



Lincoln-Lancaster County
**PLANNING AND
DEVELOPMENT**

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT
FROM THE LINCOLN/LANCASTER COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
555 S. 10TH STREET, SUITE 203, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?
Text Amendment #26014	No
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS
October 28, 2026	None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This application contains five proposed text amendments to various sections of the Zoning chapter in the Lincoln Municipal Code (LMC). These amendments offer moderate changes to sections of the LMC that have been identified as creating undue obstacles to the development community and needing improvement by staff. The following amendments are proposed:

- Amend LMC 27.63.160 to remove the requirement of the permittee submit to an annual inspection of the subject site under a special permit for excavation.
- Amend LMC 27.63.530 to allow the Planning Commission to vary setbacks for a residential healthcare facility by special permit.
- Amend LMC 27.69.030.a.20 to specify that signs are allowed on outlots if the outlot is within the use permit, special permit, preliminary plat or PUD as the associated use.
- Amend LMC 27.70.120 to specify that structures located within an outlot must have a minimum 20' separation from any property line.
- Amend LMC 27.72.060 to allow structures that are related to the use of outdoor recreation areas, such as sunshades, associated with early childhood care, non-residential and residential healthcare facilities to be allowed in any yard.

JUSTIFICATION FOR RECOMMENDATION

The changes proposed by the amendments in this application will bring improvements to the LMC that will increase the efficiency of implementing these regulations, remove barriers encountered by the development community, and enhance the overall development process.

APPLICATION CONTACT

David Cary, Director
Lincoln-Lancaster County Planning &
Development Services

STAFF CONTACT

Tanner Hiemer, (402) 441-6369 or
thiemer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2050 Comprehensive Plan supports exploring options for improving the zoning and building permitting process. The proposed amendments are consistent with the Plan as they are to clarify and improve the process for development.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Policies Section

P12: Economic Growth - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

Action Steps

6. Explore additional opportunities for streamlining the zoning and building permitting processes.

ANALYSIS

1. A total of five (5) text amendments to the Lincoln Municipal Code are being proposed with the intent of improving the overall development process and eliminating specific barriers that have been identified by staff and the development community.
2. A summary of each proposed text amendment is below:

27.63.160 Special Permits; Excavation

The amendment to LMC 27.63.160 removes two requirements from the special permit for excavation. The first requirement that would be eliminated would remove the need for the permittee to prepare and submit an annual report to the Director of Building and Safety that addresses the status and extent of operations. Eliminating the second requirement removes the need for the permittee to submit to an annual inspection of the site by the Director of Building and Safety, which is be paid for by the permittee.

Staff has noted that these requirements have been rarely enforced and represent a comparatively large number of working hours for minimal benefit. The special permit process has been adequate in regulating excavation uses without needing the prescribed annual report and site inspection.

27.63.530 Special Permits; Healthcare Facilities, Residential

The amendment to LMC 27.63.530 adds language that allows setbacks for residential healthcare facilities to be modified under conditions of the required special permit. This change gives the Planning Commission the ability to increase or decrease the required setbacks for these facilities depending on the site conditions and overall neighborhood character. This would allow residential healthcare facilities greater flexibility in where they are located while also protecting neighboring properties from the potential impact of these facilities.

27.69.030 Signs; General Provisions

The proposed change to LMC 27.69.030 specifies when a sign may be erected and maintained in an outlot. The current section allows for a sign to be erected in an outlot without needing to be associated with a nearby use. The amendment would provide clarity to this, specifying that a sign can be erected and maintained in an outlot if the outlot is within the same use permit, special permit, preliminary plat, or planned unit development as the associated use.

27.72.060 Height and Lot Regulations; Uses Permitted or Prohibited Within Required Yards

The amendment to LMC 27.72.060 changes the minimum distance that accessory buildings located in outlots are required to be from any property line. The current language states that an accessory building in an outlot be at least six (6) feet away from any property line. The amendment would increase this required setback to 20 feet to align with changes to the building code.

27.72.120 Height and Lot Regulations; Accessory Buildings

The final amendment is a change to LMC 27.72.060 which expands what outdoor recreation structures and facilities are allowed to be located in any yard when associated with an early childhood care facility, non-

residential healthcare facility, or residential healthcare facility. As it is written and enforced today, this section of code only allows structures that are directly used for outdoor recreation, such as playgrounds, in the required yard. The expanded language would include structures and facilities that are related to such uses (e.g. sunshades, drinking fountains) to also be in any yard. The inclusion of these additional structures allows these care facilities to provide outdoor recreation that better meets the needs of those in their care.

3. This request is compatible with the Comprehensive Plan by addressing issues that have been identified and by improving the development process.

Prepared by Tanner Hiemer, Planner
(402) 441-6369 or thiemer@lincoln.ne.gov

Date: October 14, 2026

Applicant: David Cary, Director
Lincoln-Lancaster County Planning & Development Services

Contact: Tanner Hiemer, Planner
Lincoln-Lancaster County Planning & Development Services

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/26000/TX26014 Group B Amendments.tjh.docx>

1. Amend 27.63.160 to remove the requirement of the permittee to submit to an annual inspection of the subject site.

27.63.160 Excavation.

Excavation may be allowed by special permit in the AG, AGR, R-3, B-2, H-2, H-3, H-4, I-1, and I-2 zoning districts under the conditions below. The special permit may include and permit stone milling to be conducted as an accessory use to the excavation operation. For purposes of this section, excavation shall mean the removal of clay, soil, limestone, sandstone, sand, or gravel from the earth on a project site in excess of one acre by excavating, stripping, leveling, or any other process together with all other types of mining and quarrying operations for material that is removed from the earth. Excavation shall not include grading of land in accordance with an approved preliminary plat, building permit, or normal farming practices. Stone milling shall mean the crushing, cutting, grinding, or otherwise processing of minerals associated with an excavation operation. Not all of the conditions will apply to pre-existing, long-term excavation sites.

- a. An application for a special permit for excavation shall be accompanied by the following information:
 1. A legal description of the proposed site;
 2. A site plan drawn to scale that includes but is not limited to identifying proposed vehicle and equipment storage areas and entrance and exit locations to the operation;
 3. A map showing the site location and the location of private access roads, existing or proposed, and public roads and highways adjacent to the site which will be affected by the operation;
 4. A grading map showing existing contours, proposed excavation contours, proposed final grade contours, and excavation volumes;
 5. A full and adequate description of all phases of the contemplated operation and the specific listing of the type of machinery and equipment which will be or might be used to carry on the operation;
 6. A groundwater report from a groundwater hydrologist in cases where proposed operations are: (i) within 1,000 feet of any off-site private well, (ii) within 2,000 feet of a community well, or (iii) designed to result in an excavated area that does not drain to a lower area (i.e. a "hole"). The report should demonstrate that the operation and ultimate grading will not negatively impact nearby wells by draw-down or contamination, and/or that monitoring wells will be installed to provide early warning of any such impact; Where a pond or lake is proposed, the groundwater report shall also demonstrate that adequate water will be supplied via runoff and/or wells to maintain it as a functioning and attractive year-round water feature.
- b. 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.
- c. 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.

- d. Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
- e. Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor 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.
- f. Safety screening may be required at the outer boundary of the site. Visual screening through setbacks, berming and other techniques may also be required where said boundary is adjacent to residential or park land, school property, or at major entryways/corridors into a city, town or village.
- g. Operating hours shall be limited to daylight hours, Monday through Saturday.
- h. A sign shall be posted and maintained at the entrance to the site. The sign shall be:
 - 1. Clearly visible from the adjacent road;
 - 2. At least 32 square feet in area;
 - 3. Lettering shall be at least two inches in height, black on a white background;
 - 4. The sign shall list:
 - i. The approved Special Permit Number;
 - ii. The name, contact phone, and email address for the land owner;
 - iii. The name, contact phone, and email address for the operator/contractor;
 - iv. The Building and Safety Department contact number.
- i. The County or City Engineer may require installation of traffic signs to warn motorists of excavation operations and truck traffic.
- j. 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.
- k. 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 operations until it has received said certificate of operation. The certificate of operation shall not be issued by the Director of Building and Safety until the Director has inspected the premises covered by the special permit, reviewed documentation and evidence of completion of the conditions which shall be provided by the applicant, and has found that all terms, conditions and requirements of the special permit, that were to be completed before beginning operations, have been complied with. Any amendment to a special permit approved subsequent to the issuance of a certificate of operation for such special permit shall require the issuance of a new certificate of operation which shall not be issued until the Director of Building and Safety has ascertained that any terms, conditions and requirements of the amendment to the special permit have been complied with.

- l. 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.
- m. Prior to commencing operations, the Permittee shall provide the City with a penal bond in the amount of \$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.
- n. 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.
- o. A special permit may be approved for a maximum of three-years from the date the special permit is issued.
- ~~p. 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.~~
- ~~q. 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:

 - ~~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~~
 - ~~2. Review all complaints from public and other departments/agencies and report to the Planning Director.~~~~
- r. The City Council may modify or adjust any of the above conditions or impose additional conditions to preserve the public health, safety, and general welfare or to allow the applicant use of the property, while at the same time, protecting the surrounding property. (Ord. [20749](#) §29; February 25, 2019 Ord. [20107](#) §1; November 3, 2014: Ord. [19224](#) §12; March 16, 2009: Ord. 12571 §319; May 8, 1979).

2. Amend 27.63.530 to allow the Planning Commission to vary setbacks for a residential healthcare facility by special permit.

27.63.530 Healthcare Facilities, Residential.

Residential healthcare facilities may be allowed by special permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-2, R-T, B-1, B-2, B-3, B-4, B-5, and H-2 zoning districts under the following conditions:

- a. Parking shall be in conformance with Chapter 27.67 unless modified under the condition of the special permit, provided that no parking shall be permitted in the required front or side yards.
- b. Residential healthcare facilities shall be licensed to comply with all state requirements.

- c. The total number of client or employee residents shall not exceed the lot area ratio below except as provided for in this section:
 - i. AG zoning district: One person for 5,000 square feet of lot area;
 - ii. R-1 zoning district: One person per 3,000 square feet of lot area;
 - iii. R-2 and R-3 zoning districts: One person per 2,000 square feet of lot area;
 - iv. R-4 zoning district: One person per 1,000 square feet of lot area;
 - v. R-5 through R-8 zoning districts: One person per 750 square feet of lot area.
- d. Depending on the character of the development and impacts on adjacent land uses, the Planning Commission may grant an increase in the number of residents allowed in (d) above where the site plan and building plans comply with the barrier-free standards in the design standards as adopted by the City Council. Such increase shall not exceed fifty percent.
- e. The height and lot requirements of the district in which the proposed use is located shall apply provided, however, that if the area of the lot is one acre or more, the height requirement of the district may be adjusted to provide flexibility in the design of buildings and to provide compatibility with surrounding uses except that solar access to adjacent buildings or potential buildings on land under other ownership shall not be reduced by such adjustment. In the AG zoning district, residential healthcare facilities shall be located on a lot having a minimum of five acres.
- f. The sale of alcohol for consumption on and/or off the premises is allowed as a permitted accessory use as part of a residential healthcare facility otherwise approved according to this Section.

Setbacks shall be in conformance with Chapter 27.72 unless modified under conditions of the special permit.

3. Amend 27.69.030.a.20 to specify that signs are allowed on outlots if the outlot is within the same use permit, special permit, preliminary plat or PUD.

27.69.030 General Provisions.

Except as otherwise provided in this chapter or in any other applicable ordinance or regulation, no sign or part thereof shall be erected or maintained in any zoning district except in conformance with these General Provisions. The General Provisions apply to both on-premises and off-premises signs.

- a. **Location, Height, Area, and Other General Requirements.**
 - 1. No sign shall be erected or maintained in a required yard except as otherwise provided in this chapter, or encroach upon or overhang any adjacent property or public right-of-way.
 - 2. No sign shall be erected upon or against a roof or on top of or above the parapet of a building, except for roof signs as permitted in Section 27.69.310.
 - 3. No sign shall exceed the maximum height permitted for buildings in the zoning district in which the sign is located.
 - 4. Every sign shall be permanently attached to the ground, or to a building or structure which is permanently attached to the ground, except for mobile signs and temporary signs as provided in this chapter and in Title 22 of the Lincoln Municipal Code.

5. No sign shall be painted on or attached to rocks, trees, or any other natural object.
6. No sign shall be erected, placed, or maintained in a location that violates the site obstruction regulations of the Department of Transportation and Utilities for street intersections or entrances or exits from private property.
7. No sign or part thereof shall be erected in those zoning districts which are adjacent to or within the area of the interstate and federal-aid primary road systems in contravention of the advertising controls of the State of Nebraska.
8. Every freestanding sign permitted on a "per frontage" basis shall be allocated to and be located proximate to the specific frontage which would authorize such sign.
9. The required space between the location of any sign and an abutting residential premises in a residential district shall be as follows:
 - i. 50 feet if non-illuminated,
 - ii. 100 feet if illuminated;
10. No sign shall move, rotate, revolve, or simulate animation by means of spinning, fluttering, or reflective devices or lighting, except a sign may rotate or revolve at a rate not to exceed six revolutions per minute.
11. In the area of the B-4 zoning district beginning 150 feet east of 17th Street and continuing to the western boundary of the B-4 District, on-premises signs may be animated, blink, flash, or simulate animation.
12. The sign regulations for location, height, and area of a sign may be modified by the City Council in connection with the granting of a special sign district, planned unit development, use permit, special permit for a community unit plan, or special permit for a planned service commercial development, provided such modification is in conformance with all other requirements of Title 27.
13. All freestanding signs must be spaced a minimum of 50 feet apart.
14. No sign shall be erected, placed, or maintained in any location in violation of the zoning regulations of the City of Lincoln.
15. No person shall permit the placement, construction, or erection of a swinging sign.
16. No person shall place, construct, or erect any sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle.
17. No person shall place, construct, or erect any sign which hides from view any traffic control sign, signal, or device.
18. Minor reductions in the required setback and/or spacing requirements for a sign not to exceed five feet may be approved upon a finding that (i) such reduction is the minimum necessary to avoid interference with an existing utility line or to avoid a significant obstruction from view by an existing building, sign, or landscape feature, and (ii) such reduction will have no significant adverse effect on existing or reasonably anticipated future uses in the surrounding area. Any requests for modifications from the setback and/or spacing requirements for a sign shall be filed with the Planning Director. Such request shall set forth the specific modification requested and all supporting reasons and documentation as to why the modification should be granted, how the public

welfare will be preserved, and why the modification will not detract from the intent and spirit of these sign regulations. Within thirty days from the filing of the request for modification, the Planning Director shall approve or deny the request and shall notify the applicant in writing of the approval or denial of the request. Any council member, the Mayor, or any aggrieved person may appeal any approval or denial of the request for modification by the Planning Director in accordance with the Request for Waiver Procedure found in Chapter 1.00, Sections 2.1.1 and 2.1.2 of the City of Lincoln Design Standards.

19. Frontage for every center sign permitted on a “per frontage” basis shall mean only that frontage of the center adjacent to an arterial or collector street.

20. ~~Signs may be erected and maintained on an outlet~~ Signs related to any use within the area of a use permit, special permit, preliminary plat, or planned unit development may be erected and maintained on outlots within that use permit, special permit, preliminary plat, or planned unit development area.

4. Amend 27.70.120 to specify that structures located within an outlet must have a minimum 20’ separation from any property line.

27.72.120 Accessory Buildings.

(*Only applies to accessory structures associated with a main dwelling)

- a. Accessory buildings which are attached to or not located more than (1) six feet from the main building in the R-1 through R-8, O-1*, B-1*, and B-3* zoning districts and (2) 10 feet from the main building in the AG, AGR, O-2, O-3, B-4, B-5, all H, and I-2 zoning districts shall be considered a part of the main building and shall comply with the height, front, side, and rear yard requirements of the main building, except that an accessory building attached to the main building by an unenclosed deck, patio, ramp, open stair, or sidewalk and located in the rear yard shall not be considered part of the main building, nor subject to the height and yard requirements of the main building. Any accessory building separated from the main building by a breezeway shall meet the height and yard requirements for the main building.
- b. In all commercial and industrial zoning districts, accessory buildings shall not extend into any required yard, except as otherwise stated in this chapter.
- c. Accessory buildings which are not a part of the main building:
 1. May, if located not less than sixty feet from the front lot line, extend into the required side yard though not closer than two feet to the side lot line in the R-1 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, all H, and the I-2 zoning districts, provided that such accessory buildings shall not be more than fifteen feet in height.
 2. May, if located not less than 100 feet from the front line, extend into the required side yard, though not closer than five feet to the side lot line in the AGR zoning district, provided that such accessory buildings shall not be more than fifteen feet in height.
 3. May be located in the required rear yard, provided that such accessory buildings:
 - i. Shall not be nearer than two feet to the side or rear lot line in the AG, AGR, R-1 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning districts.

- ii. Shall not occupy more than the following percent of the required rear yard:
 - Forty percent in the R-1 through R-6, O-1*, B-1*, and B-3* zoning districts.
 - Thirty percent in the AG, AGR, R-7, R-8, O2, O3, B-4, B-5, all H, and the I-2 zoning districts.
 - iii. Shall not be more than fifteen feet in height in the R-1 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning districts;
 - iv. Notwithstanding the above, an accessory building used as a garage and taking access from an alley shall not be located closer than ten feet to the alley line in the R-1 through R-8, O-1*, O-2, O3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning districts.
 - v. Shall not abut a residential district in the O-2, O-3, B-5, H-4, and I-2 zoning districts.
 - vi. In the AG zoning district on lots 20 acres or more, accessory buildings shall not be nearer than the lesser of a distance equal to ten percent of the average lot width from the side lot line or 60 feet.
- 4. May be located in the required front yard on double-frontage lots where at least one frontage is along a major street in R-1, R-2, and R-3, provided such accessory buildings:
 - i. Shall not occupy any portion of any required front yard along the local street.
 - ii. Shall not be closer than two feet to the side lot line, closer than two feet to the front lot line along the major street, or closer than two feet to an area specified as a building line district.
 - iii. Shall not occupy any portion of the required front yard along any major street except when a landscape screen is located along all front lot lines of such lot adjacent to any major street in conformance with the "Design Standards for Screening and Landscaping" adopted by the City of Lincoln.
 - iv. Shall not have direct vehicular access from any major street along any major street frontage in the block.
 - v. Shall not occupy more than 100 square feet for buildings and 600 square feet for structures of the required front yard along the major street.
 - vi. Shall not exceed fifteen feet in height and any accessory building or portion thereof within twenty feet of the front lot line along the major street shall not exceed eight feet in height.
- 5. Accessory buildings in the AG district are not permitted in the side yard unless also located in the rear yard.
- d. Maximum and expanded maximum cumulative allowable floor area for all accessory buildings on single family or two family residential lots or tracts in AG, AGR, and R-1 to R-8 zoning districts:
 - 1. The maximum and the expanded maximum cumulative allowable floor area for all accessory buildings are as set out in Table 27.72.120(d) below. The applicable maximum cumulative allowable floor area may be increased up to the expanded maximum allowable floor area as provided in Table 27.72.120(d) Notes *1-4 below:

Table 27.72.120(d)**Maximum and Expanded Maximum* Cumulative Allowable Floor Area for Accessory Buildings on Single Family or Two Family Residential Lots or Tracts*****#Expanded Maximum only applies in accordance with the applicable Note *# below (e.g. *1)**

		Lot or Tract Size				
		less than 7,500 sq. ft.	7,500 sq. ft. to less than 20,000 sq. ft.	20,000 sq. ft. to less than 1 acre	1 acre or more	
R1- R-8 Accessory Building sq. ft.	Maximum	1,000	1,500	2,000	2,000	
	Expanded Maximum	1,500* ¹	3,000* ²	3,000* ²	5,000* ³	
		less than 1 acre	1 acre to less than 2 acres	2 acres to less than 4 acres	4 acres to less than 10 acres	10 acres or more
AGR Accessory Building sq. ft.	Maximum	2,000	2,000	2,000	2,000	2,000
	Expanded Maximum	3,000* ²	6,000* ⁴	8,000* ⁴	20,000* ⁴	No maximum* ⁴
AG Accessory Building sq. ft.	Maximum	2,000	2,000	2,000	2,000	No maximum
	Expanded Maximum	3,000* ²	6,000* ⁴	8,000* ⁴	20,000* ⁴	

Notes:

*1. In the R-1 to R-8 zoning districts, for lots or tracts less than 7,500 square feet in size, the maximum cumulative floor area square footage of all accessory buildings may be increased up to the above expanded maximum square feet provided:

- i. Total floor area square footage for all accessory buildings does not exceed the total square footage, excluding basement, of the main building.
- ii. The total floor area square footage for all accessory buildings does not exceed a cumulative total of 500 square feet in the side, rear, and front yard setbacks.

*2. In the R-1 to R-8 zoning districts for lots or tracts 7,500 square feet to less than 1 acre in size, and in AG and AGR zoning districts for lots or tracts less than 1 acre in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:

- i. The total floor area square footage for all accessory buildings shall not exceed the total floor area square footage, excluding basement, of the main building.
- ii. The total floor area square footage for all accessory buildings does not exceed a cumulative 250 square feet in the side, rear, and front yard setbacks.
- iii. Any individual accessory building with a floor area of over 250 square feet in area must be located outside of the side, rear, and front yard setbacks.

*3. In the R-1 to R-8 zoning districts, for lots or tracts of 1 acre or larger in size, the maximum cumulative floor area square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:

- i. The total floor area square footage for all accessory buildings does not exceed a cumulative total of 250 square feet in the side, rear, and front yard setbacks.
- ii. Any individual accessory building with over 250 square feet of floor area must be located outside of the side, rear, and front yard setbacks.

*4. In the AG zoning district for lots and tracts 1 acre to less than 10 acres, and in the AGR zoning district for lots or tracts 1 acre or greater, the maximum cumulative floor area square footage for all accessory buildings may be increased to the above expanded maximum square feet provided that the total floor area square footage of all accessory buildings does not exceed a cumulative total of 2,000 square feet in the rear setbacks.

5. Breezeways: The space between the garage wall and the dwelling that is covered shall be calculated and counted as floor area for the purpose of this section. Provided that the first 625 square feet of floor area under said breezeway shall not be counted toward the maximum or expanded maximum cumulative allowable floor area as set out in Table 27.72.120(d).

6. Patios, decks, and porches (covered or uncovered) that are unenclosed and attached to the dwelling shall not be counted as floor area and shall not be counted toward the maximum or expanded maximum cumulative allowable floor area as set out in Table 27.72.120(d).

e. Attached and detached accessory buildings having a conditioned area shall comply with the applicable height restrictions and setback requirements of an accessory dwelling unit.

1. Each room, except bathrooms, in the conditioned area shall provide an egress window or door opening directly to the outside. Conditioned area shall comply with energy code for a dwelling.

2. A detached accessory building shall not have windows or wall openings within five feet of a rear or side lot line.
- f. Accessory buildings on outlots, where allowed, shall maintain a minimum ~~six foot (6')~~ twenty foot (20') setback from all property lines.

5. Amend 27.72.060 to allow structures that are related to the use of outdoor recreation areas, such as sun shades, associated with early childhood care, non-residential and residential healthcare facilities to be allowed in any yard.

27.72.060 Uses Permitted or Prohibited Within Required Yards.

- a. Every part of any required yard shall be open to the sky, unobstructed by a building, except:
 1. Eaves may project into a front or rear yard thirty-six inches, exclusive of gutters.
 2. Eaves may project into a side yard twenty-four inches, or two-fifths of the required side yard, whichever projection is greater, exclusive of gutters.
 3. Ordinary projection of sills, belt courses, cornices, vertical solar screens, and ornamental features may project twelve inches.
 4. In the R-4, R-5, R-6, R-7 and R-8 districts located in areas of the City annexed prior to January 31, 1949, up to twenty-five percent of the length of the principal street facade of a building may project up to two feet into the required front yard. Notwithstanding the above, a porch may not project into a required front yard beyond that otherwise allowed by subsection (d) below.
- b. **Outdoor Recreation Areas.** Outdoor recreation areas including but not limited to outdoor uses such as playgrounds and walking paths, as well as structures and facilities related to such uses (e.g. sun shades, drinking fountains), associated with early childhood care facilities, non-residential healthcare facilities, and residential healthcare facilities, may be located in any yard provided all other structures requiring building permits meet setback requirements.
- c. **Landscaping.**
 1. In the R-T, O-2, O-3, B-2, B-5, H-4, and all I zoning districts, the entire front yard shall be entirely landscaped in conformance with the landscape design standards adopted by the City of Lincoln, except for necessary paving of walkways and driveways to reach parking and loading areas, provided that any driveway in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet;
 2. In all O, B, and H zoning districts, when a side and/or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.
 3. In the R-T zoning district, the side and rear yard shall be devoted entirely to trees, shrubs, and grasses, and secondary sidewalks in conjunction with landscaping, unless the abutting property is occupied by a parking lot.
 4. In the I-2 zoning district, the required rear yard shall be entirely landscaped in conformance with the landscape design standards adopted by the City of Lincoln when the rear yard abuts a residential district.
- d. **Porches.** An open, unenclosed porch may project into a required front yard for a distance not exceeding ten feet, however may not project into the required corner front yard under any situation; provided, however, such porches on residences in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts which project into the required front yard no closer than ten feet from the street line may be enclosed under the following conditions:
 1. The enclosed porch shall not be served by a heating system, cooling system, or plumbing;

2. At least forty percent of the other residences on the same frontage in the same zoning district extend into the required front yard a distance equal to or greater than the applicant's porch (for the purpose of this section, extensions into the front yard may be a porch, balcony, vestibule, or the main part of the building);
 3. The applicant's porch shall not be located within any building line district; and
 4. At least fifty percent of each exterior wall shall be transparent.
- e. **Balconies.**
1. A balcony may project into a required front yard for a distance not exceeding six feet.
 2. In the R-6, R-7, and R-8 zoning districts, a balcony is permitted in the required side yard, but no closer than seven feet from the side lot line.
- f. **Patios, Terraces, Decks and Ornamental Features.**
1. Patios, terraces, uncovered decks and ornamental features in the B-1, B-3, B-4, H-2, and H-3 zoning districts may project into a required front yard.
 2. In the O-3, B-2, B-5, H-4, I-1, I-2, and I-3 zoning districts, patios and terraces may project into a required front yard for a distance not to exceed fifteen (15) feet.
 3. In all zoning districts, uncovered patios, terraces, uncovered decks, and ornamental features which do not extend more than three feet above or below the adjacent ground level may project into a required side and/or rear yard, provided that the projection shall be no closer than two feet from the adjacent side lot line.
 4. In all zoning districts, patios, terraces, decks, and ornamental features which extend more than three feet above or below the adjacent ground level may project into a required rear yard, provided the combined floor area of any patio, terrace, deck, and any accessory building located in the rear yard does not occupy more than 40% of the rear yard and that the patio, terrace, or deck:
 - i. is uncovered;
 - ii. projects off of the first story of the dwelling or below;
 - iii. is no closer than ten feet from the rear lot line;
 - iv. does not encroach into a required side yard;
 - v. is a projection off of a single- or two-family structure.
- g. **Vestibules.** An enclosed vestibule containing not more than forty square feet may project into a required front yard for a distance not to exceed four feet.
- h. **Canopies.** In O-3, B-1, B-2, B-3, B-4, B-5, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts, canopies may project into a required front yard; provided, that a five foot setback shall be maintained from the property line, and such canopies shall not cover more than six square feet of ground area per each foot of frontage, and no portion of the canopy shall be lower than nine feet above grade.
- i. **Outdoor Dining.**
1. In the B-1, B-3, B-4, H-2, and H-3 zoning districts outdoor dining is permitted in the required front yard.
 2. In the O-3, B-2, B-5, H-4, I-1, I-2, and I-3 zoning districts, outdoor dining is permitted in the required front yard; provided, that a five foot setback shall be maintained from the property line.

j. **Loading Facilities.**

1. In the I-2 zoning district no loading facilities shall be provided in any front or side yard adjacent to any residential district.
2. In the I-3 zoning district no loading facility shall be located in any required yard.

k. **Walkways.** In the O-1, B-1, B-2, B-3, H-2, H-3, and I-1 zoning districts, enclosed walkways not more than one story in height nor eight feet in width are permitted in the required rear yard within two feet of the rear lot line.

l. **Accessory Buildings.** See Section 27.72.120.

m. **Air conditioners/heat pumps.**

1. In all zoning districts except the R-1, R-2, R-3, and R-4 zoning districts, air conditioners or heat pumps, not to exceed five ton units or parts thereof, may project into a required side yard, provided that such projection shall be distant at least two feet from the adjacent lot line and shall not extend more than four feet from the building. Such air conditioners may project into a required front yard but shall not extend more than three feet from the building, and such air conditioner or heat pump may extend into one side of a corner lot.
2. In R-1, R-2, R-3, or R-4 zoning districts, air conditioners or heat pumps not to exceed five tons or parts thereof may project into front and side yards not more than four feet from the building it serves, and in no event shall be closer than one foot to the adjacent lot line, and such air conditioner or heat pump may extend into one side of a corner lot.

n. **Solar Collectors.** Solar collectors which are a part of the main building may extend into a required rear yard for a distance not to exceed ten feet, and solar collectors may extend into a required side yard, provided that they have a minimum seven foot clearance from grade; and provided, further, that such extension shall be distant at least three feet from the adjacent lot line and may project into a side yard forty-eight inches, or two-fifths of the required side yard, whichever projection is greater.

o. **Ornamental siding and wall sheathing material.** Ornamental siding and wall sheathing material, not including brick veneer, may project a maximum of two inches into any required yard.

p. **Fire Escapes, Fireproof Outside Stairways, Balconies Opening upon Fire Towers, Chimneys, and Flues and Fireplaces.**

1. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the building inspector for a distance of not more than three and one-half feet and where the same are so placed as not to obstruct light and ventilation of adjacent dwellings.
2. Chimneys, flues, and fireplaces may be permitted by the director of building and safety to project into any required yard for a distance of not more than two feet where the same are so placed as not to obstruct light and ventilation.
3. Fireproof outside stairways and fire escapes may project into the side yard not more than three and one-half feet.

q. **Light Wells and Egress Windows.** Any light well or egress window may be located in any required front, side, or rear yard, provided:

1. No such light well or egress window may be placed within two feet of any property line;

2. Any light well or egress window located in any required yard must have a safety railing that meets all requirements for safety railings of the International Building Code as adopted by the Lincoln Municipal Code if it is within five feet of any sidewalk, walkway, or driveway;
 3. The construction of the light wells or egress windows meets the requirements of the International Building Code as adopted by the Lincoln Municipal Code;
 4. The well does not extend more than one foot above the finished grade.
The requirements of (2) above may be waived by the City Council.
- r. **Fences.** See Section 27.72.140.
- s. **Building Line District.** See Section 27.72.170.
- t. **Driveways and Vehicle Stacking.**
1. A driveway shall be permitted within the required front and side yards only if the driveway provides a connection to a parking space that is or will be located as permitted in this title, provided that in the O-2, O-3, B-2, B-5, H-4, I-1, I-2, and I-3 zoning districts the driveway shall be substantially perpendicular to the street and shall not be wider than thirty feet.
 2. Vehicle stacking for drive-in/drive through facilities shall be permitted within the required front, side, or rear yard of zoning districts B-1, B-3, H-2, and H-3 if such front, side, or rear yard does not abut a residential district. All such facilities shall be constructed in accordance with applicable parking lot design standards.
- u. **Yard Accessories in Required Yards.** Poles, posts, and other customary yard accessories, ornaments, and furniture may be located in any yard subject to requirements limiting obstruction of visibility and height limitations.