

# **Lincoln City - Lancaster County**

## **PLANNING COMMISSION AGENDA**

### **PLANNING COMMISSION**

Dennis Scheer: Chair  
Tracy Corr: Vice-Chair  
Thomas Beckius  
Dick Campbell  
Tracy Edgerton  
Deane Finnegan  
Maja V. Harris  
Cristy Joy  
Sandra Washington

### **PLANNING STAFF**

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

## **December 12, 2018**



**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 12, 2018, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> 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, DECEMBER 12, 2018**

Approval of minutes of the regular meeting held November 28, 2018.

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

**PERMITS AND RELATED ITEMS:**

**2. REQUESTS FOR DEFERRAL:**

**SPECIAL PERMIT:**

- 2.1 Special Permit 18045, to allow for a County AG (Agricultural District) CUP (Community Unit Plan), consisting of 148.49 acres, more or less, for 9 single family acreage lots on property generally located at North 14th Street and Rock Creek Road.

**Staff recommendation:**

**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

**3. ITEMS REMOVED FROM CONSENT AGENDA:**

3.1 \_\_\_\_\_

3.2 \_\_\_\_\_

**4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**SPECIAL PERMIT:**

5.1 Special Permit 16004A, for the renewal of a special permit for a soil mining  
Page operation, on property generally located at South 68th Street and Saltillo Road.  
01 \*\*\* FINAL ACTION \*\*\*

**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

**TEXT AMENDMENT:**

5.2 Text Amendment No. 18014, amending Lincoln Municipal Code Sections  
Page 27.60.060, 27.63.030, 27.64.010, Figure 27.67.020 – Parking Matrix, 27.67.030,  
11 27.67.040, add a new Section 27.67.045, and 27.67.065, to revise parking  
requirements; and repealing Sections 27.60.060, 27.63.030, 27.64.010,  
27.67.030, 27.67.040, 27.67.065, and Figure 27.67.020 – Parking Matrix of the  
Lincoln Municipal Code as hitherto existing; also amending Title 3 Design  
Standards for Zoning Regulations by amending Chapter 3.45, Section 3 and  
Section 3.7, Chapter 3.50, Sections 1, 2, 3, 4, 5, 6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6,  
7.7, 7.8, 7.9, 7.10, 7.11, Chapter 3.76 Section 4.1, and Chapter 3.77 Section 4.3  
to revise the Design Standards for Screening and Landscaping and related  
changes to other Design Standards chapters; and repealing Chapter 3.45,  
Section 3 and Section 3.7, Chapter 3.50, Sections 1, 2, 3, 4, 5, 6, 7.1, 7.2, 7.3,  
7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, Chapter 3.76 Section 4.1, and Chapter 3.77  
Section 4.3 as hitherto existing.

**Staff recommendation: Approval**  
**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

**AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM  
NOT ON THE AGENDA, MAY DO SO**

\*\*\*\*\*

**Adjournment:**

**PENDING LIST:** *Annexation No. 18003, to annex approximately 24.1 acres, more or less, on property generally located at 7420 Yankee Hill Road.*

*Change of Zone No. 18015, from AGR (Agricultural Residential District) to R-3 (Residential District), on property generally located at 7420 Yankee Hill Road.*

*Special Permit No. 18022, for a 55 lot CUP (Community Unit Plan), with waivers to allow sanitary sewer to flow opposite street grades, block length, pedestrian easements, lot lines radial to streets, 2 to 1 side slope for detention embankments, and sidewalks along one side of a street, on property generally located at 7420 Yankee Hill Road. \*\*FINAL ACTION\*\**

## Planning Department Staff Contacts:

David Cary, <i>Director</i> .....	402-441-6364	<a href="mailto:dcary@lincoln.ne.gov">dcary@lincoln.ne.gov</a>
Stephen Henrichsen, <i>Development Review Manager</i> .....	402-441-6374	<a href="mailto:shenrichsen@lincoln.ne.gov">shenrichsen@lincoln.ne.gov</a>
Paul Barnes, <i>Long Range Planning Manager</i> .....	402-441-6372	<a href="mailto:pbarnes@lincoln.ne.gov">pbarnes@lincoln.ne.gov</a>
Collin Christopher, <i>Planner</i> .....	402-441-6372	<a href="mailto:cchristopher@lincoln.ne.gov">cchristopher@lincoln.ne.gov</a>
Michael Brienzo, <i>Transportation Planner</i> .....	402-441-6369	<a href="mailto:mbrienzo@lincoln.ne.gov">mbrienzo@lincoln.ne.gov</a>
Tom Cajka, <i>Planner</i> .....	402-441-5662	<a href="mailto:tcajka@lincoln.ne.gov">tcajka@lincoln.ne.gov</a>
Stacey Groshong Hageman, <i>Planner</i> .....	402-441-6361	<a href="mailto:slhageman@lincoln.ne.gov">slhageman@lincoln.ne.gov</a>
Rachel Jones, <i>Planner</i> .....	402-441-7603	<a href="mailto:rjones@lincoln.ne.gov">rjones@lincoln.ne.gov</a>
Dessie Redmond, <i>Planner</i> .....	402-441-6373	<a href="mailto:dredmond@lincoln.ne.gov">dredmond@lincoln.ne.gov</a>
Andrew Thierolf, <i>Planner</i> .....	402-441-6371	<a href="mailto:athierolf@lincoln.ne.gov">athierolf@lincoln.ne.gov</a>
George Wesselhoft, <i>Planner</i> .....	402-441-6366	<a href="mailto:gwesselhoft@lincoln.ne.gov">gwesselhoft@lincoln.ne.gov</a>
Brian Will, <i>Planner</i> .....	402-441-6362	<a href="mailto:bwill@lincoln.ne.gov">bwill@lincoln.ne.gov</a>
Kellee Van Bruggen, <i>Transportation Planner</i> .....	402-441-6363	<a href="mailto:kvanbruggen@lincoln.ne.gov">kvanbruggen@lincoln.ne.gov</a>
Ed Zimmer, <i>Historic Preservation Planner</i> .....	402-441-6360	<a href="mailto:ezimmer@lincoln.ne.gov">ezimmer@lincoln.ne.gov</a>

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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.



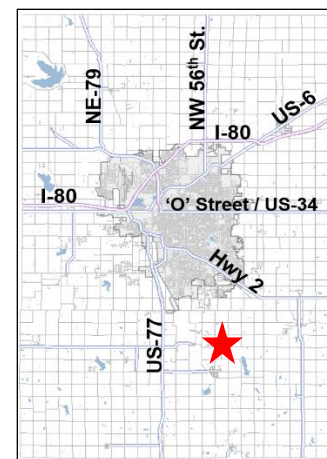
**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**  
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #16004A	FINAL ACTION? Yes	DEVELOPER/OWNER Triple S&L Developers
PLANNING COMMISSION HEARING DATE November 28, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. 68 <sup>th</sup> St. & Saltillo Rd.

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request per Section 27.63.160 of Lincoln Municipal Code for Excavation. This application is to renew an existing special permit for excavation. The boundary of the special permit is 153 acres and the area of excavation is 97 acres.



**JUSTIFICATION FOR RECOMMENDATION**

This application with the conditions of approval, meet the requirements for an Excavation special permit.

**APPLICATION CONTACT**  
Mike Eckert, Civil Design Group  
402-434-8494

**STAFF CONTACT**  
Tom Cajka, (402) 441-5662or  
[tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The special permit for excavation of soil is in conformance with the 2040 Comprehensive Plan. There are few houses nearby. There is no significant impact on adjacent properties with proposed conditions.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 12.3 - this site is shown as future Agriculture on the 2040 Lincoln Area Future Land Use Plan.

P. 12.9 - **this site is in Tier III of the Growth Tiers. Tier III provides an approximately 131 square mile area for Lincoln's longer term growth potential—beyond 50 years.** Little active planning of utilities is likely to occur in the near term in Tier III.

**ANALYSIS**

1. This request is for soil excavation on approximately 153 acres with 97 acres being disturbed with the requested soil mining activities, under the provisions of Lincoln Municipal Code (LMC) 27.63.160 Excavation. Approximately

550,000 cubic yards of soil is planned to be excavated.

2. This site was granted a special permit in May 2016 for excavation. The site plan submitted with this application is similar to the site plan submitted for the previous special permit, except the area of dirt work has expanded.
3. Hours of operation shall be limited to daylight hours Monday through Saturday.
4. The land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water or other dust suppression chemicals.
5. There have been no complaints filed with the Health Department on this operation.
6. Public Works Watershed Management notes that this site has an active Erosion and Sediment Control Permit.
7. The County Engineer notes that access will be limited to the existing drive to S. 68<sup>th</sup> Street. A Road Maintenance Agreement with Lancaster County for S. 68<sup>th</sup> Street is required.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG-Agriculture                      Farm ground and soil excavation

SURROUNDING LAND USE & ZONING

North:	AG-Agriculture	Farm ground and smaller acreages.
	AGR-Agricultural Residential	Single family houses on acreages.
South:	AG-Agriculture	Farm ground
East:	AG-Agriculture	Farm ground
West:	AG-Agriculture	Farm ground
	AGR-Agricultural Residential	Single family houses on acreages

APPLICATION HISTORY

May 25, 2016    Special Permit #16004 for soil excavation was approved.

APPROXIMATE LAND AREA:    153 acres, more or less

LEGAL DESCRIPTION:

Lots 23 and 25 Irregular Tracts and the Northwest Quarter of the Northeast Quarter all located in the Northeast Quarter of Section 4, Township 8 North, Range 7 East, Lancaster County, NE.

Prepared by

\_\_\_\_\_  
Tom Cajka, Planner

Date:                      November 9, 2018

Applicant:              Gana Trucking and Excavating  
                                 2200 W. Panama Rd.  
                                 Martell, NE 68404  
                                 402-794-5000  
                                 jakew@ganatrucking.com

Contact:                Mike Eckert  
                                 Civil Design Group  
                                 8535 Executive Woods Drive, Suite 200

Lincoln, NE 68512  
402-434-8494  
[meckert@civildg.com](mailto:meckert@civildg.com)  
Owner: Triple S&L Developers, LLC  
7460 San Mateo Lane  
Lincoln, NE 68516

F:\DevReview\SP\16000\SP16004A Cottonwood excavation.tjc.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #16004A

Per Section 27.63.160 this approval permits soil excavation for a period of three (3) years from the date of approval of this special permit.

### Site Specific Conditions:

1. Before initiating excavation operations 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 **In Note #7 add “feet” after 2,000.**
  - 1.2 Remove the Planning Commission approval block.
  - 1.3 **Add to the General Notes that the “A Road Maintenance Agreement with Lancaster County for S. 68<sup>th</sup> Street shall be completed prior to beginning excavation operations.”**
  - 1.4 Add to the General Notes that access is limited to one access onto S. 68<sup>th</sup> Street as shown.
2. Before receiving building permits 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. Before beginning the excavation operations,
  - 3.1 The Permittee shall have
    - 3.1.1 Received review and permits, in required for the Federal NPDES and 404 Permits.
    - 3.1.2 Post performance bond in the amount of \$50,925.00(\$525.00 per acre) intended to be disturbed to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.
    - 3.1.3 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.
    - 3.1.4 Applicant to submit traffic impact information regarding anticipated use of County roads along with proposed/anticipates hauling routes.
    - 3.1.5 Applicant shall enter into a Road Maintenance Agreement with Lancaster County for S. 68<sup>th</sup> Street throughout the operation of the permit.
    - 3.1.6 A sign shall be posted and maintained at the entrance to the site. The sign shall be:
      - 3.1.1.1 Clearly visible from the adjacent road;
      - 3.1.1.2 At least 32 square feet in area;

3.1.1.3 Lettering shall be at least two inches in heights, black on a white background;

3.1.1.4 The shall list:

- (a) The approved Special Permit Number;
- (b) The name, contact phone and email address for the land owner;
- (c) The name, contact phone and email address for the operator/contractor;
- (d) The Building and Safety Department contact number.

3.2 After beginning the excavation operations, the Permittee shall have

- 3.2.1 Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.
- 3.2.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.
- 3.3.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
- 3.3.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, not to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.
- 3.3.5 Operating hours shall be limited to daylight hours, Monday through Saturday.
- 3.3.6 **The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County or City Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.**
- 3.3.7 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.
- 3.3.8 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.
- 3.3.9 A special permit may be approved for a maximum of three-years from the date the special permit is issued.
- 3.3.10 Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of operations and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit.
- 3.3.11 Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the **Department of Building and Safety’s hourly rate in effect on the date of the application.** Building and Safety shall:

- 3.3.11.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have been met and complied with; and
    - 3.3.11.2 Review all complaints from public and other departments/agencies and report to the Planning Director.
  - 3.3.12 The County or City Engineer may require installation of traffic signs to warn motorists of excavation or stone milling operations and truck traffic.
  - 3.3.13 The construction plans shall generally comply with the approved plans.
- 4. At the conclusion of the operation, the permittee shall provide to the Building & Safety Department a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond.

Standard Conditions:

- 5. The following conditions are applicable to all requests:
  - 5.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
  - 5.2 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.
  - 5.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 5.4 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.
  - 5.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



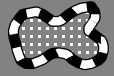


2018 aerial

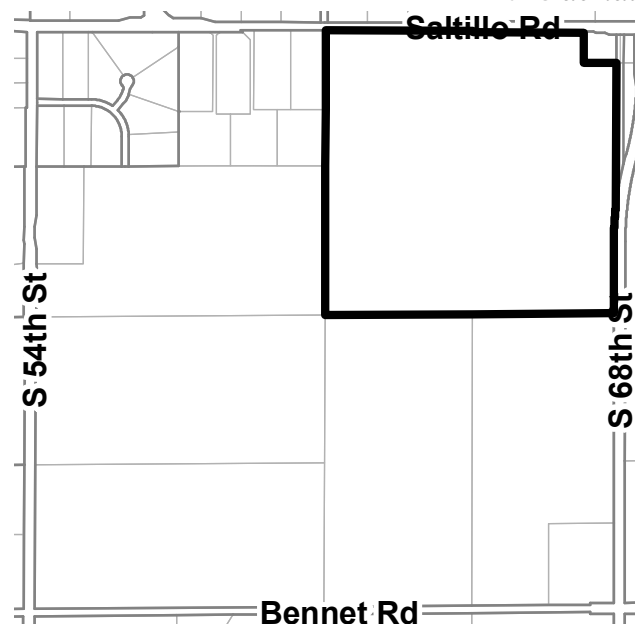
**Special Permit #: SP16004A  
Cottonwood Ridge Excavation  
S 68th St & Saltillo Rd**

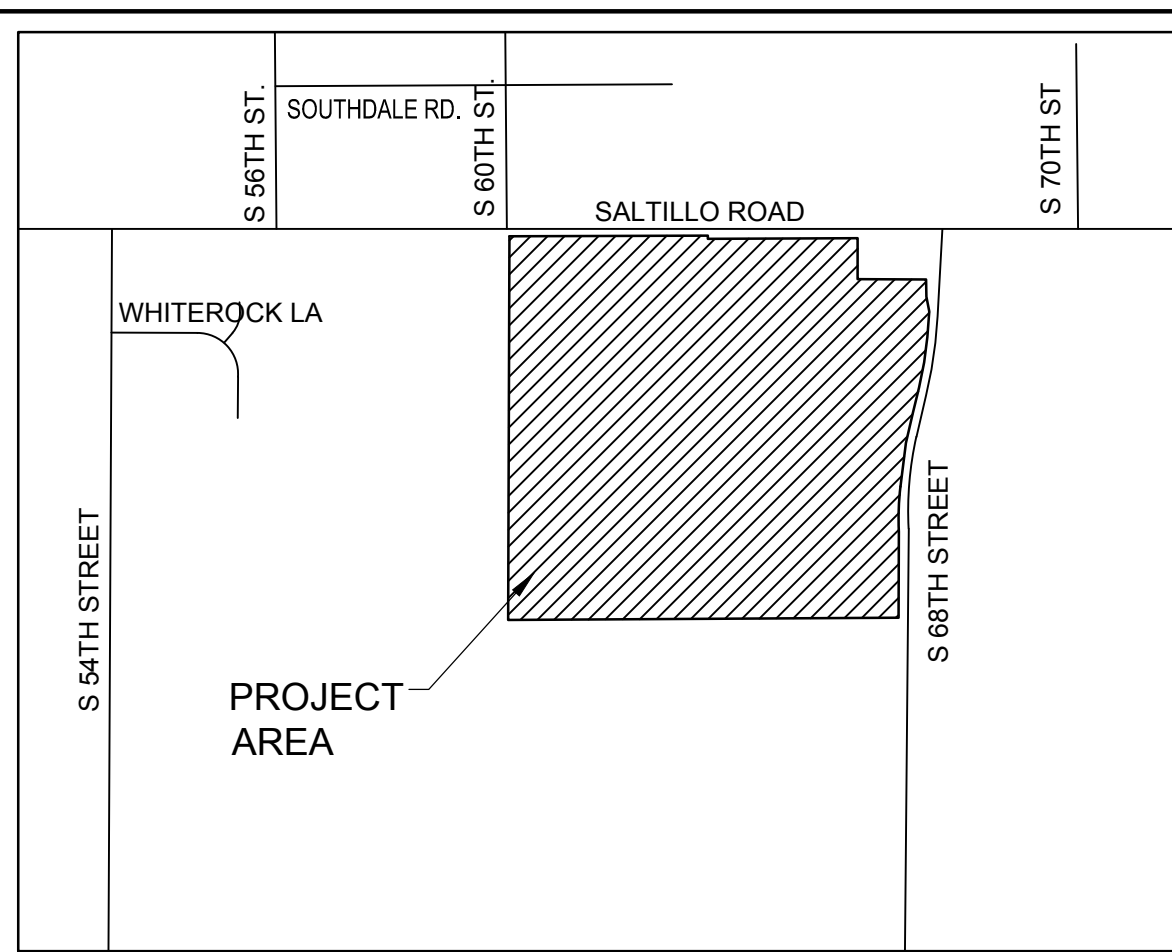
**Zoning:**

- 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.04 T08N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



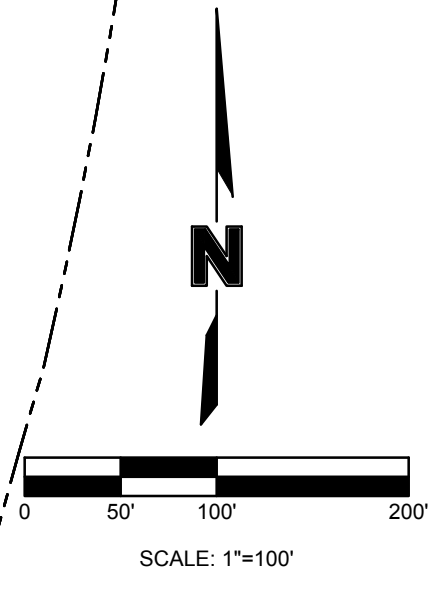


VICINITY MAP  
SCALE: NONE

**LEGAL DESCRIPTION - SPECIAL PERMIT**  
 LOTS 23 AND 25 IRREGULAR TRACT, AND THE NW 1/4 OF THE NE 1/4 LOCATED IN THE NE 1/4 OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 7 EAST, OF THE 5TH P.M., LANCASTER COUNTY, NEBRASKA.

**GENERAL SITE NOTES**

- THE PROPERTY IS CURRENTLY ZONED 'AG'.
- THE OWNER IS RESPONSIBLE FOR ALL MOSQUITO CONTROL ISSUES.
- ALL WIND AND WATER EROSION MUST BE CONTROLLED.
- DURING THE MINING PROCESS, THE LAND OWNER(S) WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 3 SECTION 32. DUST CONTROL MEASURES SHALL INCLUDE, BUT NOT LIMITED TO APPLICATION OF WATER TO ROADS, DRIVEWAYS, PARKING LOTS ON SITE, SITE FRONTAGE AND ANY ADJACENT BUSINESS OR RESIDENTIAL FRONTAGE. PLANTING AND MAINTENANCE OF GROUND COVER WILL ALSO BE INCORPORATED AS NECESSARY.
- MINING / EXCAVATION OPERATION SHALL CONSIST OF APPROXIMATELY 806,000 CY OF EXCAVATION.
- THE FOLLOWING EQUIPMENT SHALL BE USED ON SITE: SCAPER, DOZER, MOTOR GRADER, DUMP TRUCKS, EXCAVATOR, AND WATER TRUCK.
- THERE SHALL BE NO EXCAVATION OF DIRT WITHIN 1000' FEET OF AN ANY OFF-SITE PRIVATE WELL OR WITHIN 2,000' OF A COMMUNITY WELL AND THE EXCAVATED AREA SHALL DRAIN TO A LOWER AREA.
- NO MORE THAN 20 ACRES OF THE SITE SHALL BE OPEN FOR OPERATIONS AT ANY ONE TIME. THE SURFACE SHALL BE MAINTAINED IN SUCH A MANNER THAT SURFACE WATERS DO NOT COLLECT AND POND, UNLESS SPECIFICALLY APPROVED BY THE CITY. A MINIMUM SLOPE OF 2% WILL PROVIDE POSITIVE DRAINAGE.
- TOPSOIL SHALL BE STRIPPED AND KEPT ON SITE FOR REDISTRIBUTION AT THE CONCLUSION OF THE EXTRACTION PROCESS. COMPACTED SUBSOIL SHALL BE BROKEN UP PRIOR TO REAPPLYING TOPSOIL. REAPPLIED TOPSOIL SHALL MEET OR EXCEED THE DEPTH OF THAT REMOVED.
- OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS, MONDAY THROUGH SATURDAY.
- A SIGN SHALL BE POSTED AND MAINTAINED AT THE ENTRANCE OF THE SITE. THE SIGN SHALL BE:
  - CLEARLY VISIBLE FROM THE ADJACENT ROAD
  - AT LEAST 32 SQUARE FEET IN AREA
  - LETTERING SHALL BE AT LEAST TWO INCHES IN HEIGHT, BLACK ON WHITE BACKGROUND
  - THE SIGN SHALL LIST:
    - THE APPROVED SPECIAL PERMIT NUMBER
    - THE NAME, CONTACT PHONE, AND EMAIL ADDRESS FOR THE LAND OWNER
    - THE NAME, CONTACT PHONE, AND EMAIL ADDRESS FOR THE OPERATOR/CONTRACTOR
    - THE BUILDING AND SAFETY DEPARTMENT CONTACT NUMBER
- THE SPECIAL PERMIT IS APPROVED FOR THREE YEARS FROM THE DATE THE SPECIAL PERMIT IS ISSUED.
- THE CONSTRUCTION ENTRANCE SHALL BE CLOSED WHEN NOT IN OPERATION.
- SOILS AND TOPOGRAPHY SHALL CONFORM TO THE GRADING PLAN AND SEEDED AT THE FIRST OPPORTUNITY DURING THE FIRST GROWING SEASON AFTER EXTRACTION CEASES.
- TOPSOIL RANGING FROM 8 INCHES TO 12 INCHES SHALL BE STOCKPILED PRIOR TO PROCEEDING WITH MINING / EXCAVATION. ONCE AN AREA IS COMPLETED, TOPSOIL SHALL BE REDISTRIBUTED.
- LAND WILL BE RECLAIMED IN CONFORMANCE WITH USDA "FARM BILL COMPLIANCE". PRIOR TO THE REDISTRIBUTION OF TOPSOIL, THE GROUND SHALL BE RIPPED WITH A MOTOR GRADER TO A MINIMUM DEPTH OF 18 INCHES.
- EXCAVATION AND GRADING SHALL NOT DISTURB SECTION CORNER MONUMENTS. CONTRACTOR TO PROTECT ALL BOUNDARY SURVEY MONUMENTS.
- ALL NPDES REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL SHALL BE MET AND NO EXCAVATION OPERATIONS WILL COMMENCE UNTIL APPROVAL FROM THE CITY OF LINCOLN AND STATE OF NEBRASKA HAS BEEN RECEIVED.



**APPROVAL:**  
 THE FOREGOING SPECIAL PERMIT WAS APPROVED BY THE LINCOLN CITY PLANNING COMMISSION ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
 CHAIR

STAGING AREA FOR MINING / EXCAVATION OPERATION

DRIVEWAY ACCESS FOR MINING / EXCAVATION OPERATION

**LEGEND**

- PROPERTY LINE
- LIMITS OF DISTURBANCE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROP. CONSTRUCTION SITE ENTRANCE

**APPLICANT:**  
 GANA TRUCKING & EXCAVATING  
 2200 W. PANAMA ROAD  
 MARTELL, NE 68404

**OWNER:**  
 TRIPLE S & L DEVELOPERS, LLC  
 7460 SAN MATEO LANE  
 LINCOLN, NE 68516

**ENGINEER:**  
 CIVIL DESIGN GROUP, INC.  
 8535 EXECUTIVE WOODS DRIVE  
 SUITE 200  
 LINCOLN, NE 68512 (402)434-8494

**SURVEYOR:**  
 ALLIED SURVEYING & MAPPING  
 8535 EXECUTIVE WOODS DRIVE, SUITE 200  
 LINCOLN, NE 68512  
 (402)434-2686

**REVISIONS**

NO.	DATE	DESCRIPTION
1	07/02/2016	REVISIONS AS PER PLANNING COMMISSION COMMENTS

COTTONWOOD RIDGE  
 SOIL EXTRACTION SPECIAL PERMIT #16004A

**SITE PLAN**

LINCOLN, NEBRASKA

drawn by:	jds
checked by:	
approved by:	
project no.:	2006-0009
drawing no.:	
date:	10/18/2016

1. THE PROPERTY IS CURRENTLY ZONED 'AG'.
2. THE OWNER IS RESPONSIBLE FOR ALL MOSQUITO CONTROL ISSUES.
3. ALL WIND AND WATER EROSION MUST BE CONTROLLED.
4. DURING THE MINING PROCESS, THE LAND OWNER(S) WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2 SECTION 32. DUST CONTROL MEASURES SHALL INCLUDE, BUT NOT LIMITED TO APPLICATION OF WATER TO ROADS, DRIVEWAYS, PARKING LOTS ON SITE, SITE FRONTAGE AND ANY ADJACENT BUSINESS OR RESIDENTIAL FRONTAGE. PLANTING AND MAINTENANCE OF GROUND COVER WILL ALSO BE INCORPORATED AS NECESSARY.
5. MINING / EXCAVATION OPERATION SHALL CONSIST OF APPROXIMATELY 806,000 CY OF EXCAVATION.
6. THE FOLLOWING EQUIPMENT SHALL BE USED ON SITE: SCAPER, DOZER, MOTOR GRADER, DUMP TRUCKS, EXCAVATOR, AND WATER TRUCK.
7. THERE SHALL BE NO EXCAVATION OF DIRT WITHIN 1000' FEET OF AN ANY OFF-SITE PRIVATE WELL OR WITHIN 2,000 OF A COMMUNITY WELL AND THE EXCAVATED AREA SHALL DRAIN TO A LOWER AREA.
8. NO MORE THAN 20 ACRES OF THE SITE SHALL BE OPEN FOR OPERATIONS AT ANY ONE TIME. THE SURFACE SHALL BE MAINTAINED IN SUCH A MANNER THAT SURFACE WATERS DO NOT COLLECT AND POND, UNLESS SPECIFICALLY APPROVED BY THE CITY. A MINIMUM SLOPE OF 2% WILL PROVIDE POSITIVE DRAINAGE.
9. TOPSOIL SHALL BE STRIPPED AND KEPT ON SITE FOR REDISTRIBUTION AT THE CONCLUSION OF THE EXTRACTION PROCESS. COMPACTED SUBSOIL SHALL BE BROKEN UP PRIOR TO REAPPLYING TOPSOIL. REAPPLIED TOPSOIL SHALL MEET OR EXCEED THE DEPTH OF THAT REMOVED.
10. OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS, MONDAY THROUGH SATURDAY.
11. A SIGN SHALL BE POSTED AND MAINTAINED AT THE ENTRANCE OF THE SITE. THE SIGN SHALL BE:
  - 11.1. CLEARLY VISIBLE FROM THE ADJACENT ROAD
  - 11.2. AT LEAST 32 SQUARE FEET IN AREA
  - 11.3. LETTERING SHALL BE AT LEASE TWO INCHES IN HEIGHT, BLACK ON WHITE BACKGROUND
  - 11.4. THE SIGN SHALL LIST:
    - 11.4.1. THE APPROVED SPECIAL PERMIT NUMBER
    - 11.4.2. THE NAME, CONTACT PHONE, AND EMAIL ADDRESS FOR THE LAND OWNER.
    - 11.4.3. THE NAME, CONTACT PHONE, AND EMAIL ADDRESS FOR THE OPERATOR/CONTRACTOR.
    - 11.4.4. THE BUILDING AND SAFETY DEPARTMENT CONTACT NUMBER.
12. THE SPECIAL PERMIT IS APPROVED FOR THREE YEARS FROM THE DATE THE SPECIAL PERMIT IS ISSUED.
13. THE CONSTRUCTION ENTRANCE SHALL BE CLOSED WHEN NOT IN OPERATION.
14. SOILS AND TOPOGRAPHY SHALL CONFORM TO THE GRADING PLAN AND SEEDED AT THE FIRST OPPORTUNITY DURING THE FIRST GROWING SEASON AFTER EXTRACTION CEASES.
15. TOPSOIL RANGING FROM 8 INCHES TO 12 INCHES SHALL BE STOCKPILED PRIOR TO PROCEEDING WITH MINING / EXCAVATION. ONCE AN AREA IS COMPLETED, TOPSOIL SHALL BE REDISTRIBUTED .
16. LAND WILL BE RECLAIMED IN CONFORMANCE WITH USDA "FARM BILL COMPLIANCE". PRIOR TO THE REDISTRIBUTION OF TOPSOIL, THE GROUND SHALL BE RIPPED WITH A MOTOR GRADER TO A MINIMUM DEPTH OF 18 INCHES.
17. EXCAVATION AND GRADING SHALL NOT DISTURB SECTION CORNER MONUMENTS . CONTRACTOR TO PROTECT ALL BOUNDARY SURVEY MONUMENTS.
18. ALL NPDES REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL SHALL BE MET AND NO EXCAVATION OPERATIONS WILL COMMENCE UNTIL APPROVAL FROM THE CITY

100'



# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

October 30, 2018

Mr. David Cary, Director of Planning  
City of Lincoln /Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: Application for Renewal of Excavation and Stone Milling (Soil Extraction) Special Permit #16004. CDG Project No. 2018-0248.**

Dear Mr. Cary:

On behalf of Gana Trucking & Excavating we submit the above mentioned application for the renewal of an Excavation and Stone Milling Special Permit for a soil mining operation. This application will update and renew the previously approved special permit on this site, generally located south of Saltillo Rd and west of S. 68<sup>th</sup> Street. Gana Trucking & Excavating desires to expand the area encompassed by the special permit in this renewal process as shown on the plans uploaded to ProjectDox. All other terms and conditions of the previously approve special permit will remain unchanged.

With this application we submit the following items:

Special Permit fee of \$988.00  
All plan sheets, uploaded via Project Dox

I hope that this letter in conjunction with the submitted plans assists you in reviewing this application. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Gana Trucking & Excavating

/Volumes/share/F/Projects/2018/20180248/Landplanning/Doc/submittal letter 10-31-2018.docx



## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Text Amendment #18014	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE November 14, 2018	RELATED APPLICATIONS None

**RECOMMENDATION: APPROVAL**

### BRIEF SUMMARY OF REQUEST

The intent of these changes is to balance recently approved and currently proposed parking requirement relaxations that encourage development with enhanced screening and landscaping. This text amendment would revise the parking regulations, screening and landscaping for parking lots, add a requirement that street trees be installed with the commercial building permitting process, and related changes to other design standards chapters. A general update of the Design Standards for Screening and Landscaping is also proposed to make the standards easier to understand and enforce.

### APPLICATION/ STAFF CONTACTS

Zoning - Rachel Jones, (402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)  
Screening and Landscaping - Collin Christopher, (402) 441-6370 or [cchristopher@lincoln.ne.gov](mailto:cchristopher@lincoln.ne.gov)

### JUSTIFICATION FOR RECOMMENDATION

Redevelopment should be incentivized through the removal of unnecessary barriers in site design, but it is also important to ensure that redevelopment follows a higher level of design to further economic development, promote consistency and fairness, and enhance the community and its neighborhoods. The proposed changes are not intended to be major in scale but rather incremental steps towards the above-mentioned adopted goals and strategies.

The amendment would help to implement the goals of the Comprehensive Plan by refining the standards on parking, screening and landscaping, and street trees. The update of the Design Standards for Screening and Landscaping will make interpretation and enforcement of the standards more straightforward.

### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Goals of the Comprehensive Plan include streamlining review processes and reducing unnecessary development requirements, while encouraging equity in redevelopment between older and newer areas of the city and strengthening design standards to improve sense of place.

A number of goals and strategies in the Comprehensive Plan address the proposed amendments including encouraging shared parking, promoting street trees and parking lot shade trees, updating and enforcing the design standards, and providing mechanisms for appropriate reductions to parking requirements.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

### P. 4.6-4.7 - Placemaking Guiding Principles

- Design standards should be developed, monitored, and revised as necessary to express and protect community values without imposing burdensome delays or restrictions on creativity. Well-crafted standards should add predictability and clarity to the development process, rather than imposing a design solution. Design standards for landscape elements should be developed, updated periodically and monitored and enforced with attention to long-term sustainability, or the benefit of this investment can quickly be lost.
- Historic areas and quality new development share underlying aspects of good design— durable materials, thoughtful attention to maintaining or creating a desirable overall setting, accessibility by multiple modes and all people, well-designed and effective signs that communicate without dominating, and sustainable, maintainable landscaping.

### P. 5.7 - Strategies for Commercial Centers

- Create a pedestrian-oriented environment in the physical arrangement of buildings and parking.
- 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. 5.14 - Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored.

P. 5.15, 6.8, 7.7, 7.11 - Detailed Strategies for Commercial Infill, Mixed Use Redevelopment, Developing Neighborhoods, and Existing Neighborhoods - Encourage shared driveways and interconnected parking lots where possible.

P. 5.15, 6.8 - Detailed Strategies for Commercial Infill and Mixed Use Redevelopment - Encourage shared parking between land uses with different peak demand periods.

### P. 6.10-6.11 - Strategies for Facilitating Redevelopment

- Establish stronger design standards for redevelopment projects to provide assurance that they will blend into the context of, or enhance, the surrounding neighborhood and avoid conflicting visions among developers, neighbors, and city officials.
- 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. 7.7 - Encourage shared parking wherever possible.

P. 7.11 - Encourage shared parking whenever possible — permit minor incursions of accessory parking for public/semi-public uses into neighborhoods if properly screened.

P. 9.3 - Comprehensive and adaptive urban forestry management approaches should be applied to sustain the city's urban forest; it is essential that adequate human and financial resources be allocated and specifically dedicated to sustaining our community's expanding public green infrastructure in conjunction with increasing development and population growth.

P. 9.10 - Continue to promote planting and management of street trees along all public streets within the corporate limits, and planting and management of trees in park areas.

P. 9.11 - Continue to require that parking lot trees be planted with new construction and consider increasing the number of required trees.

## ANALYSIS

1. These revisions have been compiled by City staff and are intended to balance the relaxing of parking regulations with enhanced screening and landscaping requirements.
2. The changes were developed based on feedback and experience working with the development community as well as identified needs and inequities in the application of the Design Standards for Screening and Landscaping. They are intended to generally balance one another with parking incentives to encourage development and redevelopment, as well as enhanced and more consistent screening and landscaping.
3. The basis for these changes is the 2040 Comprehensive Plan. There are a number of strategies in the Comprehensive Plan that speak directly to these changes as noted above. These changes are not intended to be a major overhaul of these regulations, but incremental steps toward implementing these goals and strategies.
4. This text amendment has been posted on the Planning Department website since October 9. It was also sent to neighborhood and homeowners' association representatives and the development community requesting comments on October 9. The amendment was presented at the Mayor's Neighborhood Roundtable on October 8 and November 5, and to the Urban Design Committee on November 6.
5. The comments received to date relate mainly to the parking lot tree requirements. One written comment was submitted suggesting changes to the approved species list and other aspects of review for landscape plans (see attached comment). In addition, it was noted during the Planning Commission briefing that there may be space conflicts between a large parking lot shade tree and a parking lot light within a particular internal landscape island, which has been addressed by allowing substitution of a smaller ornamental tree in those cases.
6. The amendments proposed with this application are summarized below and listed in full legislative format on the attached draft ordinance and resolution documents.
7. Parking Changes

Setting appropriate parking standards is important for promoting the efficient use of land. When developing the proposed parking changes, the following intended impacts were considered:

- 1) Reduce minimum required parking where appropriate to reduce the over-parking of sites due to City requirements.
- 2) Support redevelopment and denser development by adding greater flexibility into the regulations for shared parking, off-site parking, and parking within setbacks.
- 3) Create an administrative approval process for minor parking modifications to better serve the development community while considering the context and potential impacts on adjacent property.

### **a. Allow parking in the side yard setback in the H-2, H-3 and H-4 districts when not abutting a residential zoning district.**

Parking in the side yard is not currently permitted by right in commercial or industrial zoning districts, although parking is permitted in the rear yard. This change would allow parking in the side yard for the above zoning districts when not abutting a residential district. The H-2, H-3 and H-4 districts require a side yard even when not adjacent to residential zoning, and might not otherwise have a zoning mechanism to allow for this modification. If not adjacent to residential zoning as proposed, this change will not have a negative effect on neighboring properties.

The required 6-foot wide parking lot perimeter screening requirement would still apply for new parking areas, which will help mitigate the impact of parking in the side yard as redevelopment occurs. In addition, although this change would expand the areas where parking is allowed, the related screening and landscaping amendments would generally increase the number of required parking lot trees, screening, and landscaped areas.

The H-1 district is not included in this change because that district exists in very few locations and is being eliminated over time. The B-1 and B-3 districts are not included as they have a zero foot side yard when not adjacent to residential zoning. The B-2 and B-5 districts are not included as they are Use Permit districts with a mechanism for reducing setbacks. The B-4 district is not included as it is located in downtown and typically does not have any setbacks except where adjacent to residential zoning.

**b. Reduce the minimum parking for restaurants and on-sale alcohol in the B-2 and B-5 zoning districts from 1 stall per 100 square feet to 1 stall per 300 square feet.**

The B-5 zoning district is designed for the development of regional shopping facilities and related activities, and is represented by the “Regional Commercial Center” designation in the Comprehensive Plan. The B-2 zoning district is intended for planned retail centers serving adjacent neighborhoods.

Regional centers are very large in nature, requiring at least 30 acres of land. Both types of centers incorporate a large number of use types and they usually have a high tenant turnover rate, making it difficult to keep track of parking requirements as sites are redeveloped and new tenants renovate existing buildings. This difficulty is compounded by joint parking provisions where tenants often share parking stalls across the center instead of allocating specific stalls for their business.

In the B-2 and B-5 districts, the standard parking requirement for office/retail/commercial uses is 1 stall per 300 square feet. However, a number of uses have their own special parking requirements including restaurants and the sale of alcoholic beverages for consumption on the premises (i.e., restaurants with a liquor license and bars) which have a parking requirement of 1 stall per 100 square feet except in the B-1 and B-3 districts where the standard differs. These two uses are common in the B-2 and B-5 districts which have a mix of retail, restaurant, and office uses. It becomes complicated to track required parking as restaurants develop and redevelop within the centers over time, and buildings and sites may convert from retail to restaurant and back again and from one parking standard to another.

The sale of alcoholic beverages for consumption on the premises currently has a parking requirement of 1 stall per 100 square feet. The parking ratio is the same as the requirement for restaurants, as restaurants would normally need to meet both requirements. To facilitate development and redevelopment, the parking requirement for these uses should be reduced to match the standard of the district and the majority of commercial uses that will be present in a center.

This change has been implemented individually over several B-5 use permits and one B-2 use permit over the past several years. Specific prior approvals related to this change include a 2016 text amendment that reduced the B-5 district standard parking requirement from 4.5 stalls per 1,000 square feet to 1 stall per 300 square feet. The B-5 use permits with an approved parking reduction to this standard are SouthPointe, Edgewood, East Park Plaza, and Gateway.

**c. Reduce the minimum parking in the H-2 zoning district from 1 stall per 300 square feet to 1 stall per 600 square feet.**

The H-2 district is located almost exclusively in the area of 48<sup>th</sup> and O Streets. The character of the H-2 district at 48<sup>th</sup> and O Streets is becoming increasingly oriented to retail and restaurant rather than other types of typical highway commercial uses.

There have been several changes of zone from H-2 to B-3 in recent years, two of which were for purposes of achieving the lower parking requirement of the B-3 district of 1 stall per 600 square feet (CZ13013 at 366 N. 48<sup>th</sup> Street and CZ15017 for Paws 4 Fun). Rather than continuing to re-zone individual H-2 properties for lower parking, the H-2 district should be made more flexible as it continues to redevelop. Reducing minimum parking to the B-3 standard is one significant step in that direction.

**d. Allow off-site parking within 300 feet in the H-4 zoning district.**

Additional off-street parking is typically required when there is an increase in floor area or a change in use, such as retail to restaurant. Often, there is no space on the same lot to add additional parking, prohibiting uses that might otherwise be desirable at that location. This is an impediment to potential development and reuse of vacant buildings on small parcels.

Off-site parking is allowed in most commercial zoning districts in Lincoln with the condition that the property owner enter into a long term lease for the parking. The B-5 and H-4 zoning districts are exceptions to the general rule. Expanding off street parking options should be extended to the H-4 district as 300 feet is a walkable distance that people can be expected to make from their car to a business, while increasing flexibility for providing parking, especially on smaller commercial lots.

However, the B-5 district is not appropriate to allow separated parking as these regional shopping districts are

large in scale and should be able to contain all required parking within their boundaries, therefore preventing overflow into neighborhoods and other adjacent commercial areas.

**e. Allow the maximum distance for off-site parking to be measured from the nearest point of the parking lot that contains the required stalls.**

Currently, required parking within the maximum separation distance is interpreted to mean that the parking stalls themselves must fall within that distance. Instead, language would be added allowing parking stalls to be counted as long as the nearest point of the parking lot that contains the required stalls is within the separation distance.

**f. Allow shared parking based on the mix of non-concurrent uses in all commercial districts.**

To promote mixed use developments and efficient, denser use of land in older areas of the city, parking regulations need to be more flexible and sensitive to specific locations, yet still provide predictability for developers and neighbors. Shared parking is a concept based on the simple idea that different destinations attract customers, workers and visitors during different times of the day.

For example, an office that closes at 5:00 PM could share parking with a restaurant that has peak parking after 5:00 PM. Shared parking allows developers to decrease the amount of land required for a mixed use development. Shared parking reduces development costs, and allows for more efficient use of the land and better design including walkability and traffic flow. Use of central parking lots or garages discourages the development of many scattered facilities. Requiring more parking than the market demands adds substantial cost to the development and may prevent development.

This change would apply simplified joint (shared) parking regulations in any zoning district, whereas currently, the regulations vary by district and do not allow joint parking in every district.

**g. Allow administrative approval of minor parking modifications.**

The Planning Director would be granted the ability to administratively approve minor modifications to parking requirements including reducing minimum parking and increasing the maximum offsite parking separation distance. This change would not include the ability to waive the parking lot surfacing requirement. Minor parking modifications would be allowed in all zoning districts. The modification would generally be limited to a change of no greater than 25%, except that to accommodate smaller parking lots, any parking requirement could be decreased by 3 or fewer stalls as long as the overall reduction is no greater than 50% of the required parking. This revision is structured in a similar way to the existing Section 27.72.190 allowing the Planning Director to approve minor modifications to the rear yard setback and building height.

8. Parking Lot Screening and Landscaping Changes

Effective parking lot screening can have a significant positive impact on the appearance and functionality of the built environment. When developing the proposed screening and landscape changes, the following intended impacts were considered:

- Soften the visual harshness of surface lot parking through attractive screening and landscaping, while still preserving sight lines into the property.
- Create a more consistent application of the screening and landscaping of parking lots, eliminating the “missing teeth” effect within non-residential districts.
- Reduce heat island effects by increasing the number of shade trees within parking lots.
- Increase the standard for landscaping of parking lots, while taking into account the demands of landscape maintenance.

**a. Eliminate the exception for screening of parking lots on shallow lots.**

The current screening standards for parking lots include two related exceptions that state that lots with an average lot depth of less than 150 feet shall not be required to screen the front yard of a parking lot. While these

exceptions were intended to accommodate the limitations of shallower lots, they have contributed to an inconsistent application of the screening standards citywide. Thus, the proposal is to remove these exceptions from the standards.

**b. Clarify the exception for screening of abutting parking lots to only allow it to be applied when the parking lots are connected via one or more drive aisles.**

The current screening standards for parking lots include an exception that states that abutting parking lots do not need to be screened from one another. The term “abutting” is not clearly defined, but has generally been interpreted to allow completely separate parking lots in close proximity to one another to avoid screening along their adjacent edge. The proposed change revises this exception to read as follows:

“No screen shall be required along the side or rear property lines where there is a parking lot on the neighboring property abutting the side or rear yard that is connected via one or more drive aisles.”

**Exhibit 1** illustrates an example of where this exception would be applied. The intent of this revision is to increase consistency in screening around parking lots, while also providing a small incentive for better access management solutions, such as the incorporation of shared access.

**c. Increase the shade tree requirements for parking lots.**

The current shade tree requirements for parking lots do not require a shade tree until the size of the parking lot reaches 6,000 square feet. This proposed change would require all parking lots, regardless of size, to have at least one shade tree. Beyond this minimum of one tree, parking lots would be required to provide an additional tree per every 6,000 square feet. This revision essentially increases the requirement for all parking lots by one tree. Additionally, the revised standards would now state that parking lots must provide interior landscape islands (see Item 8d. below for more detail), with the intent that shade trees be located within these islands. All required double row islands would necessitate the planting of at least one shade tree, while every two required single row islands would necessitate the planting of at least one shade tree. If this double row/single row standard results in a higher required number of shade trees than required in the previous paragraph (1 shade tree, plus 1 per every 6,000 square feet of parking lot), then this higher standard would prevail.

In conjunction with the increased shade tree requirements for parking lots, additional shade tree increases are being proposed for sites with larger buildings. See Item 9a. on the next page for more detail.

**d. Require interior landscape islands within parking lots.**

The current screening standards do not require interior landscaping of parking lots, even though the parking lot shade tree requirement suggests that they be located internally. The proposed addition will require internal landscape islands at the end of every row of parking, plus additional islands to help break up longer runs of uninterrupted parking. The islands will be required to be a minimum of nine (9) feet in width in order to accommodate necessary soil volumes for healthy tree growth. Overall, interior parking lot landscaping will be required to account for a minimum percentage of the total parking lot square footage, as shown below:

**Required Interior Landscaping**

<i>Parking Stalls</i>	<i>Required Interior Landscaping (% of total parking lot sq. ft.)</i>
<i>6 - 50 stalls</i>	<i>5%</i>
<i>51 - 200 stalls</i>	<i>8%</i>
<i>Greater than 200 stalls</i>	<i>10%</i>

See **Exhibit 2** for an example of how this new standard would be applied.

9. Other Screening and Landscaping Changes

**a. Increase open space landscape requirements.**

In order to encourage more open space landscaping on larger developments, the requirements of Section 7.6 of Chapter 3.50 of the Design Standards are proposed to increase for sites with building coverage that equals or exceeds 10,000 square feet in the O-3, B-2, B-5, H-2, H-4, I-2 and I-3 Districts, as well as Churches in the R-1 through R-4 Districts. The H-2 and H-4 Districts are not included in the current standard, but are being proposed to be added as part of this change. As the table below summarizes, the requirement of 3 shade trees and 400 square feet of understory landscaping for every 10,000 square feet of building coverage is being proposed to increase to 4 shade trees and 700 square feet. Though this table stops at 49,999 sq. ft., the requirement applies to sites with building coverages that meet or exceed 50,000 square feet as well. Open space landscaping can be applied within parking lots, along entry drives, in building-adjacent landscape beds, or in dedicated open space on the site. Regardless of the location, the increase in shade tree and understory requirements will serve to beautify and minimize the impacts of larger developments and the parking lots that serve them.

**Open Space Requirements**

Building Coverage	Required Shade Trees	Required Understory
10,000 - 19,999 sq. ft.	<del>3</del> 4	<del>400</del> 700 sq. ft.
20,000 - 29,999 sq. ft.	<del>6</del> 8	<del>800</del> 1,400 sq. ft.
30,000 - 39,999 sq. ft.	<del>9</del> 12	<del>1,200</del> 2,100 sq. ft.
40,000 - 49,999 sq. ft.	<del>12</del> 16	<del>1,600</del> 2,800 sq. ft.

**b. Require street trees as a condition of the commercial building permitting process.**

The benefits of street trees are many, including the following:

- Street trees serve to frame views and enhance the urban form of our streets, districts and corridors.
- Street trees make public streets feel more inviting, comfortable and safe for all users. Drivers tend to slow down and residents typically walk more on streets lined by trees.
- Street trees have a positive impact on the environment and mitigate a variety of typical urban conditions. They improve air quality by converting carbon dioxide into oxygen, and reduce traffic noise by buffering street traffic from adjacent properties.
- Street trees have been proven to lead to increased property values for adjacent properties.

While property owners often fear the impact of reduced visibility into their sites, the reality is that street trees make streets and their adjacent properties more inviting to the passerby. Further, well-spaced and well-selected trees rarely limit sight lines in the way that property owners fear. Trees are not fully opaque objects; instead, they can be seen around, under and through. While they may block some views from specific perspectives, travelers moving along a street are not stuck in one static position. Any loss of visibility is temporary, finite and easily manageable.

Street trees have long been acknowledged as a critical component of the beautification of Lincoln’s public streetscapes. However, current standards present a major hurdle toward maximizing their impact citywide. Today, street trees are only required for subdivisions, or as a condition of a Planned Unit Development, Use Permit or Special Permit. In order to provide for a more consistent application of street trees along public streets, the amendment proposes that they be required for sites receiving a commercial building permit that fall under one of the following conditions:

- a) New construction
- b) Major remodeling or reinvestment in a property, where the total investment - as defined by total construction valuation - exceeds fifty percent of the property’s assessed value.

For minor remodeling, where the total investment is fifty percent or less of the property's assessed value, care should be taken to preserve existing street trees. Any trees removed shall be replaced in accordance with the city's Master Street Tree Plan.

Under this proposed change, required street trees shall meet the standards set forth in **Chapter 2.35 - Design Standards for Street Trees**.

**c. Make minor updates and formatting changes to the design standards.**

Beyond the changes above, the amendment proposes to update and reformat the Design Standards for Screening and Landscaping to make the document more readable and easier to navigate. This includes the addition of tables and updated graphics. It also includes a number of minor text edits intended to clarify or simplify the standards, or provide additional flexibility in how the standards are applied. These edits will not result in added screening requirements, but will make interpretation and enforcement of the standards more straightforward. Updates include:

- i. Under Section 4, the standards for a plant material screen would be revised to allow additional flexibility in plant selection and diversity, encouraging the use of ornamental grasses and other plants with seasonal interest. The proposed revision is provided below (relevant language bolded):  
At least one-half (1/2), but no more than three-quarters (3/4) of the screen shall be evergreen plant material, except as otherwise provided in this chapter. An exception would be allowed if in conflict with Item 6 of the general requirements. **Additional exceptions to the percentage of evergreen plantings may be made to accommodate screens that incorporate ornamental grasses or other understory plant species with seasonal interest.**
- ii. In Sections 7.4, 7.10 and 7.11, language related to the landscaping of fence screens is proposed to be modified to clarify the standard. A new graphic has also been added to better illustrate the intended standard. These clarifications do not result in any substantive changes to the requirement.
- iii. **Section 7.9 - Screening for Broadcast Towers** would be updated to go from including a percentage-based requirement to a per linear foot requirement for screening around the perimeter of a tower. The change may result in additional flexibility in plant material selection.
- iv. **Section 7.12 - Screening for Motorized Vehicle Sales Display Areas** has been added to the standards as part of the proposed changes. This language has been taken directly from 27.62.100 of the Municipal Code. Inclusion in Chapter 3.50 serves to consolidate screening and landscaping requirements into a single location. No revisions have been proposed to the actual standard.
- v. **Section 7.13 - Screening for Downtown Lincoln** has also been added to this chapter in the proposed changes. This language has been transferred from Chapter 3.76 - Lincoln Downtown Design Standards and Chapter 3.77 - South Haymarket Design Standards. Again, inclusion in Chapter 3.50 simply serves to consolidate screening and landscaping requirements into a single location.
- vi. **Section 8 - PROCEDURES** has been revised under the proposed change to accurately reflect the process for review and enforcement of the Screening and Landscaping Design Standards. The updated language would read as follows:

*All plans and documents required to be submitted by the Owner hereunder shall be filed with the Building Official. Three (3) copies of a detailed and accurately scaled layout showing the screening and landscaping shall be submitted for review and approval by the Planning Department. The Building Official shall serve as the coordinating agency for reviews and approval required by the various departments hereunder.*

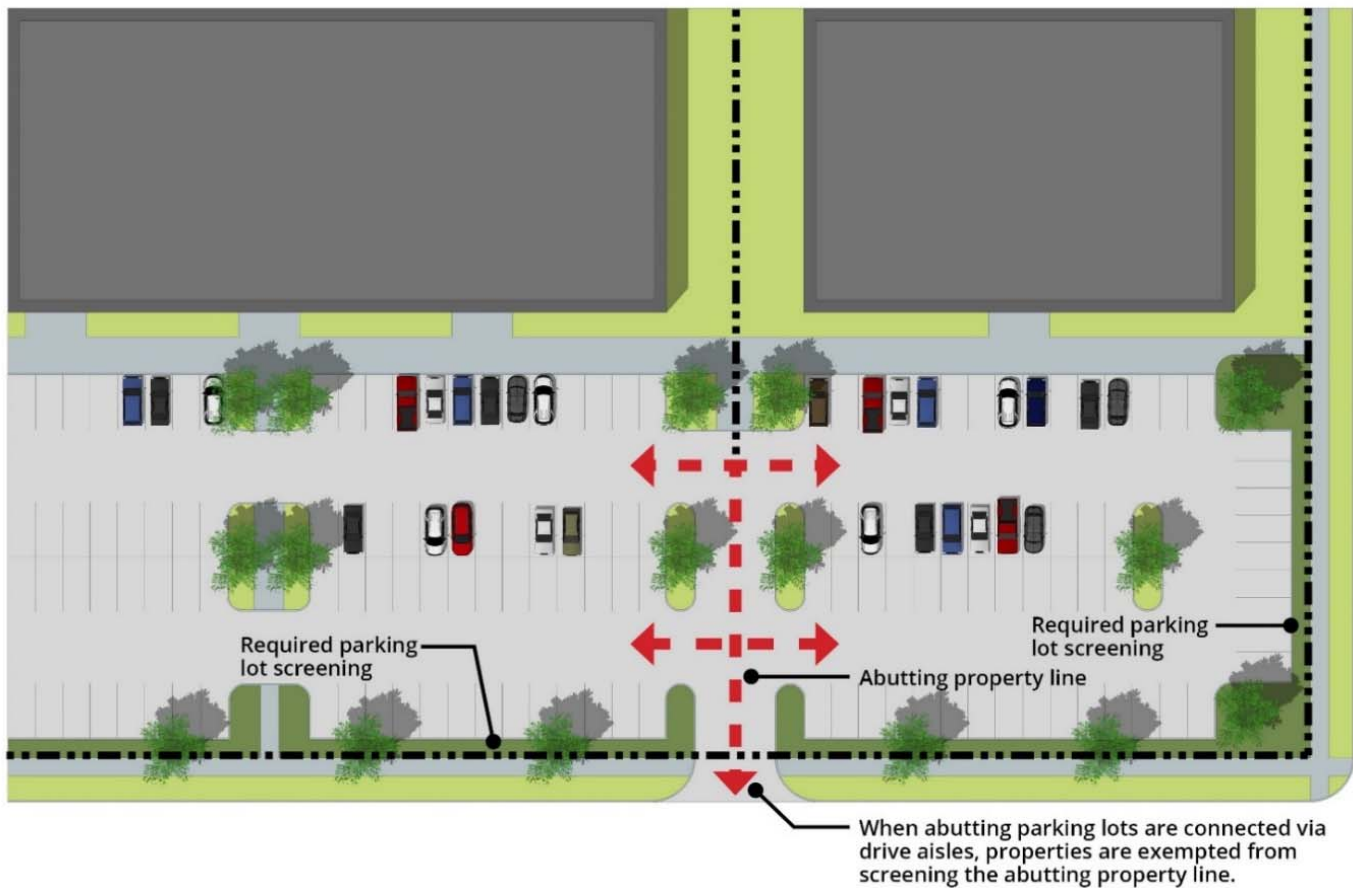
*Upon final inspection approval for new construction of structures and/or parking lots or for the construction of new additions to existing buildings and/or parking lots, a Landscape Enforcement Record shall be created. From the point in time in which a Landscape Enforcement Record is created, the Owner shall have six (6) months to complete all screening and landscaping improvements included as part of the approved permit plans.*

Once the six-month window has elapsed, an inspection will be completed by the Planning Department to determine compliance. If it is determined during the course of this inspection that the property is not in compliance with the approved screening/landscape plan, the Planning Official will send a notification of non-compliance to the property owner. A determination of non-compliance may be found if the property meets one or more of the following conditions:

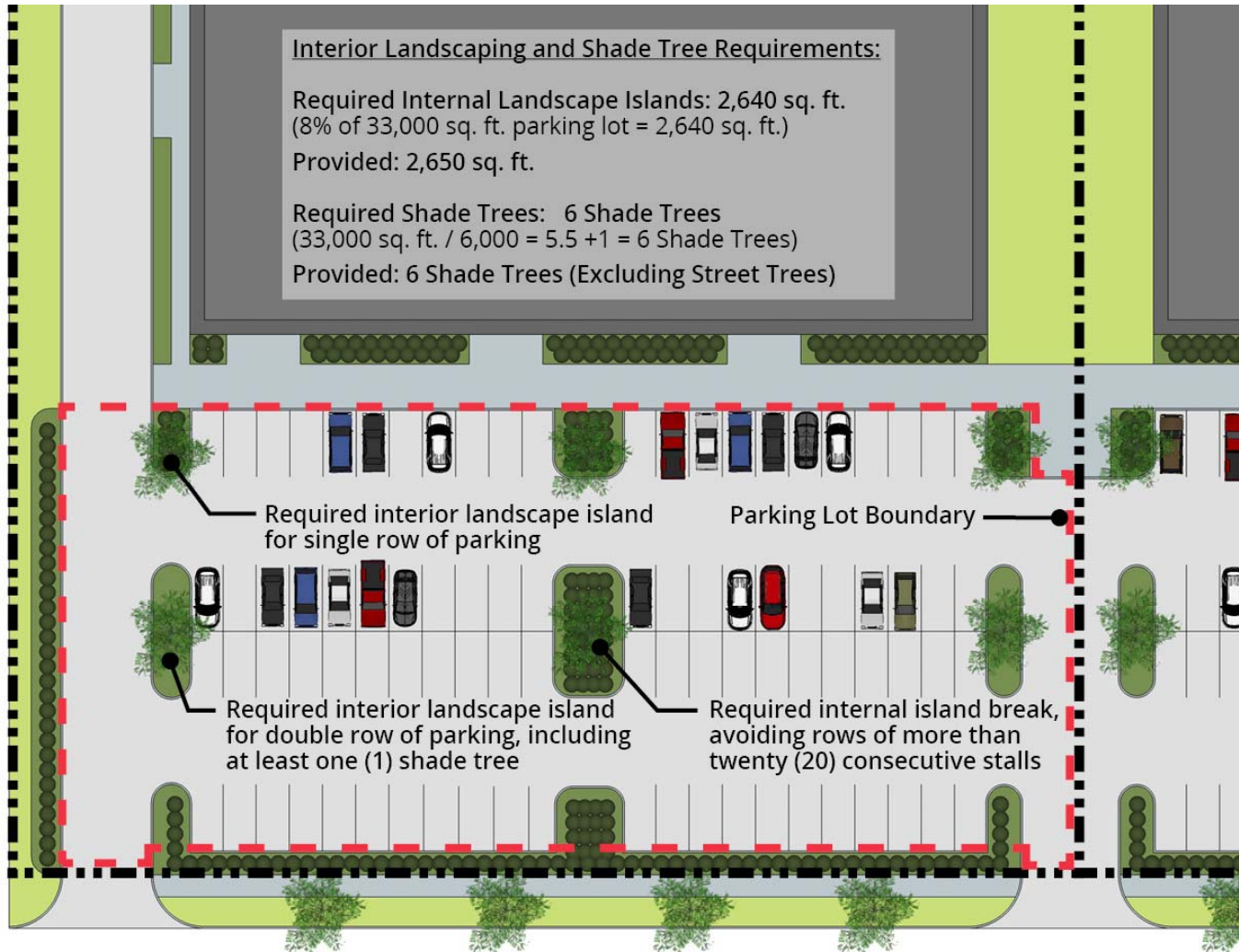
- 1) A significant portion or all of the approved screening/landscaping has not been installed.
- 2) The screening/landscaping that has been installed deviates significantly enough from the approved screening/landscape plan that it no longer meets the intent of the design standards.
- 3) The screening/landscaping was installed but has not been adequately maintained - as described in Section 4, Item 5 of this chapter - and no longer meets the intent of the design standards.

The notification will clearly delineate the steps that need to be followed to bring the screening/landscaping into compliance. From the date that the letter is sent, the owner will be given an additional six (6) months to comply. If it is determined at end of this second six-month period that the property is still in non-compliance, the Building Official may revoke the certificate of occupancy or refer the case to the City Attorney's Office.

#### EXHIBIT 1: ABUTTING PARKING LOTS DIAGRAM



## EXHIBIT 2: PARKING LOT INTERIOR LANDSCAPING DIAGRAM



Prepared by

Collin Christopher and Rachel Jones, Planners

Date: November 6, 2018

Applicant: Lincoln-Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508  
(402) 441-7491 or [plan@lincoln.ne.gov](mailto:plan@lincoln.ne.gov)

Contacts: Zoning - Rachel Jones  
(402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

Screening & Landscaping - Collin Christopher  
(402) 441-6370 or [cchristopher@lincoln.ne.gov](mailto:cchristopher@lincoln.ne.gov)

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Page 10 - Text Amendment #18014 - Parking, Screening, and Landscaping

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**From:** Richard Sutton <rsutton131@gmail.com>  
**Sent:** Sunday, October 14, 2018 9:07 PM  
**To:** Collin M. Christopher <CChristopher@lincoln.ne.gov>  
**Subject:** Trees in Parking Lots

Collin

Increasing the number of required parking lot trees is an important step for improving the development ordinances and sustainability for the City of Lincoln. The current acceptable tree list needs to be modified to identify species that are best suited for harsh parking lot growing conditions.

When trees are placed in parking lots, consideration needs to be given to the minimum root volumes to support healthy tree growth. All plans should therefore require details that shown the proposed tree volumes matched to the tree species as a part of the plant schedule. Also shown should be the supporting soil depth and type of drainage in tree islands. Most parking lots (and many streets) are mass graded and compacted to 95% Proctor density. If such compacted soil remains under a tree planting island it can impair proper anchor and deep water-seeking roots ; it may also drown a tree in period of heavy rainfall.

Many parking lots are designed and detailed by civil engineers who do not have the requisite training or experience in horticulture or landscape architecture. A Professional Landscape Architect should design or review any parking lot planting plans and affix their registration stamp.

Section 7.9 A1 should have the word coniferous stricken. Evergreen will suffice since all evergreen trees hardy in Lincoln are members of the order Pinales (formerly Coniferales).

<https://www.greenblue.com/na/resources/soil-calculator/>

<https://environment.arlingtonva.us/2015/11/soil-volume-and-urban-tree-canopy-finding-the-space-to-grow/>

Richard K. Sutton, PLA  
Professor Emeritus Landscape Architecture UN-Lincoln

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

1 AN ORDINANCE amending Lincoln Municipal Code Sections 27.60.060,  
2 27.63.030, 27.64.010 to add a provision that the Planning Director may approve modifications to  
3 parking requirements and revise existing parking requirements; adopting a revised Figure  
4 27.67.020 – Parking Matrix to revise existing parking requirements; amending Lincoln Municipal  
5 Code Section 27.67.030 to allow parking in the side yard in the H-2, H-3, and H-4 zoning districts;  
6 amending Section 27.67.040 by reducing the parking ratio for restaurants, social halls, and  
7 businesses engaged in the sale of alcohol for consumption on the premises in the B-2 and B-5  
8 zoning districts and striking provisions related to joint parking; amending Chapter 27.67 of the  
9 Lincoln Municipal Code to add a new Section 27.67.045 Modifications to Parking Requirements  
10 to provide joint parking for in all zoning districts under stated conditions as well as to add  
11 provisions to allow the Planning Director to make minor modifications to parking requirements in  
12 all zoning districts; amending Section 27.67.065 to allow for exceptions to the parking  
13 requirements in the O-3 zoning district where approved by the Planning Director; and repealing  
14 Sections 27.60.060, 27.63.030, 27.64.010, 27.67.030, 27.67.040, 27.67.065, and Figure 27.67.020  
15 – Parking Matrix of the Lincoln Municipal Code as hitherto existing.

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

17 Section 1. That Section 27.60.060 of the Lincoln Municipal Code be amended to  
18 read as follows:

19 **27.60.060 Planned Unit Development; Amendments.**

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

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

3 (b) Minor increases in the number of dwelling units or total floor area originally  
4 authorized by the City Council may be approved if such increases will not cause a significant  
5 adverse impact on the public infrastructure, existing development within the planned unit  
6 development and adjoining properties. Minor increases shall not exceed more than fifteen percent  
7 (15%) cumulative additional dwelling units or total floor area;

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

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

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

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

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

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

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

4 (j) The Planning Director may approve minor modifications to parking requirements  
5 in conformance with the provisions of Section 27.67.045(b).

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

8 Section 2. That Section 27.63.030 of the Lincoln Municipal Code be amended to  
9 read as follows:

10 **27.63.030 Amendments.**

11 After the application for a special permit has been approved, including the specific plot plan  
12 required under Section 27.63.010, the Planning Director is authorized to approve amendments to  
13 the special permit, provided that:

14 (a) A request for amendment is filed with the Planning Director, together with all  
15 information pertinent to the proposed amendment;

16 (b) Such amendment shall not violate any regulations set forth in this title;

17 (c) Such amendment may provide for minor increases in total floor area and storage space  
18 originally permitted;

19 (d) There is no increase in the number of dwelling units;

20 (e) No reduction is made to the applicable setback or yard requirements;

21 (f) The Planning Director may approve minor modifications to parking requirements in  
22 conformance with Section 27.67.045(b);

23 (g) No public land is accepted;

1           (hg) Such amendment shall not be contrary to the general purposes of this chapter;

2           (hh) Any amendment not in conformance with this paragraph shall be submitted to the  
3 Planning Commission in the same manner as an original special permit.

4                       Section 3. That Section 27.64.010 of the Lincoln Municipal Code be amended to  
5 read as follows:

6 **27.64.010     Procedures and Requirements.**

7 (a)     Application: Applications for a use permit under this chapter for development in the O-3,  
8 R-T, B-2, B-5, and I-3 zoning districts shall be filed by the owner in writing with the  
9 Planning Department on a form provided by the City. Upon filing the application, the City  
10 Council shall refer the application to the Planning Commission for its consideration and  
11 final action as provided in subsection (g) below.

12 (b)     Preliminary plan: The Planning Director may require a preliminary plan that may include  
13 the following information:

- 14           (1)     Boundary survey and gross acreage;
- 15           (2)     Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot  
16 elevations on 100-foot grid shall be required to fully indicate the topography on flat  
17 land;
- 18           (3)     Street right of way;
- 19           (4)     Utility easements;
- 20           (5)     Adjacent land use and zoning classifications;
- 21           (6)     Location of structures on property to be removed;
- 22           (7)     Vicinity map;
- 23           (8)     Date prepared, scale, and north point;

- 1 (9) Schematic and location of existing buildings;
- 2 (10) Parking areas and capacity;
- 3 (11) Open space for residential uses (except in the R-T District);
- 4 (12) Use of buildings, such as retail, service, restaurant, office, residential, and other
- 5 uses;
- 6 (13) Height of buildings;
- 7 (14) Location of existing trees and proposed landscape plan;
- 8 (15) Proposed vehicular and pedestrian circulation system including egress and ingress;
- 9 (16) Building and parking setback lines;
- 10 (17) Grading plan;
- 11 (18) On-site and off-site water and sanitary sewer improvements;
- 12 (19) On-site and off-site drainage and storm sewer improvements;
- 13 (20) Location of proposed free-standing signs;
- 14 (21) Cross-section for paving of parking lots and sidewalks;
- 15 (22) In the B-2 and B-5 districts, proposed name of the shopping center;
- 16 (23) Name, address, and telephone number of developer; certified record owner or
- 17 owners and addresses; and legal description of the proposed use permit area,
- 18 including the number of acres.
- 19 (c) A Computer-Aided-Design (CAD) file representing only the use permit boundary survey
- 20 and street centerlines shall be submitted that complies with the CAD Standards for
- 21 Subdivision Submittals maintained by the Public Works and Utilities Department.
- 22 (d) Environmental performance standards: Any applicant for a use permit under the provisions
- 23 of this section shall comply with environmental performance standards relating to noise,

1 emission, dust, odor, glare, and heat as shall be from time to time established by various  
2 municipal departments and approved by resolution of the City Council.

3 (e) Environmental impact statement and market analysis: If any application for a change of  
4 zone to the B-5 Planned Regional Business District or for a use permit in the B-5 district  
5 under the provisions of this section substantially deviates from the Comprehensive Plan in  
6 terms of location or size, as determined by the Planning Director, the applicant shall submit  
7 an environmental impact statement and a market analysis in accordance with Chapters 3.05  
8 and 3.10 of the City of Lincoln Design Standards for Zoning Regulations which shall serve  
9 as a guide to the Planning Commission for evaluation of such application in terms of need,  
10 desirability, supportability, and its implications for the overall growth of the community.

11 (f) Planning Commission review: The Planning Commission shall hold a public hearing upon  
12 such application and shall consider the effect of the proposed use upon the surrounding  
13 neighborhood, the community as a whole, and other matters relating to public health,  
14 safety, and general welfare.

15 (g) Planning Commission action: After holding at least one public hearing, the Planning  
16 Commission shall proceed to give final consideration to the application. The Planning  
17 Commission shall impose such conditions as are appropriate and necessary to ensure  
18 compliance with the Comprehensive Plan and protect the health, safety, and general  
19 welfare in the issuance of any such use permits. Such conditions may include an increase  
20 in the minimum parking and yard requirements and decrease in the maximum height  
21 restrictions set forth in this chapter. Lots fronting on private roadways may be permitted.  
22 Unless expressly modified by the terms of the use permit, all regulations of the applicable  
23 R-T, O-3, B-2, B-5, or I-3 District shall apply. The Planning Commission may require that

1 certain conditions be fulfilled by the applicant in conjunction with approval of the use  
2 permit applied for which may include the requirement that applicant grant additional right  
3 of way in accordance with the Comprehensive Plan. The Planning Commission may also  
4 require the execution of a written agreement with the city relating to the installation of  
5 public improvements by the applicant, together with the execution of performance bonds  
6 or provision of other appropriate surety relating thereto. The installation of all public  
7 improvements shall be accomplished in compliance with existing city standards as  
8 provided by ordinance or by departmental publications approved by resolution of the City  
9 Council. In the event the Planning Commission fails to act upon the application within  
10 ninety days from the date of the Council's referral of the application to the Planning  
11 Commission, the applicant may file a written request with the Planning Director requesting  
12 the Planning Commission to take final action on the application. If the Planning  
13 Commission fails to take such final action within thirty days following the Planning  
14 Director's receipt of the written request, the Planning Director shall schedule the  
15 application on the City Council's agenda for public hearing and final action.

16 (h) Appeal of Planning Commission action:

17 (1) Any council member, the Mayor, any aggrieved person, or any person or group  
18 officially designated to participate in the administration of this title may appeal any  
19 action of the Planning Commission to the City Council by filing notice of appeal  
20 with the Planning Director within fourteen days following the action of the  
21 Planning Commission.

1 (2) Upon receipt of the appeal by the City Council, the council shall hold a public  
2 hearing thereon within thirty days from the date of appeal. Notice of the public  
3 hearing shall be given as provided in Chapter 27.81.

4 (3) In exercising its appellate jurisdiction, the action appealed from shall be deemed  
5 advisory and the City Council may, after public hearing, in conformity with the  
6 provisions of this title make such decision as ought to be made.

7 (i) Adjustment: Upon request of the applicant, the City Council may, after report and  
8 recommendation of the Planning Commission, adjust the minimum subdivision  
9 requirements, minimum parking, height and lot requirements, sign regulations for location,  
10 height, and area of a sign, and specific I-3 use regulations set forth in Title 26 and Title 27  
11 provided the public welfare and interest of the City and surrounding area are protected and  
12 the general interest and spirit of the regulations are preserved and provided further that in  
13 the R-T district, the maximum height of a building shall not exceed the height of the tallest  
14 residence on the same and facing block fronts. The Planning Commission shall hold a  
15 public hearing upon the requested adjustment at the same time that it hears the application  
16 for the use permit and shall make a report to the City Council regarding the effect the  
17 proposed use and adjustment has upon the surrounding neighborhood, the community as a  
18 whole, and other matters relating to public health, safety, and general welfare. Upon  
19 receiving a report from the Planning Commission, the City Council shall take final action  
20 upon the use permit and the adjustment.

21 (j) Amendment: The Planning Director is authorized to approve amendments to the use permit  
22 provided that:

- 1 (1) A request for amendment is filed with the Planning Director and, if appropriate,  
2 accompanied by a plot plan showing all pertinent information;
- 3 (2) Minor increases in the number of dwelling units or total floor area originally  
4 authorized by the Planning Commission or City Council may be approved if such  
5 increases will not cause a significant adverse impact on the public infrastructure,  
6 existing development within the use permit, and adjoining properties. Minor  
7 increases shall not exceed more than fifteen percent (15%) cumulative additional  
8 dwelling units or total floor area;
- 9 (3) The Planning Director may approve minor modifications to parking requirements  
10 in conformance with the provisions of Section 27.67.045(b).
- 11 ~~(4)~~ Amendments shall preserve the intent and spirit of the approved development plan;
- 12 ~~(54)~~ Amendments shall not violate any regulation set forth in this title;
- 13 ~~(65)~~ No change is made to the applicable setback, yard, or height requirements for lots  
14 along the perimeter of the use permit;
- 15 ~~(76)~~ Minor internal changes to the applicable setback, yard, or height requirements may  
16 be made within the use permit if they conform to the intent of the approved use  
17 permit and do not adversely impact existing development within the use permit;
- 18 ~~(87)~~ Any amendment not in conformance with this paragraph shall be submitted to the  
19 Planning Commission in the same manner as a formal application for use permit.
- 20 (k) Building permits, certificates of occupancy, and certificates of compliance: Upon the  
21 approval of a use permit as provided for under this section, building permits and certificates  
22 of occupancy may be issued. Certificates of compliance shall not be issued until there has

1           been compliance with all conditions of a use permit and subsequent amendments within  
2           each phase of development of a use permit.

3   (l)    Preexisting uses: An existing use of a type permitted in this chapter which was lawfully  
4           established in this district on the effective date of this title shall be deemed to have received  
5           a use permit as herein required and shall be provided with such permit by the Director of  
6           Building and Safety upon request, and it shall not be a nonconforming use; provided,  
7           however, for any enlargement, extension, or relocation of such existing use, an application  
8           in conformance with this section shall be required.

9   (m)   If an application for a use permit located within a flood plain is granted approval by the  
10          city, it shall not be necessary for the applicant to make an application for a special permit  
11          to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and  
12          A-57540. It shall be presumed that the applicant has received all such approvals as may be  
13          required by the foregoing resolutions by virtue of the city granting approval to the use  
14          permit.

15   (n)   Expiration of Application. All applications for a use permit which have been placed on  
16          pending by an applicant shall automatically expire and become null and void one year  
17          thereafter. At least thirty days before the date of expiration, the Planning Director shall  
18          cause notice of expiration to be sent to the applicant by regular United States mail, postage  
19          prepaid. Said notice shall advise the applicant that the application shall automatically  
20          expire unless prior to the expiration date, the Planning Director receives a request from the  
21          applicant to remove the application from pending and reschedule the matter on the Planning  
22          Commission or City Council agenda as appropriate.

1 Section 4. That Figure 27.67.020 Parking Matrix of the Lincoln Municipal Code  
 2 be amended to read as follows:

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. *a	1 per 600 sq. ft.	1 per 500 sq. ft.	1 per 300 sq. ft.	1 per 150 sq. ft.	2 per 3 persons on maximum shift or 1 per 1,000 sq. ft. *a	
Zoning Districts	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: There is no required parking in the B-4 District.										
	B-5				•					•		
	H-1										•	
H-2								within 300'		within 300'		
H-3										within 300'		
H-4										within 300'		
I-1											within 300'	
I-2											within 300'	
I-3									•		•	

\* a. 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.

b. In zoning districts that allow parking within a certain separation distance, the separation distance shall be measured from the nearest point of the parking lot that contains the required parking stalls.

1                   Section 5. That Section 27.67.030 of the Lincoln Municipal Code be amended to  
2 read as follows:

3   **27.67.030    General Conditions.**

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

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

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

10                  (2)    Parking in the front yard is permitted in the R-1, R-2, R-3, R-4, R-5, R-6,  
11                  and R-7 zoning districts for passenger cars, pickup trucks, or vans outside  
12                  of an enclosed structure on a concrete driveway or its equivalent under the  
13                  following conditions:

14                  (i)    The width of such parking area shall not exceed thirty-five percent  
15                  of the width of the front yard, except in the case of townhouses,  
16                  where the width shall not exceed fifty percent of the width of the  
17                  front yard, provided the width of such parking area shall not exceed  
18                  sixteen feet;

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

4 (iii) The property shall be used for single-family dwellings, two-family  
5 dwellings, townhouses, and single-family dwellings with an  
6 accessory dwelling unit.

7 (3) Parking in the front yard is permitted as otherwise provided in Section  
8 27.63.170.

9 (b) No parking space is permitted in the required side yard in any district except in the  
10 H-2, H-3, and H-4 zoning districts when the side yard is not abutting a residential zoning district  
11 or as otherwise provided in this chapter and in Section 27.63.170.

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

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

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

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

20 (g) For single-family dwellings, two-family dwellings, and townhouses in the R-1, R-  
21 2, R-3, R-4, R-5, R-6, and R-7 zoning districts, the required parking spaces may be stacked front-  
22 to-back, one vehicle deep.

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

4 Section 6. That Section 27.67.040 of the Lincoln Municipal Code be amended to  
5 read as follows:

6 **27.67.040 Parking Requirements; Special Conditions.**

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

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

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

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

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

23 (e) Mini-warehouses:

- 1           (1) Two spaces for manager's quarters or office; and
- 2           (2) One space for every 60 storage cubicles; however, if access lanes and roads to
- 3                 the storage area are twenty feet or greater in width, to allow vehicles to unload
- 4                 and pass, no additional parking for the storage cubicles is required.
- 5           (f) Two-family or attached single-family dwellings, approved as part of a Special Permit
- 6 for a Community Unit Plan pursuant to Chapter 27.65 Community Unit Plan, a development plan
- 7 for a planned unit development pursuant to Chapter 27.60 Planned Unit Development District, or
- 8 a use permit pursuant to Chapter 27.64 Use Permits on lots having a width of less than 35 feet and
- 9 where garages take direct access from a public street or private roadway are required to provide 1
- 10 off-premises guest parking stall per 2 dwelling units. On-street parking may be counted if there is
- 11 at least 22 contiguous feet of uninterrupted curb space abutting each lot along the face of curb from
- 12 the edge of the curb return to the lot line.
- 13           (g) Drive-in restaurants: One space/40 sq. ft. of floor area.
- 14           (h) Bowling alleys: 4 spaces/lane (plus required parking for affiliated uses.)
- 15           (i) Auditoriums, theaters, grandstands, stadia, amphitheaters, and other places of public
- 16 assembly: One space/50 sq. ft. of seating area plus parking for affiliated uses within 300 ft. of the
- 17 main use.
- 18           (j) Recreational uses:
- 19                 (1) Racquetball and other court games: Four spaces/court (plus required spaces for
- 20                         affiliated uses);
- 21                 (2) Swimming pools: One space/100 sq. ft. of water surface (plus parking for
- 22                         affiliated uses) as determined by the city;
- 23                 (3) Golf courses: Two spaces/hole on course, plus parking for affiliated uses.

- 1 (k) Hospitals: One space/2.5 beds, plus one space/employee on the largest shift.
- 2 (l) Places of religious assembly, chapels, public schools, private schools having a  
3 curriculum equivalent to a public elementary or public high school, and private business or  
4 commercial schools: One space/50 sq. ft. in largest assembly hall as determined by the City.
- 5 (m) Academies, such as gymnastic, karate, judo, dance, or music academies: One space  
6 for every three students allowed per class session plus one space for every employee. In those  
7 instances where two sessions of classes occur one after another, without at least one-half hour  
8 separation between sessions, the maximum number of students allowed at both sessions shall be  
9 combined in determining the amount of required parking per class session.
- 10 (n) Housing for the physically handicapped: (see also Section 27.63.215) One space/  
11 dwelling unit.
- 12 (o) Domestic shelters: One space for every four residents and two spaces for every three  
13 employees on the largest shift.
- 14 (p) Salvage yard: Six spaces, two spaces/acre of lot area, or one space/1,000 square feet  
15 of floor area, whichever is greater.
- 16 (q) Dwellings for members of a religious order: one space for every three residents.
- 17 (r) Warehouses:
- 18 (1) Warehouses with a floor area of 50,000 square feet or less: one space per every  
19 1,000 square feet of floor area or a minimum of one space per employee on the  
20 largest shift. The floor area shall be calculated based on the total floor area of  
21 all structures on the lot.
- 22 (2) Warehouses with a floor area of more than 50,000 square feet: one space per  
23 every 1,000 square feet of floor area for the first 50,000 square feet of floor area

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

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

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

16 (t) Restaurants and Social Halls: one space per 100 square feet; one space per 200 square  
17 feet for restaurants located in the B-1 and B-3 zoning districts; one space per 300 square feet for  
18 restaurants located in the B-2 and B-5 zoning districts.

19 (u) Dwellings for caretakers employed and residing on the premises and/or accessory  
20 dwelling units: one space per dwelling unit in addition to the number required for the main use.

21 (v) Early childhood care facilities: One space/ employee on the largest shift, plus off-  
22 street loading/unloading area for one automobile per ten care receivers. Joint parking with another

1 use is acceptable if the early childhood care facility and the other use have nonconcurrent parking  
2 demands.

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

5 (x) Sale of alcoholic beverages for consumption on the premises: One space per 100  
6 square feet of floor area; one space per 200 square feet for premises for on-site alcohol  
7 consumption located in the B-1 and B-3 zoning districts; one space per 300 square feet for premises  
8 for on-site alcohol consumption located in the B-2 and B-5 zoning districts.

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

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

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

21 (bb) Off-street Freight Loading Requirements. At the time of construction, alteration, or  
22 enlargement of any commercial or industrial building having a floor area of 10,000 square feet or

1 more, and containing a use or uses which requires off-street freight loading, off-street freight  
2 loading areas shall be provided on the premises to serve the use and maintained as follows:

- 3 (1) Six hundred square feet for the first 10,000 square feet of floor area;
- 4 (2) An additional 600 square feet for each additional 20,000 square feet of floor  
5 area.

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

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

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

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

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

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

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

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

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

4 ~~\_\_\_\_\_ (2) The minimum aggregate number of parking stalls provided under the Joint Use~~  
5 ~~Agreement shall be equal to the sum of the required parking for each use.~~

6 ~~\_\_\_\_\_ (3) The Joint Use Agreement shall be submitted to and approved by the City Law~~  
7 ~~Department.~~

8 ~~\_\_\_\_\_ (4) The Joint Use Agreement shall be filed of record with the Register of Deeds for~~  
9 ~~Lancaster County, Nebraska and indexed against the affected properties.~~

10 ~~(egg)~~ Dwellings for Nonrelated Persons, for four to six persons living as a single  
11 housekeeping unit permitted under a community unit plan: One space per resident.

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

14 ~~(ggii)~~ Three parking stalls shall be provided on premises used for motorized vehicle sales  
15 if the premises is less than two (2) acres in size. If the premises is two (2) or more acres in size,  
16 parking shall be as shown on the parking matrix for the district the motorized vehicles sales is  
17 located in.

18 Section 7. That Chapter 27.67 of the Lincoln Municipal Code be amended to add  
19 a new Section numbered 27.67.045 to read as follows:

20 **27.67.045 Modifications to Parking Requirements.**

21 (a) Joint Parking. In all zoning districts, uses that have parking demands which occur  
22 at substantially different times (“non-concurrent parking demand”) may join their

1 parking facilities so as to reduce the minimum aggregate number of parking stalls  
2 required for the combined uses as follows:

3 (1) The joint parking spaces must be located upon abutting lots or within the  
4 boundaries of a Planned Unit Development, Community Unit Plan or Use  
5 Permit or within the applicable distance requirement allowed if required  
6 parking is allowed offsite.

7 (2) The times demanded for these joint parking spaces will not conflict  
8 substantially between the use offering the spaces and the use to be served.

9 (3) The minimum aggregate number of joint parking stalls shall be computed  
10 on the basis of providing the parking required for the non-concurrent use  
11 that has the largest parking demand as determined under Section 27.67.020.

12 (4) The joint parking arrangement shall be memorialized by a written  
13 agreement between the City and all parties to such use (“Joint Use Parking  
14 Agreement”). The Joint Use Parking Agreement shall be submitted to and  
15 approved by the City. The Joint Use Parking Agreement shall be filed of  
16 record with the Register of Deeds. In the event the Joint Use Parking  
17 Agreement is terminated or additional parking is required by a change of  
18 use and provision for such additional parking is not provided, an approval  
19 shall be required by the City Council.

20 (b) Minor Modifications. In all zoning districts, the Planning Director may approve  
21 minor modifications to the parking requirements, provided that a request for modification is filed  
22 with the Planning Director which describes the specific modification requested, a statement of the  
23 practical difficulties caused by strict enforcement of the parking requirements of this Title, and

1 supporting documentation as to why the modification will not adversely affect existing or  
2 reasonably anticipated future uses of land in the surrounding area. Supporting documentation could  
3 address but would not be limited to the mix of uses and non-concurrent peak parking requirements,  
4 the amount and availability of on-street parking during the peak hour parking demand; how local  
5 conditions such as lower customer frequency reduce typical vehicle parking demand and justify  
6 parking minimums less than those required in this chapter.

7 The Planning Director is not authorized to waive the surfacing requirement.

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

12 (1) The modification (including any previously approved modifications) does not reduce  
13 the required parking by more than 25%; in addition, the Planning Director may  
14 decrease any parking requirement by 3 stalls or fewer as long as the overall reduction  
15 is no greater than 50% of the required parking.

16 (2) The modification (including any previously approved modifications) does not expand  
17 the distance requirement for the required parking by more than 25%; and

18 (3) The modification will have no significant adverse effect on existing or reasonably  
19 anticipated future uses of the premises or land in the surrounding area.

20 (4) The modification is needed to address practical difficulties encountered by the  
21 applicant. For the purpose of this section, practical difficulty shall mean a difficulty  
22 which cannot be alleviated by an amendment to an existing special permit, use permit,  
23 or Planned Unit Development; compliance with the setback requirement is

1 unnecessarily burdensome; and which amounts to more than a mere inconvenience in  
2 the reasonable use of the premises.

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

5 Section 8. That Section 27.67.065 of the Lincoln Municipal Code be amended to  
6 read as follows:

7 **27.67.065 Special Conditions; O-3 Zoning District.**

8 In the O-3 zoning district, the following parking regulations shall apply:

9 (a) Two parking spaces per dwelling unit, however, the City Council may reduce the  
10 parking requirement to no less than one and one-half parking spaces per dwelling unit when the  
11 application includes information justifying the reduction;

12 (b) The location of required parking as set forth elsewhere in this chapter may be adjusted  
13 by the City Council;

14 (c) All other parking requirements in the O-3 zoning district shall apply except the  
15 Planning Director may approve minor modifications to parking requirements in conformance with  
16 the provisions of Section 27.67.045(b).

17 Section 9. That Sections 27.60.060, 27.63.030, 27.64.010, 27.67.030, 27.67.040,  
18 27.67.065, and Figure 27.67.020 – Parking Matrix of the Lincoln Municipal Code as hitherto  
19 existing be and the same are hereby repealed.

20 Section 10. This ordinance shall be published, within fifteen days after the passage  
21 hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on  
22 the official bulletin board of the City, located on the wall across from the City Clerk’s office at  
23 555 S. 10<sup>th</sup> Street, in lieu and in place of the foregoing newspaper publication with notice of

1 passage and such posting to be given by publication one time in the official newspaper by the City  
2 Clerk. This ordinance shall take effect and be in force from and after its passage and publication  
3 or after its posting and notice of such posting given by publication as herein and in the City Charter  
4 provided.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this ___ day of _____, 2018:  _____ Mayor
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RESOLUTION NO. A-\_\_\_\_\_

1           WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design  
2 Standards consisting of four titles (Title 1. General Provisions, Title 2. Design Standards for  
3 Subdivision Regulations, Title 3. Design Standards for Zoning Regulations, and Title 4.  
4 Miscellaneous Design Standards) and Appendix A – Sight Distance which are maintained in pdf  
5 format on the Planning Departments website under Development Review; and

6           WHEREAS, the Planning Director has proposed to amend Title 3 Design Standards  
7 for Zoning Regulations by amending Chapter 3.45 Design Standards for Parking Lots Section 3.6,  
8 to make reference to the Design Standards for Screening and Landscaping in Section 7.1 of Chapter  
9 3.50 as they apply to landscape islands and shade trees in parking lots; and by amending Section  
10 3.7, to remove an exception to screening requirements for abutting parking lots, property in a non-  
11 dwelling district adjacent to an O-2 district, and where applicable, screening requirements  
12 otherwise in addition to requirements of an applicable special permit; and repealing Sections 3.6  
13 and 3.7 of Chapter 3.45 as hitherto existing.

14           WHEREAS, the Planning Director has proposed to amend Title 3 Design Standards  
15 for Zoning Regulations by amending Chapter 3.50 Design Standards for Screening and  
16 Landscaping Section 1 to replace the term “minimum” with the term “reasonable”, amending  
17 Section 2 to add the article “A” to the Title, amending Section 3 to require that a screening plan  
18 be submitted for review and to delineate the information to be contained on said plan, amending  
19 Section 4 to refer to evergreen plant material and to define how screening percentage will be  
20 calculated for plant material, amending Section 5 to describe acceptable fence materials to be used  
21 in required screening, amending Section 6 to make grammatical corrections, amending Section 7.1  
22 to describe perimeter screening and interior landscaping requirements for parking lots and parking  
23 areas, amending Section 7.2 to describe screening requirements for mobile home courts and mobile  
24 home subdivisions approved by special permit, amending Section 7.3 to describe screening

1 requirements for multiple family dwellings, planned unit developments, and use permits,  
2 amending Section 7.4 to describe screening requirements for residential lots backing up to major  
3 streets and railroads, amending Section 7.5 to describe screening requirements for property in the  
4 B-1, B-2, B-3, H-1, H-2, H-2, H-4, B-5, O-2, I-1, I-2, and I-3 zoning districts adjacent to residential  
5 zoning districts, amending Section 7.6 to describe screening requirements in the O-3, B-2, B-5, H-  
6 2, H-4, I-2, and I-3 zoning districts, amending Section 7.7 to describe screening requirements for  
7 salvage yards, amending Section 7.8 to describe screening requirements for day care centers and  
8 preschools approved by special permit, amending Section 7.9 to describe screening requirements  
9 for broadcast towers, amending Section 7.10 to describe screening requirements in the R-T zoning  
10 district, amending Section 7.11 to describe screening requirements for outdoor storage and display  
11 of merchandise as well as contractor services, outdoor refuse areas, recycling bins, open storage,  
12 loading areas, and ground level mechanical equipment, adding section 7.12 to describe and  
13 establish screening requirements for motor vehicle display areas, adding Section 7.13 to describe  
14 and establish screening requirements for those properties located in the B-4 and O-1 zoning  
15 districts, adding Section 7.14 to require street trees to be installed according to Chapter 2.35 of the  
16 Lincoln Design Standards for new commercial buildings as well as those that undergo a major  
17 remodel or reinvestment, and amending Section 8 to provide procedures to be followed for regular  
18 inspections to determine compliance with landscaping and screening design standards and  
19 requirements; and repealing Sections 1, 2, 3, 4, 5, 6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10,  
20 and 7.11 of Chapter 3.50 as hitherto existing.

21 WHEREAS, the Planning Director has proposed to amend Title 3 Design Standards  
22 for Zoning Regulations by amending Chapter 3.76 Lincoln Downtown Design Standards Section  
23 4.1 c. and d. to strike specific screening requirements and set forth in Section 4.1 and to refer to  
24 screening requirements established by Section 7.13 of Chapter 3.50 of the Lincoln Design  
25 Standards; and repealing Section 4.1 of Chapter 3.76 as hitherto existing.

26 WHEREAS, the Planning Director has proposed to amend Title 3 Design Standards  
27 for Zoning Regulations by amending Chapter 3.77 South Haymarket Design Standards Section 4.3

1 a. and b. to strike specific screening requirements stated in said Section and to refer to screening  
2 requirements established by Section 7.13 of Chapter 3.50 of the Lincoln Design Standards; and  
3 repealing Section 4.3 of Chapter 3.77 as hitherto existing.

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

6 1. That Section 3 of Chapter 3.45 Design Standards for Parking Lots be and  
7 the same is hereby amended as shown on Attachment “A” which is attached hereto and  
8 incorporated herein by this reference.

9 2. That Section 3 of Chapter 3.45 of the City of Lincoln Design Standards is  
10 repealed as hitherto existing.

11 3. That Sections 1, 2, 3, 4, 5, 6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10,  
12 and 7.11 of Chapter 3.50 of Chapter 3.50 Design Standards for Screening and Landscaping are  
13 hereby amended and Sections 7.12, 7.13, and 7.14 are hereby added to Chapter 3.50 all as shown  
14 on Attachment “B” which is attached hereto and incorporated herein by this reference.

15 4. That Sections 1, 2, 3, 4, 5, 6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10,  
16 and 7.11 of Chapter 3.50 of Chapter 3.50 Design Standards for Screening and Landscaping are  
17 repealed as hitherto existing.

18 5. That Section 4.1 of Chapter 3.76 Lincoln Downtown Design Standards be  
19 and the same is hereby amended as shown on Attachment “C” which is attached hereto and  
20 incorporated herein by this reference.

21 6. That Section 4.1 of Chapter 3.76 of the City of Lincoln Design Standards is  
22 repealed as hitherto existing.

23 7. That Section 4.3 of Chapter 3.77 South Haymarket Design Standards be and  
24 the same is hereby amended as shown on Attachment “D” which is attached hereto and  
25 incorporated herein by this reference.

26 8. That Section 4.3 of Chapter 3.77 of the City of Lincoln Design Standards is  
27 repealed as hitherto existing.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2018:

\_\_\_\_\_  
Mayor

# Attachment A

## Chapter 3.45

### DESIGN STANDARDS FOR PARKING LOTS

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

#### Section 1. GENERAL

This standard shall apply to all parking lots located within the zoning jurisdiction of the City of Lincoln.

*Title 28, Code of Federal Regulations, Part 36 (ADA Accessibility Guidelines), Title 156, Nebraska Administrative Code - Nebraska Accessibility Requirements; and the City of Lincoln, Nebraska Design Standards for Screening and Landscaping, Drainage Criteria Manual and Design Standards for Driveway Design and Location, generally apply to the design of parking lots in the City of Lincoln.*

#### Section 2. POLICIES

##### 2.1 Reviewing Agencies

All plans for the construction of parking lots shall be reviewed and approved by the Department of Public Works, screening and landscape design shall be reviewed and approved by the Lincoln City-Lancaster County Planning Department and the lighting design, if required, shall be reviewed and approved by the Lincoln Electric System.

#### Section 3. DESIGN

##### 3.1 Layout

The size, location and orientation of the parking spaces and aisles shall conform to the details shown in *Figure PL-1*. Barriers and islands should generally conform to the details shown on *Figure PL-2*.

Required accessible parking spaces, including van-accessible spaces, shall be located, designed, marked and signed in conformance with the requirements of *Title 28, Code of Federal Regulations, Part 36 (ADA Accessibility Guidelines)* and *Title 156, Nebraska Administrative Code - Nebraska Accessibility Requirements*.

Upon completion of construction of the parking lot, the required parking spaces shall be marked on the parking lot surface with paint formulated for that purpose and in accordance with the approved layout. Parking spaces provided in excess of the number required under *Title 27, Lincoln Municipal Code* or as required by conditions of a special permit need not be marked, or they may be marked to lesser standards.

### **3.2 Driveway Approaches**

Driveway approaches shall conform to the requirements of the *Design Standards for Driveway Design and Location*.

### **3.3 Parking Barriers**

Parking barriers must be provided around parking lots to prevent the parked vehicles from overhanging the required yards where parking is prohibited, sidewalk space, public streets, public alleys, or other public or private property and to protect any required landscaping or landscape screen planting.

Approved barriers include the following types:

1. Poured concrete curb - nominal 6" x 6" (152 x 152 mm) exposed.
2. Fence - minimum 30" (762 mm) height - wire fabric, solid wood, post and rail, etc.
3. Masonry, modular segmental block or concrete wall - minimum 30" (762 mm) height.
4. Beam guardrail.
5. Post and cable guardrail.
6. Precast concrete wheel stop, firmly and permanently anchored.

Other barriers which fulfill the required function may be permitted, subject to approval by the Public Works and Utilities Department.

Barriers must be located to contain the parking within the approved parking lot. When a concrete curb or precast wheel stop is used as a barrier for perpendicular or angle parking, it must be offset at least 2 feet (0.6 m) from the edge of the parking lot to allow for the front overhang of the vehicle.

### **3.4 Drainage**

Parking lots shall be designed to properly manage the surface drainage accumulating on and flowing onto the site.

For new parking lots containing 6,000 square feet (557 square meters) or more and which are located within 150 feet (45.7 m) of, or reasonably accessible to, an existing storm sewer or other drainageway, including open channels and creeks, but excluding roadway gutters, the parking lot must be graded and surfaced such that storm water runoff from the site is not allowed to discharge through the driveway approaches onto the public street or other property, but is collected on the site by an internal drainage system located on the site and carried to that existing storm sewer. Use of parking lot surfaces and surrounding landscaped areas to provide storm water detention is encouraged.

Parking lot drainage facilities and appurtenances shall be designed and constructed in conformance with the requirements of the *Drainage Criteria Manual* of the City of Lincoln, Nebraska.

### 3.5 **Surfacing**

All parking lots other than nonpermanent lots that are allowed for a maximum period of two years shall be surfaced with one of the following minimum cross sections:

1. Portland cement concrete pavement, 5 inches (125 mm) thick.
2. Asphaltic concrete pavement, 6 inches (155 mm) thick.
3. 3-inch (75 mm) asphaltic concrete surface on a 4-inch (100 mm) crushed rock or recycled concrete base course.
4. Modular pavers, open landscape paving blocks, pervious asphalt surfaces with subdrains or other permanent surfacing approved by the Public Works and Utilities Department.

It should be noted that the above surfacing sections are intended only to serve as minimum standards for primary use by automobile traffic. In parking lots and drive areas where moderate to heavy truck traffic is anticipated, the structural capacity of the surfacing should be analyzed and the pavement structure designed accordingly. Such instances may require thicker or reinforced sections and special subgrade treatments.

Nonpermanent parking lots may be graveled as approved by the City, and shall be maintained in a dust-free condition during the two-year period they are permitted.

### 3.6 **Landscaping**

Interior landscape islands and shade trees shall be required for all parking lots, per the standards set forth in Section 7.1 of Chapter 3.50, *Design Standards for Screening and Landscaping*(See Chapter 3.50, Section 7.1).

### 3.7 **Perimeter Screening**

Parking lots shall be screened along the boundary of the parking lot on all sides as required by ~~the~~Chapter 3.50, *Design Standards for Screening and Landscaping*. ~~No screen shall be required between abutting parking lots, or on a property located in a non-dwelling district located next to an O-2 district being used for nonresidential purposes, or in addition to the requirements of an applicable special permit.~~The design and construction of any screen shall be in conformance with Section 14.44.010, *Lincoln Municipal Code* and the *Design Standards for Screening and Landscaping*.

### 3.8 **Lighting** (Repealed by Resolution No. A-85023, 9-15-08)

### 3.9 **Continuation of Nonconforming Lighting**

The lawful use of parking lot lighting existing immediately prior to the effective date of this resolution may be continued although such use does not conform to this design standard. When any fixture is replaced at its existing location, the design shall meet the standards set forth herein.

### 3.10 **Sidewalks**

A pedestrian walkway may be required across or through parking lots by the Public Works and Utilities Department to provide for pedestrian circulation along a direct route to an adjacent sidewalk system. Barrier free access should also be provided across

parking lots and between adjacent pedestrian generators such as commercial or public buildings. Barrier free access may include providing ramps at curbs, clear walkways between precast wheel stops, and clearly delineated walkways on the parking lot surface.

Where the most direct pedestrian route between two pedestrian traffic generators is parallel to an internal roadway having a projected average daily traffic volume (ADT) of more than 2,000 vehicles, a separate pedestrian walkway shall be required.

#### **Section 4. PARKING LOT PERMIT APPLICATION**

Three (3) copies of the drawings and required documentation containing the information described herein and in the appropriate design standards and all other applicable ordinances, resolutions and special permits shall be submitted with the permit application to the Department of Building and Safety for review and approval by the City. The Department of Building and Safety shall serve as the coordinating agency for the reviews and approvals required by the various departments hereunder.

Included in the submittal shall be a detailed scale drawing of the site showing the location, orientation, and dimensions of existing and proposed parking spaces, aisles, barriers, driveway approaches, buildings, property lines, adjacent streets and roadways, sidewalks, pedestrian ways and drainage facilities. A detailed landscape plan showing the required landscaping and screening and all information required in the *Design Standards for Screening and Landscaping*. If the parking lot is to be lighted, the following information shall be submitted:

##### Lighting Plan Review Information

- A. Include catalog cuts or data showing lamp characteristics:
  - 1. Type (incandescent, fluorescent, HID, etc.)
  - 2. Wattage
  - 3. Lumen output (initial)
  - 4. Lumen maintenance factor (mean or end-of-life)
  
- B. Include catalog cuts showing luminaire characteristics:
  - 1. Type (roadway, rectilinear, post top, floodlight, etc.)
  - 2. Isofootcandle diagram
  - 3. Utilization curve
  - 4. Isconcandela diagram
  
- C. Include details and information showing installation specifics:
  - 1. Mounting height
  - 2. Tilt angle (when other than 90 degrees to vertical)
  
- D. Include site plan information including:
  - 1. Location of parking area on site and site boundaries
  - 2. Location of lighting fixtures
  - 3. Zoning and type of use on adjacent properties

4. Location of buildings on site

E. Documentation showing:

1. Calculation of initial average footcandle (fc) level - Formula:

$$\text{Ave. initial fc} = (\text{lamp lumens} \times \text{coefficient of utilization}) \div \text{area in sq. ft.}$$

2. Calculation of maintained average footcandle level - Formula:

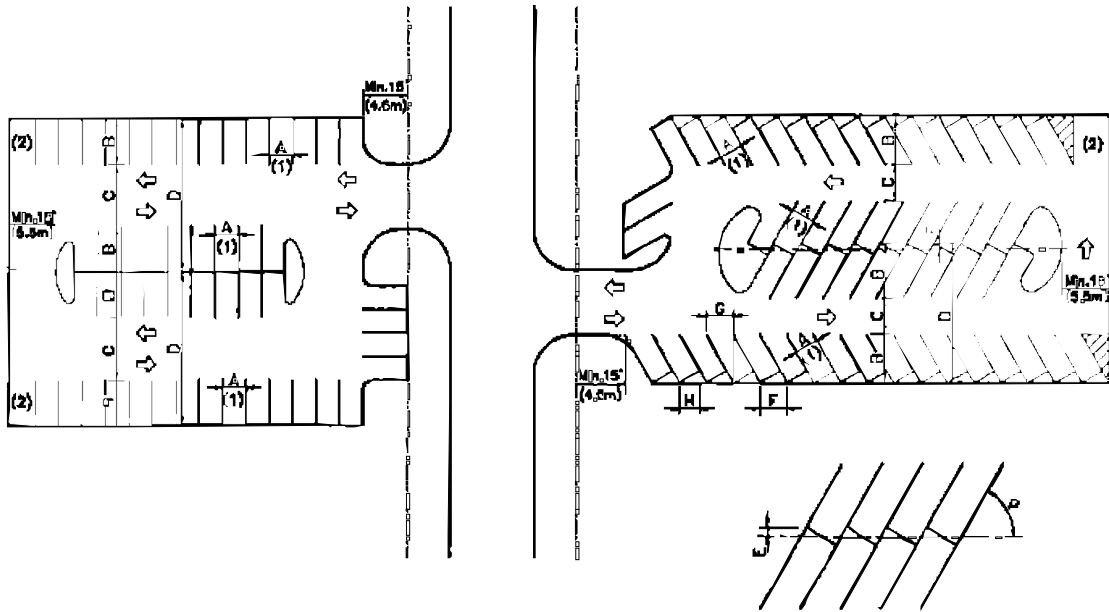
$$\text{Ave. initial fc} \times \text{lamp lumen depreciation} \times \text{luminaire dirt depreciation}$$

3. Calculation of uniformity ratio - Formula:

$$\text{Ratio} = \text{average initial level} \div \text{minimum initial level}$$

4. Point-by-point footcandle levels plotted on parking lot site plan.

5. Point-by-point footcandle levels at site perimeter plotted on parking lot site plan.



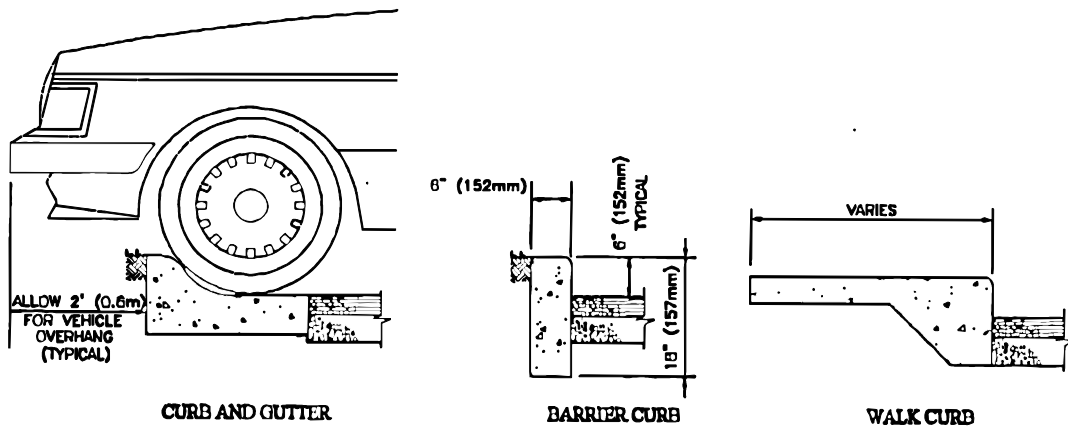
ANGLE (e)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)		TYPICAL MODULE (D)		INTERLOCK REDUCTION (E)*	CURB LENGTH (F)*	REAR EXTENSION (G)*	FRONT EXTENSION (H)*
			LONG TERM	SHORT TERM	LONG TERM	SHORT TERM				
30°	6.5' (2.0m)	14.0' (4.3m)	10.0' (3.0m)	11.0' (3.4m)	40.0' (12.2m)	41.0' (12.5m)	3.7' (1.1m)	17.0' (5.2m)	15.2' (4.6m)	4.3' (1.3m)
	9.0' (2.7m)	15.0' (4.6m)	10.0' (3.0m)	10.0' (3.0m)	40.0' (12.2m)	40.0' (12.2m)	3.5' (1.0m)	15.0' (4.6m)	15.2' (4.6m)	0
45°	6.5' (2.0m)	17.0' (5.2m)	11.0' (3.4m)	12.0' (3.7m)	45.0' (13.7m)	46.0' (14.0m)	3.0' (0.9m)	12.0' (3.6m)	12.4' (3.8m)	6.0' (1.8m)
	9.0' (2.7m)	17.0' (5.2m)	10.0' (3.0m)	11.0' (3.4m)	44.0' (13.4m)	45.0' (13.7m)	3.2' (1.0m)	12.7' (3.9m)	12.4' (3.8m)	6.4' (1.9m)
50°	6.5' (2.0m)	17.7' (5.4m)	12.0' (3.7m)	13.0' (4.0m)	47.4' (14.4m)	48.4' (14.6m)	2.7' (0.8m)	11.1' (3.4m)	11.3' (3.4m)	6.5' (2.0m)
	9.0' (2.7m)	17.7' (5.4m)	11.0' (3.4m)	12.0' (3.7m)	46.4' (14.1m)	47.4' (14.1m)	2.9' (0.9m)	11.7' (3.6m)	11.3' (3.4m)	6.9' (2.1m)
60°	6.5' (2.0m)	18.5' (5.6m)	14.0' (4.3m)	15.0' (4.6m)	51.0' (15.5m)	52.0' (15.8m)	2.1' (0.6m)	17.0' (5.2m)	8.5' (2.7m)	7.4' (2.3m)
	9.0' (2.7m)	18.5' (5.6m)	13.0' (4.0m)	14.0' (4.3m)	50.0' (15.2m)	51.0' (15.5m)	2.3' (0.7m)	16.0' (5.5m)	8.5' (2.7m)	7.5' (2.4m)
70°	6.5' (2.0m)	19.0' (5.7m)	15.0' (4.6m)	20.0' (6.1m)	55.5' (17.3m)	57.5' (17.6m)	1.5' (0.4m)	9.1' (2.8m)	6.0' (1.8m)	6.0' (2.4m)
	9.0' (2.7m)	19.5' (5.7m)	16.0' (5.5m)	19.0' (5.8m)	55.5' (16.9m)	56.5' (17.3m)	1.5' (0.5m)	9.0' (2.8m)	6.0' (1.8m)	6.5' (2.6m)
90°	6.5' (2.0m)	17.5' (5.3m)	23.0' (7.0m)	24.0' (7.3m)	56.0' (17.7m)	59.0' (18.0m)	0	5.5' (2.0m)	0	0
	9.0' (2.7m)	17.5' (5.3m)	22.0' (6.7m)	23.0' (7.0m)	57.0' (17.4m)	56.0' (17.7m)	0	9.0' (2.7m)	0	0

\* APPROXIMATE

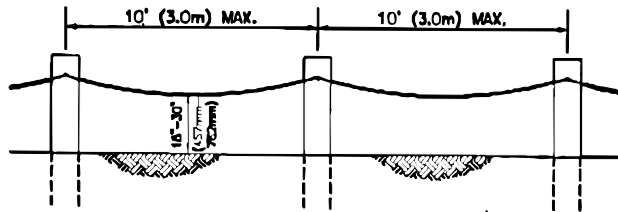
(1) THE MINIMUM STALL WIDTH FOR ALL LOTS SHALL BE 6.5 FEET (2.0 m).

(2) FOR PERPENDICULAR (90°) PARKING, STALL ADJACENT TO CLOSED END OF THE AISLE SHALL BE A MINIMUM OF 10 FEET (3.0m) WIDE.

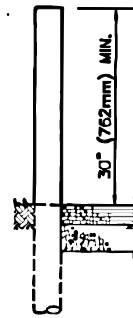
FIGURE PL-1



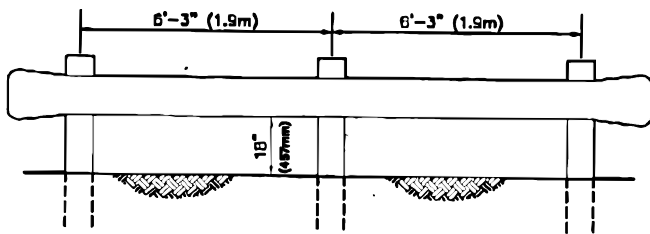
POURED CONCRETE CURBS



POST AND CABLE

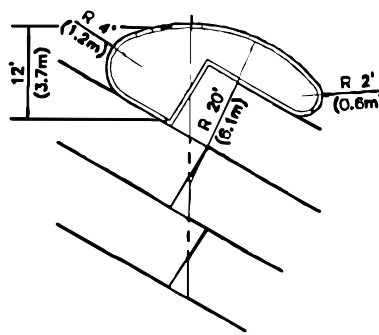
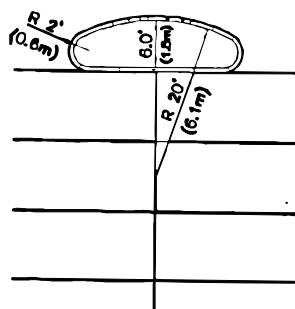


FENCE OR WALL



BEAM GUARDRAIL

PARKING BARRIERS



TYPICAL ISLAND DESIGNS

FIGURE PL-2

# Attachment B

## Chapter 3.50

### DESIGN STANDARDS FOR SCREENING AND LANDSCAPING

*The Planning Department is assigned responsibility  
for administration of these design standards.*

#### Section 1. OBJECTIVE

To achieve a desirable and a permanent landscape screen which will, with a ~~minimum~~ reasonable amount of maintenance, provide a buffer to minimize the visual effect of adjacent incompatible land uses, land uses substantially different, and similar land uses of different character, and to protect the health, safety and welfare of the general public.

#### Section 2. DEFINITION OF A LANDSCAPE SCREEN

A visual buffer consisting of plant material, masonry, wood, other material approved by the Planning Director, and differences in land surface elevations or a combination of these elements. (Slats in a chain link fence shall not be acceptable.)

#### Section 3. GENERAL REQUIREMENTS

1. The requirements of this chapter, unless otherwise stated, shall apply to all new construction of structures and/or parking lots and to construction of new additions to existing buildings and/or parking lots provided that the screening and landscaping requirements shall only apply to the area of expansion for building additions and parking lot additions. Notwithstanding the above, when lot area or setbacks are reduced as the result of any conveyance to the federal government, state of Nebraska, any natural resources district, any county, the city, or any village within the zoning jurisdiction of the city under the threat of eminent domain any screening or landscaping required to bring the existing structure and/or parking lot located on the remaining portion of the lot into compliance with these design standards shall automatically be waived and the lot shall be deemed to be in compliance with these design standards.
- ~~2. Where required by conditions of approval of a plat, special permit, Planned Unit Development, or use permit the developer shall submit to the City for review and approval, a detailed and accurately scaled plan clearly showing the location, height and design of the fence screen, earth berm or excavation and clearly showing the location and identifying the plant material in the plant material screen. A plant material list including the common name, botanical name, quantity, mature height and spread, planting size and method of handling shall be shown on the plan. The plan shall also show the total square feet of the parking lot or addition, including driving aisles, the square feet of the building or addition and the zoning of the lot. Any existing parking areas or buildings shall be shown and labeled as existing.~~

~~3. Where screening is required by Title 27 between incompatible land uses, or around parking lots, the owner or builder of a structure or parking lot shall submit a landscape plan showing the location, height, and design of the fence screen, earth berm, or excavation and clearly showing the location and identifying the plant material in the plant material screen. A plant material list including the common name, botanical name, quantity, mature height and spread planting size, and method of handling shall be shown on the landscape plan. The plan shall also show the total square feet of the parking lot or addition, including driving aisles and the zoning of the lot. Any existing parking areas or buildings shall be shown and labeled as existing. Such plan shall be submitted and approved prior to the issuance of a final building permit with a structure or parking lot; provided, however, limited construction as permitted by Section 106.4.1 of the Building Code, may proceed without submittal or approval of the landscape plan.~~

2. Where screening is required, the owner or developer shall submit a detailed and accurately scaled plan clearly showing the following:

- (a) The location, height, and design of the fence screen, earth berm, or excavation and clearly showing the location and identifying the plant material in the plant material screen.
- (b) A plant material list including the common name, botanical name, quantity, mature height and spread planting size, and method of handling.
- (c) The total square footage of the parking lot or addition, including driving aisles. Any existing parking areas or buildings shall be shown and labeled as existing.
- (d) The total square footage of the building or addition. Any existing buildings shall be shown and labeled as existing.
- (e) The zoning designation of the lot.

Such plan shall be submitted and approved when required by conditions of a plat, special permit, Planned Unit Development, or use permit. Additionally, it shall be submitted and approved prior to the issuance of a final building permit with a structure or parking lot; provided, however, limited construction as permitted by Section 106.4.1 of the Building Code, may proceed without submittal or approval of the landscape plan.

43. Fences shall be installed during construction of the project or as soon as weather permits and shall be inspected and approved prior to permitting initial occupancy of the property. Plant material shall be installed within ~~one year~~six months following completion of the development and initial occupancy of the property unless phased development is permitted or otherwise specified by the Planning Director.

54. Screens over thirty inches (30") in height shall not be installed in the triangular open space required for sight distance for vehicles entering and exiting the property.

65. Screens shall be maintained in a neat appearance and repaired or replaced to the original state if damaged, destroyed, or in need of repair; masonry and wood fences shall be replaced within a period of thirty (30) days, or as soon as weather permits; plant material shall be replaced in the next appropriate planting season (spring or fall, depending on the particular plan material), in accordance with the approved landscape plan. If the screen is totally destroyed by an "Act of God," the replacement period may be extended with a written request approved by the Planning Director.
76. The landscape screen design and the selection of plant material should:
- (a) Allow the sun to shine on habitable buildings and recreation areas, streets, roadways, parking lots, sidewalks and other traveled ways in winter for solar heat radiation to aid in melting of the snow and ice.
  - (b) Provide shade on habitable buildings, recreation areas, streets, roadways, parking lots, sidewalks, and other traveled ways in summertime to reduce solar heat radiation to aid in the reduction of heat and glare.
  - (c) Not increase the drifting of snow onto streets, roadways, parking lots, sidewalks and other traveled ways.
- ~~8. Trees shall not count toward required screening of the surface from the ground to a height of ten feet (10').~~
- ~~9. Concrete and metal fences may be used in the screening of salvage and scrap processing operations. Chain link fencing may be used for security or other purposes but is not acceptable screen material with or without slats.~~

*(Resolution A-84549, September 24, 2007: prior Resolution A-83782, March 20, 2006).*

#### **Section 4. PLANT MATERIAL FOR SCREENING AND LANDSCAPING**

1. ~~(a)~~—At least one-half (1/2), but no more than three-quarters (3/4) of the screen shall be ~~coniferous or a variety of plant material that will retain its leaves through the winter months~~ evergreen plant material, except as otherwise provided in this chapter. An exception would be allowed if in conflict with paragraph 76 of the general requirements. Additional exceptions to the percentage of evergreen plantings may be made to accommodate screens that incorporate ornamental grasses or understory plant species with seasonal interest. ~~Where the number of deciduous plants is increased to provide a year around screen the Planning Director may approve a reduction in the amount of coniferous plants or plants that retain their leaves in the winter. The branching characteristics of the plant will be considered when considering the reduction. This reduction cannot be approved for salvage yards and scrap processing operations.~~

- ~~(b) The sole use of plants to screen salvage yards and scrap processing operations is not acceptable.~~
2. A list of acceptable plant material shall be available upon request in the ~~City Office of the~~ Planning Department. This list will specifically ~~list~~ identify the size, method of handling, and design spread diameter for each variety of plant material. However, other plant material may be used and added to the list upon meeting the requirements in subparagraph 3 below and with the approval of the Planning Director. If anyone chooses to add a plant to the list, they should submit information such as its mature spread and height, rate of growth and other information as requested by the Planning Director for consideration.
  3. The variety of plant material used shall be reasonably:
    - (a) Free from litter and offensive odors;
    - (b) Resistant to breakage by wind and winter storms;
    - (c) Resistant to disease, insect attack and weather stresses;
    - (d) Long lived;
    - (e) Adaptable to City conditions; and
    - (f) Easily transplanted and grown.
  4. The installation of the plant material shall be by a certified landscape contractor as approved by the Parks and Recreation Department and shall conform to the approved landscape plan and the general requirements of the City of Lincoln Specifications for Street Trees. These specifications shall be on file at the Planning Department, Parks and Recreation Department, Department of Building and Safety, and City Clerk. The installation may be inspected by the City.
  5. The land owner agrees to promote vigorous growth of the required plants by performing continuous and properly timed maintenance. The maintenance responsibility consists of watering, weeding, fertilizing, controlling diseases and insects, pruning, removing ~~the tree~~ stakes and ~~wires used to secure the plant whenties~~ within 12 months of planting and removing and replacing unhealthy, damaged and/or dead plants. The replacement plant must be the same species, size and in the same location as shown on the approved landscape plan and planted during the next appropriate planting season. Substitute plants may be permitted by submitting a request to the Director of Planning.
  6. The mature size and form of the plant material shall be used in computing the opacity of the screen.
  7. Deciduous shade trees shall not count toward required screening of the surface from the ground to a height of ten feet (10').

*(Resolution A-84549, September 24, 2007: prior Resolution A-83782, March 20, 2006).*

## **Section 5. FENCE SCREENS**

(6-2017)

*Screening and Landscaping  
Chapter 3.50 - 4*

1. ~~Fence screens shall~~ Shall be installed to withstand wind pressures and in accordance with the acceptable practices and the installation shall be inspected by the City as provided in Section 3.5, ~~“General Requirements,”~~ subparagraph 4.
2. Acceptable fence materials for landscape screening include masonry, stone, and wood, but exclude chain link fences (with or without slats). Chain link fencing may continue to be used for security or other purposes. Alternative fence materials being used for screening must be approved by the Planning Director.
23. Plant material may be combined ~~along~~ with the masonry or wood fence.
34. Fences do not need to be completely opaque.
45. The height of fences shall conform to Title 27 of the Lincoln Municipal Code.
56. Generally, fences should not slope with the ground, but should be built on level lines. (See ~~attached sketch~~ Figure 1).
67. The color of the fences should be in the neutral range of colors. Concrete and metal fences may be used in the screening of salvage and scrap processing operations. Chain link fencing may be used for security or other purposes but is not acceptable screening material with or without slats.

**Section 6. BERM AND EXCAVATION**

1. The side slopes shall not exceed three to one (horizontal to vertical) without the use of retaining material.
2. The land surface shall be protected to prevent erosion. The means of protection shall be either:
  - \_\_\_\_\_ (a) ~~s~~Sodding, to be done as soon as weather permits;
  - \_\_\_\_\_ (b) ~~s~~Seeding with grass if permitted, depending on erosion control measures and the steepness of the slope; or
  - \_\_\_\_\_ (c) ~~p~~Planting with an approved permanent ground cover.
3. Retaining walls shall be constructed in accordance with acceptable engineering standards.

**Section 7. ~~HOW MUCH IS TO BE SCREENED AND WHERE THE SCREENS ARE TO BE LOCATED ON THE PROPERTY~~ LOCATION, COVERAGE, AND LAYOUT STANDARDS FOR SCREENS:**  
 (~~See Attached Sketch~~)

~~If plant material is used for part of the screen, the design size and shape of the plant material shall be used in computing the opacity of the screen.~~

## 7.1 Parking Lots, Parking Areas, and Driving Aisles

~~It is the intention of the screening standards for parking lots and parking areas to provide an adequate, aesthetic visual screen of the facility while not seriously impairing observation of the lot from public ways for the sake of security.~~

- ~~(a) — General: The screen shall be located adjacent to the barrier surrounding the parking lot or parking area but far enough from the barrier so as to be protected from the bumpers of other vehicles.~~
- ~~(b) — Driveway throats/driveway curb cuts shall be excluded from the required screen.~~
- ~~(c) — The screen shall be evenly distributed horizontally and may vary in height.~~
- ~~(d) — The sides of parking lots, parking areas and driving aisles shall be screened from the ground to three feet (3') above the surface of the lot within a minimum six foot (6') landscape strip. The screen shall be at least ninety percent (90%) when the parking lot, parking areas and driving aisles are set back less than thirty five feet (35') from the lot line or edge of pavement on private streets; at least sixty percent (60%) when the parking lot, parking areas and driving aisles are set back thirty five to fifty feet (35'–50') from the lot line or edge of pavement on private streets; and at least thirty percent (30%) when the parking lot, parking areas and driving aisles are set back more than fifty feet (50') from the lot line or edge of pavement on private streets. Fences may not be used to meet this screening requirement adjacent to a public street or private roadway. When there is less than five feet (5') between the parking lot, parking areas and driving aisles and the street or alley right of way, one (1) deciduous tree shall be required for parking lots, parking areas and driving aisles less than five thousand (5,000) square feet and one (1) additional deciduous tree shall be required for each additional five thousand (5,000) square feet or fraction of five thousand (5,000) square feet. When the parking lot, parking area and driving aisles are set back 100 feet or more from the nearest public right of way, then no screening for adjacent right of way per this section shall be required.~~
- ~~(e) — In the B-1, B-3, H-1, H-2 and H-3 zoning districts, the front six (6) feet of the required front yard shall be entirely devoted to landscaping in accordance with parking lot design standards.~~

### ~~EXCEPTIONS:~~

- ~~(1) — No screen shall be required in the area needed for the necessary paving of walkways and driveways to reach parking and loading areas.~~

- 
- ~~(2) No screen shall be required in the front yard for a parking lot, parking area or driving aisle on lots that have less than an average lot depth of 150 feet.~~
- ~~(3) On corner lots, the front six feet landscape area shall be required along each street unless the distance between the street right-of-way and the opposite lot line is less than 150 feet.~~
- 
- ~~(f) No screen shall be required between abutting parking lots.~~
- ~~(g) No screen shall be required between the parking lot and the building being served by that parking lot.~~
- ~~(h) If plant material is used, the density percentage is calculated at plant maturity.~~
- ~~(i) For all parking lots which equal or exceed 6,000 square feet in paved area, there shall be planted within that paved area one shade tree for each 6,000 square feet of parking lot paving. For example, for parking lots which have between 6,000 to 11,999 square feet of paved area, one shade tree would be required; whereas, for parking lots which have between 12,000 square feet to 17,999 square feet of paved area, two shade trees would be required. The unpaved planting area around each tree shall be not less than 50 square feet and shall be constructed in such a manner as to prevent intrusion of vehicles into said planting area. Shade trees may be planted along the perimeter of the parking lot within eight feet (8') of the paved area. Each tree planted along the perimeter of the parking lot may be used for one-half (1/2) of the required one shade tree for each 6,000 square feet of parking lot paving or portion in excess thereof. Such landscaping shall be in conformance with *Lincoln Municipal Code Section 14.44.010* and the *Design Standards for Screening and Landscaping*.~~

It is the intention of the perimeter screening, interior landscaping, and shade tree standards for parking lots and parking areas to provide an aesthetically pleasing visual screening and softening of the facility while not seriously impairing observation of the lot from public ways for the sake of security.

**A. Perimeter Screen Location, Coverage, and Layout**

1. The perimeter of parking lots, parking areas, and driving aisles shall be screened from the ground to three feet (3') above the surface of the lot within a minimum six-foot (6') landscape strip.
2. The screen shall be evenly distributed horizontally, but it may vary in height.
3. The screen shall be located adjacent to the parking area but far enough from the edge so as to be protected from the bumpers of other vehicles.

4. The required screen coverage shall be dependent on the proximity of the parking lot to the lot line or edge of pavement on private streets. The table that follows identifies these coverage requirements.

**Table 1. Required Screen Coverage**

<u>Proximity to Lot Line</u>	<u>Screen Coverage</u>
<u>0-35'</u>	<u>90%</u>
<u>35'-50'</u>	<u>60%</u>
<u>50'- 100'</u>	<u>30%</u>
<u>100' or Greater</u>	<u>Not Required</u>

5. If plant material is used, the density percentage shall be calculated at plant maturity.
6. Fences may not be used to meet this screening requirement adjacent to a public street or private roadway.
7. In the B-1, B-3, H-1, H-2 and H-3 zoning districts, the front six (6) feet of the required front yard shall be entirely devoted to landscaping in accordance with parking lot design standards.

**B. Perimeter Screen Exclusions and Exceptions**

1. Driveway throats/driveway curb cuts shall be excluded from the required screen.
2. No screen shall be required along the side or rear property lines where there is a parking lot on the neighboring property abutting the side or rear yard that is connected via one or more drive aisles (See Figure 3).
3. No screen shall be required between the parking lot and the building being served by that parking lot.

**C. Interior Landscaping Location, Coverage, and Location**

1. Interior landscape islands shall be located at the end of every parking row, between the last parking space and an adjacent travel aisle or driveway (See Figure 4). The interior width of the island – measured from back-of-curb to back-of-curb – shall be no less than nine (9) feet. The minimum interior square footage for a single row island shall be 125 square feet, while the minimum square footage for a double row island shall be 250 square feet. Islands shall be planted with some combination of turf, trees, and understory landscaping such as shrubs, ornamental grasses and flowering perennials.

In islands with trees, rock mulch may be allowed as an alternative groundcover to turf or understory landscaping.

2. Additionally, rows or parking shall not exceed twenty (20) consecutive stalls without an internal island break (See Figure 4).
3. In total, interior landscape islands and strips shall account for the following percentage of total parking lot square footage:

**Table 2. Required Interior Landscaping**

<b><u>Parking Stalls</u></b>	<b><u>Required Interior Landscaping</u></b>
<u>6 – 50 stalls</u>	<u>5%</u>
<u>51 – 200 stalls</u>	<u>8%</u>
<u>Greater than 200 stalls</u>	<u>10%</u>

**D. Shade Tree Location, Coverage, and Layout.**

1. For all parking lots, there shall be planted within the paved area a minimum of one (1) shade tree. Beyond this minimum requirement, there shall be one (1) additional shade tree planted within the paved area for every 6,000 square feet of parking lot paving. See the table below for a summary of typical shade tree requirements.

**Table 3. Shade Tree Requirements for Parking Lots**

<b><u>Size of Parking Lot</u></b>	<b><u>Required Shade Trees</u></b>
<u>Less than 6,000 sq. ft.</u>	<u>1</u>
<u>6,000 – 11,999 sq. ft.</u>	<u>2</u>
<u>12,000 – 17,999 sq. ft.</u>	<u>3</u>
<u>18,000 – 23,999 sq. ft.</u>	<u>4</u>

2. Each required internal landscape island for a double row of parking shall have at least one (1) shade tree. For required internal islands for a single row of parking, at least one (1) shade tree shall be required per every two islands. If the total number of required shade trees for this standard is higher than the requirement of Item 1 above, the higher shade tree requirement shall prevail. If the location of a parking lot light

prohibits the planting of a shade tree within a particular island, an ornamental tree may be substituted in its place.

3. The unpaved planting area around each tree shall be not less than 80 square feet and shall be constructed in such a manner as to prevent intrusion of vehicles into said planting area.
4. Shade trees may be planted along the perimeter of the parking lot within eight feet (8') of the paved area. Each tree planted along the perimeter of the parking lot may be used for one-half (1/2) of the required total of shade trees required within the paved area as set forth in Subsection 7.1, D., 1.
5. Trees in or along the perimeter of a parking lot that are required to meet the screening provisions of Section 7.5 may be counted toward these parking lot tree requirements.

*(Resolution A-90537, June 19, 2017: prior Resolution A-84549, September 24, 2007: Resolution A-83782, March 20, 2006).*

## **7.2 Screening for Mobile Home Courts and Mobile Home Subdivisions Approved by Special Permit**

~~The screen shall be evenly distributed horizontally; however, it may vary in height as to screen at least sixty percent (60%) of the surface from the ground to a height of ten feet (10') above the adjacent ground elevation of the mobile home court and mobile home subdivision. This screen is required along each side of the mobile home court and mobile home subdivision and shall be located within the fifty foot (50') exterior open space or between the mobile homes and the exterior boundary. Entrance roadways and the required open space for sight distance associated with intersections shall be excluded from the required screen.~~

### **A. Screen Location, Coverage, and Layout**

1. The screen shall cover at least sixty percent (60%) of the surface from the ground to a height of ten feet (10') above the adjacent ground elevation of the mobile home court and mobile home subdivision.
2. The screen shall be evenly distributed horizontally but may vary in height.
3. This screen shall be required along each side of the mobile home court and mobile home subdivision and shall be located within the fifty foot (50') exterior open space or between the mobile homes and the exterior boundary.

### **B. Screen Exclusions and Exceptions**

Entrance roadways and the required open space for sight distance associated with intersections shall be excluded from the required screen.

### 7.3 **Screening for Multiple Family Dwellings Approved by Special Permit, Planned Unit Development, and Use Permit**

~~(a) The screen shall be evenly distributed horizontally: It may vary in height so as to screen at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to fifteen feet (6' to 15') above the adjacent ground elevation of multiple dwelling structures, garages, maintenance buildings, etc. This screen shall be located between the structures and the adjacent property line. (Resolution A 86877; July 9, 2012; Resolution A 83782, March 20, 2006).~~

~~(b) When a multi-family dwelling is permitted above the zoning district height adjacent to an existing or planned single or two family dwelling, the additional setback area for such multi-family dwelling, except as provided in Section 7.3.c below, shall be devoted only to trees, shrubs, and grasses. The screen shall be evenly distributed horizontally: It may vary in height so as to screen at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to twenty-five feet (6' to 25') above the adjacent ground elevation of the multiple dwelling. This screen shall be located between the multi-family dwelling and the adjacent property line. (Resolution A 86877; July 9, 2012).~~

~~(c) When garages, driveways or other accessory buildings for the multi-family dwelling are permitted in the setback area required in 7.3.b. above, the screening shall be increased as follows—the screen shall be evenly distributed horizontally. It may vary in height so as to screen at least seventy-five percent (75%) of the surface area of a vertical plane extending along the property line from six feet to twenty-five feet (6' to 25') above the adjacent ground elevation of the garage and/or other accessory building. This screen shall be located between such buildings and the adjacent property line.~~

1. A screen shall be provided between the property line and all multi-family dwelling structures, garages, maintenance buildings, etc., and shall meet the following requirements:

(a) The screen shall cover at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to fifteen feet (6' to 15') above the adjacent ground elevation of multiple dwelling structures, garages, maintenance buildings, etc.

(b) The screen shall be evenly distributed horizontally but may vary in height.

(c) This screen shall be located between the multi-family dwelling and the adjacent property line.

2. When a multi-family dwelling is permitted above the zoning district height adjacent to an existing or planned single or two family dwelling, the additional setback area for

such multi-family dwelling, except as provided in Section 7.3.A., paragraph 3 below, shall be devoted only to trees, shrubs, and grasses. The screen shall meet the following requirements:

- (a) The screen shall cover at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to twenty-five feet (6' to 25') above the adjacent ground elevation of the multiple dwelling.
- (b) The screen shall be evenly distributed horizontally but may vary in height.
- (c) This screen shall be located between the multi-family dwelling and the adjacent property line.

3. When garages, driveways or other accessory buildings for the multi-family dwelling are permitted in the setback area required in 7.3.A., paragraph 2 above, a higher-intensity screen shall be provided between the property line and such buildings. The screen shall meet the following requirements:

- (a) The screen shall cover at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to twenty-five feet (6' to 25') above the adjacent ground elevation of the garage and/or other accessory building.
- (b) The screen shall be evenly distributed horizontally but may vary in height.
- (c) The screen shall be located between such buildings and the adjacent property line.

*(Resolution A-86877; July 9, 2012).*

#### **7.4 Screening For Residential Lots Backing Onto Major Streets and Railroads**

~~The screen shall be evenly distributed horizontally; however, it may vary in height so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the street or railroads abutting the lots and from the ground elevation at the lot line to ten feet (10') above the surface elevation of the street or railroad. This screen may be located in the street right of way when the right of way is 120 feet or greater. If the street right of way is less than 120 feet, the screen shall be located on private property and along the lot line. Open space for sight distance associated with street intersections shall be excluded from the required screen.~~

~~If fences are used for the screen, they must be used in conjunction with plants. The plants shall be evenly distributed horizontally and may vary in height so as to screen at least twenty percent (20%) of the surface area of a vertical plane extending along the entire length of the fence from the ground to a height of ten feet (10') above the ground elevation. The plants shall be located on the street side of the fence. An opening in the fence (one per lot or joint access for two lots) is required for access to maintain the major street right-~~

~~of way, unless a property owners association is made responsible for the maintenance.  
(Resolution A 84549, September 24, 2007; prior Resolution A 83782, March 20, 2006):~~

#### **A. Screen Location, Coverage, and Layout**

1. The screen shall cover at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the street or railroads abutting the lots and from the ground elevation at the lot line to ten feet (10') above the surface elevation of the street or railroad.
2. The screen shall be evenly distributed horizontally but may vary in height.
3. This screen may be located in the street right of way when the right-of-way is 120 feet or greater. If the street right-of-way is less than 120 feet, the screen shall be located on private property and along the lot line.
4. When using an opaque fence or masonry wall to meet the screening requirement, at least one third (1/3) of the vertical surface of the required fence or wall shall be softened with landscaping (See Figure 2).

The plants shall be located on the street side of the fence. An opening in the fence (one per lot or joint access for two lots) is required for access to maintain the major street right-of-way, unless a property owners association is made responsible for the maintenance.

#### **B. Screen Exclusions and Exceptions**

Open space for sight distance associated with street intersections shall be excluded from the required screen.

#### **7.5 Screening for Adjacent Land Uses and Zoning Districts of Substantially Different Character; B-1, B-2, B-3, H-1, H-2, H-3, H-4, B-5, O-2, I-1, I-2, I-3 Abutting Residential Districts**

~~The screen shall be evenly distributed horizontally, however, it may vary in height so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the property line and from the ground elevation to a height of ten feet (10') above the adjacent ground elevation. This screen shall generally be located adjacent to the property line abutting the different uses. (Resolution A 83782, March 20, 2006):~~

~~When the abutting residential district is across an alley from the above listed zoning districts and the commercial and/or industrial uses in said district take a driveway access from the alley, the screen shall be located adjacent to the property line of the commercial and/or industrial use along that portion of the alley not utilized for the driveway approach(es). The screen that would otherwise be required along that portion of the alley used as a driveway shall be located on the abutting residential property with the permission of the owner; provided that this portion of the screen is not required if the abutting~~

~~residential property owner refuses to grant permission for the screen to be installed on his/her property. (Resolution A 84549, September 24, 2007).~~

1. In the B-1, B-2, B-3, H-1, H-2, H-3, H-4, B-5, O-2, I-1, I-2, and I-3 zoning districts, the following screen requirements apply when abutting a residential district:
  - (a) The screen shall cover at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the property line and from the ground elevation to a height of ten feet (10') above the adjacent ground elevation.
  - (b) The screen shall be evenly distributed horizontally but may vary in height.
  - (c) This screen shall generally be located adjacent to the property line abutting the different uses.
  
2. When the abutting residential district is across an alley from the above-listed zoning districts and the commercial and/or industrial uses in said district take a driveway access from the alley, the screen shall be located adjacent to the property line of the commercial and/or industrial use along that portion of the alley not utilized for the driveway approach(es). The screen that would otherwise be required along that portion of the alley used as a driveway shall be located on the abutting residential property with the permission of the owner; provided that this portion of the screen is not required if the abutting residential property owner refuses to grant permission for the screen to be installed on his/her property.

**7.6 Additional Required Yards, Open Space Screening for Areas, Malls and Around Proposed Buildings in the O-3, B-2, B-5, H-2, H-4, I-2, and I-3 Districts and Churches in R-1 through R-4 Residential Districts**

~~For all buildings which equal or exceed 10,000 square feet of building coverage, there shall be provided for each 10,000 square feet of building coverage, three (3) deciduous shade trees and four hundred (400) square feet of ornamental grasses or shrub coverage. Ornamental trees may be used in lieu of deciduous shade trees, but are only credited one-half (1/2) of a deciduous shade tree. For example, for buildings which are between 10,000 to 19,999 square feet in building coverage, three (3) trees and four hundred (400) square feet of ornamental grasses or shrubs would be required; whereas for buildings which are between 20,000 to 29,999 square feet of building coverage, six (6) trees and eight hundred~~

~~(800) square feet of ornamental grasses or shrubs would be required. (Resolution A 84549, September 24, 2007; prior Resolution A 83782, March 20, 2006).~~

**A. Screen Location, Coverage, and Layout**

1. For all buildings which equal or exceed 10,000 square feet of building coverage, the following landscape screening shall be provided:
  - (a) Four (4) deciduous shade trees for every 10,000 square feet of building coverage.
  - (b) Seven hundred (700) square feet of understory shrubs and/or ornamental grasses for every 10,000 square feet of building coverage. See the table below for a summary of typical shade tree and understory requirements.

**Table 4. Additional Open Space Screening**

<u>Building Coverage</u>	<u>Required Shade Trees</u>	<u>Required Understory</u>
<u>10,000 – 19,999 sq. ft.</u>	<u>4</u>	<u>700 sq. ft.</u>
<u>20,000 – 29,999 sq. ft.</u>	<u>8</u>	<u>1,400 sq. ft.</u>
<u>30,000 – 39,999 sq. ft.</u>	<u>12</u>	<u>2,100 sq. ft.</u>
<u>40,000 – 49,999 sq. ft.</u>	<u>16</u>	<u>2,800 sq. ft.</u>

- (c) Ornamental trees may be used in lieu of deciduous shade trees, but shall only be credited one-half (1/2) of a deciduous shade tree.

**7.7 Screening for Salvage Yards**

~~7.7.1 The area outside a building used for the storage of salvage material in connection with the operation of a salvage yard shall be screened. The screen shall be evenly distributed horizontally, but may vary in height and openness provided that it screens at least ninety percent (90%) of the surface area of a vertical plane from the ground elevation to a height of six feet (6') above the ground elevation. The screen shall be installed along the entire perimeter of the outdoor storage area, except where such area abuts the outside storage area of another salvage yard screened in accordance with a landscape screen approved by the City. If such screening is ineffective because of the topography of the premises or surrounding area or the presence of a public street viaduct, the ninety percent (90%) screen shall be extended to the height necessary to obstruct the view of the salvage material or vehicles waiting repair. The screen below a height of six feet (6') shall be accomplished by fences or differences in land surface elevations. (Resolution A 86876; June 25, 2012).~~

**A. Screen Location, Coverage, and Layout**

1. The area outside a building used for the storage of salvage material in connection with the operation of a salvage yard shall be screened to cover at least ninety percent (90%) of the surface area of a vertical plane from the ground elevation to a height of six feet (6') above the ground elevation.
2. The screen shall be evenly distributed horizontally but may vary in height.
3. The screen shall be installed along the entire perimeter of the outdoor storage area.
4. Concrete and metal fences may be used in the screening of salvage and scrap processing operations. Chain link fencing may be used for security or other purposes, but is not acceptable screening material with or without slats. The use of solely plant material to screen salvage yards and scrap processing operations is not acceptable.
5. If such screening is ineffective because of the topography of the premises or surrounding area or the presence of a public street viaduct, the ninety percent (90%) screen shall be extended to the height necessary to obstruct the view of the salvage material or vehicles waiting repair. The screen below a height of six feet (6') shall be accomplished by fences or differences in land surface elevations.

#### **B. Screen Exclusions and Exceptions**

No screening shall be required along the perimeter of the outdoor storage area where such area abuts the outside storage area of another salvage yard screened in accordance with a landscape screen approved by the City.

#### **7.8 Screening for Day Care Centers and Preschools Approved by Special Permit**

~~The screen shall be evenly distributed horizontally; however, it may vary in height so as to screen at least 90 percent (90%) of the surface area of a vertical plane from the ground elevation to six feet (6') in height. The screen shall be installed along the periphery of the outdoor play area.~~

1. The screen shall cover at least 90 percent (90%) of the surface area of a vertical plane from the ground elevation to six feet (6') in height.
2. The screen shall be evenly distributed horizontally but may vary in height.
3. The screen shall be installed along the periphery of the outdoor play area.

#### **7.9 Screening for Broadcast Towers**

~~Broadcast towers except those mounted on the top of existing structures:~~

~~Deciduous and coniferous evergreen trees shall be planted around the tower to screen the tower from adjacent properties, of 70 percent (70%) from the ground to eight (8) feet. Fifty percent (50%) or more of the trees should grow to a mature height of thirty five feet (35') or more.~~

## **A. Screen Location, Coverage, and Layout**

1. Deciduous and evergreen trees shall be planted around the perimeter of the tower to screen the tower from adjacent properties.
2. The screen shall consist of one (1) tree per twenty-five (25) linear of the tower enclosure.
3. Fifty percent (50%) or more of the required trees shall be a variety reasonably expected to grow to a mature height of thirty-five feet (35') or more.

## **B. Screen Exclusions and Exceptions**

Broadcast towers mounted on the top of existing structures are exempted from the screening requirements.

### **7.10 Screening for R-T District Screening**

~~The screen shall be evenly distributed horizontally; however, it may vary in height so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of each side and rear lot line adjacent to a residential district from the ground to a height of ten feet (10') above the adjacent ground elevation. Fences may not be used to meet more than fifty percent (50%) of this screening requirement.~~

1. The screen shall cover at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of each side and rear lot line adjacent to a residential district from the ground to a height of ten feet (10') above the adjacent ground elevation.
2. The screen shall be evenly distributed horizontally but may vary in height.
3. When using an opaque fence or masonry wall to meet the screening requirement, at least one-half (1/2) of the vertical surface of the required fence or wall shall be softened with landscaping (see Figure 2).

### **7.11 Screening for Outdoor Storage and/or Display of Merchandise for Service/Repair Facilities Including Motorized Vehicle Service and Repair Facilities and/or Contractor Services, Outdoor Refuse Areas, Recycling Bins, Open Storage, Loading Areas, and Ground Level Mechanical Equipment.**

~~The area outside a building used for storage and/or display of merchandise for service/repair facilities (including motorized vehicle service and repair facilities) and/or contractor services, and outdoor refuse areas, recycling bins, open storage, loading areas, and ground level mechanical equipment associated with all uses shall be screened if they are located within 150 feet of street right of way and within the public view or abutting a residential district. The screen shall be evenly distributed horizontally; however, it may vary in height provided that it screens at least sixty percent (60%) of the surface area of a vertical plane~~

~~from the ground elevation to a height of ten feet (10'). Fences shall be softened by landscaping to screen at least thirty percent (30%) of the surface area of a vertical plane from the ground elevation to a height of ten feet (10'). (Resolution A 87209; February 11, 2013; Resolution A 86876; June 25, 2012; Resolution A 83782, March 20, 2006).~~

1. The area outside a building used for storage and/or display of merchandise for service/repair facilities (including motorized vehicle service and repair facilities) and/or contractor services, and outdoor refuse areas, recycling bins, open storage, loading areas, and ground level mechanical equipment associated with all uses shall be screened if they are located within 150 feet of street right-of-way and within the public view or abutting a residential district.
2. The screen shall cover at least sixty percent (60%) of the surface area of a vertical plane from the ground elevation to a height of ten feet (10').
3. The screen shall be evenly distributed horizontally but may vary in height.
4. When using an opaque fence or masonry wall to meet the screening requirement, at least one-half (1/2) of the vertical surface of the required fence or wall shall be softened with landscaping (see Figure 2).

## **7.12 Screening for Motorized Vehicle Sales Display Areas**

### **A. Screen Location, Coverage, and Layout**

1. In the B-1 and B-3 zoning districts, the following screen requirements apply as conditions of use for motorized vehicle sales and/or repair/services facilities:
  - (a) Any facility located within 100 feet of any residential use or district which was lawfully established in the B-1 or B-3 zoning district on the effective date of these Design Standards, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood or of a substitute material acceptable to the Director of Building and Safety. This requirement shall not apply when said residential use or district is across a public street from the motorized vehicle sales and/or repair facility, but shall apply if said residential use or district is across an alley or private drive from said facility.
2. In the H-2 and H-3 zoning districts, the following screen requirements apply as conditions of use for motorized vehicle sales and/or repair/services facilities:
  - (a) The front twelve feet of the front yard shall be devoted to shrubs and grasses.
  - (b) The front twelve feet of the front yard not permitted to be used for the storage of vehicles for sale and resale shall be screened at least sixty percent from zero feet to two feet above the surface of the lot. The design and

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

- (c) No fence shall be erected in the front yard.

### **7.13 Screening for Downtown Lincoln**

#### **A. Screen Location, Coverage, and Layout**

1. Those properties located within the B-4 and O-1 Districts are subject to the following screening requirements:
  - (a) Any on-site surface parking shall be paved and must be screened with plant materials, masonry walls, or masonry and met (not chain-link) fences, or some combination thereof, to provide at least a 90% screen from grade to three feet above the grade.
  - (b) Parking shall be set back six feet from the property line if only plant materials are used for screening or set back three feet if fence or wall are used.

#### **B. Request for Waiver**

1. All requests for waivers to the screening requirements for Downtown Lincoln shall follow the procedures set forth in the Design Standards, CHAPTER 1.00 REQUEST FOR WAIVER, PROCEDURE | Section 2. PROCEDURE | 2.5 Lincoln Downtown, South Haymarket, Neighborhood and Accessory Dwelling Design Standards.

### **7.14 Street Trees**

#### **A. Screen Location, Coverage, and Layout**

1. As a requirement of the commercial building permitting process, street trees shall be required per the standards set forth in CHAPTER 2.35 DESIGN STANDARDS FOR STREET TREES. This requirement applies if the improvement project meets one of the following conditions:
  - (a) New construction.
  - (b) Major remodeling or reinvestment in a property where the total investment, defined as total construction valuation, exceeds fifty percent of the property's assessed value prior to commencement of construction.

2. For minor remodeling, where the total project investment is fifty percent or less of the property's assessed value, care should be taken to preserve existing street trees. Any trees removed shall be replaced in accordance with the City's Master Street Tree Plan.

### **B. Request for Waiver**

All requests for waivers to the street tree requirements shall follow the procedures set forth in the Design Standards, CHAPTER 1.00 REQUEST FOR WAIVER, PROCEDURE | Section 2. PROCEDURE | 2.1 General.

## **Section 8. PROCEDURES**

All plans and documents required to be submitted by the ~~developer~~ Owner hereunder shall be filed with the Building Official. Three (3) copies ~~of each~~ of a detailed and accurately scaled layout showing the screening and landscaping shall be submitted for review and approval by the Planning Director. The Building Official shall serve as the coordinating agency for ~~the~~ reviews and approvals required by the various departments hereunder.

~~No certificate of occupancy for new construction of structures and/or parking lots or for the construction of new additions to existing buildings and/or parking lots shall be issued until the applicant has submitted or caused to be submitted to the Building Official an application from a certified landscape contractor for a landscape permit to install the landscaping required by these design standards. The landscape contractor shall file a certificate of completion certifying that the landscaping required by these design standards has been installed. The certificate of completion shall be filed with the Building Official within one year following final inspection of the work performed under the building permit. If the certificate of completion is not timely filed, the Building Official may revoke the certificate of occupancy.~~

~~Before the City issues the Certificate of Occupancy, the owner(s) shall sign an agreement to continuously maintain the required landscape screen and landscaping by performing the maintenance responsibilities described in Section 4, subparagraph (5) of these standards.~~

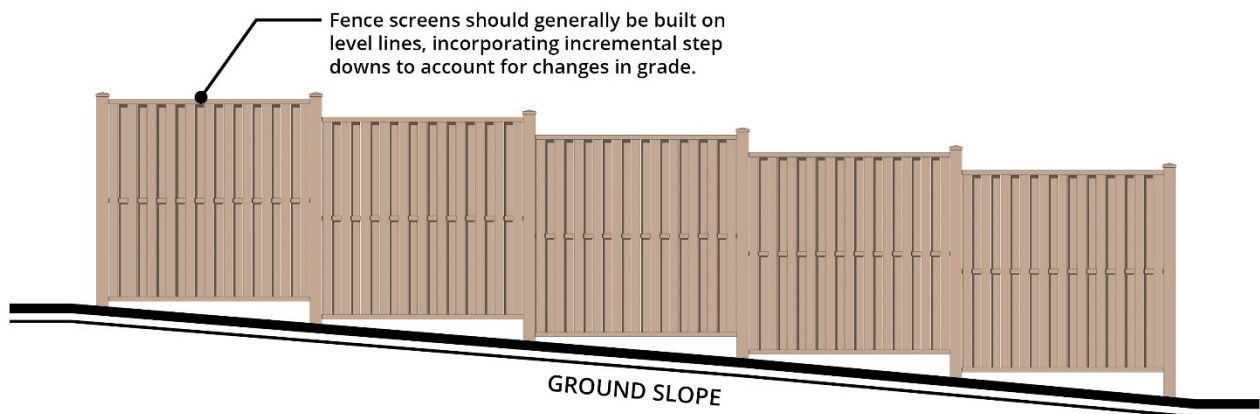
Upon final inspection approval for new construction of structures and/or parking lots or for the construction of new additions to existing buildings and/or parking lots, a Landscape Enforcement Record shall be created. From the point in time in which a Landscape Enforcement Record is created, the Owner shall have six (6) months to complete all screening and landscaping improvements included as part of the approved permit plans.

Once the six-month window has elapsed, an inspection will be completed by the Planning Department to determine compliance. If it is determined during the course of this inspection that the property is not in compliance with the approved screening/landscape plan, the Planning Official will send a notification of non-compliance to the property owner. A determination of non-compliance may be found if the property meets one or more of the following conditions:

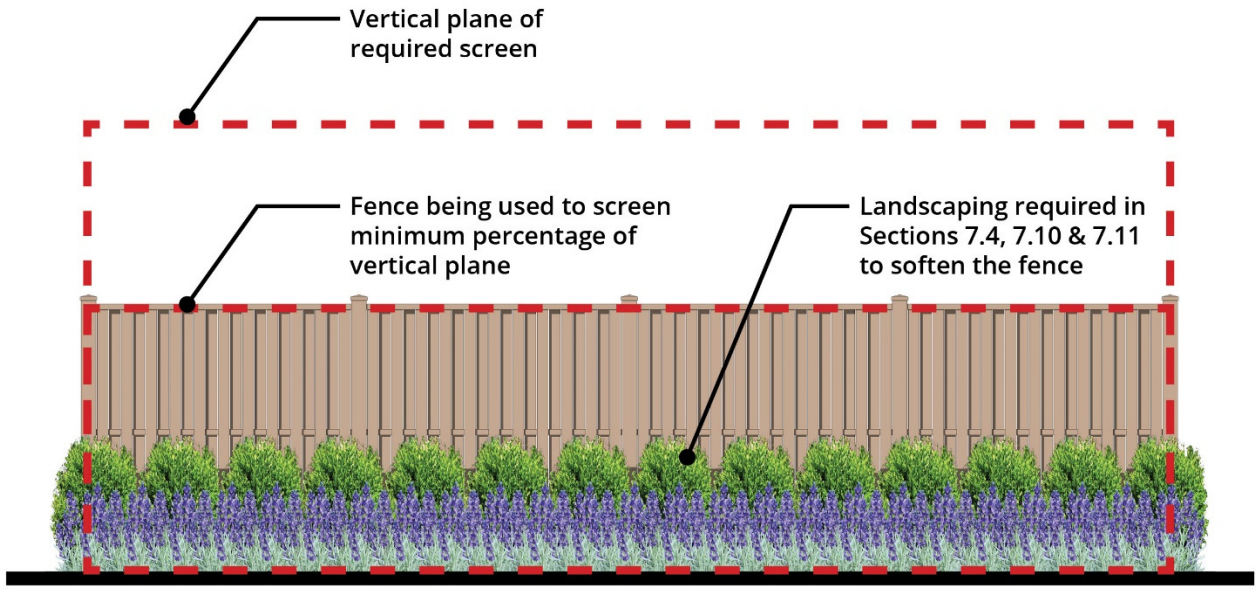
1. A significant portion or all of the approved screening/landscaping has not been installed.
2. The screening/landscaping that has been installed deviates significantly enough from the approved screening/landscape plan that it no longer meets the intent of the design standards.
3. The screening/landscaping was installed but has not been adequately maintained – as described in Section 4, paragraph 5 of this chapter – and no longer meets the intent of the design standards.

The notification will clearly delineate the steps that need to be followed to bring the screening/landscaping into compliance. From the date that the letter is sent, the owner will be given an additional six (6) months to comply. If it is determined at the end of this second six-month period that the property is still in non-compliance, the Building Official may revoke the certificate of occupancy or refer the case to the City Attorney’s Office.

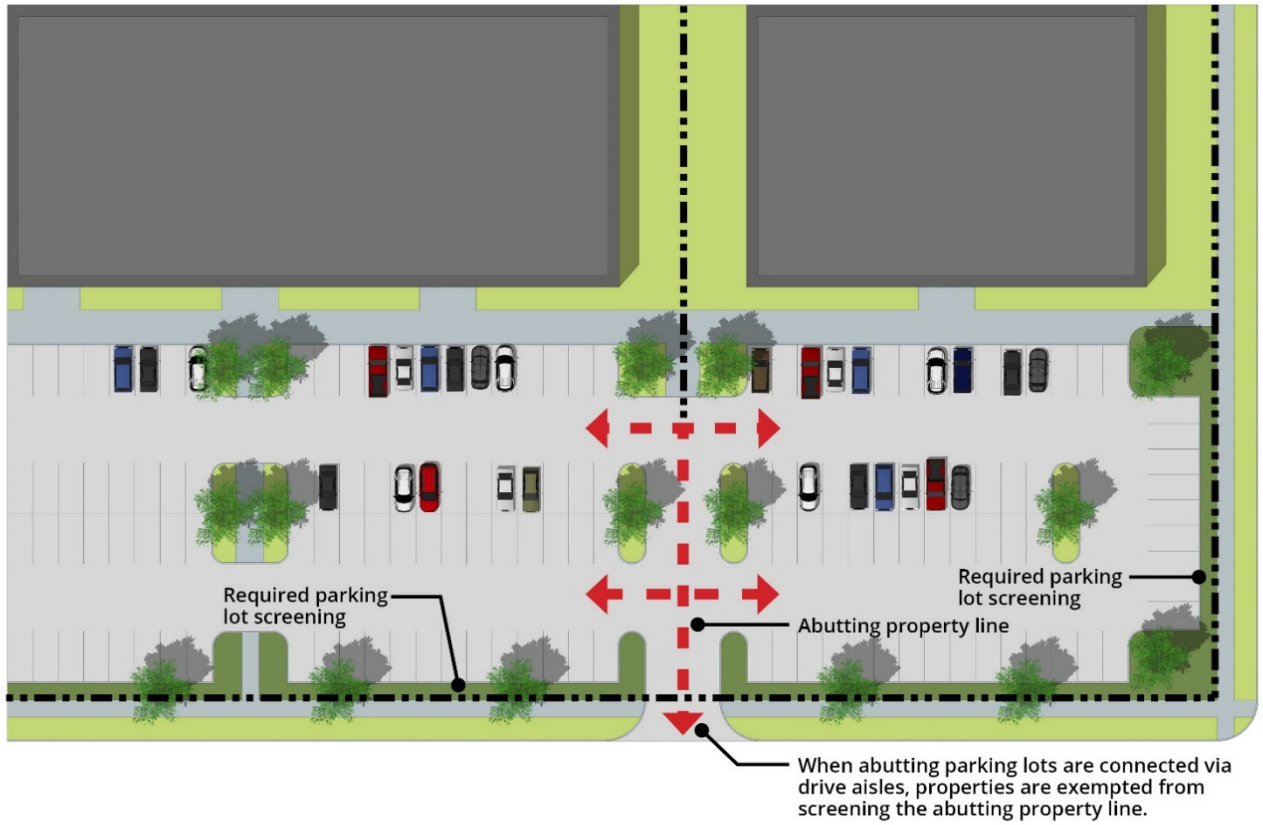
*(Resolution A-84549, September 24, 2007: prior Resolution A-83782, March 20, 2006).*



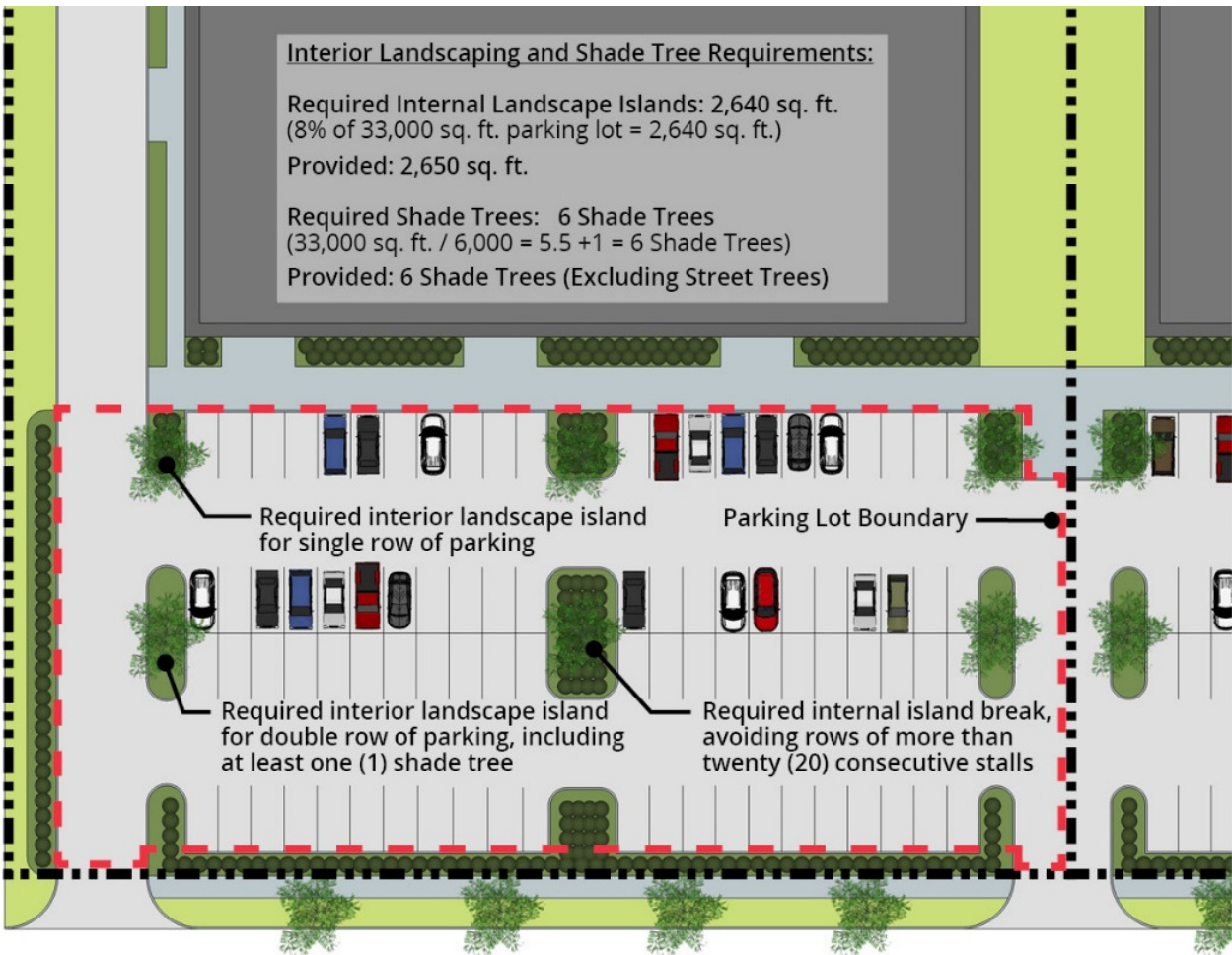
**FIGURE 1: FENCE AND GROUND SLOPE DIAGRAM**



**FIGURE 2: VERTICAL PLANE AND FENCE SOFTENING DIAGRAM**



**FIGURE 3: ABUTTING PARKING LOTS DIAGRAM**



**FIGURE 4: PARKING LOT INTERIOR LANDSCAPING DIAGRAM**

# Attachment C

## Chapter 3.76

### LINCOLN DOWNTOWN DESIGN STANDARDS

*The Planning Department is assigned responsibility  
for administration of these design standards.*

#### **Section 1. INTRODUCTION**

Downtown Lincoln is the mixed-use center of the Lincoln community, offering employment, residences, education, recreation, and retailing. From the adoption of the Original Plat in 1867 through the present day, Downtown has developed as the community's most urban, most mixed, highest density neighborhood, with wide streets and sidewalks, buildings typically constructed from property-line to property-line, and relatively few but very important urban open spaces. For the purposes of these Lincoln Downtown Design Standards, "Downtown Lincoln" consists of those areas within the corporate limits zoned B-4 Lincoln Center Business District or O-1 Office District, as shown on the Lincoln Zoning District Map adopted pursuant to Section 27.05.020 of the Lincoln Municipal Code. Those areas zoned B-4 or O-1 located from 150 feet west of 9<sup>th</sup> Street to the western boundary of the B-4 District and south of O Street shall be considered "South Haymarket" and follow the design standards in Chapter 3.77.

The purpose of the Lincoln Downtown Design Standards ("Design Standards") is to recognize and build upon the substantial private and public investment in Downtown Lincoln, and to strengthen the best qualities of its urban form, while encouraging compatible new construction.

The Design Standards focus on a limited number of basic design elements which have significant effect on how Downtown Lincoln looks and even more importantly, on how it is experienced by residents, employees, and visitors. These standards do not guarantee good design -- only the talents and efforts of owners, designers, and builders do that. But they will ensure the best practices and discourage certain negative design features, thereby strengthening Downtown Lincoln's essential center. These Design Standards are derived from and consistent with the Downtown Master Plan and the Antelope Valley Redevelopment Plan.

The Design Standards shall apply to building permit applications filed on or after the adoption of the Request for Resolution designated as Misc. No. 08007.

#### **Section 2. WORK REQUIRING REVIEW**

##### **2.1 Exterior Features**

The Design Standards apply to exterior features of projects requiring building permits in the B-4 Lincoln Center Business District or O-1 Office District (except where South Haymarket Design Standards apply), whether the project is new construction, exterior remodeling of existing buildings, or site development that does not include buildings (such as parking lots). **Interior**

**aspects** of new or existing construction do **NOT** require review under the Design Standards (although other building and zoning codes may apply).

- a. Minor Remodeling Projects (investing 50% or less of a property's assessed valuation). Exterior features of the project shall not cause greater deviation from these Design Standards than currently exists.
- b. Major Remodeling Projects (investing more than 50% of a property's assessed valuation). Exterior features of the project shall meet the applicable Design Standards that are feasible given existing site conditions.

Review of minor and major remodeling projects should begin with a conference with staff to seek consensus on which are the applicable standards. Such a conference is especially useful for renovation projects or if the property in question is located in more than one zoning district or design standard subarea.

It is intended that both private and public property owners will comply with these Design Standards, including voluntary cooperation by the University of Nebraska at Lincoln, City of Lincoln, Lancaster County, State of Nebraska, and U. S. Government and any other government or agency that is not legally bound by local zoning requirements.

### **Section 3. APPLICATION AND REVIEW PROCESS**

Planning staff will review projects and administratively approve those which meet the requirements of the Design Standards.

Efforts will be made to avoid increased time for review and approval. To facilitate this review process, the applicant shall submit the following items, as applicable, with the building permit application:

1. Street elevations and the site plan of the proposed project.
2. For new construction and major remodeling projects, samples or photographs of proposed major materials shall also be submitted.
3. For minor remodeling projects, a photograph of the existing building and sufficient written or drawn description to understand the proposed changes may be substituted.

### **Section 4. GENERAL REQUIREMENTS**

#### **4.1 Site Development**

- a. Downtown Lincoln buildings west of 19<sup>th</sup> Street and on North 21<sup>st</sup> Street from O to Q Streets shall be substantially "built-to" their front property lines (and on corner lots, shall be built-to both front property lines).

- b. Pedestrian plazas and forecourts at street level shall be permitted except on P Street from 9<sup>th</sup> to 19<sup>th</sup> Street and on North 21<sup>st</sup> Street from O to Q Streets.
- c. Any on-site surface parking shall be ~~paved and must be screened with plant materials, masonry walls, or masonry and metal (not chain-link) fences, or some combination thereof, to provide at least a 90% screen from grade to three feet above the grade~~ screened pursuant to Section 7.13 of Chapter 3.50, *Design Standards for Screening and Landscaping*.
- d. Parking shall be set back from the property line pursuant to Section 7.13 of Chapter 3.50, *Design Standards for Screening and Landscaping*~~six feet from the property line if only plant materials are used for screening or set back three feet if fence or wall are used.~~
- e. Parking and driveways between a building and the street are prohibited with two exceptions:
  - 1. hotels may offer drop-off lanes at their principal entrance; and
  - 2. buildings situated on a parcel occupying an entire blockface may be built to one corner (fronting two streets) and may offer screened parking behind and/or beside the building.
- f. Drive-through lanes, if used, must be located behind or beside buildings, and are prohibited between the building and streets.
- g. Drive-through facilities (in which the customer is served directly in the car including, but not limited to, drive-in teller windows and ATMs, drive-in restaurants, motorized vehicle fuel sales facilities, motorized vehicle repair/service, or motorized vehicle wash facilities) are prohibited in the area of the B-4 Lincoln Center Business District bounded by 10<sup>th</sup> Street, 150 feet north of P Street, 14<sup>th</sup> Street, and N Street.

## 4.2 Building Features

- a. Materials:
  - 1. For the first 20 (twenty) feet above street level, durable masonry materials, such as stone, brick, or tile, or similar materials such as pre-cast concrete, or poured-in-place concrete are required as the primary exterior material facing streets for Downtown Lincoln buildings. Ample windows are allowed but glass curtain wall structures are allowed only in the area more than 20 feet above street level. Decorative accents of durable materials including metal architectural panels, architectural tile, and metalwork are allowed. Other high-

quality, durable materials as accents or primary materials may be proposed to and approved by the appropriate design review board.

2. Faux brick products (not made of fired clay) are prohibited.
  3. Use of lap or shingle siding of any material including wood, vinyl, cementitious, or painted or corrugated metal is prohibited for Downtown Lincoln buildings.
  4. Plain or painted concrete block is prohibited as the primary material on street facades in Downtown Lincoln; other concrete masonry units may be proposed to and approved by the appropriate design review board.
  5. Stucco or synthetic stucco is prohibited below the 12 (twelve) foot level but may be substituted above that level for the durable masonry materials described in section 4.2.a.1.
- b. Parking structures and lots:
1. Parking structures shall be designed with usable floor area on the ground floor between parking areas and public sidewalks if built between (and including) N and Q Streets, and between 9<sup>th</sup> and 19<sup>th</sup> Streets, and along North 21<sup>st</sup> Street between O and Q Streets and along Canopy Street.
  2. Any ground-floor parking in structures must be screened from public sidewalks.
  3. Entrances and exits shall be located and grouped to minimize curb cuts and other interruptions of pedestrian movement on sidewalks.
  4. Parking structures shall be designed with the appearance of horizontal floors, concealing sloped floors or ramps visible on street facades. (Entrance and exit ramps may be visible through openings on the ground floor.)
- c. Roofs:
1. Downtown Lincoln buildings shall conceal low pitched or nearly flat roofs behind parapet walls. Visible roofs are acceptable only on penthouses providing habitable space, set back at least ten feet from parapet walls.
  2. Mechanical equipment on rooftops shall be architecturally screened with materials compatible with the main walls of the building so they are not visible from adjacent streets.
- d. Entrances and first floor windows:

1. Buildings shall have at least one principal entrance that faces the street. Buildings on corners or with multiple street frontages may have a single principal entrance, which must face a street.
2. The ground floor of buildings with frontages between (and including) N and Q Streets, and between 9<sup>th</sup> and 19<sup>th</sup> Streets and on North 21<sup>st</sup> Street from O to Q Streets and on Canopy Street shall have transparent glazing in at least 70% of the area between four feet and nine feet above the sidewalk, except in the case of residential buildings. Building in other areas shall have transparent glazing in at least 50% of the area between four and nine feet above the sidewalk, except in the case of buildings with first-floor residential uses.
3. Ramps for accessibility added to existing buildings, shall employ materials and design features drawn from the main structure. New buildings shall not include exterior ramps along street frontages.  
*(Res. A-86830, 5-21-2012).*

#### **4.3 Additional Pedestrian Considerations**

- a. To minimize interruptions of and conflicts with the pedestrian routes across adjacent sidewalks, garage doors and service bays shall not open directly onto sidewalks, but instead shall be oriented toward alleys or toward the interior of the lot. One service bay shall be permitted facing a sidewalk if a building has no alley access.
- b. Sidewalk cafes and other high-quality amenities including street furniture are encouraged in Downtown Lincoln and shall be designed and located to minimize interruption of clear, direct pedestrian routes.
- c. Dumpsters, service docks, transformers, and other necessary fixtures shall be located and screened so as not to be visible from adjacent sidewalks.

#### **Section 5. WAIVERS AND APPEAL**

Any request for a deviation of the Lincoln Downtown Design Standards may be approved by the Planning Director, Appeals Board, or City Council as provided in Chapter 1.00.

*(Chapter 3.76 adopted by Resolution No. A-85010, 9-8-08; amended by Resolution No. A-86830, 5-21-12; amended by Resolution No. A-90248, 2-13-2017).*

# Attachment D

## Chapter 3.77

### SOUTH HAYMARKET DESIGN STANDARDS

*The Planning Department is assigned responsibility for administration of these design standards.*

#### Section 1. INTRODUCTION

South Haymarket lies in the southwestern corner of Greater Downtown. Like Historic Haymarket to the north, South Haymarket first developed with a wide range of uses. Industrial properties served by railroad sidings were interspersed with small residences and boarding houses. In the early 21<sup>st</sup> Century it remains a largely industrial area. This area is envisioned to transition to a high-density residential and mixed-use, urban neighborhood. For the purposes of these South Haymarket Design Standards, “South Haymarket” consists of those areas zoned B-4 Lincoln Center Business District or O-1 Office District, in the area located from 150 feet west of 9<sup>th</sup> Street to the western boundary of the B-4 District and south of O Street.

The purpose of the South Haymarket Design Standards (“Design Standards”) is to recognize and build upon the substantial private and public investment, and to strengthen the best qualities of its urban form, while encouraging compatible new construction. The Design Standards focus on site and building design elements which have significant effect on how South Haymarket looks and even more importantly, on how it is experienced by residents, employees, and visitors. These standards do not guarantee good design – only the talents and efforts of owners, designers, and buildings do that. But they will encourage the best practices and discourage certain negative design features. These Design Standards are derived from and consistent with the South Haymarket Neighborhood Plan.

#### Section 2. WORK REQUIRING REVIEW

##### 2.1 Exterior Features

The Design Standards apply to exterior features of projects requiring building permits in South Haymarket, whether the project is new construction, exterior remodeling of existing buildings, or site development that does not include buildings (such as parking lots). **Interior aspects** of new or existing construction do **NOT** require review under the Design Standards (although other building and zoning codes may apply).

- a. Minor Remodeling Projects (investing 50% or less of a property’s assessed valuation). Exterior features of the project shall not cause greater deviation from these Design Standards than currently exists.
- b. Major Remodeling Projects (investing more than 50% of a property’s assessed valuation). Exterior features of the project shall meet the applicable Design Standards that are feasible given existing site conditions.

## **2.2 Streetscapes**

The South Haymarket streetscape standards in Section 4.2 establish a vision for streetscapes that will be realized through numerous streetscape improvement projects. Some of these improvements will be associated with private development projects while others will be initiated by the City of Lincoln or other public entities. The following are typical conditions, in excess of routine maintenance, that would likely require streetscape improvements:

- a. A project is occurring in which the city has made or will make some financial contribution.
- b. A project is occurring in which a portion of the streetscape area is being removed or replaced.
- c. A major remodeling project is occurring as described in Section 2.1.b.
- d. A street is being rehabilitated or curbs are being replaced or relocated.
- e. A new street/streetscape is being constructed.

## **2.3 Other Considerations**

Review of projects should begin with a conference with staff to seek consensus on which are the applicable standards. Such a conference is especially useful for renovation projects or if the property in question is located in more than one zoning district or design standard subarea.

It is intended that both private and public property owners will comply with these Design Standards, including voluntary cooperation by the University of Nebraska at Lincoln, City of Lincoln, Lancaster County, State of Nebraska, and U. S. Government and any other government or agency that is not legally bound by local zoning requirements.

## **Section 3. APPLICATION AND REVIEW PROCESS**

Planning staff will review projects and administratively approve those which meet the requirements of the Design Standards.

Efforts will be made to avoid increased time for review and approval. To facilitate this review process, the applicant shall submit the following items, as applicable, with the building permit application:

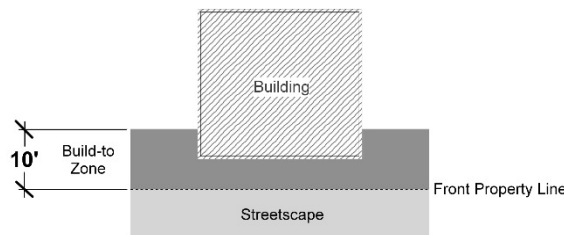
- a. Street elevations and the site plan (including the extent of the site and any abutting streetscapes) of the proposed project.
- b. For new construction and major remodeling projects, samples or photographs of proposed major materials shall also be submitted.

- c. For minor remodeling projects, a photograph of the existing building and sufficient written or drawn description to understand the proposed changes may be substituted.

**Section 4. SITE DEVELOPMENT**

**4.1 Building Placement and Orientation**

- a. Buildings in South Haymarket shall have street facades substantially “built-to” their front property lines (and on corner lots, shall be built-to both front property lines).
  - 1. In South Haymarket, buildings were historically built to their front property lines but over time portions of right-of-way have been vacated to accommodate loading docks and other private uses. Where right-of-way has been vacated “front property line” shall mean the line in which building facades were historically built to.
- b. Where residential uses are located on the first floor, street facades may be built within a build-to zone. The build-to zone shall be between: 1) the front property line; and 2) 10 feet from the front property line. All elements of the street façade including alcoves, changes in wall plane, indentions for entrance displays, etc. shall be located within the Build-to Zone.

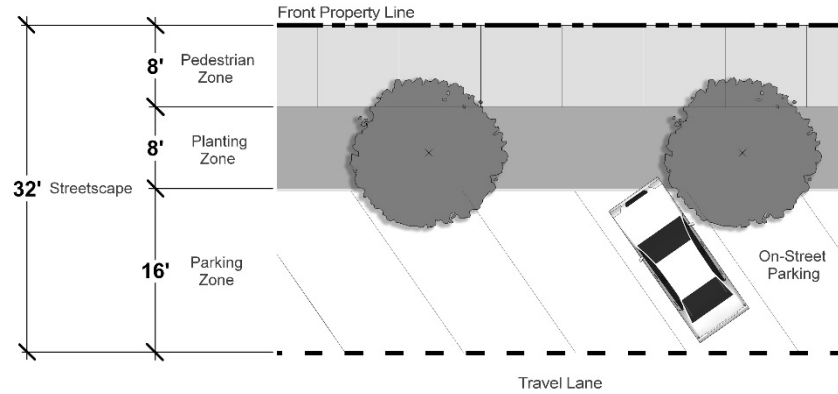


- c. Buildings shall have at least one principal entrance that faces the street. Buildings on corners or with multiple street frontages may have a single principal entrance, which must face a street.

**4.2 Streetscape**

The South Haymarket Neighborhood Plan recommends organization of street trees, sidewalks, and on-street parking with design standards for streetscapes (the area along a public or private street or drive between the curb and the development). The following streetscape standards reflect a “standard” streetscape. Unique streetscapes should be considered on a case-by-case basis for N Street, M Street, 7<sup>th</sup> Street, and 8<sup>th</sup> Street. Detailed concepts for these streets are provided in the South Haymarket Neighborhood Plan.

- a. The standard streetscape shall be a minimum of 32 feet wide and shall include a pedestrian zone, planting zone, and parking zone. The streetscape shall be located between the front property line and the vehicular travel lanes.



*Example of Standard Streetscape*

1. The **pedestrian zone** shall be provided between the front property line and the planting zone and be a minimum of 8 feet wide with a minimum 5-foot wide free and clear area.
  - i. The free and clear area shall be a continuous pathway along the street and be ADA accessible.
  - ii. “Loading dock” features (similar to what exists in the Historic Haymarket District) are encouraged along street facades, particularly along 7<sup>th</sup> Street, 8<sup>th</sup> Street, and N Street.
  - iii. Sidewalk cafes and other high-quality amenities including street furniture are also encouraged in the pedestrian zone and shall be designed and located to minimize interruption of the free and clear area.
2. A minimum 8-foot wide **planting zone** shall be provided between the parking zone and the pedestrian zone. On 8<sup>th</sup> Street the planting zone shall be a minimum of 12 feet.
  - i. Street trees are required within the planting zone for all development. Street trees shall be planted in conformance with Chapter 2.35 including any necessary relocation of sidewalks and utilities.
3. The **parking zone** shall be provided between the planting zone and the vehicular travel lanes and include on-street angled parking. The parking zone shall be wide enough to accommodate vehicle over-hangs and door swings. Refer to Figure PL-1 in Chapter 3.45 for minimum angled parking dimensions.
  - b. Where necessary, streetscapes shall extend onto vacated portions of right-of-way. A public access easement is required when the pedestrian zone is located on private property.
  - c. To minimize interruptions of and conflicts with the pedestrian routes across adjacent

streetscapes, garage doors and service bays shall not open directly onto pedestrian zones, but instead shall be oriented toward alleys or toward the interior of the lot. One service bay shall be permitted facing a pedestrian zone if a building has no alley access.

- d. Entrances and exits to parking structures and lots shall be located and grouped to minimize curb cuts and other interruptions of pedestrian movement in the pedestrian zone.
- e. Streetscape zones shall align with or transition to abutting streetscape zones.
- f. Dumpsters, service docks, transformers, and other necessary fixtures shall be located and screened so as not to be visible from adjacent streetscapes.

### 4.3 Vehicular Access, Circulation, and Parking

- a. Any on-site surface parking shall be ~~paved and must be screened with plant materials, masonry walls, or masonry and metal (not chain link) fences, or some combination thereof, to provide at least a 90% screen from grade to three feet above the grade screened pursuant to Section 7.13 of Chapter 3.50, *Design Standards for Screening and Landscaping*.~~
- b. Parking shall be set back ~~6 feet from the property line if only plant materials are used for screening or set back 3 feet if a fence or wall are used~~ from the property line pursuant to Section 7.13 of Chapter 3.50, *Design Standards for Screening and Landscaping*.
- c. Parking and driveways between a building and the street are prohibited with two exceptions:
  - 1. hotels may offer drop-off lanes at their principal entrance; and
  - 2. buildings situated on a parcel occupying an entire blockface may be built to one corner (fronting two streets) and may offer screened parking behind and/or beside the building.
- d. Drive-through lanes, if used, must be located behind or beside buildings, and are prohibited between the building and streets.

## Section 5. BUILDING DESIGN

### 5.1 Articulation

- a. Long street façades should be broken up by incorporating building elements every 50 feet, matching the historic pattern for commercial lot widths. Elements may include changes in wall or roof plane; changes of color, texture, or material; columns, ribs, or pilasters; window and door openings; and balconies, awnings, and canopies.

## **5.2 Transparency**

- a. The ground floor of street facades along N Street and Canopy Street shall have transparent glazing in at least 70% of the area between four feet and nine feet above the sidewalk.
- b. All other South Haymarket buildings shall have transparent glazing in at least 50% of the area between four and nine feet above the sidewalk.
- c. Where residential uses are located on the first floor, the transparency requirement may be reduced to 30%.

## **5.3 Materials**

- a. For the first 20 feet above street level, street facades shall be constructed of durable materials such as stone, brick, tile, or glass, or similar materials such as precast concrete, or poured-in-place concrete are required as the primary exterior material facing streets. Other high-quality materials may be proposed to and approved by the appropriate design review board.
- b. Faux brick products (not made of fired clay) are prohibited.
- c. Stucco or synthetic stucco is prohibited below the 12 (twelve) foot level but may be substituted above that level for the durable materials described in Section 5.3.a.

## **5.4 Parking Structures**

- a. Where feasible, parking structures north of M Street shall be designed with usable floor area on the ground floor between parking areas and public sidewalks.
- b. Any ground-floor parking in structures must be screened from public sidewalks.
- c. Parking structures shall be designed with the appearance of horizontal floors, concealing sloped floors or ramps visible on street facades. (Entrance and exit ramps may be visible through openings on the ground floor.)

## **5.5 Equipment Screening and Roofs**

- a. Mechanical equipment on rooftops shall be architecturally screened with materials compatible with the main walls of the building so they are not visible from adjacent streets.

## **Section 6. WAIVERS AND APPEAL**

Any request for a deviation of the South Haymarket Design Standards may be approved by the Planning Director, Appeals Board, or City Council as provided in Chapter 1.00.

*(Chapter 3.77 adopted by Resolution No. A-90248, 2-13-17)*