded Maximum: 8,000 square feet
Existing Policy: 2,000 square feet (inside City, 2-3 acre lots outside City)
4,000 square feet (3-4 acre lots outside City)

AG and AGR, lot or tract 4 acre to less than 10 acres

Maximum: 2,000 square feet
Expanded Maximum: 20,000 square feet
Existing Policy: 2,000 square feet (inside City)
4,000 square feet (4-5 acre lots outside City)
6,000 square feet (5-10 acre lots outside City)

AGR, lot or tract 10 acres or more

Maximum: 2,000 square feet
Expanded Maximum: No Maximum
Existing Policy: 6,000 square feet

The “expanded maximum” is available provided that no more than 2,000 square feet of accessory building area is located within the setbacks. The AG and AGR districts have large rear yard setbacks (generally between 50 and 100 feet depending on lot size and district), so it is likely that some homeowners currently have a significant amount of accessory space within the rear yard. This would be permitted by current policy provided the buildings cover no more than 40 percent of the rear yard. The allowance of 2,000 square feet in the setbacks is meant to allow the “expanded maximum” on properties that conform to the existing policy and zoning regulations.

Properties of this size often have large accessory buildings such as horse arenas or equipment barns/garages, which have minimal impact on surrounding properties when placed outside of the district’s large setbacks.

14. AG, lot or tract 10 acres or more
Maximum: No Maximum
Expanded Maximum: No Maximum
Existing Policy: 6,000 square feet if not a farm use

The proposed “no maximum” allows for significant flexibility on large agricultural lots and matches the existing development character in rural areas. Buildings for agricultural uses on AG lots larger than 20 acres do not require building permits, but are subject to zoning standards. Existing standards for accessory buildings such as setbacks and height still apply.

15. The existing definition of Private Garage states that a garage can't have more than four bays. The four bay limit is proposed to be removed because the new area standards will address garage size.
16. The existing ordinance states that maximum accessory building height is 15 feet in the rear yard. It appears the height limit of 15 feet in the side yard was mistakenly left out of the 1979 zoning update and subsequent amendments. The Building and Safety Department has been enforcing a maximum height of 15 feet in the side yard through administrative policy. This proposed text amendment will add a maximum accessory building height of 15 feet in the side yard to match the existing policy.
17. Accessory buildings are currently not permitted in the side yard in the AG and AGR districts unless also located in the rear yard. The reasoning is that AG and AGR lots are large enough that significant use within the setback area should not be necessary. This proposed text amendment adds a sentence to clarify the existing regulation.
18. This text amendment has been posted on the Planning Department website since May 1. It was sent out to neighborhood organization representatives and the development community requesting comments on May 5, and presented to the Clinton Neighborhood Association by request on June 6. The amendment was also presented at the Mayor's Neighborhood Roundtable on June 13. One public comment in support was received at the Planning Commission meeting on July 20, 2016.

Prepared by:

Andrew Thierolf
Planner

July 25, 2016

APPLICANT: Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

CONTACT: Andrew Thierolf, Planner
441-6371, athierolf@lincoln.ne.gov

F:\DevReview\TX\16000\TX16008 Accessory Buildings.adt.wpd

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code (“Zoning
 2 Code”) by amending Section 27.02.080 defining terms beginning with the letter G to revise the
 3 definition of Garage, Private; by amending Section 27.72.120 to provide a maximum height of
 4 15 feet for accessory buildings not part of a main building which extend into the required side
 5 yard in the listed zoning districts, and to establish the maximum allowable area for accessory
 6 buildings on single family or two family lots or tracts in the AG, AGR and R-1 to R-8 Zoning
 7 districts and repealing Sections 27.02.080 and 27.72.120 as hitherto existing.

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

9 Section 1. That Section 27.02.080 of the Lincoln Municipal Code be amended to
 10 read as follows:

11 **27.02.080 G.**

12 **Garage, Private.** Private garage shall mean an accessory building designed or used for
 13 storage by the occupants of the building to which it is accessory ~~and consisting of no more than~~
 14 ~~four bays.~~

15 **Garden Center.** Garden center shall mean a building or premises used primarily for the
 16 retail sale of items useful in the culture, display, or decoration of lawns, gardens, or indoor
 17 plants; including books, appliances, and tools, but not including power tools or tractors.

18 **Grade** shall mean:

19 (a) For buildings having walls adjoining one street only, the elevation of the sidewalk
 20 at the center of the wall adjoining the street;

21 (b) For buildings having walls adjoining more than one street, the average of the
 22 elevation of the sidewalk at the center of all walls adjoining the streets;

1 (c) For buildings having no wall adjoining the street, the average level of the finished
2 surface of the ground adjacent to the exterior walls of the building.

3 Any wall approximately parallel to and not more than five feet from a street line is to be
4 considered as adjoining the street and where no sidewalk exists, the sidewalk grade shall be
5 established by the Department of Public Works and Utilities.

6 **Greenhouse.** Greenhouse shall mean a building or premises used for growing plants,
7 preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or
8 dry storage of materials used for agricultural or horticultural purposes, provided no retail sales
9 shall be conducted on such premises.

10 **Group Home.** Group home shall mean a building or structure licensed or approved by
11 the State or an appropriate agency, if required, used as any one of the following:

12 (a) A facility in which more than three but less than sixteen disabled persons who are
13 unrelated by blood, marriage, or adoption reside while receiving therapy or
14 counseling, but not nursing care;

15 (b) A facility engaged in the service of exercising 24-hour daily care, supervision,
16 custody, or control over more than three but less than sixteen children, for
17 compensation or hire in lieu of the care or supervision normally exercised by
18 parents in their own home.

19 Section 2. That Section 27.72.120 of the Lincoln Municipal Code be amended to
20 read as follows:

21 **27.72.120 Accessory Buildings.**

22 (*Only applies to accessory structures associated with a main dwelling)

23 (a) Accessory buildings which are attached to or not located more than (1) six feet from the
24 main building in the R-1 through R-8, O-1*, B-1*, B-3* zoning districts and (2) 10 feet

1 from the main building in the AG, AGR, O-2, O-3, B-4, B-5 all H, I-2 zoning districts shall
2 be considered a part of the main building and shall comply with the height, front, side, and
3 rear yard requirements of the main building.

4 (b) In all commercial and industrial zoning districts accessory buildings shall not extend into
5 any required yard, except as otherwise stated in this chapter.

6 (c) Accessory buildings not a part of the main building:

7 (1) May, if located not less than sixty feet from the front lot line, extend into the required
8 side yard though not closer than two feet to the side lot line in the R-1 through R-8,
9 O-1*, O-2, O-3, B-1*, B-3*, B-4, all H, and the I-2 zoning districts, provided that
10 such accessory buildings shall not be more than fifteen feet in height.

11 (2) May be located in the required rear yard, provided that such accessory buildings:

12 (i) Shall not be nearer than two feet to the side or rear lot line in the AG, AGR, R-
13 1 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning
14 districts.

15 (ii) Shall not occupy more than the following percent of the required rear yard:

16 - Forty percent in the R-1 through R-6, O-1*, B-1*and B-3* zoning
17 districts.

18 - Thirty percent in the AG, AGR, R-7, R-8, O2, O3, B-4, B-5, all H, and the
19 I-2 zoning districts.

20 (iii) Shall not be more than fifteen feet in height in the R-1 through R-8, O-1*, O-2,
21 O-3, B-1*, B-3*, B-4, B5, all H, and the I-2 zoning districts;

22 (iv) Notwithstanding the above, an accessory building used as a garage and taking
23 access from an alley shall not be located closer than ten feet to the alley line in

1 the R-1 through R-8, O-1*, O-2, O3, B-1*, B-3*, B-4, B5, all H, and the I-2
2 zoning districts.

3 (v) Shall not abut a residential district in the O-2, O-3, B-5, H-4, and I-2 zoning
4 districts.

5 (vi) Shall not be nearer than a distance equal to ten percent of the average lot width
6 from the side lot line in the AG zoning district on lots 20 acres or more.

7 (3) May be located in the required front yard on double-frontage lots where at least one
8 frontage is along a major street in the R-1, R-2 and R-3, provided such accessory
9 buildings:

10 (i) Shall not occupy any portion of any required front yard along the local street.

11 (ii) Shall not be closer than two feet to the side lot line, closer than two feet to the
12 front lot line along the major street, or closer than two feet to an area specified
13 as a building line district.

14 (iii) Shall not occupy any portion of the required front yard along any major street
15 except when a landscape screen is located along all front lot lines of such lot
16 adjacent to any major street in conformance with the "Design Standards for
17 Screening and Landscaping" adopted by the City of Lincoln.

18 (iv) Shall not have direct vehicular access from any major street along any major
19 street frontage in the block.

20 (v) Shall not occupy more than 100 square feet for buildings and 600 square feet
21 for structures of the required front yard along the major street.

22 (vi) Shall not exceed fifteen feet in height and any accessory building or portion
23 thereof within twenty feet of the front lot line along the major street shall not
24 exceed eight feet in height.

(4) Accessory buildings in the AG and AGR districts are not permitted in the side yard unless also located in the rear yard.

(d) Maximum and expanded maximum cumulative allowable area for all accessory buildings on single family or two family residential lots or tracts in AG, AGR, and R-1 to R-8 zoning districts:

(1) The maximum and the expanded maximum cumulative allowable area for all accessory buildings are as set out in Table 27.72.120(d) below. The applicable maximum cumulative allowable area may be increased up to the expanded maximum allowable area as provided in Table 27.72.120(d) Notes *1-4 below:

Table 27.72.120(d)						
<u>Maximum and Expanded Maximum* Cumulative Allowable Area for Accessory Buildings on Single Family or Two Family Residential Lots or Tracts</u>						
<u>*#Expanded Maximum only applies in accordance with the applicable Note *# below (e.g. *1)</u>						
		<u>Lot or Tract Size</u>				
		<u>less than 7,500 sq. ft.</u>	<u>7,500 sq. ft. to less than 20,000 sq. ft.</u>	<u>20,000 sq. ft. to less than 1 acre</u>	<u>1 acre or more</u>	
<u>R1- R-8 Accessory Building sq. ft.</u>	<u>Maximum</u>	<u>1,000</u>	<u>1,500</u>	<u>2,000</u>	<u>2,000</u>	
	<u>Expanded Maximum</u>	<u>1,500*1</u>	<u>3,000*2</u>	<u>3,000*2</u>	<u>5,000*3</u>	
		<u>less than 1 acre</u>	<u>1 acre to less than 2 acres</u>	<u>2 acres to less than 4 acres</u>	<u>4 acres to less than 10 acres</u>	<u>10 acres or more</u>
<u>AGR Accessory Building sq. ft.</u>	<u>Maximum</u>	<u>2,000</u>	<u>2,000</u>	<u>2,000</u>	<u>2,000</u>	<u>2,000</u>
	<u>Expanded Maximum</u>	<u>3,000*2</u>	<u>6,000*4</u>	<u>8,000*4</u>	<u>20,000*4</u>	<u>No maximum*4</u>
<u>AG Accessory Building sq. ft.</u>	<u>Maximum</u>	<u>2,000</u>	<u>2,000</u>	<u>2,000</u>	<u>2,000</u>	<u>No maximum</u>
	<u>Expanded Maximum</u>	<u>3,000*2</u>	<u>6,000*4</u>	<u>8,000*4</u>	<u>20,000*4</u>	
<u>Notes:</u>						
<u>*1. In the R-1 to R-8 zoning districts, for lots or tracts less than 7,500 square feet in size, the maximum cumulative square footage of all accessory buildings may be increased up to the above expanded maximum square feet provided:</u>						
<u>i. Total square footage for all accessory buildings does not exceed the total square footage.</u>						

excluding basement, of the main building.

- ii. The total square footage for all accessory buildings does not exceed a cumulative total of 500 square feet in the side, rear, and front yard setbacks.

*2. In the R-1 to R-8 zoning districts for lots or tracts 7,500 square feet to less than 1 acre in size, and in AG and AGR zoning districts for lots or tracts less than 1 acre in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:

- i. The total square footage for all accessory buildings shall not exceed the total square footage, excluding basement, of the main building.
- ii. The total square footage for all accessory buildings does not exceed a cumulative 250 square feet in the side, rear, and front yard setbacks.
- iii. Any individual accessory building over 250 square feet in area must be located outside of the side, rear, and front yard setbacks.

*3. In the R-1 to R-8 zoning districts, for lots or tracts of 1 acre or larger in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:

- i. The total square footage for all accessory buildings does not exceed a cumulative total of 250 square feet in the side, rear, and front yard setbacks.
- ii. Any individual accessory building over 250 square feet in area must be located outside of the side, rear, and front yard setbacks.

*4. In the AG zoning district for lots and tracts 1 acre to less than 10 acres, and in the AGR zoning district for lots or tracts 1 acre or greater, the maximum cumulative square footage for all accessory buildings may be increased to the above expanded maximum square feet provided that the total square footage of all accessory buildings does not exceed a cumulative total of 2,000 square feet in the side and rear setbacks.

1 Section 3. That Section 27.02.080 and 27.72.120 of the Lincoln Municipal Code
2 as hitherto existing be and the same are hereby repealed.

16-

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2016:

Mayor

LINCOLN /LANCASTER COUNTY PLANNING STAFF REPORT
for August 3, 2016 Planning Commission Meeting

Project #: Comprehensive Plan Amendment #16003 - Van Dorn Coalition

PROPOSAL: Amend the 2040 Future Land Use Plan to move from from Tier I, Priority C to Tier 1, Priority B

CONCLUSION: This application is associated with a request to annex approximately 5 acres of land. The purpose of the annexation is to enter into an agreement with the City to advance the timing of construction of the Stevens Creek trunk sewer line to serve the property involved. If public sewer and water service are achieved, those areas contiguous to the city limit would be eligible for annexation and urban-density development.

Changing the designation of the land involved from Tier I, Priority C to Priority B is consistent with the 2040 Comprehensive Plan. The Plan states that areas designated for development in the first half of the planning period (to 2025) are generally contiguous, should be provided with basic infrastructure as they develop, and may have some infrastructure required for development in place.

The Plan also states that some infrastructure improvements may be made in the near term while others, such as road improvements, may take longer to complete. In certain cases, areas in Priority B have special agreements that include some level of commitment to build future infrastructure. That is the circumstance in this case, as the associated annexation agreement addresses the timing and financial responsibilities for land owners and the City for the installation of all required public infrastructure.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LOCATION: Northeast of South 84th and Van Dorn Streets

LAND AREA: Approximately 272.58 acres

EXISTING LAND USE: Urban-density Residential

RELATED APPLICATIONS: Annexation #16008

COMPREHENSIVE PLAN SPECIFICATIONS:

-The Future Land Use Plan in the 2040 Comprehensive Plan identifies this area as Urban-density Residential. (p. 1.9)

Drainage basin development (page 1.2):

-Lincoln remains a unified community. The policies of a single public school district, drainage basin development, and provision of city utilities only within the city limits continue to be a positive influence and help shape the City for decades to come. These policies are sustained in order to preserve our ability to move forward as one community.

Wastewater Services (page 11.10):

-In general, the wastewater collection system is a gravity flow system that is designed to accommodate urbanization of drainage basins. The existing system includes 14 lift stations to assist in pumping and conveying the wastewater in the collection system. The collection system currently serves 11 major drainage basins, with more than 1,020 miles of sanitary sewer pipes ranging in size from 8" to 90" in diameter. This system encourages orderly growth within the natural drainage basin boundaries.

Tier I, Priority B (page 12.7):

-Areas designated for development in the first half of the planning period (to 2025) are generally contiguous to existing development and should be provided with basic infrastructure as they develop. Some of the infrastructure required for development may already be in place. Some infrastructure improvements may be made in the near term while others, such as road improvements that are generally more costly, may take longer to complete. In certain cases, areas in Priority B have special agreements that include some level of commitment to build future infrastructure. These areas move into Priority A upon approval of preliminary plans.

Tier I, Priority C (page 12.7):

-The next areas for development, after 2025, are those which currently lack almost all infrastructure required to support urban development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City's Capital Improvement Program (CIP), but will be actively planned for in the longer term capital improvement planning of the various city and county departments.

Guidelines for Amending Priority Areas (pages 12.7-12.8):

-Infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area.

The community should only approve development proposals that can be adequately served by the initial urban improvements such as electricity, water, sewer, pedestrian facilities and roads and by all urban improvements and services in the long term. Initially, roads may not be built to the full capacity; for example, rural asphalt roads may continue to be used for some period, or a two lane urban street may be built and later expanded to four lanes with turn lanes when conditions warrant. Public safety services and schools may be provided to an area by facilities that are more distant and new facilities phased in over time.

ANALYSIS:

1. This area is currently designated for urban-density residential development, but is within Tier I, Priority C due to the lack of public sewer service. The request is roughly a half square mile. The southern tier is adjacent to the existing city limits on Van Dorn Street, which was annexed with the most recent expansion of the Firethorn development.

2. The future land use for the area involved is urban residential. Between the area of this request and South 84th Street there is approximately 75 of acres of land under both public (Lincoln Public Schools) and private ownership that is not included. The majority of that is area is currently designated as commercial for a Community Center to be located along South 84th Street. The privately held land was originally included in this request, but the owners chose to voluntarily withdraw from the coalition. So while a small portion near Karl Ridge Road can be served by the existing public sewer system to the west of South 84th Street, the majority of it can't be. As a result, urban-density development of this area is dependent upon public sanitary sewer becoming available.
3. While this area is designated for future urban-density residential development, it is in Tier I, Priority C due primarily to the anticipated timing public sewer service. The Stevens Creek Trunk Sewer is currently near Holdrege Street and is planned to be extended south along the west side of Stevens Creek in year 2018/2019 in the proposed Capital Improvement Program (CIP). A sub-basin sewer main would be constructed with the extension of the trunk sewer and would serve the area in this proposal. This is also shown in the proposed CIP in Year 2018/2019. Arterial street improvements will likely be the last piece of public infrastructure to be completed, based on availability of directed impact fees and funding priorities. Van Dorn Street is a rural paved street, so initial development will be adjacent to a paved roadway.
4. The annexation agreement with the associated annexation request proposes that the coalition of landowners involved will pay the cost to extend the trunk sewer to serve this area one year in advance of anticipated funding being available in the CIP. The agreement will bind the City to keeping the sewer project in the CIP and continue to advance it for funding in the budget cycle, with the development coalition to be paid back as funding comes available through the CIP and budget process. The CIP funding is dependent upon water and sewer rate increases.
5. In general, the Stevens Creek basin is a large area of future growth for the city. There have been major public investments in creating and extending the Stevens Creek Trunk Sewer. Opportunities for development north of Holdrege have been somewhat limited, but south of Holdrege and south of O Street there are numerous large tracts of undeveloped land that could be opened up for future neighborhoods and services. The Stevens Creek basin will provide a significant area for new dwelling unit supply, diversity in land holdings, and new housing choices.
6. An update to the 2040 Comprehensive Plan is now in process, likely due for consideration by the Planning Commission later this year. It is anticipated the draft update will include moving approximately two square miles of land roughly bounded by South 84th Street, South 112th Street, O Street and Van Dorn Street from Tier 1, Priority C to Priority B due to the anticipated availability of public sanitary sewer in the area. The subject area is also included as part of that amendment.

7. Attached is a an excerpt from the 2040 Priority Growth Areas Map prepared by the Planning Department. It shows the Tier I and Tier II priority areas in the vicinity of the subject property. As part of the larger 2040 Comprehensive Plan update, those areas south of Van Dorn and west of South 91st Street will be shown moving form Tier I, Priority C to Priority A. This reflects the recent annexation and development approvals for that portion of Firethorn adjacent to Van Dorn Street which will connect to public utilities already serving the remainder of that development.
8. This area is contiguous to the city limit, has public water service available in Van Dorn Street, and is already designated for urban-density residential land uses. If the associated annexation request and annexation agreement are approved, public sewer service can become available in the near term. With that, this area meets the definition of Tier 1, Priority B and it is appropriate to reclassify it as such.

PROPOSED AMENDMENT:

Amend the 2040 Lincoln/Lancaster County Comprehensive Plan as follows:

1. Amend the Priority Growth Areas Map on page 1.10 to move the 272.58 acres of area of this request from Tier 1, Priority C to Tier 1, Priority B.

Prepared by:

Brian Will, AICP, 441-6362, bwill@lincoln.ne.gov
Planner
July 21, 2016

OWNER: See attached Exhibit A

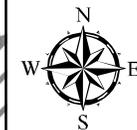
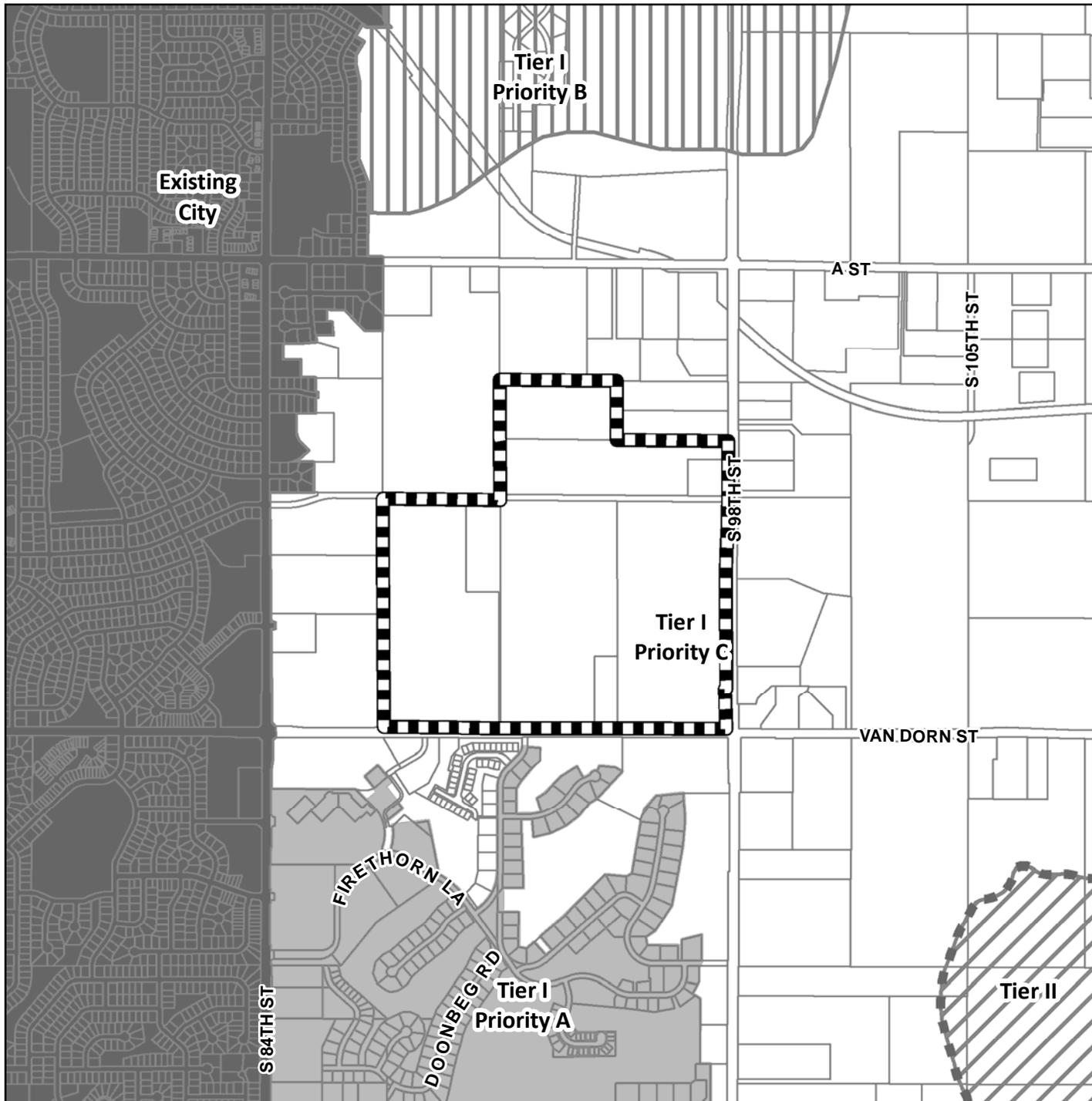
**APPLICANT/
CONTACT:** Kent Seacrest
Seacrest Kalkowski Law Firm
1111 Lincoln Mall
Lincoln, NE 68508
402-435-6000

CPA # 16003
Van Dorn Coalition
S 84th St & Van Dorn St

Change from
Tier I, Priority C
to
Tier I, Priority B

Legend

-  Area of Amendment
-  Existing City
-  Tier I Priority A
-  Tier I Priority B
-  Tier I Priority C
-  Tier II
-  Future Service Limit



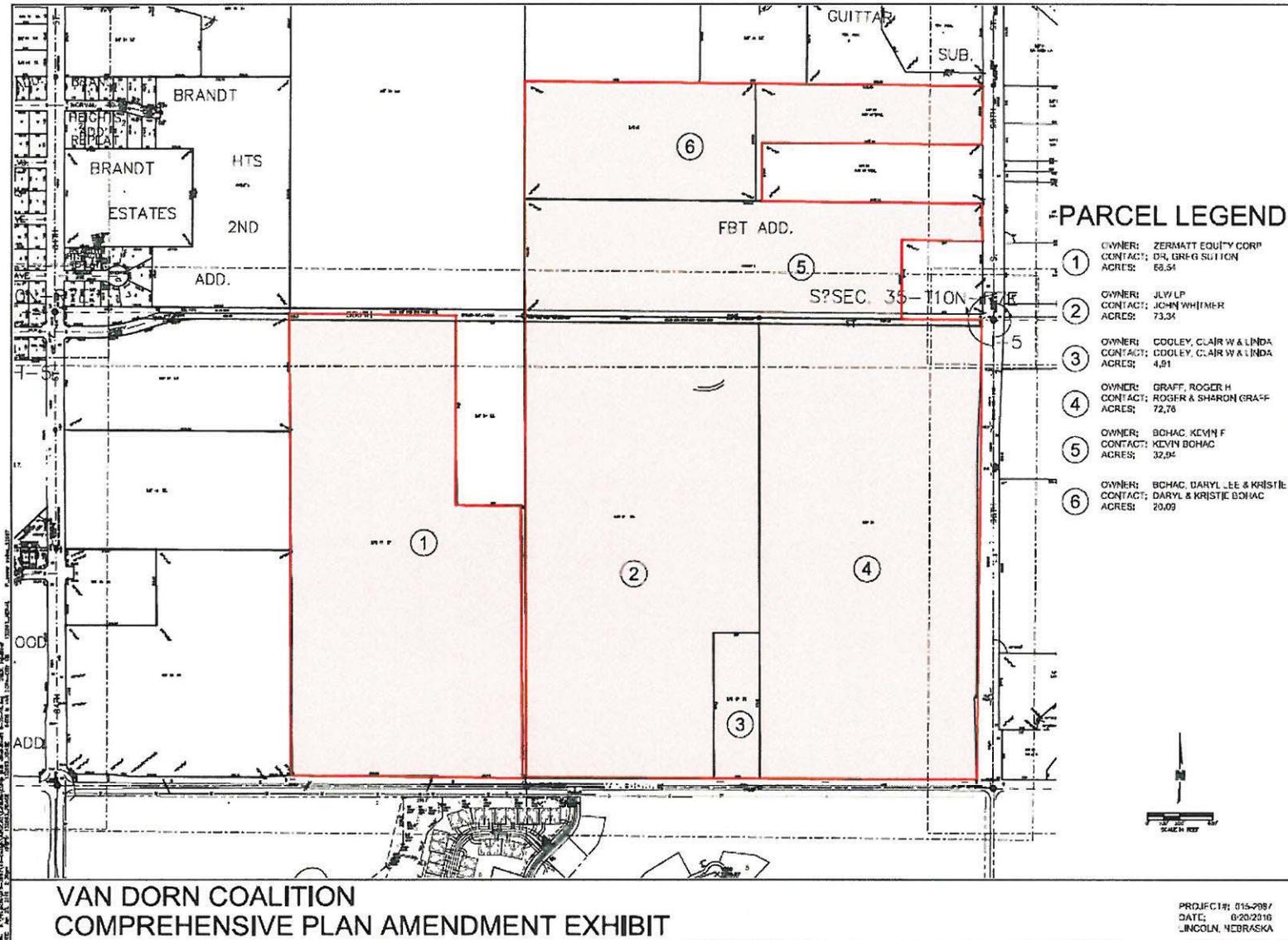
LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT
 Information Technology Services

 303 South 10th Street
 Lincoln, Nebraska 68508
 Ph: 402.441.7491 Fax: 402.441.6377



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 (CPA16003)

Exhibit B



SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

June 22, 2016

KENT SEACREST
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DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

David Carey, Planning Director
City County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Van Dorn Coalition; Application for Comprehensive Plan Amendment and Annexation of 5.12 acres, more or less

Dear David:

Our law firm represents six different property owners who are identified on Exhibit A and are commonly known as the "Van Dorn Coalition". The property owners collectively own approximately 272.58 acres (collectively "Coalition Property") as shown on Exhibit B.

The Van Dorn Coalition seeks to apply for the following two governmental actions:

1. Designated the Coalition Property as Tier 1, Priority B (2025), instead of the current Tier 1, Priority C (2040), on the 2040 Priority Growth Areas Map.
2. Annex approximately 5.12 acres of the Zermatt Equity Corp southern edge into the City of Lincoln corporate limits. The 5.12-acre tract abuts the City limits. Exhibit C shows two maps of the 5.12 acre tract and Exhibit D includes the legal description of the tract.

We have been meeting weekly with Steve Henrichsen, Brian Will, Rick Peo and other Public Works Department officials regarding the proposed annexation of the Coalition Property and how best to provide and fund sanitary sewer and other related infrastructure improvements to the Coalition Property within three years or sooner. The Future Land Use Map shows the Coalition Property as Residential. The City Staff and the Van Dorn Coalition Team expect to finalize and submit to the City Council for approval a draft of a Phased Annexation Agreement by the end of July or early August. The draft Phased Annexation Agreement will outline a phased annexation approach of the Coalition Property, including designating the 5.12-acre tract as the first annexed parcel. In addition, the Phased Annexation Agreement will address the applicable check list items outlined in the Annexation Agreement Checklist, July 8, 2009, City of Lincoln Executive Order No. 82420.

Enclosed please find the City Application form and our application fee check for \$330. If you have questions, please contact Mark Palmer or the undersigned.

Very truly yours,



KENT SEACREST

For the Firm

Enclosures

cc with enclosures:

Steve Henrichsen, shenrichsen@lincoln.ne.gov

Brian Will, bwill@lincoln.ne.gov

Rick Peo, rpeo@lincoln.ne.gov

Mark Palmer, mpalmer@olssonassociates.com

Van Dorn Coalition Distribution List

Exhibit A

Van Dorn Coalition
Property Owners

Parcel #	Property ID	Property Address	Acres	Property Owner	Property Owner Address
1	17-35-300-005-000		68.54	ZERMATT EQUITY CORP Attention: Dr. Greg Sutton	3000 So. 59th Street Court Lincoln, NE 68506
2	17-35-400-003-000		73.34	JLW LP Attention: Mae Whitmer	6421 Rogers Circle Lincoln, NE 68506
3	17-35-400-001-000	9300 VAN DORN ST LINCOLN,NE 68520	4.91	Bill and Clair Cooley	1601 Cushman Drive Lincoln, NE 68512
4	17-35-400-002-000	9700 VAN DORN ST RURAL, NE	72.76	Roger Graff Developer: TFL Development Attention: Mark Palmer	601 P Street Lincoln, Nebraska 68508
5	17-35-203-002-000		32.94	Kevin F. Bohac	24873 215 Street Carroll, IA 51401
6	17-35-200-015-000 17-35-200-018-000		20.09	Daryl & Kristie Bohac	10231 N 143 ST Waverly, NE 68462

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 3, 2016 PLANNING COMMISSION MEETING

PROJECT #: Annexation #16008 - Van Dorn Coalition

PROPOSAL: To annex approximately 5.12 acres of land

LOCATION: South 91st and Van Dorn Streets

LAND AREA: Approximately 5.12 acres

CONCLUSION: The area is designated for future urban density residential land uses on the Future Land Use Map. The associated comprehensive plan amendment moves the area into Tier I, Priority B. Subject to the terms of the related annexation agreement, sanitary sewer will be extended to the property in 2017. With all utilities available to serve the area, it meets the City's annexation policy in the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
------------------------	----------------------

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2.

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached Exhibit D.

EXISTING ZONING: AG Agriculture

SURROUNDING LAND USE AND ZONING:

North:	Agriculture	AG
South:	Residential, Clubhouse under development	R-1
East:	Agriculture	AG
West:	Agriculture	AG

EXISTING LAND USE: Agriculture

ASSOCIATED APPLICATIONS: Comprehensive Plan Amendment #16003 to move 272.58 acres from Tier 1, Priority C to Tier 1, Priority B.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates this site for urban density residential land uses.

Pg. 1.10 - This site is shown in Tier I, Priority C on the Growth Tier Map.

Pg 12.14 - The ANNEXATION POLICY of the 2040 Comprehensive Plan:

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed.

Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term. Annexation generally implies the opportunity to access all City services within a reasonable period of time.

Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** Sanitary sewer is not currently available to the site. The associated annexation agreement notes that the Stevens Creek Sewer Extension to serve this property, now proposed for 2018/19 in the draft

Capital Improvements Program (CIP), is to be funded by the Coalition for construction in 2017. The agreement goes on to state that the Coalition is to be paid back as City funds are allocated through the City budget process consistent with the CIP. The CIP funding is subject to increases in wastewater rates.

- B. **Water:** Water is available to the site via a water main in Van Dorn Street. This line was recently installed to serve the newly annexed portion of Firethorn.
- C. **Roads:** the area of annexation is adjacent to Van Dorn Street. At the time of development, land will be dedicated to accommodate the final design of Van Dorn to arterial street standards. Any development of this property prior to Van Dorn being improved will require the construction of temporary improvements, not limited to but including temporary turn lanes. Funds to improve Van Dorn Street are not currently included in the CIP.
- D. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). Station #12 is located at South 84th and South Streets, less than one mile away. The LFR fire station relocation plan proposes an alternate location for this station, approximately two miles to the south of the current location.

ANALYSIS:

1. This is a request to annex 5.12 acres of land at approximately South 91st and Van Dorn Streets.
2. This property is part of a larger area, approximately 273 acres in size, which is known as the Van Dorn Coalition. The Coalition is a group of landowners that have agreed to cooperate in order to get public sanitary sewer extended to their land to facilitate development.
3. Consideration for the development of land in this area is due to the fact that the Stevens Creek Trunk Sewer has been extended to Holdrege Street. Funds to extend the sewer further south are programmed in the six-year CIP in years 2018-19, but there are no actual funds allocated in the current two-year City budget.
4. The City has been in discussions with the owners for several months to reach agreement on the terms of the proposed annexation agreement. The agreement will address the timing and financial responsibilities of the parties involved with respect to necessary public improvements. These include public sewer, water, arterial streets, and parks and trail improvements associated with new development.

5. The primary impediment to annexation and development of the property, and the reason it is shown in Tier 1, Priority C, is the lack of sanitary sewer service. To address this most significant issue, the coalition is proposing to finance the construction of the trunk sewer to the coalitions' property a year in advance of the CIP. This is being done with the understanding that the project will continue to be shown in the CIP for years 2018/19 and be funded in the City budget at that time.
6. The associated CPA#16003 proposes to move the land controlled by the coalition from Tier I, Priority C to Tier I, Priority B of the Comprehensive Plan. This is based upon acceptance of the proposal to extend sanitary sewer to the site as stated in the annexation agreement. If that occurs, all utilities including public water and sewer will exist in the area of these requests and be available to serve the land involved.
7. The subject property is located within the Southeast Rural Fire District #1. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer and will be a condition of the annexation agreement. However, the District has no debt at this time so there will be nothing due them as a result of this annexation.
8. The area is designated for future urban density residential land uses on the Future Land Use Map. The associated request moves the area in Tier I, Priority B. Subject to the terms of the related annexation agreement, sanitary sewer will be extended to the property in 2017. With all utilities available to serve the area, it meets the City's annexation policy in the Comprehensive Plan.

CONDITIONS:

1. The applicant will enter into an annexation agreement with the City of Lincoln prior to approval by the City Council.

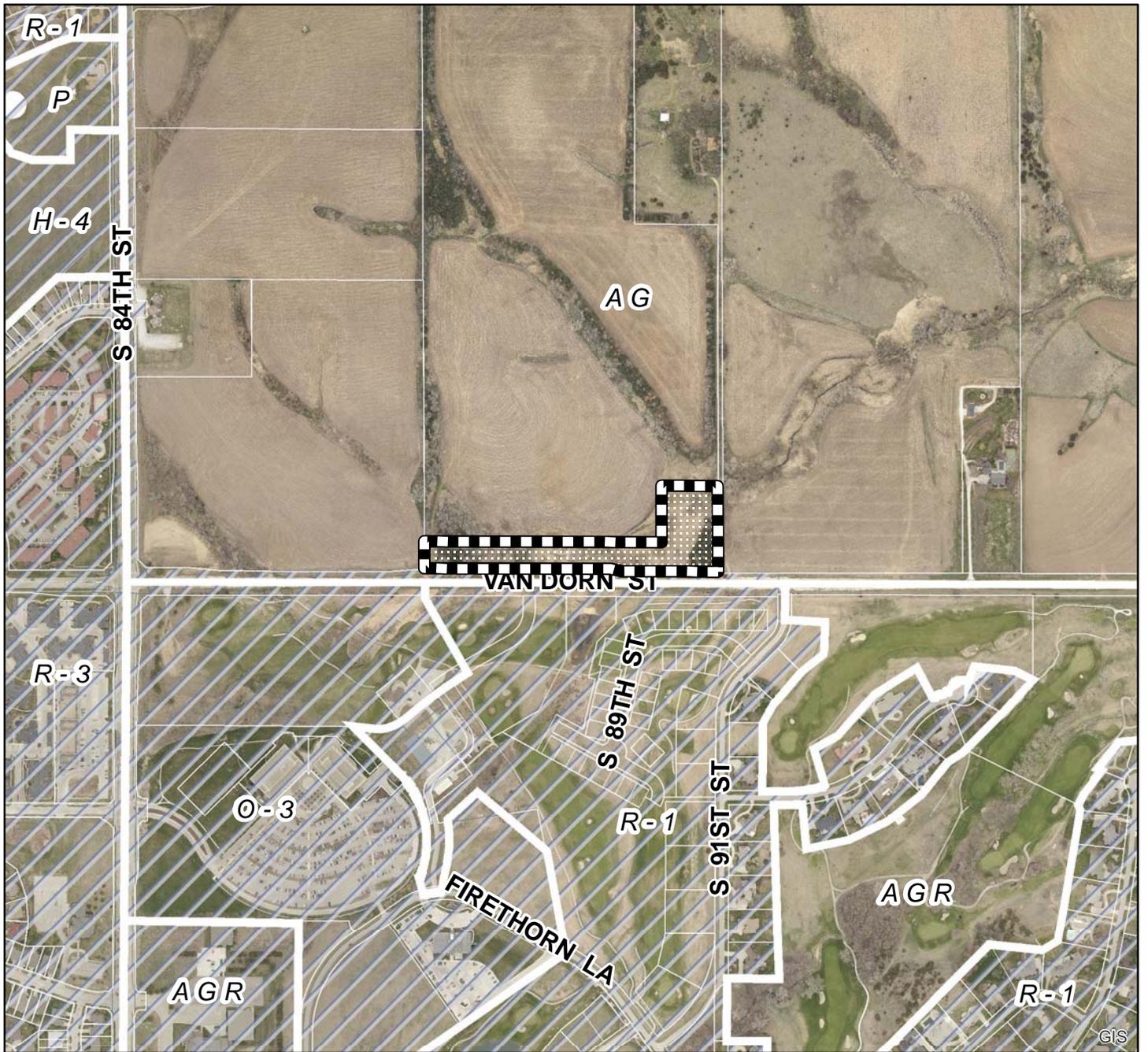
Prepared by:

Brian Will, AICP, 441-6362, bwill@lincoln.ne.gov
Planner
July 21, 2016

OWNER: See attached Exhibit A

**APPLICANT/
CONTACT:** Kent Seacrest
Seacrest Kalkowski Law Firm
1111 Lincoln Mall
Lincoln, NE 68508
402-435-6000

F:\DevReview\AN\16000\AN16008 Van Dorn Coalition.bjw.wpd

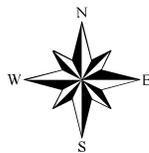


2013 aerial

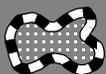
Annexation #: AN16008
Van Dorn Coalition
S 84th St & Van Dorn St

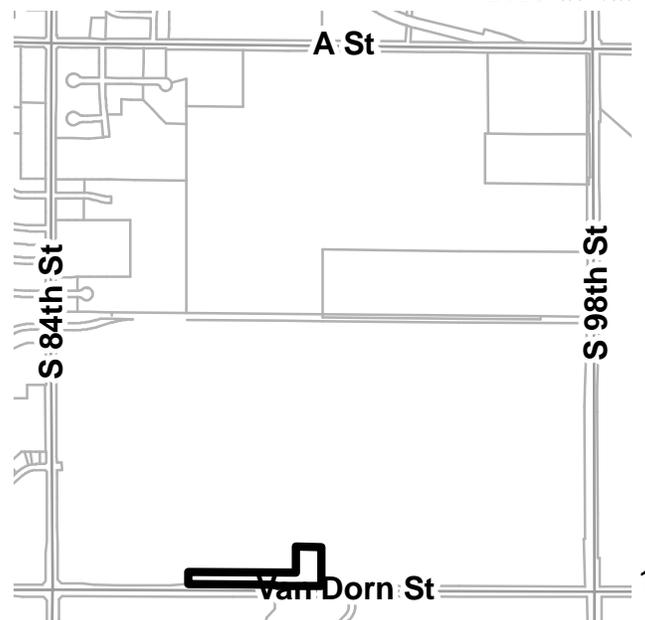
Zoning:

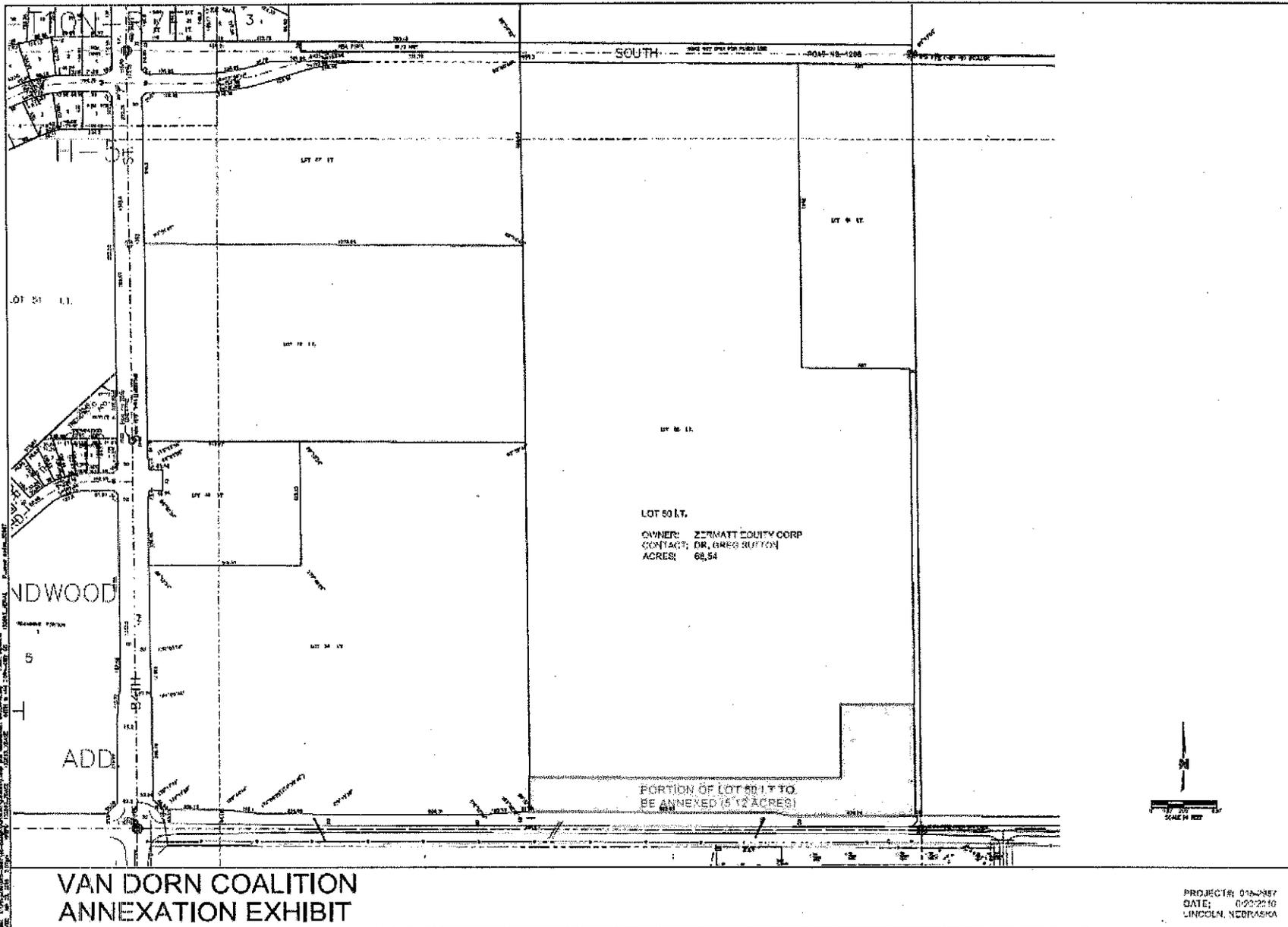
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



One Square Mile:
 Sec.35 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits





LOT 50 I.T., SW4 SECTION 35-10-07

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 50 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 07 EAST OF THE 6TH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 35; THENCE NORTHERLY ON AN ASSUMED BEARING OF NORTH 0 DEGREES 20 MINUTES 03 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET; THENCE NORTH 89 DEGREES 49 MINUTES 32 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID VAN DORN STREET, A DISTANCE OF 20.00 FEET TO SOUTHEAST CORNER OF SAID LOT 50 I.T., SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 49 MINUTES 32 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID VAN DORN STREET, A DISTANCE OF 424.73 FEET TO A POINT OF DEFLECTION; THENCE NORTH 79 DEGREES 22 MINUTES 49 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID VAN DORN STREET, A DISTANCE OF 55.17 FEET TO A POINT; THENCE NORTH 89 DEGREES 49 MINUTES 32 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID VAN DORN STREET, A DISTANCE OF 822.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT 50 I.T., THENCE NORTH 0 DEGREES 22 MINUTES 31 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 50 I.T., A DISTANCE OF 120.01 FEET TO A POINT; THENCE SOUTH 89 DEGREES 49 MINUTES 32 SECONDS EAST, ALONG A LINE 120.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 50 I.T., A DISTANCE OF 1051.11 FEET TO A POINT; THENCE NORTH 0 DEGREES 09 MINUTES 36 SECONDS EAST, A DISTANCE OF 249.94 FEET TO A POINT; THENCE SOUTH 89 DEGREES 50 MINUTES 24 SECONDS EAST, A DISTANCE OF 248.49 FEET TO A POINT ON THE EAST LINE OF SAID LOT 50 I.T., THENCE SOUTH 0 DEGREES 20 MINUTES 03 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 50 I.T., A DISTANCE OF 380.02 FEET TO THE POINT OF BEGINNING. CONTAINING A CALCULATED AREA OF 223,110 SQUARE FEET, (5.12 ACRES) MORE OR LESS.

SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

June 22, 2016

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

David Carey, Planning Director
City County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Van Dorn Coalition; Application for Comprehensive Plan Amendment and Annexation of 5.12 acres, more or less

Dear David:

Our law firm represents six different property owners who are identified on Exhibit A and are commonly known as the "Van Dorn Coalition". The property owners collectively own approximately 272.58 acres (collectively "Coalition Property") as shown on Exhibit B.

The Van Dorn Coalition seeks to apply for the following two governmental actions:

1. Designated the Coalition Property as Tier 1, Priority B (2025), instead of the current Tier 1, Priority C (2040), on the 2040 Priority Growth Areas Map.
2. Annex approximately 5.12 acres of the Zermatt Equity Corp southern edge into the City of Lincoln corporate limits. The 5.12-acre tract abuts the City limits. Exhibit C shows two maps of the 5.12 acre tract and Exhibit D includes the legal description of the tract.

We have been meeting weekly with Steve Henrichsen, Brian Will, Rick Peo and other Public Works Department officials regarding the proposed annexation of the Coalition Property and how best to provide and fund sanitary sewer and other related infrastructure improvements to the Coalition Property within three years or sooner. The Future Land Use Map shows the Coalition Property as Residential. The City Staff and the Van Dorn Coalition Team expect to finalize and submit to the City Council for approval a draft of a Phased Annexation Agreement by the end of July or early August. The draft Phased Annexation Agreement will outline a phased annexation approach of the Coalition Property, including designating the 5.12-acre tract as the first annexed parcel. In addition, the Phased Annexation Agreement will address the applicable check list items outlined in the Annexation Agreement Checklist, July 8, 2009, City of Lincoln Executive Order No. 82420.

Enclosed please find the City Application form and our application fee check for \$330. If you have questions, please contact Mark Palmer or the undersigned.

Very truly yours,



KENT SEACREST
For the Firm

Enclosures

cc with enclosures:

Steve Henrichsen, shenrichsen@lincoln.ne.gov

Brian Will, bwill@lincoln.ne.gov

Rick Peo, rpeo@lincoln.ne.gov

Mark Palmer, mpalmer@olssonassociates.com

Van Dorn Coalition Distribution List

Exhibit A

Van Dorn Coalition
Property Owners

Parcel #	Property ID	Property Address	Acres	Property Owner	Property Owner Address
1	17-35-300-005-000		68.54	ZERMATT EQUITY CORP Attention: Dr. Greg Sutton	3000 So. 59th Street Court Lincoln, NE 68506
2	17-35-400-003-000		73.34	JLW LP Attention: Mae Whitmer	6421 Rogers Circle Lincoln, NE 68506
3	17-35-400-001-000	9300 VAN DORN ST LINCOLN,NE 68520	4.91	Bill and Clair Cooley	1601 Cushman Drive Lincoln, NE 68512
4	17-35-400-002-000	9700 VAN DORN ST RURAL, NE	72.76	Roger Graff Developer: TFL Development Attention: Mark Palmer	601 P Street Lincoln, Nebraska 68508
5	17-35-203-002-000		32.94	Kevin F. Bohac	24873 215 Street Carroll, IA 51401
6	17-35-200-015-000 17-35-200-018-000		20.09	Daryl & Kristie Bohac	10231 N 143 ST Waverly, NE 68462

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 6, 2016 PLANNING COMMISSION MEETING

- PROJECT #:** Special Permit No. 16025
- PROPOSAL:** A request per Section 27.63.320 for a Community Unit Plan to develop up to 7 dwelling units.
- LOCATION:** 828 D Street and 848 D Street
- LAND AREA:** 0.86 acres more or less
- EXISTING ZONING:** R-4 Residential District
- CONCLUSION:** Single family residential is an appropriate land use for this site. This site can be easily served by existing infrastructure. The proposed plan is in keeping with the character of the neighborhood. This request for a special permit for a Community Unit Plan is consistent with the Comprehensive Plan, and subject to the conditions of approval, complies with the requirements of the Zoning Ordinance.

RECOMMENDATION: Conditional Approval

WAIVER/MODIFICATIONS:

Waiver to Title 26 - Subdivision Ordinance

1. Waive the requirement per Section 26.23.140 that lots intended to be occupied by two-family structures shall have a maximum depth of three times their width. Approval

Waivers to Title 27 - Zoning Ordinance

2. Reduce the front yard setback from 25' to 15' on D and E Streets and 5' on South 9th Street. Approval
3. Reduce the rear yard setback from 20' to 18'. Approval

Single-Family Dwellings

4. Reduce the minimum lot area requirement from 5,000 sq. ft. to 3,500 sq. ft. Approval
5. Reduce the minimum average lot width from 50' to 35'. Approval
6. Reduce the side yard setback from 5' to 4' or 3' as shown on the site plan. Approval

Two-Family Dwellings

7. Reduce the minimum lot area requirement from 2,500 sq. ft. per family to 2,400 sq. ft.	Approval
8. Reduce the minimum average lot width from 25' per family to 22'.	Approval
9. Reduce the side yard setback from 5' to 3' when there is no party wall.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 10, Block 192, Lincoln Original & the South ½ of Adjacent Vacated East-West Alley, and Lots 1-2 & Lots 11-12, Block 192, Lincoln Original & Adjacent Vacated East-West Alley, located in the SE 1/4 of Section 26-10-6, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Vacant (undeveloped) land

SURROUNDING LAND USE AND ZONING:

North: Duplex and Single Family Detached Residential; R-4
 South: Single Family Detached Residential; R-4
 East: Single Family Detached Residential, Apartments, and Parking Lot; R-6
 West: Single Family Detached Residential; R-4

HISTORY:

1927 The Zion Church was constructed on this site.

September 1998 Board of Zoning Appeals #2234 was granted to vary the required front and side yards for purposes of church parking.

January 1999 Board of Zoning Appeals #2245 was granted to vary the required front and side yards for purposes of church parking.

December 2002 Special Permit #1996 was approved by the Planning Commission to increase lot coverage of the church for the addition of a residence and garage.

December 2002 Board of Zoning Appeals #2346 was granted to vary the required side yard from 15' to 3'8" to allow use of the existing house and garage for church purposes.

- March 2007 Board of Zoning Appeals #07001 was granted to vary the required rear yard from 30' to 10'.
- April 2007 Special Permit #07007 was approved by the Planning Commission to expand the nonstandard church into the required front yard for an addition to the existing structure.
- June 2007 The Zion Church burned down.
- October 2007 Change of Zone #07047 was approved by the City Council change the zoning over these and a number of other properties from R-6 Residential District to R-4 Residential District due to the higher than typical percentage of single family dwellings.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - This property is shown as urban residential on the 2040 future land use map.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

UTILITIES: All utilities are available at this site.

TOPOGRAPHY: The site is generally flat.

TRAFFIC ANALYSIS: South 9th Street is classified as a Principal Arterial and D Street is classified as a local street in the 2040 Comprehensive Plan.

PUBLIC SERVICE: The nearest Lincoln Fire & Rescue Station is located at 1801 Q Street.

AESTHETIC CONSIDERATIONS: Because this property is located within the South Bottoms Historic District listed on the National Register of Historic Places, the application was reviewed by the Historic Preservation Commission, which recommended approval (see attached minutes). The new dwellings are subject to the Neighborhood Design Standards and will be reviewed for compliance with those standards and this Special Permit at the time of building permit.

ANALYSIS:

1. This is a request for a Community Unit Plan (CUP) to develop up to 7 dwelling units on property located northwest of South 9th and D Streets.
2. The future land use map shows this area as urban density residential. The proposed development provides for 7 dwelling units on 7 buildable lots, with 5 single family detached dwelling units and 2 single family attached units. This density would be achieved under the existing R-4 zoning district, and is an appropriate urban density for this neighborhood.
3. The proposed density is below that which would be permitted by right and within the CUP. The R-4 zoning district without a CUP permits would permit up to 10 two-family units, or 5 single family units, on this site. The applicant is also requesting fewer dwelling units with this application than the maximum density of the CUP under R-4 zoning would allow. The maximum density of this CUP is 13.93 dwelling units per acre with a 20% reduction to accommodate the small size of the tract, which equates to 9 units. The developer is not requesting the right to utilize the remaining 2 units permitted under the maximum CUP density.
4. This project is envisioned as a creative housing development that incorporates a central commons area. The commons area provides open space for residents and could be used as a gathering space, shared garden, play area, etc. Vehicular access will be taken off the north-south alley with parking at the rear of the dwellings to prevent the introduction of new driveways to the streets, thereby preserving the pedestrian orientation of the block faces.
5. The applicant has requested waivers to the minimum lot size and setback requirements for both single-family and two-family dwellings per Section 27.72.020 of the Zoning Ordinance, and a waiver to the required lot width-to-depth ratio for two-family dwellings per Section 26.23.140 of the Subdivision Ordinance, as listed above. These waivers are appropriate because the proposed density is similar to this block and neighborhood, and the density does not exceed the maximum permitted by right or within the CUP in this location. The requested waivers facilitate the overall creative concept of this redevelopment.
6. This property is within the South Bottoms Historic District. The Historic Preservation Commission (HPC) reviewed this application at their regular meeting on June 16, 2016 and recommended approval (see attached minutes of the HPC meeting). Several illustrations presented at the HPC meeting are attached for informational purposes; however, the sheet numbered G1.1 is the only official sheet for the CUP.
7. The availability of on-street parking has historically been a concern in attached single family developments, especially in those developments with streets that are narrower than the standard width and very narrow lots, leaving little room for on-

street parking. That concern has been reduced in this development as all roadways meet the standard width for public streets and there are no individual driveways that would reduce on-street parking space.

8. This site can be easily served by existing infrastructure such as roads and utilities. Access to this development will be provided off D and E Streets via the alley.
9. Neighborhood meetings to present this application and gain input were held in March and May of 2016.
10. Several revisions to the site plan are required and are listed in the conditions of approval.

CONDITIONS OF APPROVAL:

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 7 dwelling units, with the following waivers:

- Waiver to Section 26.23.140 for the required lot width to depth ratio for lots intended to be occupied by two-family dwellings;

The following waivers to Section 27.72.020 for single-family and two-family dwellings:

- Reduce the required front yard from 25' to 15' on D and E Streets and 5' on South 9th Street.
- Reduce the required rear yard from 20' to 18'.

The following waivers to Section 27.72.020 for single-family dwellings:

- Reduce the required minimum lot area from 5,000 sq. ft. to 3,500 sq. ft.
- Reduce the required minimum average lot width from 50' to 35'.
- Reduce the required side yard from 5' to 4' or 3' as shown on the site plan.

The following waivers to Section 27.72.020 for two-family dwellings:

- Reduce the required minimum lot area from 2,500 sq. ft. per family to 2,400 sq. ft.
- Reduce the required minimum lot width from 25' per family to 22'.
- Reduce the required side yard from 5' to 3' when there is no party wall.

Site Specific Conditions:

1. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:

- 1.1 Revise the sheet numbering to show "Sheet 1 of 1" for Sheet G1.1 as this will be the only sheet for the approved CUP.
- 1.2 Revise the sheet title to read, "Cooper Commons Community Unit Plan, Special Permit #16025" and delete the "Submittal Documents" subtitle.
- 1.3 Under the Proposed CUP table, correct "Font" to "Front".
- 1.4 Remove the "Drawing Index".
- 1.5 Remove "(side)" from the front yard setback label along 9th Street.
- 1.6 Revise Note A.3 to state "Building footprints are conceptual and may be located anywhere within the approved building envelopes."
- 1.7 Revise Note B.2 to state "Accessory Buildings are permitted in the identified Commons area in Outlot A and must meet the minimum 5 foot front yard setback to 9th Street."
- 1.8 Revise Note C.1 to state "A final plat will be required according to the proposed lot sizes."
- 1.9 Revise Note C.2 to state "Proposed exterior home designs are subject to review and recommendation by the Historic Preservation Commission and must meet the Design Standards for Neighborhoods."
- 1.10 Remove the "Lot Total - 8" under the Proposed Lots table.
- 1.11 Under the Proposed CUP table, change the proposed "3,714 average square feet" to "3,500 single family/ 2,400 two-family lots" to allow for minor variation.
2. Before a final plat is approved provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
3. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision

ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

to complete the planting of the street trees along D Street and E Street within this plat within six (6) years following the approval of the final plat.

to complete the installation of street trees along South 9th Street as shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the Community Unit Plan.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private facilities, on a permanent and continuous basis.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

- 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Rachel Jones, Planner
402-441-7603 or rjones@lincoln.ne.gov

DATE: June 28, 2016

APPLICANT: Peace Studio Architects, Inc.
1835 Kings Highway, Suite B
Lincoln, NE 68502

OWNER: Neighborhoods Inc. D/B/A
2530 Q Street
Lincoln, NE 68503

CONTACT: Gill Peace
Peace Studio Architects, Inc.
1835 Kings Highway, Suite B
Lincoln, NE 68502

F:\DevReview\SP\16000\SP16025 Cooper Commons CUP.rkj.wpd



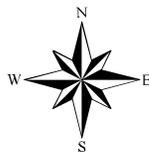
GIS

2013 aerial

Special Permit #: SP16025
Cooper Commons CUP
S 9th St & D St

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

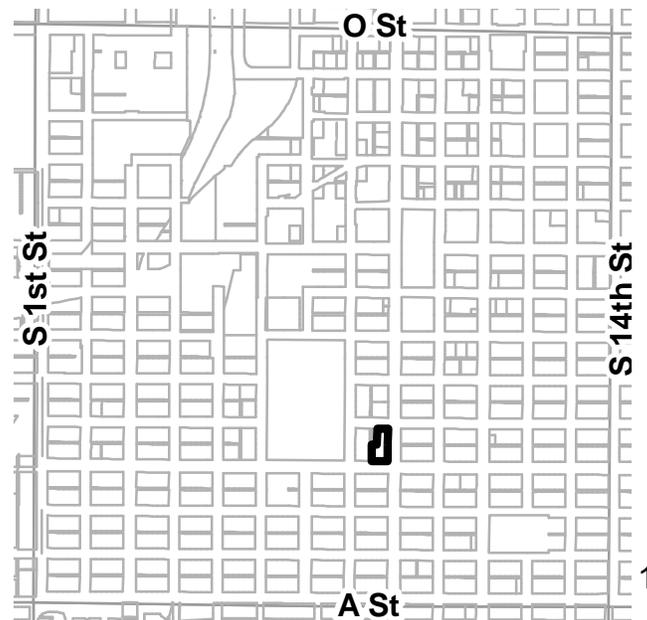


One Square Mile:
Sec.26 T10N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction





Community Unit Plan Submittal Documents



Vicinity Plan

Project Location

Drawing Index:

- G1.1 Cover Sheet
- 1of1 Survey- Existing Site
- C1.1 Site Plan- Proposed



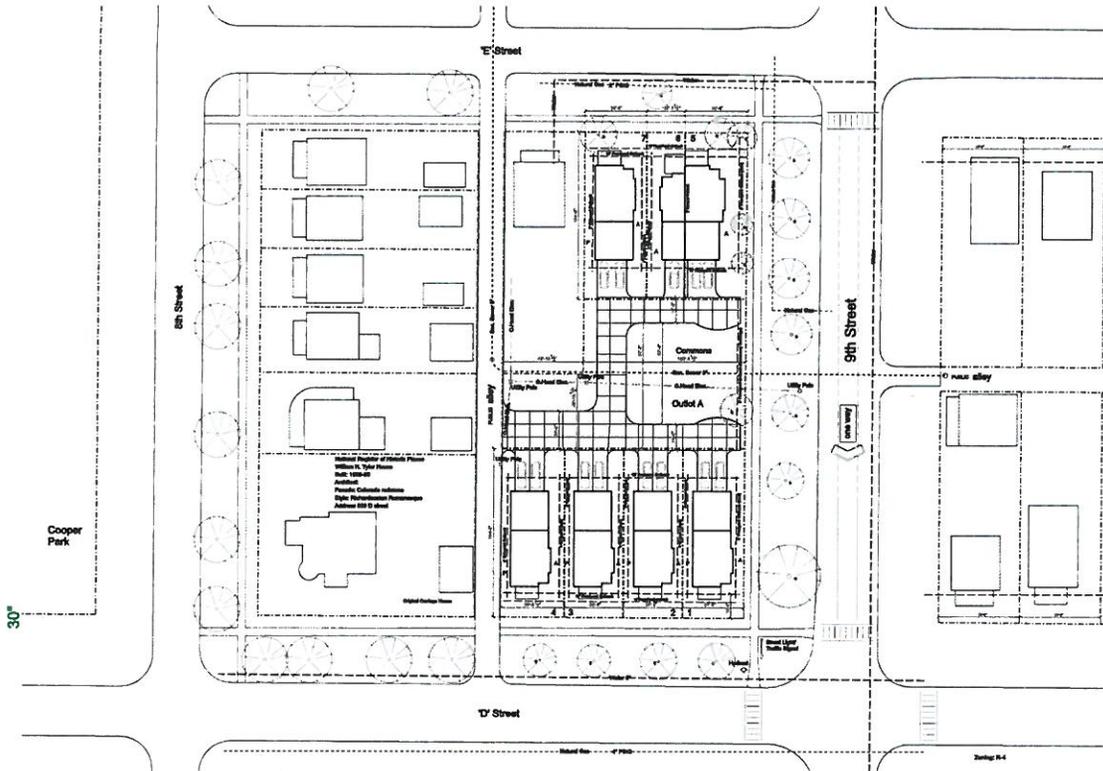
Architect
Peace Studio Architects, Inc.
1828 Iowa Hwy, Suite B
Lincoln, NE 68502
402.217.1830
www.peacestudioarch.com



9+d



Job Number: 18001.dwg
Date: 9 May 2018



Existing Property:

Zoning:	R4	
Address:	828 17 Street	848 17 Street
Parcel ID:	10-28-413-003-000	10-28-413-011-000
Area:	37,600 sf	0.862 acres
Structures:	None	

Notes:

- A1. Proposed Utility Connections-Proposed indicates initial design intent. Utility Service connections are currently in progress, and subject to final review and approval with Utility Providers. Utility Easements to be developed as required.
- A2. Proposed Project is located within 300' of a Property listed on the National Register of Historic Places
- A3. Proposed Home Footprints indicated for reference only. Final design of Homes currently in progress.

Proposed CUP

	Proposed	Existing
Single Family Lots	7	2 (Deeded) 6 (Platted)
Density	8.12 units/ acre	30 units/ acre (allowed, R-4)
Outlot(s)	1	0
Setbacks:		
Frontyard	18'	25'
Front Porch	10'	none
Sideyard- Common	3'	5'
Frontyard- 9th Street	5'	5'
Sideyard- west adjacent Lot	5'	5'
Sideyard- Alley	4'	5'
Sideyard- Rowhouse	0'	
Rearyard	18'	20' or 20% lot depth
Height Limit	35'	35'
Lot Area	3,714 sf avg	5,000 sf
Parking	2/ dwelling unit	2/ dwelling unit (27.67, R-4)

Notes:

- B1. Accessory Buildings are permitted per R-4 zoning ordinance
- B2. Accessory Buildings located in Outlot A, no closer to 9th Street than the Identified 5' frontyard setback.

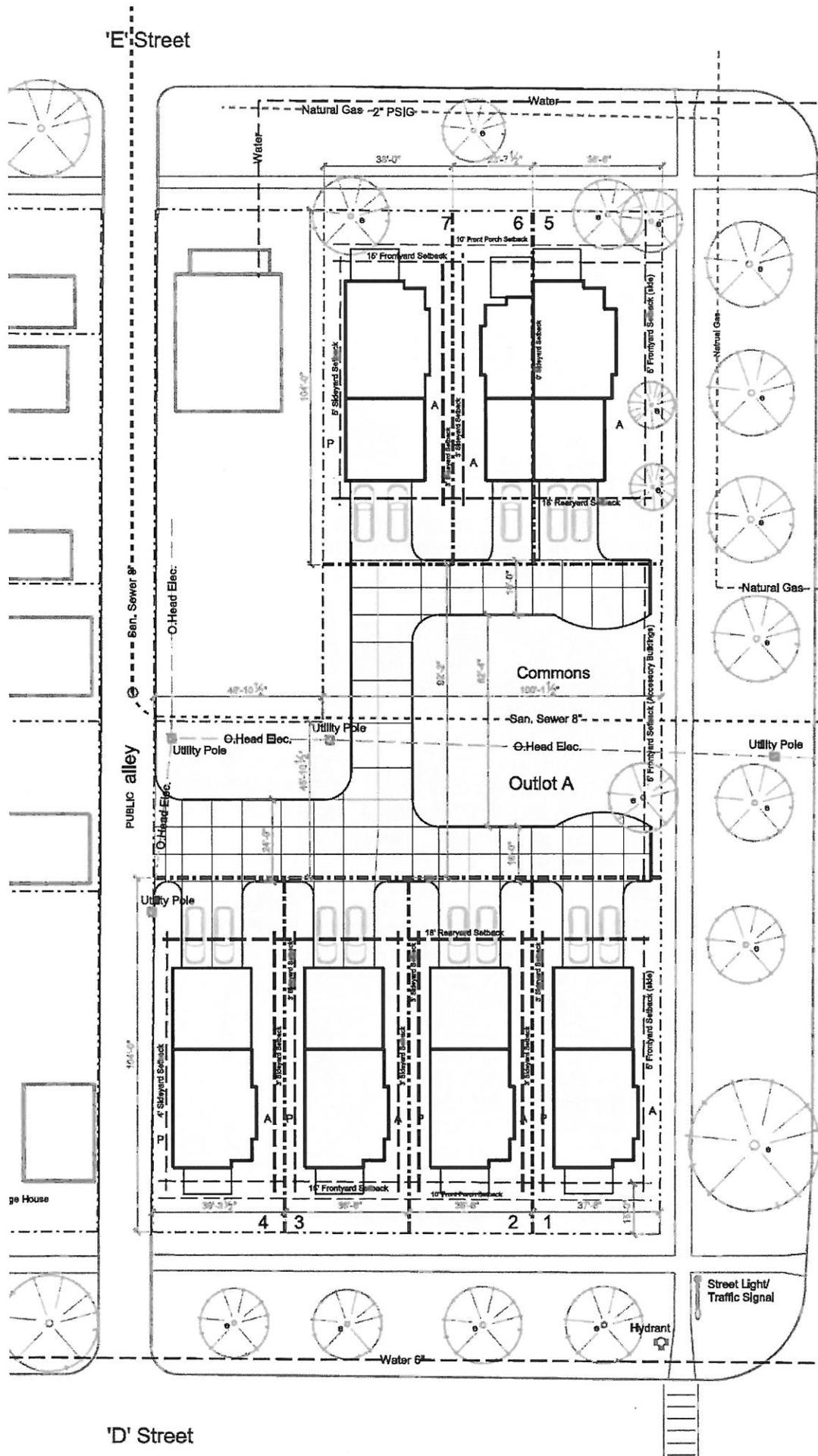
Proposed Lots

	Front Width	Depth	Area	Rowhouse Lot	Frontage/ Frontyard
1	37'-0"	104'	3,870 sf	No	17 Street Public Street
2	36'-0"	104'	3,814 sf	No	17 Street Public Street
3	36'-0"	104'	3,807 sf	No	17 Street Public Street
4	39'-3.5"	104'	4,054 sf	No	17 Street Public Street
5	38'-0"	104'	3,961 sf	Yes	17 Street Public Street
6	23'-7.5"	104'	2,415 sf	Yes	17 Street Public Street
7	38'-0"	104'	3,872 sf	No	17 Street Public Street
Average			3,714 sf avg		
Outlot A	Irregular		11,519 sf		

Lot Total- 8

Notes:

- C1. Proposed Lot 5/6- Subject to Proposed Re-Plat, currently in progress.
- C2. Proposed Home Design- Currently in Progress. Subject to review and Approval by one or both of the following Commissioned Committees:
 - a. Historic Preservation Commission
 - b. Urban Design Committee



'D' Street

Existing Property:

Zoning:	R4	
Address:	828 'D' Street	848 'D' Street
Parcel ID:	10-26-413-009-000	10-26-413-011-000
Area:	37,560 sf	0.862 acres
Structures:	None	

Notes:

- A1. Proposed Utility Connections- Proposed indicate initial design intent. Utility Services connections are currently in progress, and subject to final review and approval with Utility Providers. Utility Easements to be developed as required.
- A2. Proposed Project is located within 300' of a Property listed on the National Register of Historic Places
- A3. Proposed Home Footprints indicated for reference only. Final design of Homes currently in progress.

Proposed CUP

	Proposed	Existing	
Single Family Lots	7	2 (Deeded) 6 (Platted)	
Density	8.12 units/ acre	30 units/ acre (allowed, R-4)	
Outlot(s)	1	0	
Setbacks:			
Frontyard	15'	25'	R-4 Single Family
Font Porch	10'	none	
Sideyard- Common	3'	5'	
Frontyard- 9th Street	5'	5'	
Sideyard- west adjacent Lot	5'	5'	
Sideyard- Alley	4'	5'	
Sideyard- Rowhouse	0'		
Rearyard	18'	20' Or 20% lot depth	
Height Limit	35'	35'	
Lot Area	3,714 sf avg	5,000 sf	
Parking	2/ dwelling unit	2/ dwelling unit (27.67, R-4)	

Notes:

- B1. Accessory Buildings are permitted per R-4 zoning ordinance
- B2. Accessory Buildings located in Otlot A, no closer to 9th Street than the Identified 5' frontyard setback.

Proposed Lots

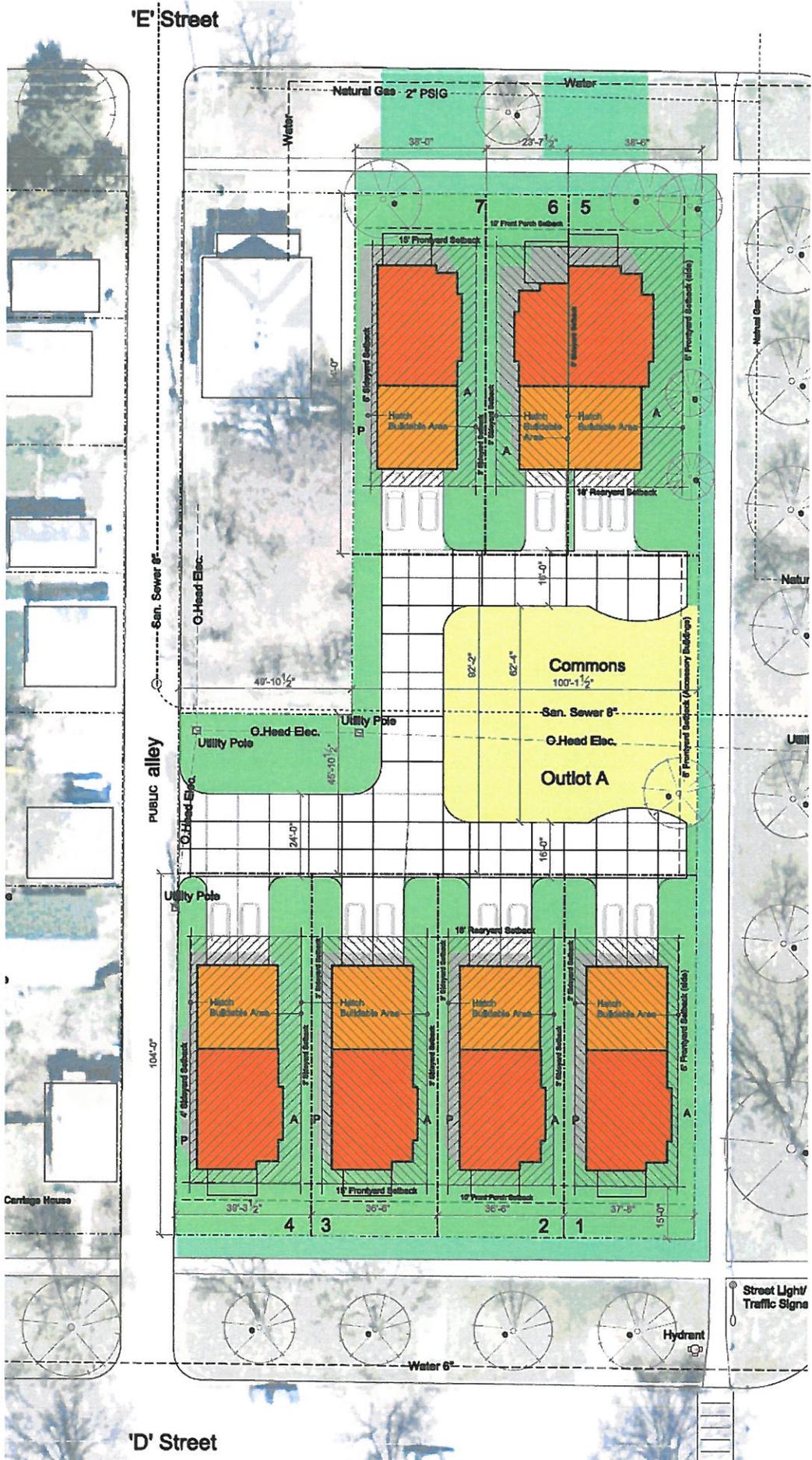
	Front/ Width	Depth	Area	Rowhouse Lot	Frontage/ Frontyard
1	37'-8"	104'	3,970 sf	No	'D' Street Public Street
2	36'-6"	104'	3,814 sf	No	'D' Street Public Street
3	36'-6"	104'	3,807 sf	No	'D' Street Public Street
4	39'-3.5"	104'	4,064 sf	No	'D' Street Public Street
Rowhouse Lot	5	38'-6"	3,961 sf	Yes	'E' Street Public Street
	6	23'-7.5"	2,415 sf	Yes	'E' Street Public Street
	7	38'-0"	3,972 sf	No	'E' Street Public Street
Average			3,714 sf avg		
Outlot A	Irregular		11,519 sf		

Lot Total- 8

Notes:

- C1. Proposed Lot Sizes- Subject to Proposed Re-Plat, currently in progress.
- C2. Proposed Home Designs- Currently in Progress.
Subject to review and Approval by one or both of the following Committees/ Commissions:
 - a. Historic Preservation Commission
 - b. Urban Design Committee

'E' Street



'D' Street











May 9, 2016

David Cary, Director
City of Lincoln Planning Department
555 S 10th St, Suite 213
Lincoln, NE 68508

Mr. David Cary,

NeighborWorks Lincoln completed a request for proposals for the redevelopment of vacant land approximately one-half city block in size in the area generally between D and E Streets and 9th and 10th Streets. The name of the project has yet to be determined. Residents who live on the focus block and NeighborWorks Lincoln staff conducted interviews with five architects who submitted proposals for the project. As a result, Gill Peace, Peace Studio was the architect selected for the development project.

NeighborWorks Lincoln and Gill Peace hosted a design kick-off open house on March 23rd to get feedback on a preliminary design proposal. The current proposal includes seven single-family units with slight variations in styles and floor plans. Units will be 2 or 3 bedroom with two car garages that include off street parking. The design will be inspired by existing historic architecture in the area with some contemporary design elements. The design includes a green commons area and community garden space. The homes will be available for purchase by NeighborWorks Lincoln first-time homebuyers. There is another design presentation open house planned for June. The project will be built in two phases, and it is hopeful that construction will begin in fall of 2016.

Please contact me with questions at 402-477-7181, ext. 102 or sryba@nwlincoln.org.

Best,

Shawn Ryba, Chief Operating Officer



MEETING RECORD EXCERPT
RE: Special Permit No. 16009
Meeting of 06/16/2016

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, June 16 2016, 1:30 p.m.,
Conference Room 214, 2nd Floor, County-City Building,
555 S. 10th Street, Lincoln, Nebraska

STATED PURPOSE OF MEETING: Regular Historic Preservation Commission Meeting

ADVISORY REVIEW ON SPECIAL PERMIT NO. 16025
APPLICATION BY NEIGHBORWORKS LINCOLN FOR A COMMUNITY UNIT PLAN
GENERALLY LOCATED AT
9TH & D-E STREETS, "COOPER COMMONS". **June 16, 2016**

Members present: Gengler, Hewitt, Johnson, McKee and Munn; Francis and Kuhlman absent.

Mike Renken, CEO of NeighborWorks Lincoln, came forward. Also present from NeighborWorks were Pat Anderson and Marti Lee (Community Builders). Renken stated that they are very excited about this project. This is a great location and he is proud of what Shawn Ryba, Chief Operating Officer at NeighborWorks Lincoln, and the Community Builders have achieved in the area. Not only were neighbors brought together to help pick the architect, Gill Peace, but they were also consulted about what they would like to see in their neighborhood. It may not be possible to please absolutely everyone, but their team has worked diligently with the neighbors and believes they can please most. This will be positive addition.

Gill Peace, Peace Studio Architects, stated he attended a neighborhood meeting in May to get neighbors up to speed with the plans thus far. This is the former site of the Zion Church, which burned down in 2007. The lot has been sitting empty since then. There are historic 1890s homes to the west. The development was named "Cooper Commons" to hint at proximity to Cooper Park, which is one block to the west, and also to relate it to the existing neighborhood. There is one house remaining along E Street at the north end of the property. It will remain and become part of the small neighborhood being built.

McKee asked if there was any effort made to purchase that remaining property. Renken said that effort was made but the owner had no interest in selling. Peace added that it showed the kind of connection neighbors have to this neighborhood.

Peace went on to say that their mission is to create a great infill neighborhood within what is already a great neighborhood; it will have its own identity, but will not turn its back on the existing area. The area is bounded by 9th Street on the east, a north/south alley dividing the block on the west, D Street to the south and E street on the north. Four homes will face south along D Street and three will face north along E Street. No houses will front onto 9th Street, since it is busy. The existing houses to the west all front to Cooper Park, but as you go east, the houses face D and E Streets, so this configuration makes sense and is a good transition. These will be fee simple lots with residences for sale.

When it comes to density, it was important to find the right balance for the neighborhood. The adjacent lots were examined to come up with an appropriate fit. Those lots are 142 feet in depth and approximately 38-29 feet wide. Based on that, the new lots will be 37-39 feet in width and will have a depth of 104 feet. There are property lines between in order to create a center common space know as "Cooper Commons Park", which will be a real attribute.

Using the alley to deal with vehicle circulation was the cleanest approach. Vehicles enter at either end of the alley and come to the common outlot. Each house has a two car garage with room for two vehicles in the approach driveway to each home's garage.

The goal for the northeast corner is slightly different. They propose a property line that runs down the middle to create two townhouse lots to create the appearance of a larger structure that will be attractive and will look like a single, large house. This will create the necessary density of seven homes for the development, will serve as a corner balance with the larger house located on the southwest corner, and will become a "calling card" to the Cooper Commons, since it is the first building people will see driving south on 9th Street.

Johnson asked if Cooper Commons shared space will be open to the public, or just the residents. Peace said there are good reasons for both options. One option is to create an home owners association (HOA) that would overlay the seven lots and give the control of how to treat the commons back to the residents, rather than making the decision for them.

Gengler asked the square footage of the big house. Peace stated it is a work in progress so they do not know yet. The rest of the houses are approximately 1,000 square feet, so it will probably be around 1,600 square feet. It will be one of the regular houses with a condensed version attached to it. We are unsure of how the market will react to them; there could be two owners, or a single owner who decides how to use the smaller portion.

Peace went on to say that each floor plan is roughly the same, but not identical. There will be variety, but not so much that the neighborhood-feel falls apart. This will be achieved by using common colors and materials. Today, they are asking for input. Then the CUP will be finalized, and there will be a replat based on that. They would love to begin work on Phase I immediately after it is approved, so possibly in five or six weeks. The houses have different roof lines for variety, front porch areas, and an upper level deck at the back so the common area has eyes on it and safety is enhanced.

The central commons is the largest portion of the development. It could include a small playground or a community garden. There is also a chunk of common space leading to the alley. There will most likely be the site of a common mailbox/cluster.

Mckee asked if 9th Street will be screened with anything in addition to trees. Peace stated they are working on how much of a screen to provide. A fence could make it safer for kids and pets with the 9th Street traffic, so the design shows a placeholder for a fence. We have also discussed the possibility that it should remain open. That decision has not yet been made.

Pat Anderson, Community Builder at Neighborworks Lincoln, stated that Mr. Peace met with neighbors once and NeighborWorks began discussions as far back as last November, so there has been input all along. There has been discussion of a fence, but at the same time, it does not seem right to completely alienate 9th Street foot traffic from the commons area. Johnson added that neighbors also do not want something like a tailgate party to occur there.

Peace said the exterior treatments will include durable materials that can be painted different colors from a palette that ties them together. They are mostly talking about Hardie materials, which are cement-board based siding, shingles, board and batting, or stucco board. These will show up on each project in different proportions and colors.

The interior floor plan is an open living concept. The dining room, kitchen and living room will all be located facing the street to show that life is happening and lights are coming on and off. The master bedroom is also on the first floor, which might appeal to empty nesters. Upstairs is a common study loft with a section that looks down to the living room below. There are also two bedrooms, making these three-bedroom homes, which makes them appealing to a broader range of people. The lower level will be unfinished but will include one egress window and will be laid out for potential future investment by the owner if they want to add a family room, bathroom, or extra bedroom or office.

Munn stated for the sake of disclosure that he also competed for this project. He said this design is well thought through. He asked if access to the commons is through the garage. Peace said the houses will use an active/passive approach where the windows will be smaller and higher on the passive side of the house, and the active side will include a side lot with larger windows and french doors. These will not have large yards, so the side yard is an important area for outdoor space and connecting to the commons.

Zimmer said that this plan notes where porches could occur into the front yard setback area, but does not show much beyond a small stoop area. He raises this concern because this neighborhood is porch-dominant. The plan will come across his desk to review Neighborhood Design Standards, and he would prefer to not have to bring it before the Urban Design Committee for a waiver due to the lack of porches.

Peace said that the 15 foot front yard setback is part of the CUP request. The majority of the existing houses were built at that setback. The extra five feet is to accommodate the unfinished space for the porch. They are comfortable with the setback because there is a very wide right-of-way of about 35 feet between the property line and the curb. This is a work in progress, so today they are looking for general approval for the design intent. Some of the homes could have bigger porches and could emulate those that exist in surrounding homes.

Gengler asked if the porches will be built as part of the project, or if it will just be an option for the homeowners. Peace said they asked for that space in case they want to provide the porch, but if they choose not to, then the owner has the space to build. Gengler observed that much effort has been made in keeping the neighborhood consistent. She considered a scenario where one owner might build a porch in a certain style, then their neighbor could choose not to add a porch at all, and another neighbor could choose an entirely different style. Peace said Phase I on the north side is intended to come first. If it generates a lot of interest, many questions about Phase II can be answered. He would not be interested in doing different styles.

Gengler suggested that the HOA could have design guidelines and options for porches so that choices are limited to consistent styles. Peace agreed that is a good idea. Gengler concluded by saying that the porches could be critical and could change the entire feel. She suggested that minimally, design guidelines or another similar tool should be in place. Peace admitted that up to this point, the team working on this project has been primarily preoccupied with the thought process to get to where they are today.

Renken said NeighborWorks has a passion for the porches and he would be shocked if they end up being excluded from the designs. Some of the new owners would be unable to add a porch right away, so NeighborWorks will likely be looking for a way to provide them. Anderson added that there is a row of bungalows with porches across the street. They are a "must" for this area.

Gengler asked if there is a long-term plan to maintain the consistency, noting that even planned neighborhoods can change fairly quickly. Anderson responded that there is a night and day difference between this site and the density just across 9th Street, which is 96% rentals. There will also be greater density in the South Haymarket area just north of this site, so there will be a push to increase density. Renken said this will be a discussion for the HOA. Once buyers are in the units, they should have some say in what goes on and NeighborWorks loses much of that ability. Anderson said an important piece to keep for the long-term is owner-occupancy. Peace said that all of those points are well-taken. It makes sense to find ways to maintain control somehow. Those conversations are yet to happen.

McKee asked about utilities for this site. Peace said there was a preliminary review from LES. They want to use an existing utility pole and will most likely install a pole-mounted transformer to serve their lots from underground. Though it would be ideal if all lines were

buried, LES indicated that they need to maintain the overhead lines already in place.

Gengler asked if the setback along 9th Street was great enough that there are no issues with the type of fencing or barriers, in terms of zoning regulations, that could apply for new construction. Peace said the main concern is keeping people from flowing out onto 9th Street. Anderson said she lives on a corner and there is a line of sight that has to be maintained. Zimmer said the key protection is the 120-foot of right-of-way with only 3-lane traffic on 9th Street; the distance from the curb to the sidewalk is substantial. A transparent fence would be best. It would create a semi-private area with eyes still on the street. Peace agreed that is the direction they are headed. Munn said it is as much about keeping kids in and safe as it is about maintaining some privacy.

Zimmer went on to note that the CUP will establish some level of consistency in the underlying ownership pattern. Someone could not come in and take the north three lots and turn them into apartments. Someone could own more than one unit, but the CUP will be its zoning. This is also the reason this is an advisory review rather than a Certificate of Appropriateness. When there is a change of zone in a historic district, the Planning Commission seeks the advice of this body that what they are seeing in the proposed CUP is consistent with the historic district and beneficial to the neighborhood.

Gengler asked if a motion was needed. Zimmer said that would be preferable in order to clearly convey the will of this body, as a whole.

ACTION:

Gengler moved to recommend approval based on the finding that this body concurs with the concepts and designs as presented by the developers today; seconded by Johnson. Motion carried 5-0; Gengler, Johnson, Hewitt, McKee, and Munn voting 'yes'; Kuhlman and Francis absent.

There being no further business, the meeting was adjourned at 2:35 p.m.

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Airport Authority	jon large	1	Recommend Approval	27.58 - The proposal is outside the Environs District and all defined noise contours. 27.59 - The proposal is in the approach to Runway 32 and within the extended 10 mile approach area. Follow all requirements of the chapter.	First In Group
Building & Safety	christy eichorn	1	Recommend Approval		First In Group
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
Emergency Communications	Kelly Davila	1	Pending		Individual
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application.	Individual
Historic Districts/Capitol Environs	Historic Districts/Capitol Environs	1	Pending		First In Group
LES	les reviews	1	Corrections Required	05/13/2016 Provide blanket easement excluding building envelopes as noted on dwg. DG & SLS	First In Group
Parks & Recreation	mark canney	1	Recommend Approval	Please assign street trees to the project as required by ordinance.	First In Group
Planning Dept	brenda thomas	1	No Review Required		First In Group
Public Works - Engineering Services	bob simmering	1	Recommend Approval	5-20. Utilities are available to the site	First In Group
Public Works - Watershed Management	ben higgins	1	Recommend Approval	This is a redevelopment that appears to be under an acre. If so no stormwater quality requirements. Otherwise should be OK	Individual
Public Works & Utilities - Wastewater	brian kramer	1	Recommend Approval	There is sanitary sewer on this property that cannot be built over. Easements and access will need to be maintained.	Individual

Current Project - Agency Review Report

Public Works & Utilities - Water	dave beyersdorf	1	Recommend Approval	LWS does not have a water main in 'E' St. Lots 6 and 7 will require non-abutting water agreements to tap to water main in 9th St.	First In Group
Stronger Safer Neighborhoods	Jon Carlson	1	Pending		Individual
United States Post Office	kerry kowalski	1	Recommend Approval	Recommend approval on the condition all new delivery addresses are established in Centralized Box Units (CBUs) which will be purchased and installed at the developer's expense in a location mutually agreed upon by the developer and the US Postal Service.	First In Group
Windstream	Jeanne Kalkwarf	1	Pending		Individual