

BRIEFING NOTES

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, April 18, 2012, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10 th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Leirion Gaylor Baird, Greg Butcher, Michael Cornelius, Dick Esseks, Wendy Francis, Chris Hove, Jeanelle Lust, Lynn Sunderman and Ken Weber. Marvin Krout, Steve Henrichsen, Christy Eichorn and Teresa McKinstry of the Planning Department; and other interested citizens.
STATED PURPOSE OF MEETING:	Briefing on "Use Groups"

Chair Michael Cornelius called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Christy Eichorn stated that staff will be briefing the Realtors Association, LIBA and Downtown Lincoln Association, the first week of May, 2012. The proposed language for "Use Groups" is available on the City website. The chapter on height and area regulations is a new chapter number. More than likely, there will be some small changes to the new language.

There are three phases which consist of format, special permits and use permits. Staff has already started thinking about special permits. There has been some discussion on design standards and streamlining. They are looking at use permits as part of the design standards effort.

Use Groups is a way to organize and format the zoning ordinance. She was fortunate to talk with someone from New York who is using use groups. They said it had been an effective format. The zoning ordinance today is set up that most of the zoning districts are exclusionary. All the uses ever imagined will be categorized somewhere in the code. Uses were not changed. Consistency was looked at. This is mostly just a format change. The use group chapter, conditional use chapter and use permit chapters are new. There are two major benefits to having one chapter for use permit information. It is all in one place and it takes out the repetitive language. There is just one place to make a change, should it be needed. These zoning chapters are made to look similar.

The Agriculture Use Group is the first chapter. No significant changes were made. Urban gardens is the only new use that was added.

Esseks stated that it seems to him that as residential development occurs on the edge of the city, there will be homes and some land that is still being farmed. He questioned if the developer can keep the AG zoning until the last moment. Eichorn replied that you can

continue to use it as farm land, but once it starts to be developed, you take away the part that has to do with farming. In the past, there have been complaints about residential up against land that is heavily in farm production. Once it becomes commercial or residential, it can't go back to agricultural.

Esseks can see how residential development would come gradually. Steve Henrichsen stated that if land is continually farmed, it can be continued even after it is rezoned.

Sunderman stated that the way it is written, it was not completely clear to him either. Perhaps the language should be a little clearer.

Eichorn continued that the Utilities use group had no changes. Household Living use group had no significant changes either. Today, if you are in a B-1 or B-3 zoning district, you can have first floor retail with an apartment above. If you have a basement, you can't have an apartment. This was changed for an apartment above or below the first floor retail.

In the Group Living use group, there are three uses that are intertwined. There were multiple definitions of health care type uses. The zoning ordinance definitions did not necessarily match the state definitions. Some health care facilities are residential in nature, some are not. The residential ones made sense to be regulated like a domiciliary care facility. Staff wanted to open up the option of commercial space for residential type units. These types of facilities were added to all the B districts. In the Civic Services use group, non profit and philanthropic uses were removed.

Esseks asked for definition of neighborhood support service. Eichorn replied that it is not a use where people stay overnight. It primarily provides services to the community that are office in nature. Henrichsen noted that NeighborWorks might be an example. It is a house that is used for homeowner information, etc. Eichorn added that the use is not generally open 24 hours.

Eichorn continued that health care services were kept out of heavy industrial districts. Special permits and the conditions are not changing. Nothing changed with Education and Instruction Use Group. Office use group also had no changes. No real changes were made to the Retail Sales and Services use group, either.

Lust questioned why we need so many districts. She asked if there could be just one B or one H district. Eichorn replied that it could be something that is looked at in the future. That would take a lot more community discussion.

Eichorn continued that today, all the uses are listed in the code. Specifics is how the code gets so complicated. Staff will be keeping a master table of all the uses.

Esseks asked why it couldn't be an annex to the zoning code. Eichorn replied that it would have to be updated every time something was added or changed.

Esseks believes you could you have the introduction to the zoning code referenced somewhere. Henrichsen stated that online would have more specifics.

Lust thinks that would be more confusing. Eichorn added that the hope is that the introductory paragraphs have been written clearly enough that you don't need to have specific uses listed. The master list is so staff is on the same page when making decisions.

Hove wondered what happens if there is a dispute. Eichorn replied it is in the hands of the zoning administrator to make the decision.

Eichorn reiterated that no significant changes were made to the code. This is a new way to organize everything and make it clearer.

The meeting was adjourned at 12:40 p.m.