

# Boards & Commissions

## Urban Design Committee Agenda

### NOTICE

Notice is hereby given that the Urban Design Committee will hold a meeting on **Tuesday, December 6, 2016 at 3:00 p.m.** in the County-City Building, 555 S. 10th Street, Lincoln, Nebraska, in **Room 210** on the 2<sup>nd</sup> Floor. For more information, please contact the Lincoln City/Lancaster County Planning Department at 402-441-7491.

### AGENDA

#### December 6, 2016

1. Approval of UDC meeting record of [November 17, 2016](#).

\* [Memo from Ed Zimmer and Stacey Hageman](#)

#### DISCUSS AND ADVISE

2. 1222 P Street, mixed use redevelopment (Peter Hind, FOUNDarchitects) - ([UDR16079](#)).
3. [South Haymarket Design Standards](#), (Planning Dept.) - ([UDR16084](#)).
4. Larry Enersen Urban Design Award selection (Michele Tilley)

#### DISCUSSION

5. Staff Report & misc.

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TO: **URBAN DESIGN COMMITTEE**

FROM: Stacey Hageman + Ed Zimmer

RE: Meeting of December 6, 2016

DATE: November 30, 2016

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**ITEM 2: Mixed-use Redevelopment at 1222 P Street**

Last month, the Committee saw a proposal for a TIF-assisted redevelopment for the old Swanson Russell building at 1222 P Street. Peter Hind of FOUNDarchitects has provided a revised design, which in responsive to the Committee’s comments. Concerns raised at the November meeting included:

- Use of dark Corten steel and the “visual weight” of the added upper stories in relationship to the existing, light-toned limestone façade;
- Creating more contrast between the old and new, particularly as it relates to the symmetry of the new, upper portion of the building;
- Whether the 4’ setback between the original façade and the upper addition was sufficient; and
- Whether the open-air interior courtyard between the historic façade and the interior retail storefront would contribute to the P Street retail corridor



November Proposal



Revised Design

The revised design proposes an asymmetrical approach to the addition and new material choices. The design creates more of a “floating box” above the historic façade, faced with a lighter stucco material. Recessed portions of the façade are proposed in grey-tone and create more shadow, differentiating the lighter portion even further. As a further method to differentiate the old and new, the upper floors will be recessed another 5 feet from what was originally proposed.

The unique fenestration of the limestone façade doesn’t support a traditional storefront configuration and the Committee’s cautionary comments about the courtyard are valuable for underscoring the importance of finishing, lighting, operating, and maintaining this semi-public space in a manner that benefits the building and intrigues the passerby. In the revised design, the courtyard remains. The design team has indicated that they will bring materials choices for the interior of the courtyard—as well as for the rest of the building—to the meeting for further discussion.

Staff recommends the revised design as responsive to the Committee comments and a stronger proposal than previously offered. Ultimately, the Committee is asked to advise the City administration on:

- The overall design concepts; and
- The suitability (appearance, durability, etc.) of materials (which will be further described by Peter Hind).

### **ITEM 3: South Haymarket Design Standards and Zoning Amendments**

Earlier this month, we introduced draft changes to the City of Lincoln Design Standards and Zoning Ordinance by providing a link to the proposed amendments relating to South Haymarket Neighborhood Plan implementation. This proposal addresses:

- New proposed South Haymarket Design Standards, similar to Downtown Design Standards;
- Amendments to the Waiver & Appeal procedure, creating a consistent process for Downtown, Neighborhood, and South Haymarket Design Standards;
- Adding Appeals Board to Urban Design Committee’s powers and duties; and
- Various zoning changes to the B-4 Lincoln Center Business District and O-1 Office District.

South Haymarket is the 38-block area bounded by O Street on the north, G Street on the south, the railroad on the west, and 10<sup>th</sup> Street on the east. The South Haymarket Plan was presented to the Committee at a joint meeting with Historic Preservation Commission in October 2015 and adopted by the City Council in December 2015.

Proposed South Haymarket Design Standards (attached) address streetscapes, site development, and building design. The proposed standards are based largely on the existing Downtown Design Standards but adapted to best serve South Haymarket. Because this area is envisioned as a residential neighborhood and not the urban core, standards for buildings and sites are designed to be more flexible than Downtown Design Standards allowing for larger setbacks, less transparency, and greater variety of building materials.

South Haymarket Design Standards will also address streetscapes which are a new component to design standards. Many of the existing streetscapes in South Haymarket are highly unorganized, lack comfortable spaces for pedestrians, and do not define parking spaces. As redevelopment in this area focuses on residential infill, amenities along the street, such as street trees, continuous sidewalks, and on-street parking, will make the neighborhood a more walkable and attractive place to live and work.

Minor changes are proposed throughout Lincoln Downtown Design Standards (attached) as clean-up items (e.g. correcting Canopy Street) and in order to make them consistent with the drafted South Haymarket Design Standards.

In the existing and proposed design standards, the Urban Design Committee has been identified as the Appeals Board. Proposed amendments to Chapter 4.36 – Urban Design Committee (attached) of the Lincoln Municipal Code would add these appeals to the Committee’s Duties and Powers. And because the Committee would generally act as the Appeals Board for Downtown, Neighborhood, and South Haymarket Design Standards, the text amendment also proposes consolidation of the Waiver & Appeal procedure, simplifying the process to one set of rules found in Chapter 1.00 – Request for Waiver, Procedure (attached).

The Waiver & Appeal process, as it is today, is onerous, requiring up to three notification letters to be sent to neighboring property owners without any application fee required of the applicant. To streamline the process, we’re proposing that one notification letter is sent to the neighbors and other interested parties to notify them that an appeal is being heard by Urban Design Committee. For additional notification to the public, we would advertise the Committee’s appeals hearings in the newspaper, parallel to the notification procedures for public hearings before Historic Preservation Commission and Nebraska Capitol Environs Commission.

Another proposed change that is also addressed in the recent Comprehensive Plan update, is to eliminate the language that says no project shall be reviewed by both the Urban Design Committee and the Historic Preservation Commission. Certain high-impact projects may involve historic properties and public property/assistance, and the expertise and advice of more than one design board may be valuable. Joint meetings allow the boards, the project, and ultimately the community to benefit by a thorough yet efficient discussion and should be allowed at the City’s discretion.

Proposed changes to the Capitol Environs Design Standards which address the J Street Boulevard concept of the South Haymarket Neighborhood Plan, are being reviewed by the Capitol Environs Commission.

The proposed changes to the Zoning Ordinance aim to reinforce the residential neighborhood vision and update permitted land uses across the B-4 District to meet current and future development and land use expectations. In the existing B-4 Lincoln Center Business District, virtually any land use is allowed. A modified B-4 District is proposed that prohibits the heaviest industrial uses which are not appropriate or found in Downtown Lincoln today. Other adjustments to B-4 include establishing a minimum building height and adjusting setbacks for new residential developments.

These revisions or any other changes to the Design Standards and Zoning Ordinance will advance to the Planning Commission and City Council only after receiving the Committee’s endorsement.

#### **ITEM 4: Larry Enersen Urban Design Award Selection**

For the fourth year, the Committee will receive a proposal for the annual award from a “jury” chaired by Gordon Scholz and Michele Tilley. This year Tom Laging, Bob Ripley, and Margaret Berry joined the co-chairs in a discussion, assisted by Stacey Hageman and Ed Zimmer. Among the sites considered were Centennial Mall, N Street Protected Bikeway, the P Street retail corridor, Tower Square, the Valentino’s development at Holdrege & Idylwild, and Hartley Flats. The jury reached a recommendation for one award for the coming year, which Michele and Ed will offer for the Committee’s consideration.

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## 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.

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

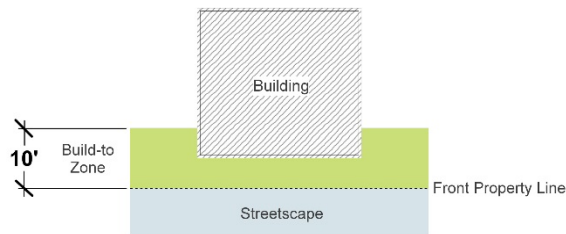
streetscapes) of the proposed project.

- 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.



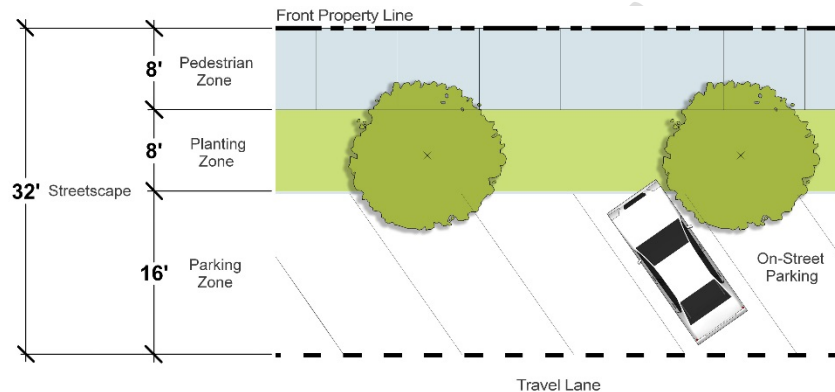
- c. Buildings shall have at least one principal entrance that faces the street. Buildings on corners or with multiple street frontages may have a single principal entrance, which must face a street.

### 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 streetscapes 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.
- 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.
- 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 3.76

### 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.

~~c. [Review of Minor and Major Remodeling Projects](#). Review of minor and major remodeling projects should begin with a conference with staff to seek consensus on which are the applicable standards.~~

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. ~~At least one black or blue line print to scale showing the s~~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 wrought-ironmetal (not chain-link) fences, or some combination thereof, to provide at least a 90% screen from grade to three feet above the grade.
- d. 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.
- 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.  
(Res. A-86830, 5-21-2012).

## 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 [DriveStreet](#).
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 ~~Drive 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.

~~The applicant may request the Planning Director to waive strict conformance with the Lincoln Downtown Design Standards (“Design Standards”). The Planning Director may grant the request upon written finding that the design enhances its setting and meets the overall intent and spirit of the Design Standards.~~

~~A copy of the Planning Director’s decision granting or denying the requested waiver shall be sent by the Planning Director by first class mail to the applicant, the City Council, the Downtown Neighborhood Association, the Downtown Lincoln Association, and to the record owners of property located within 200 feet of the subject property upon which the waiver was granted or denied (collectively “Potentially Aggrieved Parties”). Any Potentially Aggrieved Party may appeal the Planning Director’s decision granting or denying the requested waiver to the Design Standards. The appeal shall be to the Urban Design Committee (or if the subject property is already under the jurisdiction of the Capitol Environs Commission or Historic Preservation Commission, to the Commission having such jurisdiction). The applicable body having jurisdiction over the appeal shall hereinafter be referred to as the Appeals Board. The required Notice of Appeal shall be filed with the Planning Director within 14 days of the mailing (postmark) date of the Planning Director’s notification mailing to the Potentially Aggrieved Parties.~~

~~Upon receipt of the appeal, the Planning Director shall cause the appeal to be scheduled for hearing and action on the Appeals Board’s agenda within 30 days from the date of the appeal. Notice of the hearing before the Appeals Board shall be sent to the Potentially Aggrieved Parties at least 10 days prior to the hearing. The Appeals Board shall review the proposed design, the Planning Director’s decision, and any additional information provided, and shall make a written finding granting or denying the requested waiver. The Appeals Board shall grant the requested waiver if it finds that the design enhances its settings and meets the overall intent and spirit of the Design Standards. If the decision is not made by the Appeals Board within 30 days of the date of appeal, the waiver shall be deemed to have been approved by the Appeals Board. If the Appeals Board denies the waiver, the Appeals Board may approve the waiver conditioned upon the applicant making changes to the design in order for the application to meet the overall intent and spirit of the Design Standards. If the applicant agrees to make the recommended design changes, the building permit application shall be approved as being in compliance with the Design Standards, subject to appeal to the City Council as provided below.~~

~~Notice of the Appeals Board decision granting, conditionally granting, or denying the requested waiver shall be sent by the Planning Director by first class mail to the Potentially Aggrieved Parties. Any Potentially Aggrieved Party may appeal the decision of the Appeals Board to the City Council. Notice of Appeal shall be filed with the City Clerk within 10 days of the mailing (postmark) date of the Planning Director's notification mailing of the Appeals Board's decision. If a Notice of Appeal is timely received, the City Clerk shall cause the appeal to be scheduled for hearing and action on the City Council agenda not less than 15 days nor more than 30 days after the date of the appeal.~~

~~As an alternative, any Potentially Aggrieved Party may appeal the Planning Director's decision granting or denying the requested waiver to the Design Standards directly to the City Council. The required Notice of Appeal shall be filed with the Planning Director within 14 days of the mailing (postmark) date of the Planning Director's notification mailing to the Potentially Aggrieved Parties. Upon receipt of the appeal, the Planning Director shall cause the appeal to be scheduled for hearing and action on the City Council's agenda within 30 days from the date of the appeal. Notice of the hearing before the City Council shall be sent to the Potentially Aggrieved Parties at least 10 days prior to the hearing. The Planning Director will also schedule a meeting of the Appeals Board, if possible, prior to the City Council hearing, so that the Appeals Board may review and comment on the appeal to the City Council.~~

~~Any final action of the Planning Director, Appeals Board, or City Council approving a requested waiver shall be deemed to be consistent with the Design Standards for purposes of issuing a building permit.~~

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

## CHAPTER 4.36

### URBAN DESIGN COMMITTEE

#### Sections:

4.36.010	Policy.
4.36.020	Committee Established; Membership; Term.
4.36.030	Duties and Powers.
4.36.040	<u>Advisory Review Process.</u>
4.36.050	<u>Meetings, and Rules, and Notice of Public Hearings.</u>
4.36.060	Staff.
<u>4.36.070</u>	<u>Appeals.</u>

#### 4.36.010 Policy.

The City of Lincoln recognizes the importance of the physical environment in making Lincoln an attractive place in which to live and work, and the impact of physical development upon the environment.

The ~~city~~ City is desirous of improving the quality of life through improved urban design; to protect and promote those qualities in the environment which bring value to the community; to further the attractiveness of Lincoln as a place to live and work; to preserve the quality of areas which have a distinct and desirable character; to protect and enhance public and private investment; to raise the level of community expectations for the quality of its environment; to encourage improved quality and functional utility of development, including the architecture, landscape, and graphic design of said development.

The ~~city~~ City further recognizes that it should encourage positive influences upon the environment through its ordinances and regulations and ensure that public facilities set a high standard of urban design. In order to provide guidance in attaining these goals, the city acknowledges the advisability of creating an Urban Design Committee. (Ord. 15437 §1; February 12, 1990; P.C. §14.90.010; Ord. 13092 §1; January 26, 1981).

#### 4.36.020 Committee Established; Membership; Term.

The Mayor and the City Council hereby establish an Urban Design Committee. The committee shall have seven members appointed by the Mayor with the approval of the City Council. Insofar as practicable, all members of the committee shall be competent in matters of design, representative of the community, and should include individuals with a demonstrated interest or education in matters of urban design.

The term of service of the committee is three years. In order to provide continuity, two of the first seven appointees shall serve for one year, two for two years, and the remaining three for the full three-year term. Removal of a member during the term of service shall be on recommendation of the Mayor, concurred in by a majority vote of the City Council, and only for good cause. (Ord. 15437 §2; February 12, 1990; P.C. §14.90.015; Ord. 13092 §2; January 26, 1981).

#### 4.36.030 Duties and Powers.

The committee shall advise the Mayor, City Council, Planning Commission, city boards, ~~and~~ city departments, and other public agencies in matters relating to urban design, visual relationships, architectural design, and aesthetics. However, the committee shall not review the engineering or technical aspects of any project or standard.

The committee shall have the following responsibilities:

(a) Review aspects of city plans, such as sub-area plans in the Comprehensive Plan; regulations, such as zoning and subdivision; and design standards and criteria only insofar as they affect urban design.

(b) Recommend the coordination of the application of various regulations and standards that may affect design, and for modification of rigid or insensitive regulations or standards that can stifle efforts to achieve quality design, and provide whatever other guidance is necessary and desirable in the absence of specific regulations or standards to promote and encourage exemplary urban design.

(c) Review physical building or construction and building demolition projects within the zoning jurisdiction of the city, limited to the following:

(1) Projects sponsored or initiated and financed by the City of Lincoln or other public entity or a project in which the ~~city~~ City or other public entity has made or will make some financial contribution (herein referred to as public projects) when such project affects urban design and aesthetics.

(2) Projects not described in item (1) above that will or are proposed to be partially or wholly located on the city right-of-way or other city property (herein referred to as private projects).

(3) Appeals of administrative decisions relating to the Downtown Design Standards, South Haymarket Design Standards, Neighborhood Design Standards, or other appeals as may be assigned to the Committee from time to time. Such appeals shall be decided following a public notice and a public hearing as described in Section 4.36.050.

~~(2)(4)~~ Other projects with urban design impact on which the Committee may be requested to render advice from time to time by public or private entities.

Notwithstanding (1) and (2) above, Urban Design Committee review of projects by any utility company, public or private, shall be limited to (i) construction of buildings, distribution substations, and ground-level switching stations; and (ii) construction located within an historic district designated by the federal government or the City of Lincoln or within 300 feet of an historic landmark as designated by the federal government or the City of Lincoln. ~~However, no project which is to be reviewed by the Historic Preservation Commission shall be reviewed by the Urban Design Committee.~~

(d) Promote public education and appreciation of urban design through the initiation of programs such as an "Urban Design Awards Program."

(e) Recommend to the Mayor the initiation of projects and plans which would improve urban design. (Ord. 15437 §3; February 12, 1990; P.C. §14.90.020; Ord. 13439 §1; August 30, 1982; prior Ord. 13092 §3; January 16, 1981).

#### **4.36.040 Advisory Review Process.**

The Urban Design Committee shall draft "Aspects and Limitations of Review and Submission Guidelines for Urban Design Review" to be adopted by resolution of the City Council. The Urban Design Committee shall review said document periodically and propose any amendments it deems necessary to the City Council.

(a) Selection of items for review.

(1) Capital improvements program. Within one month after the adoption of the city budget, the Urban Design Committee shall meet to review the capital improvements program. The committee shall determine which projects are visually significant, and those projects to be reviewed.

(2) Non-capital improvement program items. The departments and boards of the city shall select items for design review from among those items not included in the capital improvement program over which the committee has review authority, as specified in Section 4.36.030. The committee may, with the assistance of the departments and boards, prepare and approve guidelines for use in selecting those items for committee review.

(b) Submissions. The project director for a public project or the owner or the owner's architect for private projects which require design review shall submit information to the ~~chair of the Urban Design Committee~~ Planning Department on behalf of the Urban Design Committee as follows and in accordance with submission guidelines or urban design review adopted by the committee:

(1) A written description of the proposed project and its environs;

(2) A site plan showing the entire area of the proposed project and the project environs (i.e., the area determined to have a visual or spatial relationship to the proposed project) legibly drawn and of sufficient size and scale to clearly show the intent of the proposed project and the project's relationship to existing and planned development within project environs;

(3) If a street project, typical cross sections through proposed project area and project environs as necessary and drawn adequately to show design intent;

(4) If proposal includes the construction or exterior remodeling of a building or shelter of a preliminary building floor plan and exterior elevations drawn adequately enough to show design intent.

(c) Initial reviews.

(1) Public projects, including capital improvement program projects. Those public projects selected for review ~~shall be recommended to~~ be reviewed at least twice, once at a predesign conference with the department director or project director, and any consultant, and once again when the proposed plans have been prepared. The purpose of the predesign conference is to allow the Committee to provide advice before design concepts and program objectives are finalized.

(2) Private projects. Prior to filing any submissions, the prospective applicant and the applicant's architect are entitled to meet with the ~~committee chair~~ Planning Department in order to obtain information on the review aspects and submission requirements.

(d) Final review. Final review of both public and private projects will consist of a review of various aspects of design with specific emphasis on the applicable objectives in the resolution adopted under Section 4.36.040.

(e) Statement of finding. Whenever the committee does not approve a proposal as submitted, it will be obliged to specify in writing the conditions under which a majority of the committee would approve the proposal. However, it is not the intent of this section to require the committee to furnish the applicant with a design. The findings of the committee shall be forwarded to the appropriate board, department, or governing authority for its consideration. The findings of the committee shall not prevent the implementation of a proposal or be binding on the affected board, department, or authority.

The committee may approve a proposal in a piecemeal fashion, e.g., the committee may expressly reserve approval of detailed aspects of a proposal when the submission as provided by applicant lacks sufficient detail. Once certain aspects of the proposal are approved, the committee may not rescind its previous approval unless changes have been made in the proposal that would affect previous approval. (Ord. 15437 §4; February 12, 1990; P.C. §14.90.025; Ord. 13092 §4; January 26, 1981).

#### **4.36.050 Meetings, ~~and Rules,~~ and Notice of Public Hearings.**

The chair shall conduct the meetings of the committee. Minutes and a permanent record of all resolutions, motions, and determinations shall be kept on file in the office of the City Clerk. The committee shall prepare a full statement in writing to each applicant and to the City Council and Mayor detailing and explaining the reasons and basis for their recommendations. The committee shall meet as necessary to process all applications within ~~thirty-fourty-five~~ days after receipt of application, ordinarily meeting monthly. ~~and shall meet at least once a month.~~ A quorum shall be four members of the committee. The committee may adopt such rules, bylaws, and procedures as it deems appropriate to carry out the purposes and goals of this chapter. (Ord. 15437 §5; February 12, 1990; P.C. §14.90.030; Ord. 13092 §5; January 26, 1981).

Public hearings to be held by the Urban Design Committee on appeals relating to Downtown Design Standards, South Haymarket Design Standards, or Neighborhood Design Standards shall not be held until notice thereof has been given as provided in Chapter 1.00 of the City of Lincoln Design Standards.

(a) No decision or recommendation which the Urban Design Committee is required to make under this title shall be void or invalidated or affected in any way, for any irregularity, defect, error, or failure on the part of the Planning Director to cause notice to be given as required above.

(b) It shall not be necessary to give further notice of adjourned or continued public hearing.

(c) Other notice, as may be deemed appropriate by the public body conducting the hearing, may be given in advance of public hearing. Such notice is not mandatory or required as a condition precedent to any such public hearing.

**4.36.060 Staff.**

Secretarial and staff assistance shall be provided by the Planning Department. (Ord. 15437 §6; February 12, 1990; P.C. §14.90.035; Ord. 13092 §6; January 26, 1981).

**4.36.070 Appeals.**

Findings and actions of the Urban Design Committee regarding appeals of decision regarding the Downtown Design Standards, South Haymarket Design Standards, or Neighborhood Design Standards may be appealed as provided in Chapter 1.00 of the City of Lincoln Design Standards.

# Chapter 1.00

## REQUEST FOR WAIVER, PROCEDURE

### Section 1. PURPOSE

The following design standards are adopted for the purpose of establishing the technical specifications, engineering requirements, and similar matters which property owners, subdividers, and permittees must meet when constructing or installing public and private improvements authorized or required by the various provisions of Chapter 24.38, Title 26, and Title 27 of the Lincoln Municipal Code. All such improvements shall substantially conform to design standards, as determined by the appropriate department, except that the City may approve a deviation from any of the standards as set forth herein upon a satisfactory showing that such deviation will not materially and adversely affect the public welfare and that the general intent and spirit of these design standards are preserved. (*Resolution A-86715, 3-5-12; Resolution A-83782, 3-20-06; Resolution A-81230, 11-16-01*)

### Section 2. PROCEDURE

#### 2.1 General

Any request for a deviation from the City of Lincoln Design Standards except as otherwise provided in these regulations 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 design standards. The Planning Director shall distribute a copy of the requested modification and the applicant's statement and accompanying data to the director of the department designated as primarily responsible for the design standards from which the modification is sought. Such director shall, within fifteen days from receipt of a copy of the requested modification, file with the Planning Director notice of his recommended approval of the requested modification or a report stating why the modification should not be granted. Within thirty days from the filing of the request for modification, the Planning Director shall approve or deny the request in accordance with such director's recommendation and shall notify the applicant in writing of the approval or denial of the request. (*Resolution A-83782, 3-20-06; Resolution A-82320, 9-15-03*).

**2.1.1 Appeal to Planning Commission.** The Mayor, aAny council member or aggrieved person may appeal any approval or denial of the request for modification by the Planning Director to the Planning Commission by filing notice of appeal with the Planning Director within fourteen days following such action by the Planning Director. Upon receipt of the appeal by the Planning Director, the Planning Commission shall hold a public hearing thereon within forty-five days from the date of appeal. In exercising its appellate jurisdiction, the Planning Director's action shall be deemed advisory and the Planning Commission may make such decision as ought to be made. Notwithstanding the above, if the appeal is associated with an application to be heard by the Planning Commission, the appeal shall be scheduled on the Planning Commission agenda

for public hearing and action on the same date as the associated application is scheduled for public hearing and action. (*Resolution A-83782, 3-20-06*).

**2.1.2 Appeal to City Council.** The Mayor, any~~Any~~ council member or aggrieved person may appeal the action of the Planning Commission on the request for modification to the City Council by filing a notice of appeal with the City Clerk within fourteen days following the action of the Planning Commission. Upon receipt of the appeal by the City Council, the Council shall hold a public hearing thereon within thirty days from the date of appeal. In exercising its appellate jurisdiction, the Planning Commission's action shall be deemed advisory and the City Council may, after public hearing in conformity with the provisions of this title, make such decision as ought to be made.

For public hearings required to be held under this section, notice shall be given as provided in Lincoln Municipal Code Section 27.81.050, subsections (a), (b) and (c), provided that no decision shall be void or invalidated or effected in any way for any irregularity, defect, error or failure on the part of the City Clerk to cause notice to be given as required in subsection (c). The minimum improvements set forth in Chapter 26.27 of the Lincoln Municipal Code shall be required unless specifically and individually waived by the Planning Commission or City Council as provided above. (*Resolution A-83782, 3-20-06; Resolution A-82320, 9-15-03*).

**2.2 Capitol Environs and Neighborhood Design Standards**

Notwithstanding the above, any request for a deviation of the Capitol Environs Design Standards may be approved by the Nebraska Capitol Environs Commission as provided in said design standards ~~and any request for deviation of the Neighborhood Design Standards may be approved by the Planning Director or the Urban Design Committee as provided in said design standards.~~ (*Resolution A-83782, 3-20-06; Resolution A-83068, 11-1-04; Resolution A-82320, 9-15-03*).

**2.3 Design Standards for Driveways Under Chapter 14.75 of the Lincoln Municipal Code**  
(*Repealed by Resolution A-86715; 3-5-12*)

**2.4 Design Standards for On-Site Wastewater Treatment Systems Under Chapter 24.38 of the Lincoln Municipal Code**

Any request for a deviation from the Design Standards for On-Site Wastewater Treatment Systems shall be submitted to the Health Director as set forth in Chapter 4.10, "Design Standards for On-Site Wastewater Treatment Systems," Section 3, Variance. (*Resolution A-81230; 11-16-01*)

**2.5 Lincoln Downtown, South Haymarket, and Neighborhood Design Standards**

Notwithstanding the above, ~~any request for a deviation of the Lincoln Downtown Design Standards may be approved by the Planning Director, the Appeals Board, or the City Council as provided in said design standards.~~ the applicant may request the Planning Director to waive strict conformance with the Lincoln Downtown Design Standards, South Haymarket Design Standards, or Neighborhood Design Standards (collectively "Design Standards"). The Planning Director may grant the request upon written finding

that the design enhances its setting and meets the overall intent and spirit of the Design Standards.

A copy of the Planning Director's decision granting the requested waiver shall be sent by the Planning Director by first class mail to the applicant, the City Council, the Mayor, the Downtown Lincoln Association, the Lincoln Haymarket Development Corporation, neighborhood associations within ½ mile of the project site, and to the record owners of property located within 200 feet of the subject property upon which the waiver was granted (collectively "Potentially Aggrieved Parties"). Any Potentially Aggrieved Party may appeal the Planning Director's decision granting the requested waiver to the Design Standards. The appeal shall be to the Urban Design Committee (or if the subject property is already under the jurisdiction of the Capitol Environs Commission or Historic Preservation Commission, to the Commission having such jurisdiction). The applicable body having jurisdiction over the appeal shall hereinafter be referred to as the Appeals Board. The required Notice of Appeal shall be filed with the Planning Director within 14 days of the mailing (postmark) date of the Planning Director's notification mailing to the Potentially Aggrieved Parties.

If the Planning Director has denied the requested waiver, a copy of the Planning Director's decision shall be sent by the Planning Director by first class mail to the applicant. The applicant may appeal the Planning Director's decision denying the requested waiver to the Appeals Board. The required Notice of Appeal shall be filed with the Planning Director within 14 days of the mailing (postmark) date of the Planning Director's notification mailing to the applicant. If the applicant files such an appeal, notice of the hearing before the Appeals Board shall be sent by the Planning Director by first class mail to the Potentially Aggrieved Parties at least 10 days prior to the hearing.

Upon receipt of the appeal, the Planning Director shall cause the appeal to be scheduled for hearing and action on the Appeals Board's agenda within 45 days from the date of the appeal. Notice of the time, place, and purpose of such hearing before the Appeals Board shall be published by the Planning Department in a daily newspaper having general circulation in the City of Lincoln not less than 8 days prior to the date of the hearing. The Appeals Board may also give such other notice as may be deemed desirable and practicable. The Appeals Board shall review the proposed design, the Planning Director's decision, and any additional information provided, and shall make a written finding granting or denying the requested waiver. The Appeals Board shall grant the requested waiver if it finds that the design enhances its settings and meets the overall intent and spirit of the Design Standards. If the decision is not made by the Appeals Board within 45 days of the date of appeal, the waiver shall be deemed to have been approved by the Appeals Board. If the Appeals Board denies the waiver, the Appeals Board may approve the waiver conditioned upon the applicant making changes to the design in order for the application to meet the overall intent and spirit of the Design Standards. If the applicant agrees to make the recommended design changes, the building permit application shall be approved as being in compliance with the Design Standards, subject to appeal to the City Council as provided below.

Any Potentially Aggrieved Party may appeal the decision of the Appeals Board to the City Council. Notice of Appeal shall be filed with the City Clerk within 10 days of the Appeals Board's decision. If a Notice of Appeal is timely received, the City Clerk shall cause the appeal to be scheduled for hearing and action on the City Council agenda not less than 15 days nor more than 30 days after the date of the appeal. The City Council shall review the Appeals Board's recommendations in considering the request to modify or waive any of the Design Standards. If the Council approves a waiver(s) to the Design Standards, the applicant may resubmit the building plans for building permit review. Should Council affirm the recommended changes by staff or the Appeals Board, the applicant shall make such changes prior to resubmitting the building permit application.

Any final action of the Planning Director, Appeals Board, or City Council approving a requested waiver shall be deemed to be consistent with the Design Standards for purposes of issuing a building permit.

*(Resolution A-85010; 9-8-08)*

DRAFT