LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 15, 2004 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items.

P.A.S.: Change of Zone #04044 - Build -Through Standard
Misc # 04008 - Build Through amendments to Subdivision
Misc # 04011 - Build Through amendments to Design Standards

PROPOSAL: Text amendments to :

Zoning, Title 27 LMC;
Chapter 27.07 Permitted Special Uses
Chapter 27.65 Community Unit Plan
Chapter 27.83. New BTA District

Subdivision, Title 26 LMC;
Chapter 26.11 Procedure for Processing
Chapter 26.15 Preliminary Plat
Chapter 26.23 Development Standards
Chapter 26.27 Minimum Improvements

Lincoln Design Standards for Zoning and Subdivision Regulations;
Section 2.20 BTA Public Street Design Standards

All relating to the Build Through Acreage regulations to reflect the Comprehensive Plan and Consultants Build Through Report and recommendations.

CONCLUSION: These amendments modify the existing ordinances and standards to reflect the Build - Through Acreage (BTA) recommendations of the consultant and staff. These amendments only apply to Lincoln's three mile jurisdiction. The Subdivision and Zoning are adjusted to reflect a BTA overlay. The Design Standards are amended to reflect the road changes.

RECOMMENDATION:	Approval of attached text

HISTORY:

May 2002 - Lincoln Lancaster County Comprehensive Plan is adopted and calls for development of a "Build - Through" design standard to be applied to acreage development in Tiers II and III. New urban acreage development is not encouraged in Tier I.

Acreage Resource Group formed to assist staff and consultants on all acreage studies.

March 2003 - RDG Crose Gardner hired to assist in developing Build Through standards.

March 2004 - Final BTA report released.

August 2004 - Staff develops and releases draft BTA ordinances and standards.

2003 and 2004 - Numerous meetings with the ARG and public through the process.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan states:

Rural Lancaster County is in transition from an area of predominantly agricultural uses to an area which includes more residential uses. Balancing the strong consumer demand for country style living and the practical challenge of integrating acreages with traditional agricultural land use will continue. Lands previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized. (F69)

Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot area) and AGR - Agricultural Residential District (minimum of 3 acres per lot area) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies. (F70)

Specific areas will be designated so that approximately 6% of the total population in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the amount of potential conflict points between farm operations and acreages. (F70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F70)

New urban acreage development is not encouraged in the Plan Vision Tier I areas for Lincoln, except for areas already zoned, previously designated for acreages or under development, in order to provide areas for future urban growth and to minimize the impact on new acreage development. This will reduce the number of acreage homeowners who would be impacted by annexation in the future. Even though acreages can be designed with infrastructure to city standards, there is still an impact on acreage owners and their families during annexation in terms of changes in school district, the character of the surrounding area and financial implications. Impacts to the acreage homeowners and to the City of Lincoln can be avoided by locating acreages in areas outside of the Tier I areas.(F70)

Development of a performance standard "point system" will allow the location of higher density rural acreage development in either "AG" or "AGR" where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient "points" can be accumulated to justify the development at the requested location.(F 71)

"New 'urban acreage' development should only be permitted in Tier II and Tier III area of Lincoln and near towns under higher design standards based upon a "buildthrough" model and without use of sanitary improvement districts. The "build through" design standards should address, along with other items deemed necessary to the study:

- *a preliminary plan lot layout that accommodates first phase low density acreages with rural water and sewer systems. The preliminary plat would also show future lot splits as a second phase to permit the urban infrastructure to be built through and urbanization to occur if and when annexed by a city or town is deemed appropriate. The future lot splits will increase density in an urban form and provide income to property owners to defray the increases in city taxes, services and infrastructure costs;*

- *a lot layout that meets the various elements of the Comprehensive Plan; and*

- *a development agreement that runs with the land and acknowledges that the acreage development (I) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate. (F71)*

ANALYSIS:

1. The ordinance changes are summarized on the attached fact sheet and include amendments to the zoning to reflect a new overly BTA district on the AG and AGR in the three mile area . The subdivision ordinance amendments reflect the shadow plat and plat improvements. The Design Standard amendments reflect a new local urban/rural street.

2. The attached Figure #1, from the consultant report, reflects the concept of providing initial acreage lots and streets with a built-in transition to smaller lots and cross streets.

3. Figure #2 shows a local example of a conventional three acre subdivision with individual water and sewer.

4. Figure #3 shows that same subdivision with a “shadow plat” of future lots and streets.

5. Figure #4 shows the current three mile ETJ of Lincoln; this ordinance would effect the AG and AGR zoned areas in the three mile area, including all Growth Tiers.

6. Figures # 5 and 6 show existing situations of three and four acre acreage lots in the area of city growth.

7. Implementation is expected to enhance the ability of the City to grow into an acreage area as well as promote better information and flexibility to future homeowners. The technique will likely increase the cost of acreage development in the three mile area, although the proposed amendments do provide a density bonus to compensate for this cost. However, most importantly, this technique should reduce cost, time and effort for future conversions to new urban densities.

Prepared by:

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August 31, 2004

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FACT SHEET

BTA

Build Through Acreages

Zoning, Subdivision and other standards

BACKGROUND

- The adopted 2025 Comprehensive Plan states that no new "urban acreages" should be permitted unless they are developed based on standards for a "build through" model, including provisions for future splits, a lot layout and various agreements (page F 71).

- The City contracted with the consulting firm of RDG - Shukert in early 2003 to provide suggested language to implement the Comprehensive Plan policy. The Consultant conducted four open houses for public input and completed his report in March of 2004.

- The Planning Department formed the Acreage Resource Group (a group of local citizens of expertise) to assist the department and the consultants in our efforts to develop the acreage studies.

- The Planning Department conducted briefings of the City County Commons in late 2003 and early 2004 as well as a town hall meeting on all the acreage reports in November of 2003.

- The Planning Department has co-ordinated with the City Attorney, County Engineer and City Public Works and Utilities Department, to develop a package of draft ordinance revisions to the zoning, subdivision and design standards to reflect a Build Through standard.

- The tentative schedule is to have at least the zoning and subdivision text changes to the Planning Commission in September of 2004.

Build Through Regulations and Standards

Zoning - 27.65; 27.83 (new build through overlay district)

The proposed changes to the Zoning ordinance would create a new BTA/Build Through overlay district that would apply to all AG and AGR land located outside the city limits and within the three mile jurisdiction of the city. The overlay would require;

✓ a "shadow" plat of future lots at at least 1/3 the lot size,
✓ all easements for the existing and future lots
✓ pre grading of all streets and drainage ways
✓ agreements of no protest for future annexation, assessment and urbanization in the area,
✓ easements and location of major utility and road easements on the future urban outlot.
✓ the current bonus package for a cup is modified to allow 20% for preservation of future development land and an additional 20% for community sewer in the AG.

Subdivision - 26.15, 26.23, 26.27

The subdivision ordinance will include amendments that;

✓ allow the "shadow plat" to be treated as an approved preliminary plat and remain in effect with the BTA overlay zoning vs expiring in ten years.
✓ All information and improvements required in a preliminary plat would be required for a Build Through CUP.
✓ Grading and drainage must be calculated.
✓ Rough grading must be in place.

Design Standards - 2.20

The City Design standards for rural streets will be amended to;

✓ require concrete paving if paved.
✓ revise the typical section of a rural local street

August 13, 2004
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BTA
Build Through Acreages

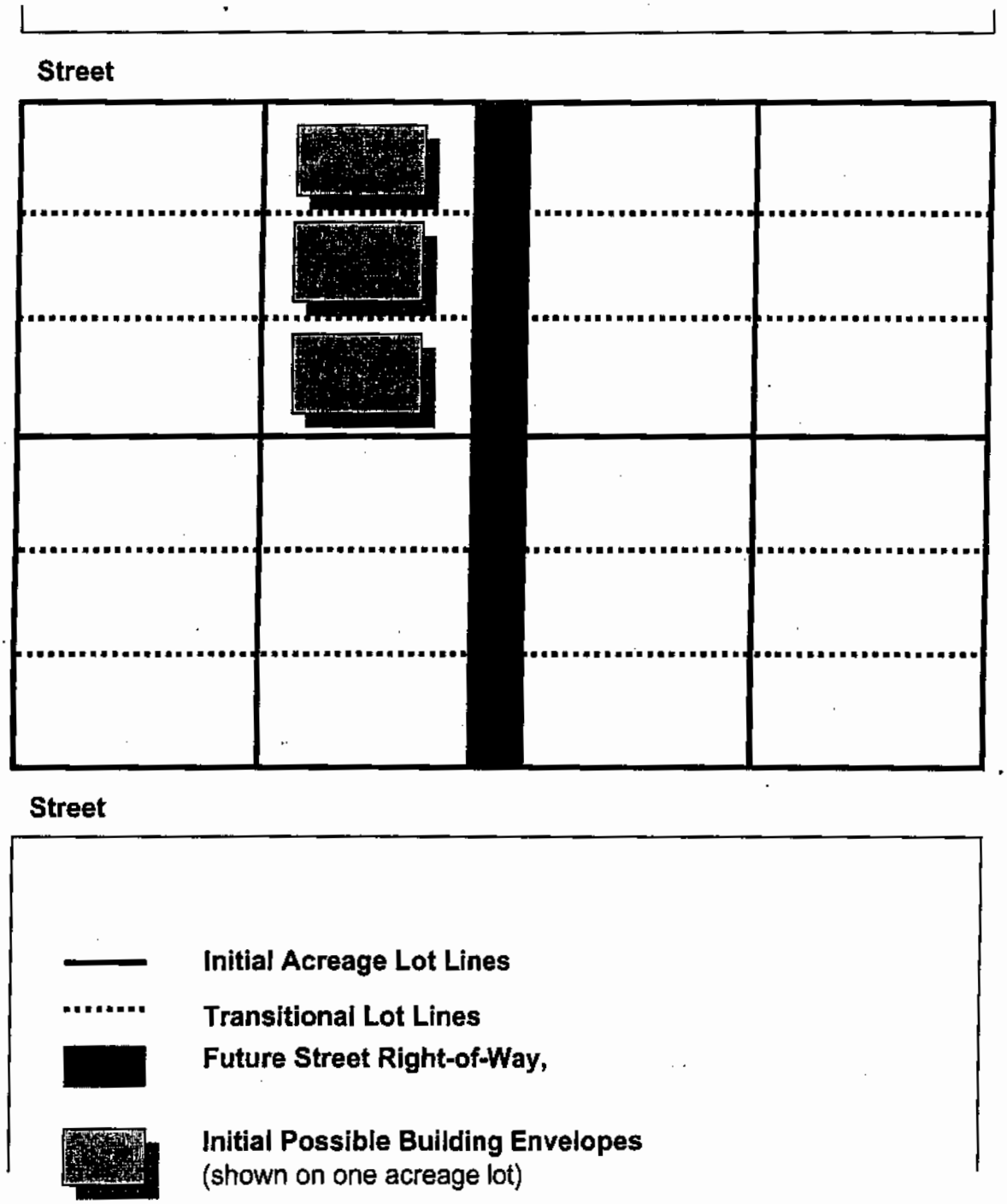


Figure 1
The Concept

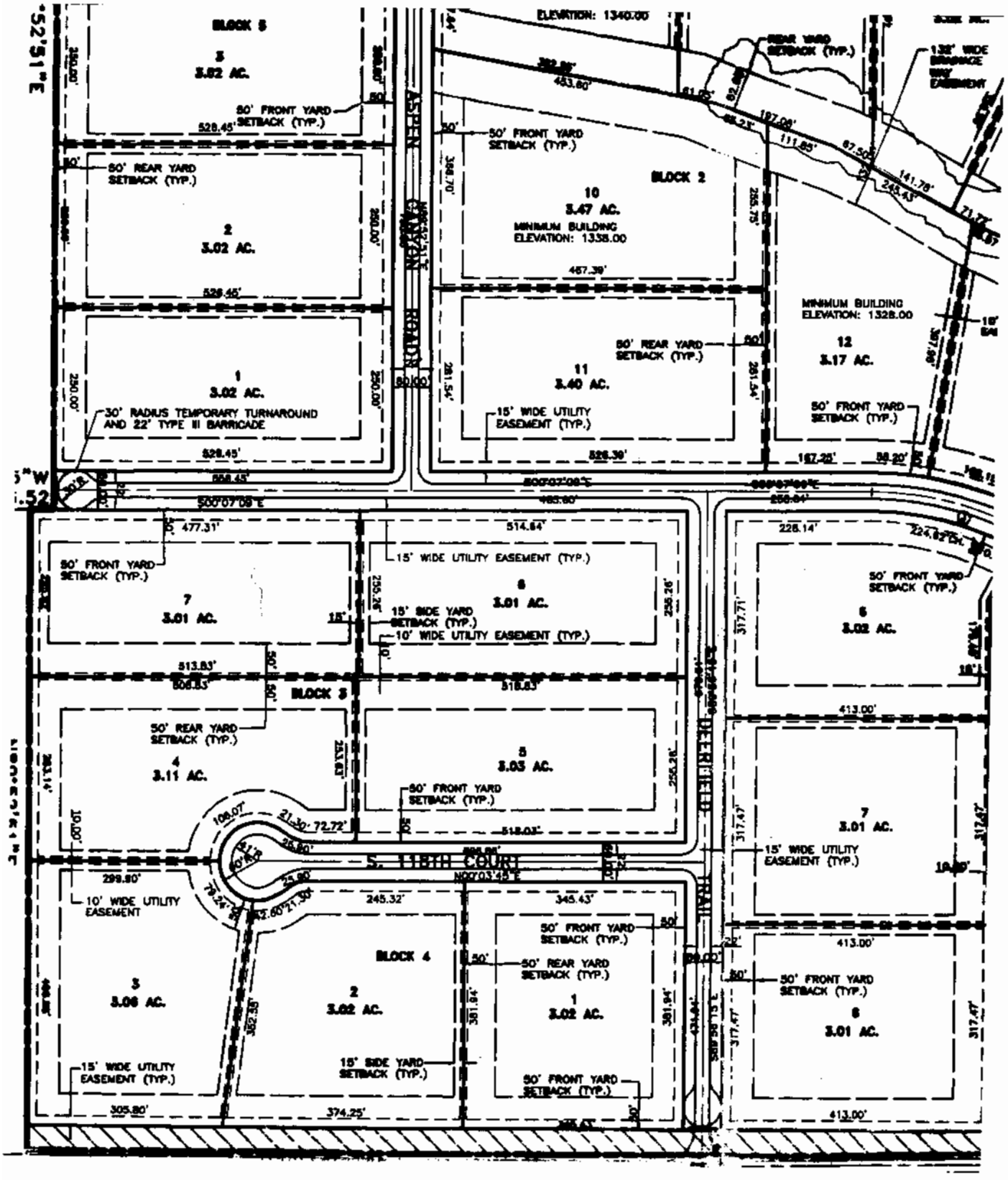


Figure 2
Straight subdivision of 3 acre lots

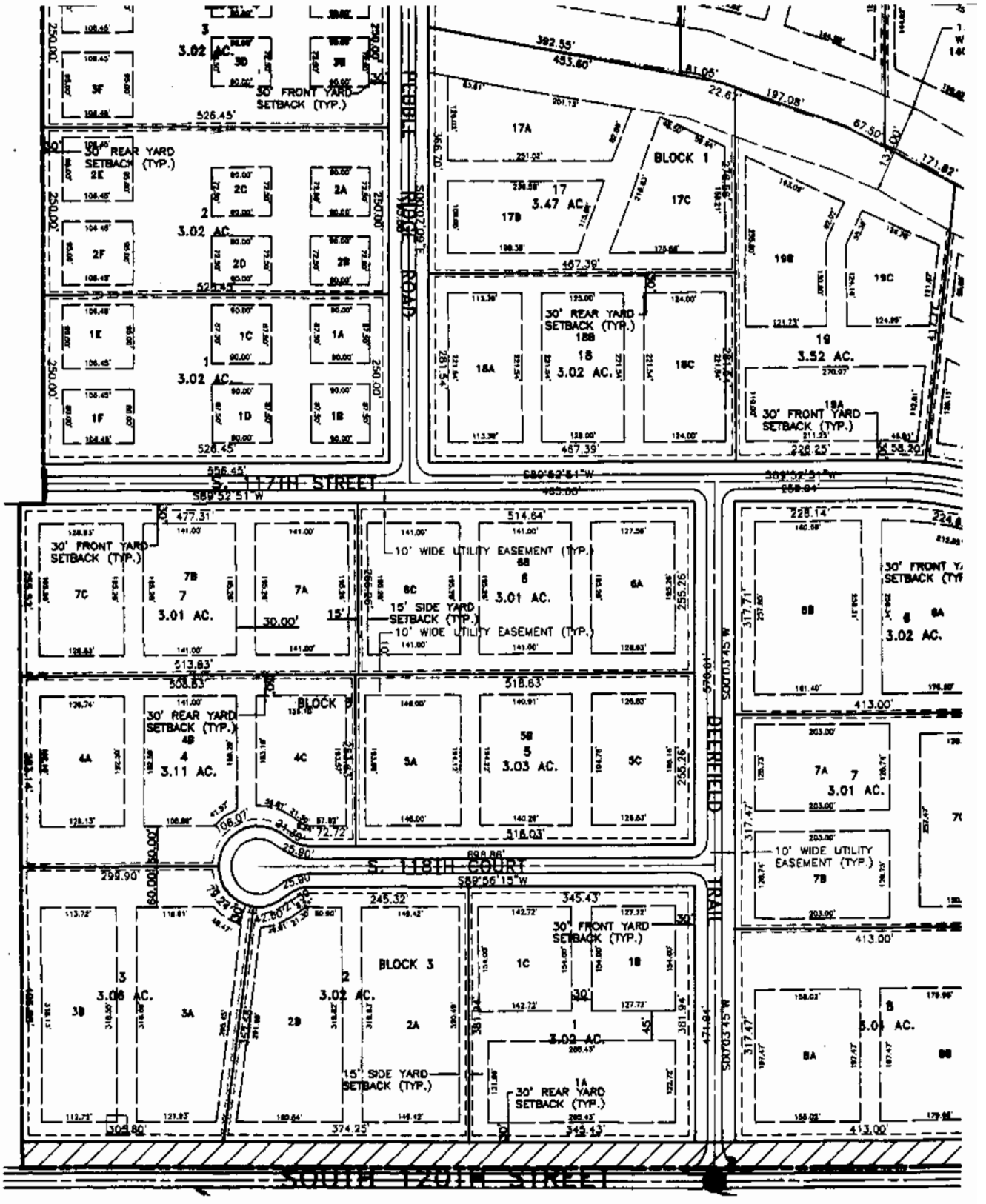


Figure 3 a
Building sites on acreage lots

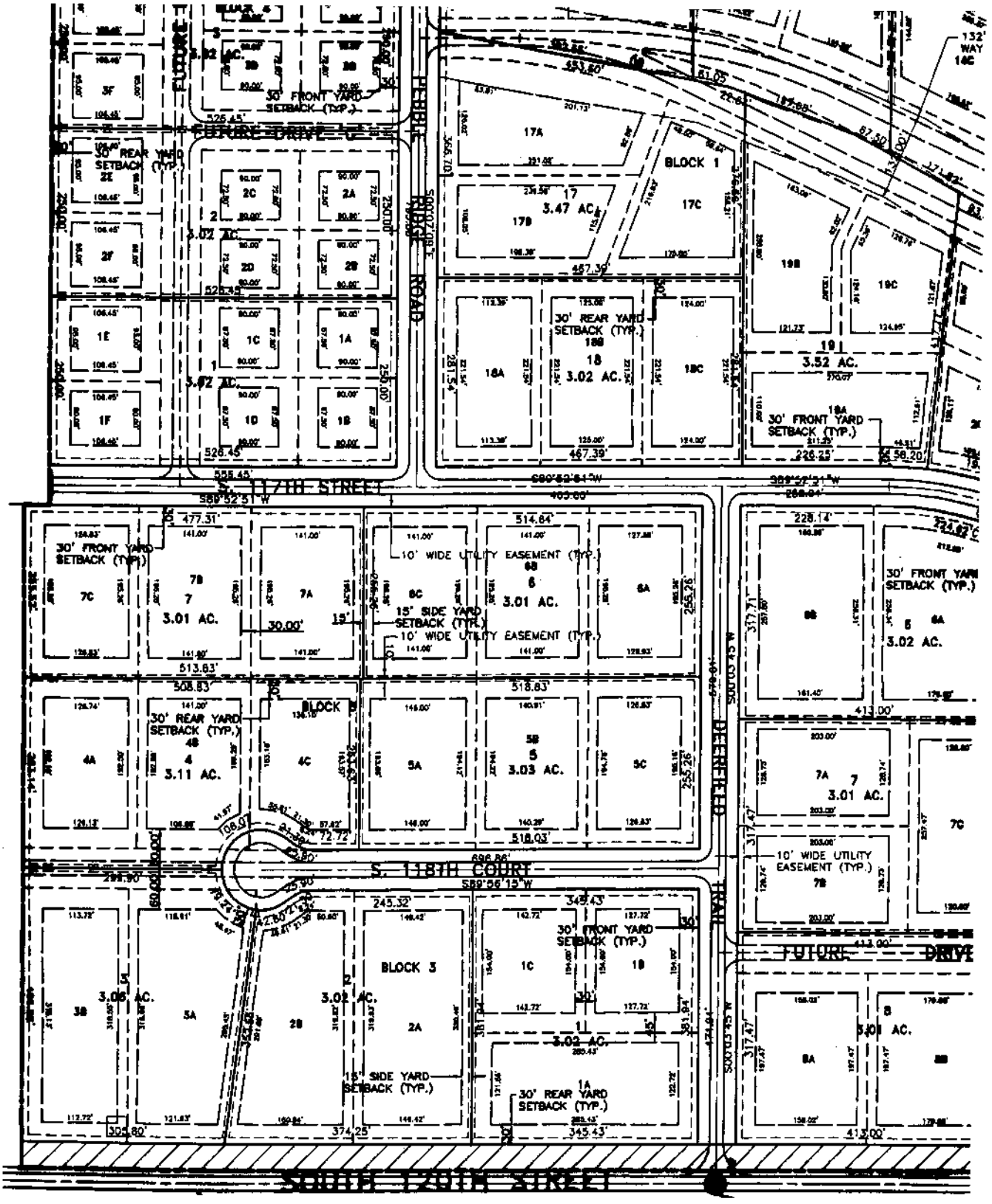
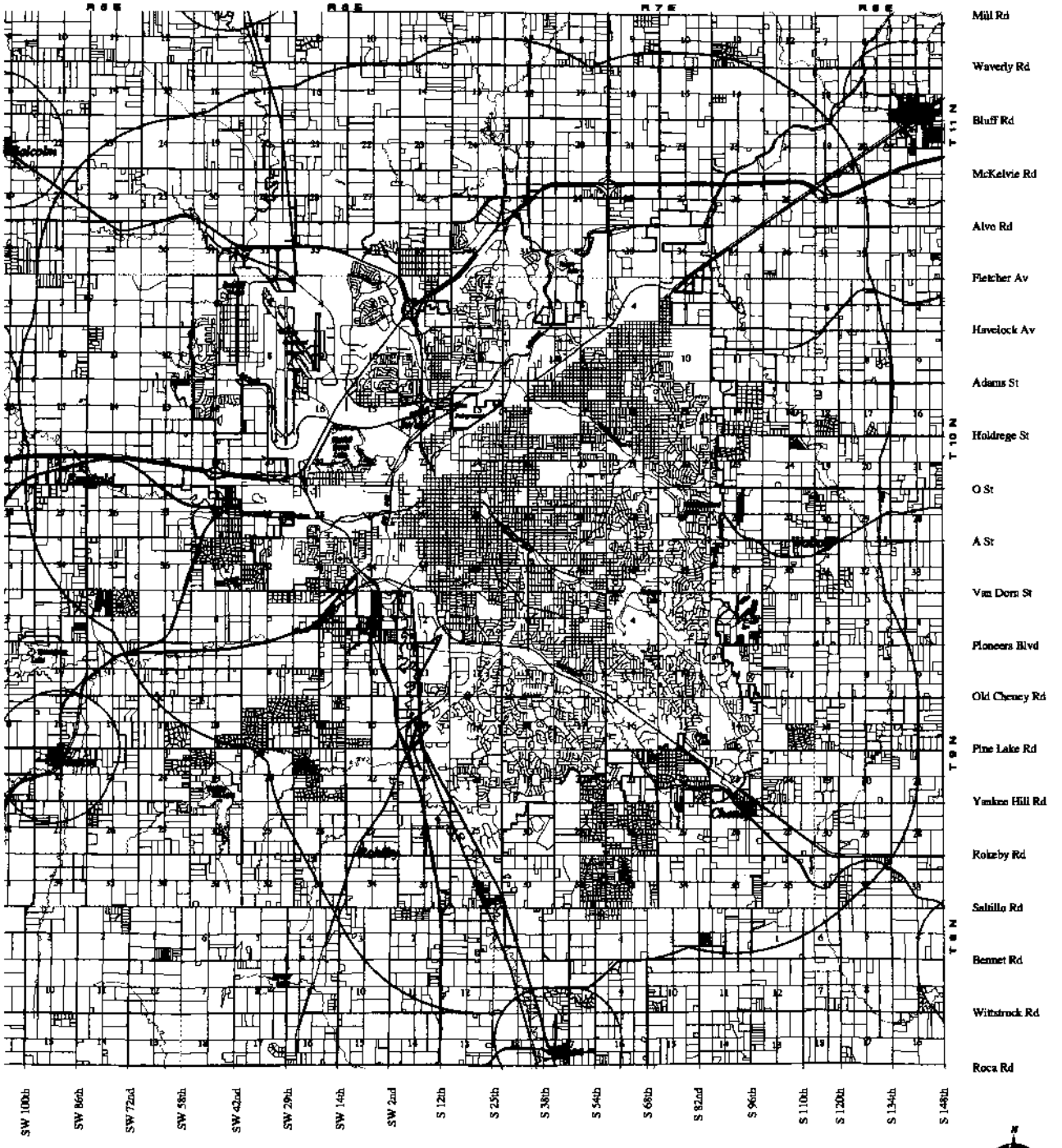


Figure 3 b
Urbanized lot and street configuration

LINCOLN'S THREE MILE JURISDICTION



LEGEND

- Lincoln City Limits
- Lincoln's Three Mile Jurisdiction
- One Mile Jurisdiction for Cities and Villages
- Township Boundary

Note: This map is intended to show as accurately as possible the relationship between the City's three mile jurisdiction and platted lots. It is not intended to be construed as survey accurate in any manner.

LINCOLN-LANCASTER COUNTY PLANNING DEPARTMENT

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MILES

Figure 4
Applies to the three mile

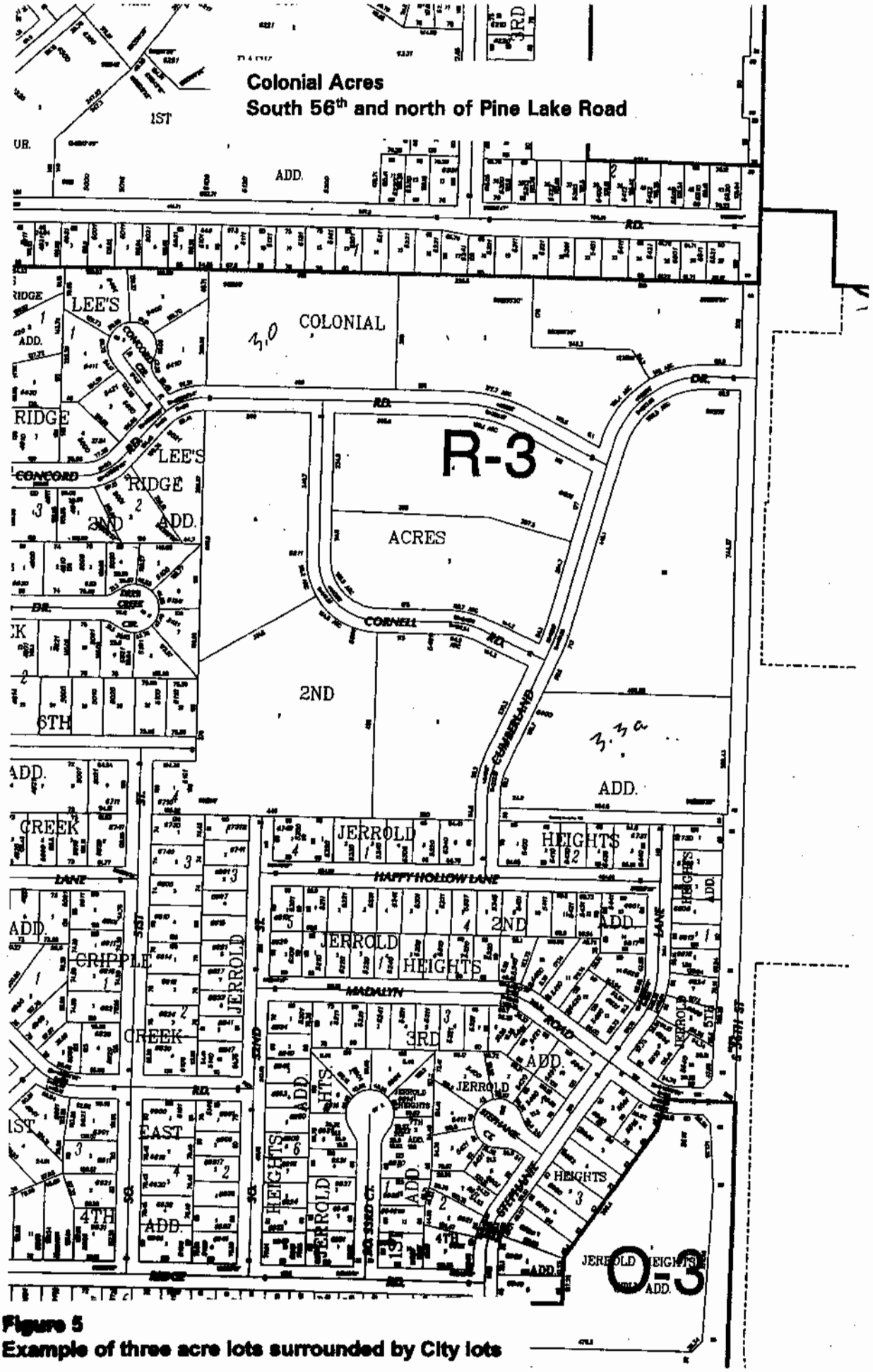


Figure 5
Example of three acre lots surrounded by City lots

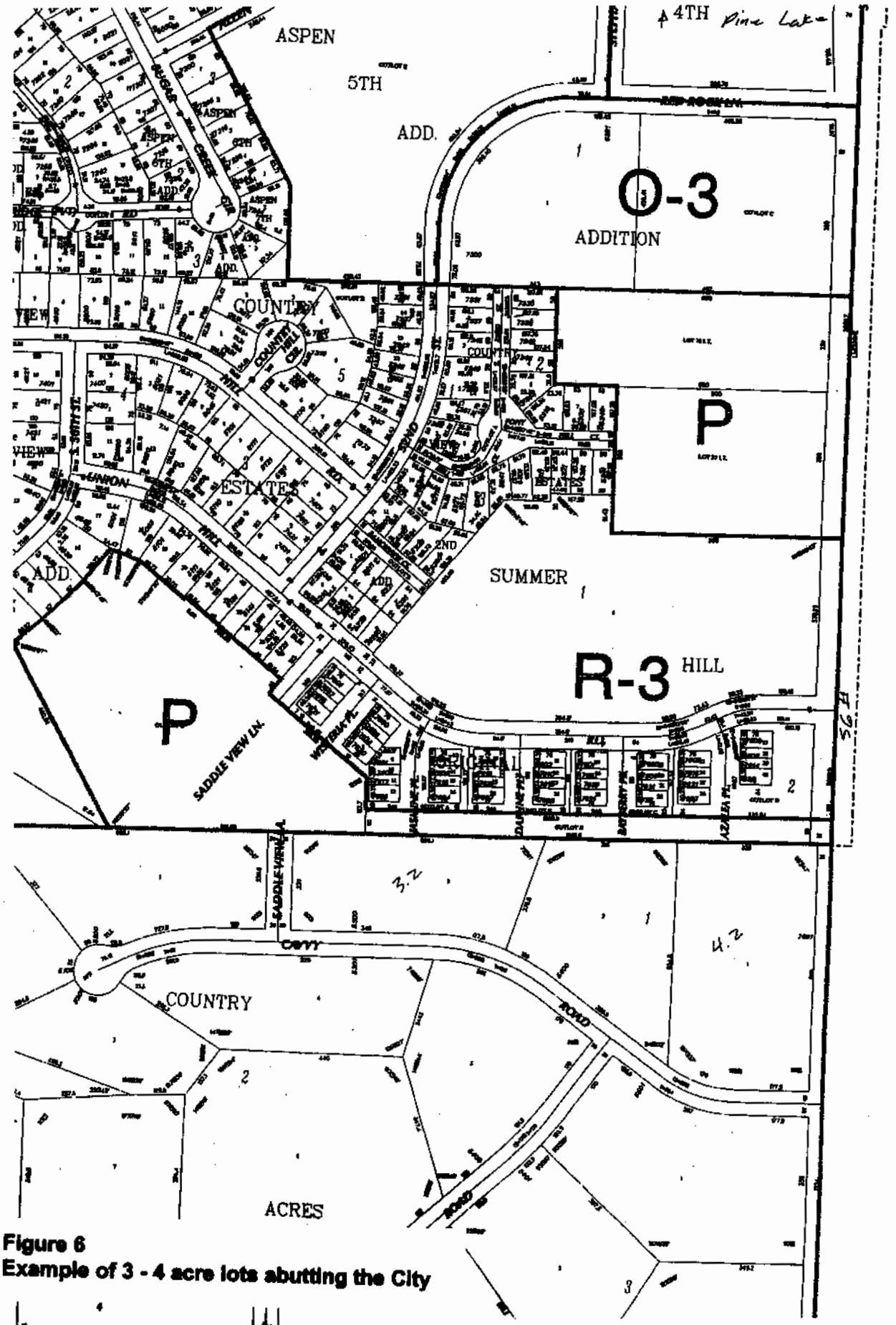


Figure 6
Example of 3 - 4 acre lots abutting the City

Country View Estates
South 56th Street, South of Pine Lake Road

Zoning Amendments
27 LMC

27.07.040 Permitted Special Uses.

A building or premises may be used for the following purposes in the AG Agriculture District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

(a) Private schools;

(b) Recreational facilities;

(c) Dwellings for members of religious orders;

(d) Broadcast towers and stations;

(e) Campgrounds;

(f) Veterinary facilities;

(g) Confined feeding facilities for livestock or poultry in excess of 15,000 square feet in area; in those parts of the AG Agriculture District designated "agricultural" on the future county land use map (Fig. 17) of the Lincoln-Lancaster County Comprehensive Plan (which for this purpose only is hereby incorporated herein by reference);

(h) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;

(i) Sale barns;

(j) Garden centers;

(k) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;

(l) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;

(m) Expansion of nonconforming use;

(n) Historic preservation;

[redacted]

(p) Public utility purposes;

(q) Private landing strips and appurtenances;

(r) Limited landfills;

(s) Race tracks for motorized vehicles;

(t) Temporary storage of construction equipment and materials;

(u) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.07.030.;

(v) Clubs;

(w) Dwelling units for domestic employees in accessory buildings;

(x) Heritage centers;

(y) Community halls.

04- Introduce:

ORDINANCE NO. _____

AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Section 27.07.040 to eliminate the requirement that a community unit plan in the AG district shall contain a minimum area of 75 acres; by amending Section 27.65.020 to provide provisions regarding approval of a community unit plan in the BTA Overlay District with underlying AG or AGR zoning to require that in the BTA Overlay District the land within a community plan be divided into two components, an Acreage Development Component and an Urban Reserve Component, to provide density bonus, and to provide for the timing of subdivision and development of each component; by amending Section 27.65.030 to provide that the application for a community unit plan shall be filed with the Planning Department rather than the Department of Building and Safety and to require the execution of an agreement between the City and the permittee for development of a community unit plan located in the BTA Overlay District; by amending Section 27.65.070 to provide for the form of community plan in the R-1 through R-6 zoning districts and in the AG and AGR zoning districts not within the BTA Overlay District; by adding a new section numbered 27.65.075 to provide for the form of a community unit plan in the BTA Overlay District; by adding a new section numbered 27.83.010 to provide regulations for the BTA Build Through Acreage Overlay District; by adding a new section numbered 27.83.020 to describe the purpose of the BTA Overlay District; by adding a new section numbered 27.83.030 to establish the district boundaries for the BTA Overlay District; by adding a new section numbered 27.83.040 to establish use regulations for the BTA Overlay District; by adding a new section numbered 27.83.050 to provide provisions governing the use of an undersized lot for a single family dwelling pursuant to

a special permit for a community unit plan in the BTA Overlay District; by adding a new section numbered 27.83.060 to establish area, height, grading and land use disturbance, parking, and sign regulations for the BTA Overlay District; by repealing Sections 27.07.040, 27.65.020, 27.65.030, and 27.65.070 of the Lincoln Municipal Code as hitherto existing; and by codifying Sections 27.83.010 through 27.83.060 as Chapter 27.83 of the Lincoln Municipal Code, entitled "Build Through Acreage Overlay District."

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

Section 1. That Section 27.07.040 of the Lincoln Municipal Code be amended to read as follows:

27.07.040 Permitted Special Uses.

A building or premises may be used for the following purposes in the AG Agriculture District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

(a) Private schools;

(b) Recreational facilities;

(c) Dwellings for members of religious orders;

(d) Broadcast towers and stations;

(e) Campgrounds;

(f) Veterinary facilities;

(g) Confined feeding facilities for livestock or poultry in excess of 15,000 square feet in area; in those parts of the AG Agriculture District designated "agricultural" on the future county land use map (Fig. 17) of the Lincoln-Lancaster County Comprehensive Plan (which for this purpose only is hereby incorporated herein by reference);

(h) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;

(i) Sale barns;

(j) Garden centers;

(k) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;

(l) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;

(m) Expansion of nonconforming use;

(n) Historic preservation;

(o) Community unit plans shall be permitted in conformance with provisions of Chapter 27.65~~. Any community unit plan shall contain a minimum area of seventy-five acres~~;

(p) Public utility purposes;

(q) Private landing strips and appurtenances;

(r) Limited landfills;

(s) Race tracks for motorized vehicles;

(t) Temporary storage of construction equipment and materials;

(u) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.07.030.;

(v) Clubs;

(w) Dwelling units for domestic employees in accessory buildings;

(x) Heritage centers;

(y) Community halls.

Section 2. That Section 27.65.020 of the Lincoln Municipal Code be amended to read as follows:

27.65.020 ~~General~~ 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, or R-6 zoning district which is one acre or more in area; in the BTA Overlay District with underlying AG zoning ~~district~~ which is ~~seventy-five~~ forty acres or more in area; or in the BTA Overlay District with underlying AGR zoning ~~district~~ 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 to the City Council a plan for the use and development thereof for residential purposes or for the repair and alteration of any existing residential development; provided, however, that the City Council shall apply the standards contained in this chapter and in Chapter 27.63 in considering all applications for community unit plans.

(b) Specific Requirements.

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

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

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

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

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

~~(e) Notwithstanding the provisions of (a) through (d) above, where permitted in the AG Agriculture District, any community unit plan shall contain a minimum area of seventy-five acres, and in the AGR Agricultural Residential District, a minimum area of ten acres.~~

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

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

(2) In the BTA Overlay District the land within the community unit plan shall be divided into two components: an Acreage Development Component and an Urban Reserve Component, except as provided in subsection (ii) below. The Acreage Development Component may be subdivided in conformance with requirements of the City Land Subdivision Ordinance into residential lots for single-family dwellings. The Urban Reserve Component may not be subdivided

or built upon but rather shall be reserved for future residential development until such time as City sanitary sewer and water utilities are extended to the Urban Reserve Component and the land within the community unit plan is annexed by the City of Lincoln.

(i) In the BTA Overlay District with underlying AG zoning, the Acreage Development Component shall not exceed twenty-five percent (25%) of the total area of the community unit plan if single-family dwellings will utilize on-site wastewater systems and in such event the minimum lot size shall be three acres. The Acreage Development Component shall not exceed ten percent (10%) of the total area of the community unit plan if the single-family dwellings will utilize a community wastewater system and in such event the maximum lot size shall be one acre.

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

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

(1) The request for a dwelling unit bonus shall be accompanied by a showing of the need for protection of the open space, a description of the proposed use of the open space and any

limitations there on, and the proposed method of protecting the open space which may include, but is not necessarily limited to, protective covenants, conservation or preservation easements, or similar restrictions of record.

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

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

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

~~(i) A community unit plan located in the AG or AGR zoning district which will protect natural environmentally sensitive areas, whether or not shown in the Lincoln City-Lancaster County Comprehensive Plan, may receive a dwelling unit bonus provided that:~~

~~(1) The request for dwelling unit bonus shall be accompanied by a showing of the need for the protection of the natural environmentally sensitive area including documents supporting the quality or value of the area to the community or ecosystem, the use proposed for the area and any limitations thereon, and the proposed method of protecting the area which may include, but is not necessarily limited to, protective covenants, conservation or preservation easements, or other~~

~~restrictions of record which insure that such areas shall remain undeveloped and preserved and which expressly prohibit any structures or other improvements or change in use of the area for a period of at least 99 years; and~~

~~(2) The density bonus if granted, will not cause any degradation of the natural environmentally sensitive area. Appropriate buffers shall be provided to insure that such degradation does not occur; and~~

~~(3) The natural environmentally sensitive area shall be accessible to residents of the community unit plan, and may also be accessible to the public, for very low passive recreation uses. Only those improvements specifically related to the use and enjoyment of such natural environmentally sensitive area, such as walkways and trails, which have been shown by the applicant to have no detrimental effect on said area shall be permitted.~~

~~For purposes of this subsection, "natural environmentally sensitive areas" shall mean areas such as wetlands, bodies of water, native prairie, woodlands, floodplains, or other wildlife habitats, or greenway corridors which are of substantial quality or value to the community and the ecosystem and which may include such natural buffers as are necessary and of sufficient quality to protect the integrity of the natural environmentally sensitive area.~~

~~In addition, natural environmentally sensitive areas may also include degraded natural areas that the applicant proposes to fully restore provided that:~~

~~(1) The applicant shows that there is a high likelihood for successful restoration of such area;~~

~~(2) The applicant demonstrates that he or she will dedicate sufficient resources to fully restore and maintain such area; and~~

~~(3) The applicant will commence restoration of such area no later than the time at which the construction of those dwelling units which require the dwelling unit bonus commences.~~

~~(j) A community unit plan in the AG zoning district where cultivated land and pasture land is preserved for agricultural use and no new public roads are created may receive a dwelling unit bonus provided that such land shall remain undeveloped and preserved and that protective covenants, conservation or preservation easements, or other similar restrictions of record are in place to expressly prohibit any change in use for a period of at least 99 years.~~

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

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

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

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

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

Section 3. That Section 27.65.030 of the Lincoln Municipal Code be amended to read as follows:

27.65.030 Procedures.

An application and plot plan and plans for development of a community unit plan under this chapter shall be filed in writing with the planning department ~~of building and safety~~. Upon the filing of an application, together with all information required by this chapter, the City Council will refer the application to the Planning Commission. The Planning Commission shall hold a public hearing upon such application and make a report to the City Council regarding the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to the public health, safety, and general welfare. The City Council shall take no final action upon any application for a community unit plan filed under this chapter until a report from the Planning Commission has been filed with the City Clerk; provided, that in the event there is a delay in excess of sixty days from the date of referral on the part of the Planning Commission in reporting its recommendations to the City Council, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting.

The report of the Planning Commission to the City Council shall include reasons for recommending approval or denial of any application and if approval is recommended, shall further include specific evidence and facts showing that the proposed community unit plan meets the following conditions:

(a) That the land surrounding the tracts for the proposed community unit plan will not be adversely affected;

(b) That the proposed community unit plan is consistent with the intent and purpose of this title to promote the public health, safety, and general welfare;

(c) That the buildings and land in the proposed community unit plan shall be used only for single-family dwellings, two-family dwellings, townhouses, multiple dwellings, or dwellings for non-related persons and accessory uses and any other uses permitted in the zoning district in which the land is located;

(d) That the average lot area per family within the proposed community unit plan will not be less than the lot area per family required in the zoning district or districts in which the tracts of the proposed community unit plan is located, except as otherwise provided in this chapter. The lot area per dwelling for non-related persons shall not be less than the lot area required under Section 27.70.020 for the zoning district in which the use is proposed to be located.

(e) ~~If an application for the community unit plan located within a floodplain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the community unit plan.~~ For a community unit plan located in the BTA Overlay District, the Council shall require the execution of a written agreement with the City relating to conversion of the Acreage Development Component to higher urban density and future annexation of the Urban Reserve Component and implementation of the Master Plan for the future development of the Urban Reserve Component of the community unit plan. The written agreement shall include, but not be limited to, the following provisions:

(1) The timing of annexation and the final platting of the Urban Reserve Component following the extension of sanitary sewer and water utilities to the Urban Reserve Component;

(2) A plan for funding infrastructure cost for conversion of the Acreage Development Component and implementation of the master plan for the Urban Reserve Component, including an agreement to agree to petition for the creation of special assessment districts for the installation of such improvements if not installed by the permittee at permittee's own cost and expense.

Section 4. That Section 27.65.070 of the Lincoln Municipal Code be amended to read as follows:

27.65.070 Form of Community Unit Plan in the R-1 through R-6 Zoning Districts and AG and AGR Zoning Districts Not Within BTA Overlay District.

A final plot plan shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall contain the following information:

(a) A surveyor's certificate certifying to the accuracy of the boundary survey shown thereon, and a certificate for showing the Planning Commission's approval or disapproval, and a certificate for the City Clerk to show the approval or disapproval by City Council, including the date and resolution number;

(b) Date prepared, north point, scale of plot plan, and location of section lines and section corners;

(c) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on a 100-foot grid shall be required to fully indicate the topography on flat land;

(d) Locations, name, tangent lengths, centerline radius of each curve and its interior angle and width of all proposed and existing streets, highways, private roadways, and other public ways within and adjacent to the development;

(e) Locations and widths of all existing and proposed easements for drainage, sewers, and other public utilities and, if appropriate, access easements;

(f) Location, width, and direction of flow of all watercourses in and adjacent to the community unit plan, including the limits of the floodplain and floodway as defined in Chapters 27.52 and 27.53;

(g) The location and size of all existing and proposed sanitary and storm sewers, culverts, water mains, fire hydrants, and existing power lines and other underground structures or cables within the tract of land and adjacent streets;

(h) All lot lines, building setback lines for all lots, dimensions of all lot lines and building envelope lines. Chord distances shall be shown for lot lines abutting curvilinear streets;

(i) Lot numbers shall begin with the number (1) and shall continue consecutively through a block with no omission or duplication. Blocks shall be numbered in the same manner. Letters shall be used to designate outlots in alphabetical order;

(j) Proposed areas for parks and playgrounds. Any parcels other than streets which are to be dedicated or reserved for public use shall be clearly shown and said parcels shall be designated as outlots and assigned an alphabetical designation;

(k) The location of all proposed and existing sidewalks, walkways, and other pedestrian ways;

(l) Location, height, and use of proposed and existing buildings with an indication as to whether an existing building is to be removed or to remain, and signs, if any, in accordance with the provisions of Chapter 27.69;

(m) A certified accurate boundary survey showing sufficient linear, angular, and curve data to determine the bearing and length of all boundary lines of the community unit plan. Where the tract of land abuts on an existing plat, the distances, angles, and bearing of any common lines shall be shown and any differences in measurement noted. The total calculated acres within the boundaries of the community unit plan shall be shown;

(n) The following data shall be shown on each sheet of the community unit plan:

(1) The name of the community unit plan;

(2) The name, address, and telephone number of the person or company responsible for preparation of the community unit plan;

(3) North arrow, scale, date;

(4) Sheet number and the total number of sheets comprising the community unit plan.

(o) Accompanying the community unit plan, the following information shall be submitted to the Planning Department with the number of copies requested by the Planning Director:

(1) Name, address, and telephone number of developer;

(2) Certified record owner or owners and their address;

(3) Legal description of the proposed community unit plan, including the number of acres;

(4) Statement of present zoning and proposed use or uses of the property;

(5) Profiles along the centerline of the proposed streets and private roadways which show the existing ground surface elevations and the proposed street grades including the length of vertical curves between changes in grade with the profiles for stub streets ending at the boundary of the community unit plan to be extended 300 feet beyond the limits of the community unit plan into subdivided and unsubdivided land;

(6) The proposed method of providing sanitary sewer service to the area;

(i) If a public wastewater works or community wastewater works is established, the size and location of all proposed sanitary sewers, the proposed manhole locations, any necessary extension to the existing public system or to the proposed community wastewater works, and the location of the proposed community wastewater works;

(ii) If the use of an on-site wastewater treatment system is permitted, pursuant to Section 26.27.040 of the Lincoln Municipal Code, plans for the proposed disposal system and its location on each lot must be shown. If a septic tank system is proposed, soil and percolation data and plans which show the location of one main subsurface disposal field for each lot which is proposed to be served by a septic tank system shall be shown.

(7) The proposed method of providing an adequate potable water supply;

(i) If a public, or community water system, or rural water district is used, the location and size of all proposed water mains, the proposed hydrant locations, and any necessary extension of the proposed system to existing water mains or to a proposed community well, the location of the proposed community well, and the type of water treatment to be used;

(ii) If a community water system other than a rural water district is proposed, data on the quantity and quality of the water shall be obtained from a test well within the immediate vicinity of the proposed water supply well. If an individual water well system for each

lot is proposed, data on the quantity and quality of the water shall be obtained from test wells which shall be drilled on the ratio of one to each ten acres on a grid system. The results of these preliminary tests shall in no way be construed to guarantee the quantity or quality of water to individual lots in the proposed community unit plan and the data obtained from these tests shall not be used to imply that an adequate quantity or acceptable quality of water is available in the proposed community unit plan.

(8) A drainage study prepared in accordance with the current storm sewer design standards of the city on file with the City Clerk. The following items must be included in the drainage study:

(i) A map showing the drainage area and resulting runoff from any land lying outside the limits of the community unit plan which discharges storm water runoff into or through the community unit plan;

(ii) A map showing all internal drainage areas and resulting runoff;

(iii) Proposals as to how the computed quantities of runoff will be handled;

(iv) A copy of the drainage computations.

(9) A map or an aerial photograph showing the proposed streets, private roadways, driveways, parking areas, buildings and lots which includes the location, and identifies, by common name, all existing trees within the area of the community unit plan. Single trees which are three inches in caliper or larger measured five feet above the ground must be shown. However, if five or more trees are located so that each is within approximately ten feet of the edge of another tree, they will be considered a tree mass and the outline of the tree mass may be shown with a list of the common names of the trees which are within the tree mass. If the above-stated procedure is followed, the individual location of each tree within the tree mass is not necessary. An indication

shall be made on the map showing which trees or tree masses are to remain and which trees or tree masses are to be removed;

(10) A vicinity sketch showing the general location of the community unit plan in relation to existing streets, section lines, and city limits;

(11) Site grading plan showing existing and proposed contour lines with intervals at no greater distance than five feet, and if necessary, spot elevations showing complete proposed grading of the community unit plan. Also, cross-sections may be required showing existing and proposed ground lines and buildings. Information as to where fill will be obtained and the amount of the fill shall be included if all or part of the property is located within the floodplain as defined in Chapters 27.52 and 27.53. If the proposed location from which said fill is obtained is later to be changed, the developer shall inform the Public Works and Utilities Department of the location of the proposed new borrow area and obtain approval thereof from the Director of Public Works and Utilities;

(12) All deviations from the provisions of this chapter shall be fully set forth and reasons given for said deviations;

(13) In the event that said real property is located within a floodplain, the developer shall comply with all requirements pertaining to floodplains contained in the Lincoln Municipal Code and applicable state statutes.

Section 5. That Chapter 27.65 of the Lincoln Municipal Code be amended by adding a new section numbered 27.65.075 to read as follows:

27.65.075 Form of Community Plan in the BTA Overlay District.

(a) A final plot plan for the Acreage Development Component shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details

of the plan clearly and shall contain the information required for final plot plans in Section 27.65.070 and the following requirements:

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

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

(b) A future final plot plan providing for conversion of the Acreage Development Component to higher urban residential density shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall contain the information required for final plot plans in Section 27.65.070 and the following information:

(1) Final lot lines that will be implemented with the extension of urban infrastructure and annexation by the City. For acreage community unit plans using on-site wastewater systems with a three acre minimum lot size, the future plot plan shall provide an average lot size of one acre or a maximum gross density of one unit per acre. For acreage community unit plans using community wastewater systems with a one acre maximum lot size, the future final plot plan shall provide an average area per family equal to the lot area per family required in the R-3 Residential District, or a maximum gross density of 3.25 units per acre.

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

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

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

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

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

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

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

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

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

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

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

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

Section 6. That Title 27 of the Lincoln Municipal Code be amended by adding a new section numbered 27.83.010 to read as follows:

27.83.010 Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations of the BTA Build Through Acreage Overlay District.

Section 7. That Title 27 of the Lincoln Municipal Code be amended by adding a new section numbered 27.83.020 to read as follows:

27.83.020 Purpose.

The purpose of this chapter is to provide a mechanism for approval of short-term acreage development in portions of the City of Lincoln's zoning jurisdiction that are unlikely to receive urban services, and consequent urban density development, within the next 20 to 25 years (generally the area designated as Tiers II and III in the City of Lincoln's 2025 Comprehensive Plan) in the form of an overlay zone in combination with the City's existing AG Agriculture and AGR Agricultural Residential Districts. The overlay district is intended to allow owners the opportunity to realize a reasonable return on their property and to accommodate a continuing demand for acreage development without obstructing future urban development. The BTA Overlay District allows owners to develop a portion of their property with low-density residential development, while reserving the majority of the property for future long-term development with urban services. It also

provides for the eventual transition of the previously developed acreage residential use to higher densities with the extension of urban services.

Section 8. That Title 27 of the Lincoln Municipal Code be amended by adding a new section numbered 27.83.030 to read as follows:

27.83.030 BTA Overlay District; Boundaries; Map.

The BTA Overlay District applies to all land zoned AG and AGR on the effective date of this Ordinance outside of, but within three miles of the city limits and all land which may hereinafter come within three miles of the city limits by virtue of annexation which was at the time of annexation zoned AG Agriculture District or AGR Agricultural Residential District under its previous county zoning.

Section 9. That Title 27 of the Lincoln Municipal Code be amended by adding a new section numbered 27.83.040 to read as follows:

27.83.040 Use Regulations.

Any use permitted in the underlying AG Agriculture District or AGR Agricultural Residential District in which the proposed use is located shall be allowed in the BTA Overlay District, except as prohibited within the provisions of this chapter and provided the additional requirements of this chapter are met.

Section 10. That Title 27 of the Lincoln Municipal Code be amended by adding a new section numbered 27.83.050 to read as follows:

27.83.050 Single-Family Dwellings Under Community Unit Plans (CUP).

A building or premises may be used for a single-family dwelling containing less than the minimum lot area of the underlying zoning district in the BTA Overlay District if a special permit for such use has been obtained in conformance with the requirements of Chapters 27.63 and 27.65.

Section 11. That Title 27 of the Lincoln Municipal Code be amended by adding a new section numbered 27.83.060 to read as follows:

27.83.060 Area, Height, Grading and Land Use Disturbance, Parking, and Sign Regulations.

The area, height, grading and land disturbance, parking, and sign regulations in the underlying AG or AGR zoning district shall apply in the BTA Overlay District except as otherwise provided herein.

Section 12. That Sections 6 through 11 of this ordinance be codified in the Lincoln Municipal Code as Chapter 27.83, Build Through Acreage Overlay District.

Section 13. That Sections 27.07.040, 27.65.020, 27.65.030, and 27.65.070 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 14. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2004:

_____
Mayor

Subdivision Amendments
26 L.M.C.

04- Introduce:

ORDINANCE NO. _____

AN ORDINANCE amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision ordinance by amending Section 26.11.037 to eliminate the provision that a preliminary plat shall only be effective for a period of ten years from the date of the City's approval; by amending Section 26.11.038 to provide provisions regarding the installment or construction of utilities within the Acreage Development Component of a community unit plan located in the BTA Overlay District; by adding a new section numbered 26.15.050 to require a transitional preliminary plat for the future conversion of the Acreage Development Component and development of the Urban Reserve Component for community unit plans within the BTA Overlay District and to delineate required information to be shown on the transitional preliminary plat; by adding a new section numbered 26.23.122 to require easements and dedications for future use of land for streets and public utilities under the future conversion of the Acreage Development Component of a community unit plan to be included as part of any final plat for the original development of the Acreage Development Component; and repealing Sections 26.11.037 and 26.11.038 of the Lincoln Municipal Code as hitherto existing.

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

Section 1. That Section 26.11.038 of the Lincoln Municipal Code be amended to read as follows:

26.11.037 Commission Action on Preliminary Plat.

If after public hearing the commission finds the proposed preliminary plat complies with the requirements of this title, it shall approve the preliminary plat. The approval of the preliminary plat shall not constitute authority for the subdivider to sell the individual lots.

If a governmental agency, other than the city, which is directly concerned with the proposed subdivision with respect to schools, parks, playgrounds, fire stations, libraries, and other common areas for public use, failed to file with the Planning Director its approval of or a report on the

preliminary plat, the commission may withhold its approval or disapproval of the preliminary plat until such agency's approval or report is filed.

If after public hearing the commission finds that the proposed preliminary plat does not satisfy the requirements of this title, it shall specify in writing in the minutes of the hearing the objections to the proposed preliminary plat. The commission may disapprove or approve the proposed preliminary plat upon the condition that the subdivider makes specific changes in the proposed preliminary plat which will remove the objections and bring the proposed preliminary plat into compliance with this title.

The action and findings of the Commission on the preliminary plat after public hearing shall be filed with the City Clerk, and the person offering the proposed preliminary plat within seven days from the action by the Planning Commission. One copy of the proposed preliminary plat and findings shall be retained by the commission as part of its official records.

The subdivider, any council member, the Planning Director, the Public Works and Utilities Director, or any aggrieved person may appeal any action of the commission to the City Council by filing notice of appeal with the City Clerk within fourteen days following the action by the Planning Commission.

~~The preliminary plat shall only be effective for a period of ten years from the date of the city's approval, and shall be of no force or effect thereafter.~~ If any final plat on all or a portion of the approved preliminary plat is submitted five years or more after the effective date of the preliminary plat, the city may require that a new preliminary plat be submitted, pursuant to all the provisions of this chapter. A new preliminary plat 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 preliminary plat as originally approved does not comply with the amended rules and regulations.

Section 2. That Section 26.11.038 of the Lincoln Municipal Code be amended to read as follows:

26.11.038 Authority to Proceed With Improvements.

Receipt by the subdivider of final approval of the preliminary plat shall constitute authority for the subdivider to proceed with plans, profiles, and specifications for the grading and land preparation, submission of the final plat, and the installation of the required improvements, except street lighting and street name signs. No person shall engage in the grading or disturbance of any land one acre or greater in size without first submitting a drainage and grading plan setting forth the requirements of the design standards applicable to stormwater management, erosion, and sedimentation control and obtaining approval of said plan. Any person who engages in the grading or disturbance of any land in violation of the provisions contained in this section shall be subject to an order to cease and desist such grading work. No utility or improvement shall be installed or constructed until the area to be developed has been graded and the subdivider's licensed surveyor or engineer has submitted a written statement with the seal of the professional to the Director of Public Works and Utilities that the grading and shaping of the land to be developed has been completed in conformance with the grading shown on the preliminary plat, the drainage study, and the final street grades. <u>In addition, no utility or improvement shall be installed or constructed within the Acreage Development Component of a community unit plan located in the BTA Overlay District until the entire area of the Acreage Development Component has been graded and the subdivider's licensed surveyor or engineer has submitted a written statement with the seal of the professional to the Director of Public Works and Utilities that the grading and shaping of all the land within the Acreage Development Component has been completed in conformance with the grading shown on the transitional preliminary plat, the drainage study and the final street grades</u>. The Director of Public Works and Utilities may approve the grading, installation, and construction in phases. Also, no utility or improvement shall be installed or constructed until the plans, and if appropriate profiles and specifications, are prepared by the appropriate city department or submitted by the subdivider to the appropriate city department and other governmental agencies required by law, and approval is granted. Plans, and if appropriate profiles and specifications, for street surfacing, sidewalks,

public water systems, public wastewater works, storm drains, and drainage systems, land preparation and grading, and temporary turnarounds not prepared by the city engineering staff shall be submitted to the Department of Public Works and Utilities for approval. Plans, profiles, and specifications for community water systems and community wastewater works shall be reviewed and approved pursuant to Section 26.11.040(d) of this title. Individual water well systems and on-site wastewater treatment systems shall be submitted to the City-County Health Department for approval. Plans and specifications for landscape screens and trees shall be submitted to the Planning Director for approval. Plans and specifications for electrical distribution systems and street lighting shall be prepared by the Lincoln Electric System (LES) unless the subdivider requests and receives permission from LES to use a private consulting engineer, then the plans and specifications shall be submitted to LES for approval. The plans and specifications for street name signs shall be prepared by the Department of Public Works and Utilities. The plans and specifications for the grading and land preparation, paving, street surfacing, public water system, public wastewater works and storm drains shall be prepared by a professional engineer or architect registered in the State of Nebraska.

Installation of utilities and improvements may be allowed on all or a portion of the proposed subdivision prior to the approval of the final plat. Street surfacing, public water systems, public wastewater works, and public street lighting shall not be installed or constructed until authorized by executive order of the Mayor or ordered constructed by the city through an assessment district. Storm drainage systems shall not be installed or constructed until authorized by executive order of the Mayor.

The design and installation of each utility and other improvements shall be in strict accordance with the design standards for that utility or other improvement. Design standards for utilities and other improvements shall be on file with and available from the City Clerk.

Section 3. That Chapter 26.15 of the Lincoln Municipal Code be amended by adding a new section numbered 26.15.050 to read as follows:

26.15.050 CUP Developments Within the BTA Overlay District.

For community unit plan developments within the BTA Build Through Acreage Overlay District, a transitional preliminary plat for the conversion of the Acreage Development Component and the future development of the Urban Reserve Component to higher urban residential density with the future extension of urban services and annexation to the City of Lincoln shall be submitted as part of the preliminary plat submission for the Acreage Development Component. The transitional preliminary plat shall be drawn over the base of the preliminary plat or shown on accompanying pages to the preliminary plat and shall be incorporated into the preliminary plat approval process. The following information shall be shown on the transitional preliminary plat:

(a) Final lot lines that may be implemented with the extension of urban infrastructure and annexation to the City.

(b) The location and layout of any future streets not dedicated and improved as part of the community plan, but needed in the future to implement the transitional preliminary plat.

(c) Easement locations for future utilities and stormwater drainage. These easements shall also be included on the preliminary and final plats of the community unit plan.

(d) Building envelopes necessary to provide adequate setbacks to implement the transitional preliminary plat.

Section 4. That Chapter 26.23 of the Lincoln Municipal Code be amended by adding a new section numbered 26.23.122 to read as follows:

26.23.122 Easements and Dedications in Final Plats of Land Zoned BTA Overlay District.

In addition to the easement provisions of Section 26.23.120, blanket easements or other effective methods of reserving rights for future use of land for streets and public utilities shall be included as part of any final plat for the Acreage Component of a community unit plan located in the BTA Overlay District. In addition, easements or dedications shall be provided for corridors or other lands designated in the transitional preliminary plat for future streets, infrastructure, or utility extensions.

Section 5. That Sections 26.11.037 and 26.11.038 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 6. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2004:

_____
Mayor

04- Introduce:

ORDINANCE NO. _____

AN ORDINANCE amending Chapter 26.27 of the Lincoln Municipal Code relating to Minimum Improvements by amending Sections 26.27.020, Sidewalks; 26.27.070, Street Lighting; 26.27.080, Landscape Screens; and 26.27.090, Trees, to waive the requirement for the installation of the foregoing improvements for subdivisions located outside the city limits where all lots contain an area of one or more acres; and repealing Sections 26.27.020, 26.27.070, 26.27.080, and 26.27.090 of the Lincoln Municipal Code as hitherto existing.

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

Section 1. That Section 26.27.020 of the Lincoln Municipal Code be amended to read as follows:

26.27.020 Sidewalks.

Concrete sidewalks shall be constructed to the specifications set forth in Chapter 14.80 of this code in pedestrian ways and on both sides of all streets and private roadways within the subdivision and on the side of the streets abutting the subdivision, except as otherwise provided in this title. Notwithstanding the above, ~~T~~the sidewalk requirements ~~may be modified or waived in all or a~~ are not required in that part of a subdivision located outside the city limits where all lots ~~in the subdivision~~ contain an area of one or more acres.

Section 2. That Section 26.27.070 of the Lincoln Municipal Code be amended to read as follows:

26.27.070 Street Lighting.

Street lighting shall be constructed in collector and local streets and private roadways within the subdivision and on the side of the streets and private roadways which abut the subdivision, with an underground connection to the local electrical system in accordance with the illumination requirements and design standards of the Lincoln Electric System. ~~This requirement may be modified or waived in subdivisions outside the corporate limits that are not annexed into the city if~~

~~all the individual lots are one (1) acre or more in area.~~ Notwithstanding the above, the street lighting requirements are not required in that part of a subdivision located outside the city limits where all lots contain an area of one or more acres.

Section 3. That Section 26.27.080 of the Lincoln Municipal Code be amended to read as follows:

26.27.080 Landscape Screens.

Landscape screens as required by the city shall be installed at the subdivider's expense as a buffer for the protection of residential properties along major streets, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision. The design of the landscape screen shall be reviewed and approved by the Planning Director in accordance with the design standards for landscape screens of the city on file with the City Clerk. The required landscape screens shall be installed on private property within the subdivision to be maintained by the subdivider, his heirs, successors, and assigns. The installation of the landscape screens shall be under the direction and subject to the approval of the director of parks and recreation. ~~This requirement may be modified or waived in residential subdivisions outside the corporate limits that are not annexed into the city if all individual lots are one acre or more in area.~~ Notwithstanding the above, the landscape screen requirements are not required in that part of a subdivision located outside the city limits where all lots contain an area of one or more acres.

Section 4. That Section 26.27.090 of the Lincoln Municipal Code be amended to read as follows:

26.27.090 Trees.

Trees shall be planted along both sides of all streets and private roadways within the subdivision and on the side of the streets and private roadways which abut the subdivision. The trees shall be planted in the public right-of-way except along major streets in which case the trees shall be planted on the private property abutting such major streets. ~~This requirement may be modified or waived in subdivisions outside the corporate limits that are not annexed into the city if~~

~~all the individual lots are one acre or more in area.~~ Notwithstanding the above, the tree requirements are not required in that part of a subdivision located outside the city limits where all lots contain an area of one or more acres.

Section 5. That Sections 26.27.020, 26.27.070, 26.27.080, and 26.27.090 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 6. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2004:

_____
Mayor

Design Standards
2.20

04R- Introduce:

RESOLUTION NO. A-_____

WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and

WHEREAS, a text change to the Design Standards is necessary under Chapter 2.20 - Rural Public Street Design Standards, to revise the title to Rural Public and Intermediate BTA Public Street Design Standards; to revise Section 1 to include provisions regarding paving of public streets in an area subject to application of BTA Build Through Acreage Standards and to establish design standards for rural streets which include elements of the City's Design Standards for both Urban and Rural Public Streets which will encourage ultimate transition to an acceptable urban street cross section; to revise Section 2.3 to require street alignments shown as being extended in the transitional plat to be graded in such a way as to encourage the eventual extension of the street; to revise Section 3.1 to reduce the minimum design speed for local streets; to revise Section 3.2 to clarify that obstructions shall not be placed in public street right-of-way as opposed to just the public street; to revise Section 3.3.2 to modify the table which sets for the minimum radii for various design speeds; to revise Section 3.4.1.b. to provide that the maximum longitudinal grade for local streets will be 7%; to revise Section 3.4.2 to revise the table for minimum length vertical curves necessary to provide adequate safe entering sight distance; to revise Section 3.5 to provide for a rural cross section designed for future conversion to an urban cross section; to delete Section 3.5.2 relating to granular surfacing; to add a new Section 3.10 to provide for sidewalks and pedestrian accommodations, to provide for the elective construction of sidewalks in initial acreage subdivisions in BTA developments, and to require

sidewalks when annexation of the subdivision and transition to higher densities occurs; and to substitute a new Figure RS1 as a typical cross section for rural street improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That Chapter 2.20 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended to read as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2004:

_____
Mayor

Chapter 2.20

RURAL PUBLIC AND INTERMEDIATE BTA PUBLIC STREET DESIGN STANDARDS

The Department of Public Works and Utilities is assigned responsibility for administration of these design standards.

Section 1. GENERAL

This standard shall apply to the paving of all public streets located outside of the City limits but within the zoning jurisdiction of the City and in an area ~~which will not be annexed upon subdivision approval~~ subject to application of BTA Build Through Acreage standards. These development areas include both an Acreage Component and an Urban Reserve Component. The Acreage Component may be subdivided according to the requirements of Chapter 27.83 of the Zoning Ordinance. These subdivisions will not be annexed upon subdivision approval, but will be annexed at a time when municipal utilities are available to the area. At that time, the initial acreage development will transition to urban standards and higher residential density; and the Urban Reserve Component may become subject to development that generally follows the concepts of an approved Urban Framework Plan..

The design of rural ~~public~~ streets includes elements of the City's design standards for both Urban and Rural Public Streets and proposes standards that encourage ultimate transition to an acceptable urban street section. These standards generally conform~~s~~ to the *Minimum Design Standards for Municipal Streets and Minimum Design Standards for Rural Roads* of the State of Nebraska Board of Public Roads Classifications & Standards, *A Policy on Geometric Design of Highways and Streets* of the American Association of State Highway and Transportation Officials (AASHTO) and the *Drainage Criteria Manual* of the City of Lincoln, Nebraska. Details of street construction shall conform to the *City of Lincoln Standard Specifications for Municipal Construction* and the *Lincoln Standard Plans*.

Section 2. POLICIES

2.1 General

The street system is designed to promote the safe and efficient movement of vehicular and pedestrian traffic from point of origin to point of destination and to provide an infrastructure element which can be readily maintained.

2.2 Intersections with Major Streets

Where control of access permits, the intersections of collector streets with major streets shall be spaced approximately one half mile (0.8 km) apart, with the intersection location dependant upon maintaining the required sight distances. Intersections of local streets with major streets, where permitted, shall be approximately one quarter mile (0.4 km) apart, with the intersection location dependant upon maintaining the required sight distances.

2.3 Provisions for Future Extensions

In new developments, streets which are intended to be extended beyond the limits of the development shall be improved to those limits and shall be designed to provide for the adequate and proper handling of surface drainage, storm runoff and the future projection of the street into the adjacent property. The developer shall be responsible for obtaining and paying the costs for any easements required to permit grading or construction of approved temporary drainage measures beyond the limits of the development. Street alignments shown as being extended in the transitional plat shall be graded in such a way as to encourage the eventual extension of the street. No grading, structure, or other modifications of the land shall be completed that would prevent or discourage the eventual extension of these streets.

2.4 Reviewing Agencies

All plans for ~~construction of~~ public street improvements shall be reviewed and approved by the Department of Public Works and Utilities and the Lancaster County Engineer.

Section 3. DESIGN AND CONSTRUCTION

3.1 Design Speed

The following design speeds shall be applied for the design of public streets:

Street Classification	Minimum Design Speed
Local Streets	~~30~~ 25 mph (~~50~~ 40km/h)
Collector Streets	40 mph (65 km/h)
Major Streets	Determined by Public Works and Utilities Department

3.2 Sight Distances

Unobstructed sight distances as set forth in *Figures SD-1, SD-2, SD-3* and *SD-4* of *APPENDIX A*, shall be provided at all street intersections and alley accesses for vehicular and pedestrian traffic safety. Fences, walls signs or other obstructions shall not be placed in the public street right-of-way and shall not be placed in the sight triangles as set forth in *Figures SD-1, SD-2, SD-3 and SD-4* except that chain-link fences free from shrubbery and vines may be placed on private property within the sight triangles at uncontrolled or yield controlled intersections.

3.3 Horizontal Street Alignment

3.3.1. Intersections

a. Angle of Intersection

Streets shall intersect as near as possible at right angles. In no case shall the angle of intersection vary more than 10 degrees from that right angle.

b. Intersection Separation

Where the streets do not continue through the intersection (T-Type) a minimum separation of at least 120 feet (36.58 m), as measured between the centerlines, shall be maintained.

c. Intersections on Curvilinear Streets

Where a curvilinear street intersects another, a straight tangent section shall be required at the approach to the intersection. The length required for this tangent is dependent upon the radius of the approaching curve and the design speed. The minimum length of this tangent, as measured from the right-of-way of the intersected street to the point of curvature shall provide the unobstructed sight distance for the design speed as set forth in *Figure RSD-1* which is included at the end of this section.

d. T-Type intersections on Horizontal Curves

T-Type intersections may be permitted along the *outside* of any horizontal curve provided the minimum sight distances are provided, based on the design speed of the intersected curved street, and that the minimum approach tangent length is provided in the case of a curvilinear approaching street.

T-Type intersections may be permitted along the *inside* of a horizontal curve provided that the centerline radius of the curve is 525 feet (160 m) or greater, and that the minimum sight distances, based on the design speed of the intersected curved street, and the minimum approach tangent length, in the case of a curvilinear approaching street, are provided.

3.3.2. Curvilinear Alignment

a. Horizontal Curves

All changes of horizontal alignment between intersections shall be connected by circular curves. The minimum centerline radius of all curves shall be dependent upon the design speed. The roadway shall be designed with either a reversal of the crown on the outside edge of the roadway or for a maximum rate of superelevation of 6.0%. The minimum runoff lengths for the roadway superelevation or crown reversal shall be as shown. The following table sets forth the minimum radii for the various design speeds:

Design Speed	**Minimum Radius** (No Superelevation)	**Minimum Radius** (6.0% Superelevation)	**Min. Runoff Length**
~~30~~ 25 mph (~~50~~ 40 km/h)	~~1150 ft. (350.5 m)~~ 150 ft. (45.7 m)	~~275 ft. (76.2 m)~~ *	~~110 ft. (33.5 m)~~
40 mph (65 km/h)	2290 ft. (698.0 m)	500 ft. (152.4 m)	130 ft. (39.6 m)
50 mph (80 km/h)	3820 ft. (1164.3 m)	820 ft. (249.9 m)	150 ft. (45.7 m)
55 mph (90 km/h)	4775 ft. (1544.4 m)	995 ft. (303.3 m)	175 ft. (53.3 m)

* No superelevation required

3.3.3. Cul-de-Sacs

Geometry and details of standard symmetrical and offset type cul-de-sacs for the various property line radii are shown on *Figures S-1, S-2 and S-3* of the standards for *Urban Public Street Design and Construction*.

3.4 Vertical Street Alignment

3.4.1. Longitudinal Grades

a. Minimum

The minimum longitudinal grade for all public streets shall be 0.5% to provide for adequate surface drainage.

b. Maximum

The maximum longitudinal grade shall be ~~8.0%~~ 7.0% for local ~~streets~~ and ~~7.0% for~~ collector streets. The maximum longitudinal grade for major streets will be determined by the Public Works and Utilities Department. The drainage runoff carried by the roadside ditches must be determined and if the velocity of flow in the ditches from the required design storm exceeds 5 feet

per second (1.52 mps), special treatment of the ditches shall be required to control erosion. Runoff determination and erosion control methods shall conform to the requirements of the *Drainage Criteria Manual* of the City of Lincoln.

3.4.2. Vertical Curves

Changes in longitudinal grades shall be designed using parabolic vertical curves. Where the algebraic difference between the two grades expressed in percent is 1.0 or less, no curve is required. The minimum length of vertical curves necessary to provide adequate safe stopping sight distance shall be determined using the following formula:

$$\mathbf{L = K\,A}$$

Where: L = Minimum length of curve as measured in a horizontal plane.

K = A measure of curvature, values of which are set forth in the following table.

A = The algebraic difference between the grades of the tangents to the curve expressed in percent.

Design Speed mph (km/h)	**K- Value** Crest Curves feet (meter)	**K-Value** Sag Curves feet (meter)
~~30~~ 25 (~~50~~ 40)	~~30~~ 20 (~~9~~ 5)	~~35~~ 26 (~~11~~ 9)
40 (~~65~~ 70)	~~60~~ 44 (~~18~~ 17)	~~55~~ 64 (~~17~~ 23)
50 (80)	~~110~~ 84 (~~32~~ 39)	~~80~~ 96 (~~25~~ 38)
55 (90)	~~150~~ 114 (~~43~~ 52)	~~103~~ 115 (~~30~~ 45)

For vertical curves connecting flatter grades, care shall be taken to provide adequate slope for drainage. Generally, K < 165 (50 metric) for both sag and crest curves. The length of the vertical curve shall be kept as close as practicable to the minimum length as determined by the above procedure.

3.4.3. Intersection Approaches

a. Major Streets

The grade of any street approaching a major street shall not exceed 3.0% within 130 feet (39.6 m) of the closest edge of the intersected roadway.

b. Collector Streets

The grade of a local street approaching a collector street shall not exceed 3.0% within 70 feet (21.3 m) of the closest edge of the intersected roadway.

c. Local Streets

The approach grades of all intersecting local streets which continue through the intersection shall not exceed 3.0% within 70 feet (21.3 m) of the closest edge of the intersected roadway. At T-type intersections, the grades of the through street may exceed 3.0%.

d. Unimproved Major Streets

Where new developments abut major streets which are not yet improved to major street standards, approach grades, intersections and abutting property grading should be designed to conform to the future grades of the major street. The grades and alignment of the major street shall be approved by the Public Works and Utilities Department and the Lancaster County Engineer.

3.5 Roadway Cross-Section

3.5.1. Typical Cross-Section of Improvement

Rural public streets shall be improved with a paved ~~or granular surfaced~~ roadway to conform at least to the typical cross-section shown in *Figure RS-1*. This section permits a rural section, designed for future conversion, to an urban section. An urban type section with a paved roadway and curbs, conforming to the requirements of the *Urban Public Streets Design and Construction Standards*, may be constructed at the option of the developer. All grading, embankment construction, compaction, subgrade preparation, and granular surfacing or paving construction shall conform to the requirements of the *City of Lincoln Standard Specifications for Municipal Construction*. The typical section grading must be provided whether or not the roadway paving is required. If granular surfacing is used, it shall conform to Lancaster County specifications.

~~3.5.2. Granular Surfacing~~

~~Roadways shall have a minimum of 3 inches (75 mm) of crushed rock embedded in the subgrade, covered with a minimum of 1 inch (25 mm) of gravel.~~

3.5.~~3.~~ 2. Roadway Paving

If paved, roadways may be surfaced with either 6" (155 mm) portland cement concrete pavement or 6" (155 mm) asphaltic concrete pavement.

3.6 Intersection Geometry

At intersections, the edge of the roadway or curbs of intersecting streets shall be connected by circular curves having a radius of at least 30 feet (9 m).

At intersections with major streets and county roads, additional right or left turning lanes, medians, tapered roadway sections or other special features may be required to accommodate anticipated traffic. The Public Works and Utilities Department and the Lancaster County Engineer will provide the specific design requirements at these locations on an individual basis. A permit from the Lancaster County Engineer will be required for any construction in County right-of-way.

3.7 Lateral Obstacle Clearance

Minimum obstacle clearance for curbed sections shall be 2 feet (0.6 m) as measured from the back of curb to the face of the obstacle. Minimum obstacle clearance for non-curbed sections shall be 8 feet (2.4 m) as measured from the edge of the driving lane to the face of the obstacle. Traffic control devices conforming to the standards of the *Manual on Uniform Traffic Control Devices* will be allowed in the obstacle clearance zone.

3.8 Temporary Turnarounds

Where required, temporary turnarounds shall be constructed in conformance with the details shown on the *Lincoln Standard Plans*. Direct access to the temporary turnaround from abutting properties will not be permitted.

3.9 Drainage Facilities

Storm sewers, open channels, culverts, inlets and other drainage facilities and appurtenances shall conform to the requirements of the *Drainage Criteria Manual* of the City of Lincoln, Nebraska.

The minimum size for driveway culverts shall be 18 inches (457 mm) diameter.

3.10 Sidewalks and Pedestrian Accommodations

3.10.1 Pedestrian Accommodations

Sidewalks are not required in initial acreage subdivisions in BTA developments.

3.10.2 Sidewalks

Sidewalks may be provided on one or both sides of the street at the discretion of the developer. If provided, sidewalks shall be located no closer than 2 feet (0.6 m) from the private property side of the drainage ditch. Longitudinal grades for sidewalks located in the right-of-way should parallel the grades of the abutting street. All sidewalks constructed in the right-of-way should be constructed to a top of sidewalk grade 2% above the abutting theoretical top of curb. Pedestrian easements shall be dedicated for any sidewalks located outside dedicated public right-of-way.

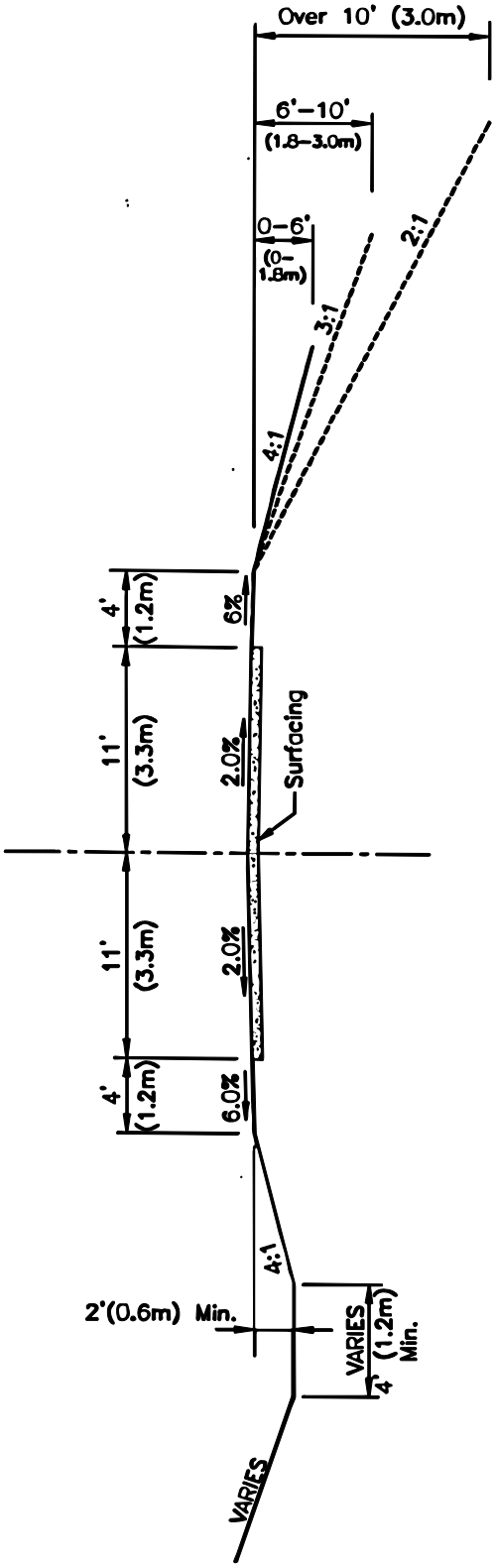
3.10.3 Cross-Section

Elective sidewalks shall be at least 4 feet (1.22 m) side. Sidewalks shall be constructed of Portland cement with a minimum thickness of 4 inches. Sidewalk construction shall conform to the requirements of the City of Lincoln *Standard Specifications for Municipal Construction*.

3.10.4 Transition

With annexation of the subdivision and transition to incrementally higher densities, sidewalk construction shall be required in a manner consistent with the City of Lincoln's *Urban Public Streets Design and Construction Standards*. All sidewalks constructed shall be maintained by the developer or successors or assigns.

New Figure RS1 – NEEDED in PDF format



TYPICAL SECTION OF
RURAL STREET IMPROVEMENT

FIGURE RS-1