

LINCOLN
MUNICIPAL
CODE

TITLE TWENTY - SEVEN

ZONING

A REPRINT FROM THE
LINCOLN MUNICIPAL CODE

AS AMENDED TO NOV. 1, 1963

LINCOLN, NEBRASKA

ZONING

Title 27

ZONING⁷

Chapters:

- 27.02 Purpose and Title
- 27.04 Definitions
- 27.06 Districts and Boundaries
- 27.08 "AA" Rural and Public Use District
- 27.10 "A-1" Single-Family Dwelling District
- 27.12 "A-2" Single-Family Dwelling District
- 27.14 "B" Two-Family Dwelling District
- 27.16 "C" Four-Family Dwelling District
- 27.18 "D" Multiple Dwelling District
- 27.20 "E" Multiple Dwelling District
- 27.22 "F" Restricted Commercial District
- 27.23 "G-1" Planned Commercial District
- 27.24 "G" Local Business District
- 27.25 "H-S" Highway Service District
- 27.26 "H-1" Highway Business District
- 27.28 "H-2" Highway Commercial District
- 27.30 "I" Commercial District
- 27.32 "J" Business District
- 27.34 "K" Light Industrial District
- 27.36 "L" Heavy Industrial District
- 27.37 "M" Restricted Industrial District
- 27.38 Non-Conforming Uses
- 27.40 Additional Use Regulations
- 27.42 Additional Height and Area Regulations
- 27.44 Board of Zoning Appeals
- 27.46 Occupancy Permits
- 27.48 Plat Plan
- 27.52 General Provisions

7. For general powers of city relative to zoning, see R.R.S. Nebraska §§ 15-901—15-903.
See also City Charter, Article 2 § 15½.

Chapter 27.02
PURPOSE AND TITLE

Sections:

- 27.02.010 Purpose.
27.02.020 Name and citation of title.

27.02.010 Purpose. This title has been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations have been made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Lincoln and the area within three miles thereof. (Ord. 5636 § 101; November 2, 1953).

27.02.020 Name and citation of title. This title shall be known, referred to and cited as the 1953 Revised Zoning Ordinance of the City of Lincoln. (Ord. 5636 § 102; November 2, 1953).

Chapter 27.04
DEFINITIONS

Sections:

- 27.04.010 Definitions—General provisions.
27.04.020 Accessory buildings and uses.
27.04.030 Alley.
27.04.040 Apartment.
27.04.050 Apartment hotel.
27.04.060 Apartment house.
27.04.070 Basement.
27.04.080 Boarding house.
27.04.090 Building.
27.04.100 Building, height of.
27.04.110 Cellar.
27.04.120 Clinic.
27.04.130 District.
27.04.140 Dwelling.
27.04.150 Dwelling, single-family.
27.04.160 Dwelling, two-family.
27.04.170 Dwelling, multiple.
27.04.180 Family.

27.04.190	Floor area.
27.04.200	Frontage.
27.04.210	Garage, private.
27.04.220	Garage, public.
27.04.230	Garage, storage.
27.04.240	Grade.
27.04.250	Home occupation.
27.04.260	Hotel.
27.04.270	Institutions.
27.04.280	Lodging house.
27.04.290	Lot.
27.04.300	Lot, corner.
27.04.310	Lot, depth of.
27.04.320	Lot, double frontage.
27.04.330	Lot of record.
27.04.340	Motel.
27.04.350	Office building.
27.04.360	Parking space.
27.04.370	Place.
27.04.380	Rooming house.
27.04.390	Service stations.
27.04.400	Signs.
27.04.410	Story.
27.04.420	Story, half.
27.04.430	Street.
27.04.440	Street centerline.
27.04.450	Street line.
27.04.460	Structure.
27.04.470	Structural alterations.
27.04.480	Trailer.
27.04.481	Trailer camping.
27.04.490	Yard.
27.04.500	Yard, front.
27.04.510	Yard, rear.
27.04.520	Yard, side.

27.04.010 Definitions—General provisions. For the purpose of this title, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory. (Ord. 5636 § 201; November 2, 1963).

27.04.020 Accessory buildings and uses. A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use

is one which is incidental to the main use of the premises. (Ord. 5636 § 202; November 2, 1953).

27.04.030 Alley. A public or private thoroughfare which affords only a secondary means of access to property abutting thereon. (Ord. 5636 § 203; November 2, 1953).

27.04.040 Apartment. A room or suits of rooms in a multiple dwelling, or where more than one living unit is established above non-residential uses, intended or designed for use as a residence by a single family including culinary accommodations. (Ord. 5636 § 204; November 2, 1953).

27.04.050 Apartment hotel. An apartment building under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, cosmetologists shop, cigar stand or news stand, when such uses are located entirely within the building with no entrance from the street nor visible from any sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use. (Ord. 5636 § 205; November 2, 1953).

27.04.060 Apartment house. See Dwelling, Multiple. (Ord. 5636 § 206; November 2, 1953).

27.04.070 Basement. A story having part but not more than one-half ($\frac{1}{2}$) its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises. (Ord. 5636 § 207; November 2, 1953).

27.04.080 Boarding house. A building other than a hotel or a motel, where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons, including nursing homes with less than twenty-one (21) patients, and tourist homes accommodating not more than twenty (20) persons. (Ord. 5636 § 208, as amended by Ord. 7095; February 15, 1960).

27.04.090 Building. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property. Poles used for the support of wires and appurtenant equipment for supplying public utility services shall not be considered as buildings or structures under this title. (Ord. 5636 § 209; November 2, 1953).

27.04.100 Buildings, height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip and gambrel roofs. (Ord. 5636 § 210; November 2, 1953).

27.04.110 Cellar. A story having more than one-half ($\frac{1}{2}$) of its height below grade. A cellar is not included in computing the number of stories for purpose of height measurement. (Ord. 5636 § 211; November 2, 1953).

27.04.120 Clinic. A clinic is an establishment where patients are admitted for special study and treatment by a group of physicians practicing medicine together. (Ord. 5636 § 212; November 2, 1953).

27.04.130 District. A section or sections of the City of Lincoln and the area within three (3) miles thereof for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform. (Ord. 5636 § 213; November 2, 1953).

27.04.140 Dwelling. Any building or portion thereof which is designed and used exclusively for residential purposes. (Ord. 5636 § 214; November 2, 1953).

27.04.150 Dwelling, single-family. A building having accommodations for and occupied exclusively by one (1) family. (Ord. 5636 § 215; November 2, 1953).

27.04.160 Dwelling, two-family. A building having accommodations for and occupied exclusively by two (2) families. (Ord. 5636 § 216; November 2, 1953).

27.04.170 Dwelling, multiple. A building having accommodations for and occupied exclusively by more than two (2) families. (Ord. 5636 § 217; November 2, 1953).

27.04.180 Family. One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined. (Ord. 5636 § 218; November 2, 1953).

27.04.190 Floor area. The total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements. (Ord. 5636 § 219; November 2, 1953).

27.04.200 Frontage. All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street. (Ord. 5636 § 220; November 2, 1953).

27.04.210 Garage, private. An accessory building designed or used for the storage of not more than four (4) vehicles owned and used by the occupants of the building to which it is accessory. (Ord. 5636 § 221; November 2, 1953).

27.04.220 Garage, public. A building or portion thereof, other than a private or storage garage, designed or used for equipment, repairing, hiring, servicing, selling or storing vehicles. (Ord. 5636 § 222; November 2, 1953).

27.04.230 Garage, storage. A building or portion thereof designed and used exclusively for housing more than four (4) vehicles. (Ord. 5636 § 223; November 2, 1953).

27.04.240 Grade. (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

(c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street and where no sidewalk exists the sidewalk grade shall be established by the Department of Public Works and Utilities. (Ord. 5636 § 224; November 2, 1953).

27.04.250 Home occupation. Any occupation or activity carried on by a member of the family residing on the premises, in connection with which (1) there is used no sign other than a non-lighted and non-reflecting name plate not more than one square foot in area, which name plate may designate the home occupation carried on within, in letters not to exceed two (2) inches in height, and which name plate must be clearly visible at the entrance to the premises where said home occupation is carried on and must be attached to the building wherein the home occupation is conducted; (2) there is no commodity sold upon the premises, except that which is prepared on the premises in connection with such occupation or activity; (3) there is no person employed other than a member of the family residing on the premises; and, (4) there is no mechanical equipment used except of a type that is similar in character to that customarily found in the home.

Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his profession, and the use by a cosmetologist of a dwelling on the premises occupied by such cosmetologist as his or her home when no other person is employed to assist in the conduct of such business. (Ord. 5636 § 225, as amended by Ord. 5841; September 7, 1954).

27.04.260 Hotel. A dwelling not consisting of living units and occu-

pied by more than twenty (20) persons, all of whom may reach their living accommodations by passing through one central lobby. (Ord. 5636 § 226, as amended by Ord. 7095; February 15, 1960).

27.04.270 Institutions. A non-profit corporation or a non-profit establishment for public use. (Ord. 5636 § 227; November 2, 1953).

27.04.280 Lodging house. A building or place where lodging is provided (or which is equipped to provide lodging regularly) by prearrangement for definite periods, for compensation, for three (3) or more persons in contradistinction to hotels open to transients. (Ord. 5636 § 228; November 2, 1953).

27.04.290 Lot. A parcel of land occupied or intended for occupancy by a use permitted in this title, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this title, and fronting upon a street, as herein defined, except for lots of record as herein defined, which need not front on a public street. (Ord. 5636 § 229, as amended by Ord. 5924; December 6, 1954).

27.04.300 Lot, corner. A lot abutting upon two (2) or more streets at their intersection. (Ord. 5636 § 230; November 2, 1953).

27.04.310 Lot, depth of. The average horizontal distance between the front and rear lot lines. (Ord. 5636 § 231, as amended by Ord. 6403; June 25, 1956).

27.04.320 Lot, double frontage. A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot. (Ord. 5636 § 232; November 2, 1953).

27.04.330 Lot of record. A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Lancaster County at the time of the adoption of this title, provided that said lot has a frontage of not less than forty (40) feet; or, an Irregular Tract lot as described by a deed recorded with the Register of Deeds of Lancaster County at the time of the passage of this title,⁸ provided such lot is numbered and described by the County Surveyor at the time of the passage of this title and is not greater in area than one (1) acre at the time of the passage of this title. (Ord. 5636 § 233; November 2, 1953).

27.04.340 Motel. A dwelling not consisting of living units and occupied by more than twenty (20) persons, in which there is no central lobby to reach individual living accommodations. (Ord. 5636 § 234, as amended by Ord. 7095; February 15, 1960).

27.04.350 Office building. A building designed for or used as the

8. See Section 27.52.100 for effective date.

offices of professional, commercial, industrial, religious institutional, public, or semi-public persons or organizations, provided no goods, wares or merchandise shall be prepared or sold on any premises except that a portion of an office building may be occupied and used as a drug store, barber shop, cosmetologists shop, cigar stand or news stand, when such uses are located entirely within the building with no entrance from the street nor visible from any sidewalk and having no sign or display visible from the outside of the building indicating the existence of such use. (Ord. 5636 § 235; November 2, 1953).

27.04.360 Parking space. An area, enclosed or unenclosed sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. (Ord. 5636 § 236; November 2, 1953).

27.04.370 Place. An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property. (Ord. 5636 § 237; November 2, 1953).

27.04.380 Rooming house. See Lodging House. (Ord. 5636 § 238; November 2, 1953).

27.04.390 Service stations. Any building or premises where automotive fuels are stored underground and made available for sale and dispensing through fixed equipment into fuel supply tanks of motor vehicles and where automotive lubricants, supplies and accessories and related services to motorists may or may not be available except that if the sale and dispensing of automotive fuels is incident to the conduct of a public garage, the premises are classified as a public garage. (Ord. 5636 § 239; November 2, 1953).

27.04.400 Signs. Any outdoor advertising having a permanent location on the ground or attached to or painted on a building including bulletin boards, bill boards, and poster boards. A Banjo Sign is a sign having a total area of not more than fifty (50) square feet, the advertising content of which is not closer than ten (10) feet to the surface of the ground. (Ord. 5636 § 240, as amended by Ord. 6532; January 7, 1957).

27.04.410 Story. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. (Ord. 5636 § 243; November 2, 1953).

27.04.420 Story, half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than sixty (60) per cent of the floor area is finished off for use. (Ord. 5636 § 244; November 2, 1953).

27.04.430 Street. All property acquired or dedicated to the public and accepted by the appropriate governmental agency for street purposes. Property that has been commonly used or dedicated to be used for street purposes prior to the adoption of this title shall be considered a street. (Ord. 5636 § 241, as amended by Ord. 6512; December 3, 1956).

27.04.440 Street centerline. A line midway between street lines. (Ord. 5636 § 242; November 2, 1953).

27.04.450 Street line. A dividing line between a lot, tract or parcel of land and a contiguous street. (Ord. 5636 § 245; November 2, 1953).

27.04.460 Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas, provided the foregoing shall not apply to gasoline pumps and gasoline pump islands in the "G" Local Business and "H-1" Highway Business districts which shall be located not less than twelve feet from the nearest property line. (Ord. 5636 § 246; November 2, 1953).

27.04.470 Structural alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. (Ord. 5636 § 247; November 2, 1953).

27.04.480 Trailer. A vehicle, without motive power, designed for living quarters and for being drawn by a motor vehicle. (Ord. 5636 § 248, as amended by Ord. 7095; February 15, 1960).

27.04.481 Trailer camping. A trailer used as a temporary dwelling for recreational, vacation or travel purposes and which (1) is not more than eight feet in width (2) is not more than twenty-nine feet in length provided that the length limitation shall not apply if the gross weight does not exceed four thousand five hundred pounds. (Ord. 8002 § 1; April 15, 1963).

27.04.490 Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard the minimum horizontal distance between the lot line and the main building shall be used. (Ord. 5636 § 249, as amended by Ord. 6403; June 25, 1956).

27.04.500 Yard, front. A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof

other than the projection of the usual steps, unenclosed balconies, or open porch. (Ord. 5636 § 250; November 2, 1953).

27.04.510 Yard, rear. A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard may be to the rear of either street, provided that the minimum rear yard depth requirement shall be calculated on the longest average lot dimension. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. (Ord. 5636 § 251, as amended by Ord. 6103; August 1, 1955).

27.04.520 Yard, side. A yard between the main building and the side line of the lot being the minimum horizontal distance between the building and the side yard line, and extending from the front lot line to the rear yard line. (Ord. 5636 § 252; November 2, 1953).

Chapter 27.06

DISTRICTS AND BOUNDARIES

Sections:

- 27.06.010 Districts designated.
- 27.06.020 Boundaries of districts—Maps.
- 27.06.030 Rules where uncertainty as to boundaries arises.
- 27.06.040 Vacation of streets and alleys.
- 27.06.050 Classification of annexed territory.
- 27.06.060 General requirements.

27.06.010 Districts designated. In order to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, the City of Lincoln, Nebraska, and the area within three miles of the corporate limits thereof, is hereby divided into districts, of which there shall be eighteen in number known as:

- "AA" Rural and Public Use District
- "A-1" Single-Family Dwelling District
- "A-2" Single-Family Dwelling District
- "B" Two-Family Dwelling District
- "C" Four-Family Dwelling District
- "D" Multiple Dwelling District
- "E" Multiple Dwelling District
- "F" Restricted Commercial District

"G-1"	Planned Commercial District
"G"	Local Business District
"H-S"	Highway Service District
"H-1"	Highway Business District
"H-2"	Highway Commercial District
"I"	Commercial District
"J"	Business District
"K"	Light Industrial District
"L"	Heavy Industrial District
"M"	Restricted Industrial District

(Ord. 8013 § 1; April 29, 1963; prior Ord. 7735 § 1; May 7, 1962 and Ord. 5636 § 301, as amended by Ord. 7601; November 6, 1961).

27.06.020 Boundaries of districts—Maps. The boundaries of the districts are shown upon the maps which are attached hereto and made a part of this title, which maps are designated as the "City of Lincoln District Map," and "City of Lincoln and Environs District Map." That part of the map designating the different districts and their boundaries and that part of the legend designating the symbol for each district are a part of this title and have the same force and effect as if the district maps and that part of the legend referred to above were all fully set forth herein. Other notations and references are for information only. (Ord. 5636 § 302, as amended by Ord. 6465; September 10, 1956).

27.06.030 Rules where uncertainty as to boundaries arises. Where uncertainty exists with respect to the boundaries of the various districts shown on the district map accompanying and made a part of this title, the following rules apply:

1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this title are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to coincide with the lot lines, and where the districts designated in the district map accompanying and made a part of this title are bounded approximately by lot lines, the lot shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

3. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this title shall be determined by use of the scale appearing on the map. (Ord. 5636 § 2501; November 2, 1953).

9. See Clerk's file.

27.06.050 Classification of annexed territory. All unincorporated territory which may hereafter come within three miles of the city limits by virtue of annexations to the City of Lincoln shall be immediately placed and continued in the "AA" Rural and Public Use District until otherwise changed by ordinance. (Ord. 5636 § 304; November 2, 1953).

27.06.040 Vacation of streets and alleys. Whenever any street, alley, or other public way is vacated by official action of the City Council of the City of Lincoln, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts. (Ord. 5636 § 303; November 2, 1953).

27.06.050 Classification of annexed territory. All unincorporated territory which may hereafter come within three miles of the city limits by virtue of annexations to the City of Lincoln shall be immediately placed and continued in the "AA" Rural and Public Use District until otherwise changed by ordinance. (Ord. 5636 § 304; November 2, 1953).

27.06.060 General requirements. Except as hereinafter provided:

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.

2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit or the floor area limit herein established for the district in which the building is located.

3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area and parking regulations of the district in which the building is located.

4. The minimum yards and other open spaces, including lot area per family, required by this title for each and every building at the time of passage of this title or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other buildings, nor shall any lot area be reduced beyond the district requirements of this title.

5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided herein in Chapters 27.40 and 27.42.

6. No premises shall be used nor shall any building be erected, converted, enlarged, reconstructed or structurally altered, for a rifle or pistol range within eighteen hundred yards of the boundaries of an air base, including ammunition storage area, of the United States Air Force.

7. All inhabited trailers shall be located in a camp ground or trailer camp that has received a special permit as required by Section 27.40.010 hereof. No trailer outside of an approved trailer court or camp ground shall be connected to utilities except those being offered for sale by dealers or manufacturers and not inhabited. Any vehicle, with or without motive

power, designed for living quarters, must comply with the provisions of this title relating to trailers.

8. If a building is so located on a lot that is located in two or more zoning districts, the permitted use of any part of the building and the requirements as to height and off-street parking requirements applicable to any such part of the building, shall be prescribed in the zoning ordinance for the district in which such part is located, except as provided in Chapters 27.44 and Section 27.06.030 of this chapter. (Ord. 8002 § 2; April 15, 1963; prior Ord. 5636 § 305, as amended by Ord. 7095; February 15, 1960).

Chapter 27.08

"AA" RURAL AND PUBLIC USE DISTRICT

Sections:

- 27.08.010 Scope of regulations.
- 27.08.020 Use regulations.
- 27.08.030 Height regulations.
- 27.08.040 Area regulations.

27.08.010 Scope of regulations. The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the district regulations in the "AA" Rural and Public Use District. (Ord. 5636 § 401; November 2, 1953).

27.08.020 Use regulations. A building or premises shall be used only for the following purposes:

1. Farming, truck gardening and nurseries.
2. Mining and extraction of minerals or raw materials.
3. Manufacturing, processing, treating and storing of materials or minerals, which are extracted from any portion of the district.
4. Publicly owned or operated properties, other than overhead electric transmission lines having a voltage or thirty-five thousand volts or more.
5. Recreational uses not commercially operated, and parks, playgrounds, and golf courses.
6. Railroad tracks and yards and similar railroad facilities.
7. Single-family dwellings.
8. Churches and other places of worship, Sunday School buildings and parish houses.
9. Public elementary and high schools, or private schools with a curriculum the same as ordinarily given in public elementary and high schools, and having no rooms regularly used for housing and sleeping rooms.
10. Cemeteries, including mausoleums; provided that mausoleums shall be distant at least two hundred feet from every street line and

adjoining lot lines, and provided further that any new cemetery shall contain an area of twenty acres or more.

11. Hospitals and institutions of an educational, religious, charitable, philanthropic nature; provided, however, that such buildings shall not be located upon sites, containing an area of less than five acres may occupy not over ten per cent of the total area of the lot, that the buildings shall be set back from all yard lines a distance of not less than two feet for each foot of building height.

12. Accessory buildings and uses customarily incident to any of the above uses, including bulletin boards and signs not exceeding twelve square feet in area appertaining to the lease, hire, or sale of a building or premises or to any material that is mined, manufactured, grown or treated within the district; provided, however, that such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed or stored.

13. Signs, when located along but not closer than thirty feet to the right of way of a State or Federal Highway; provided, however,

that this shall not require a sign to be located more than one hundred feet from the edge of the pavement or traveled way of the highway. (Ord. 5636 § 402, as amended by Ord. 7594; October 30, 1961).

27.08.030 Height regulations. No building shall exceed two and one-half stories nor shall it exceed thirty-five feet in height except as provided in Chapters 27.40 and 27.42 hereof. (Ord. 5636 § 403; November 2, 1953).

27.08.040 Area regulations. 1. **FRONT YARD.** (a) There shall be a front yard having a depth of not less than thirty feet except as provided in Chapter 27.42 hereof.

(b) Where lots have double frontage, the required front yard shall be provided on both streets.

(c) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of the passage of this title need not be reduced to thirty-five feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

2. **SIDE YARD.** (a) Except as hereinafter provided in the following paragraph and in Chapter 27.42, there shall be a side yard on each side of a building having a width of not less than fifteen feet.

(b) Wherever a lot of record at the time of the passage of this title has a width of one hundred feet or less, the side yard may be reduced to a width of not less than ten per cent of the width of the lot, but in no instance shall it be less than four feet.

3. **REAR YARD.** Except as hereinafter provided in Chapter 27.42 there shall be a rear yard having a depth of not less than fifty feet or twenty per cent of the depth of the lot of record at the time of the passage of this title, whichever amount is smaller.

4. **INTENSITY OF USE.** Every lot or tract of land shall have an area of not less than one acre and an average width of not less than one hundred fifty feet, except that if a lot or tract has less area or width than herein required and its boundary lines along their entire length touch lands under other ownership on the effective date of this title and have not since changed, such parcel of land may be used for a single-family dwelling. (Ord. 5636 § 404; November 2, 1953).

Chapter 27.10

"A-1" SINGLE-FAMILY DWELLING DISTRICT

Sections:

27.10.010 Scope of regulations.

- 27.10.020 Use regulations.
- 27.10.030 Detached accessory uses.
- 27.10.040 Parking regulations.
- 27.10.050 Height regulations.
- 27.10.060 Area regulations.

27.10.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the "A-1" Single-Family Dwelling District. (Ord. 5636 § 501; November 2, 1953).

27.10.020 Use regulations. A building or premises shall be used only for the following purposes:

1. Single-Family Dwellings.
2. Parks, playgrounds, and community buildings owned or operated by a public agency.
3. Public libraries.
4. Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
5. Churches, but any church that is on a new site shall provide off-street parking space upon the lot or within two hundred (200) feet thereof, which space is adequate to accommodate one (1) car for every ten (10) persons for which seating is provided in the main auditorium of the church exclusive of the seating capacity of Sunday School and other special rooms.
6. Golf courses, except miniature courses and driving tees.
7. Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business), including a private garage, home occupations, the use of a lot or portion thereof for a vegetable or flower garden, and the keeping of small animals and fowl, but not on a commercial basis or on a scale reasonably objectionable to adjacent property owners. Accessory uses shall also include public building bulletin boards and temporary signs appertaining to the lease, hire or sale of a building or premises, not exceeding ten (10) square feet in area, and to permit church bulletin boards to contain 20 square feet in area. (Ord. 5636 § 502, as amended by Ord. 6403; June 25, 1956).

27.10.030 Detached accessory uses. An accessory building that is not a part of the main structure shall be located not less than sixty (60) feet from the front lot line. (Ord. 5636 § 502-A; November 2, 1953).

27.10.040 Parking regulations. Whenever a structure is erected, converted or structurally altered for a single-family dwelling, there shall be provided accessible parking space on the lot to accommodate one (1) automobile. (Ord. 5636 § 502-B, as amended by Ord. 6403; June 25, 1956).

27.10.050 Height regulations. No building shall exceed three stories nor shall it exceed thirty-five feet in height except as provided in Chapters 27.40 and 27.42 hereof. (Ord. 5636 § 503; November 2, 1953).

27.10.060 Area regulations.

1. **FRONT YARD:** (a) There shall be a front yard having a depth of not less than thirty feet except as provided in Chapter 27.42 hereof.

(b) Where lots have a double frontage, the required front yard shall be provided on both streets.

(c) Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of the passage of this title need not be reduced to less than thirty-five feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street and the front yard line shall be separately computed for accessory buildings except that the buildable width for accessory buildings shall not be reduced to less than twenty-two feet.

2. **SIDE YARD:** (a) Except as hereinafter provided in the following paragraph and in Chapter 27.42, there shall be a side yard on each side of a building, having a width of not less than ten feet.

(b) Wherever a lot of record at the time of the passage of this title has a width of one hundred feet or less, the side yard on each side of a building may be reduced to a width of not less than ten per cent of the width of the lot, but in no instance shall it be less than four feet.

3. **REAR YARD:** Except as hereinafter provided in Chapter 27.42, there shall be a rear yard having a depth of not less than thirty feet or twenty per cent of the depth of the lot, whichever amount is smaller.

4. **INTENSITY OF USE:** Every lot or tract of land shall have an area of not less than nine thousand square feet and an average width of not less than sixty feet, except that if a lot or tract has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this title and have not since been changed, such parcel of land may be used for a single-family dwelling. (Ord. 5636 § 504; November 2, 1953).

Chapter 27.12

"A-2" SINGLE-FAMILY DWELLING DISTRICT

Sections:

- 27.12.010 Scope of regulations.
- 27.12.020 Use regulations.

27.12.010—27.12.060

ZONING

- 27.12.030 Accessory use regulations.
- 27.12.040 Parking regulations.
- 27.12.050 Height regulations.
- 27.12.060 Area regulations.

27.12.010 Scope of regulations. The regulations set forth in this chapter or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the "A-2" Single-Family Dwelling District. (Ord. 5636 § 601; November 2, 1953).

27.12.020 Use regulations. The use regulations are the same as those in the "A-1" Single-Family Dwelling District. (Ord. 5636; November 2, 1953).

27.12.030 Accessory use regulations. The use regulations for accessory buildings are the same as those in the "A-1" Single-Family Dwelling District. (Ord. 5636 § 602-A; November 2, 1953).

27.12.040 Parking regulations. The parking regulations shall be the same as those in the "A-1" Single-Family Dwelling District. (Ord. 5636 § 602-B, as amended by Ord. 6403; June 25, 1956).

27.12.050 Height regulations. No building shall exceed three stories nor shall it exceed thirty-five feet in height, except as provided in Chapters 27.40 and 27.42 hereof. (Ord. 5636 § 603; November 2, 1953).

27.12.060 Area regulations.

1. FRONT YARD: (a) There shall be a front yard having a depth of not less than twenty-five feet except as hereinafter provided in Chapter 27.42.

(b) Where lots have a double frontage, the required front yard shall be provided on both streets.

(c) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of passage of this title need not be reduced to less than twenty-eight feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

2. SIDE YARD: (a) Except as hereinafter provided in the following paragraph and in Chapter 27.42, there shall be a side yard on each side of a building, having a width of not less than five feet.

(b) Whenever a lot of record at the time of the passage of this title has a width of less than fifty feet, the side yard on each side of a building may be reduced to a width of not less than ten per cent of the width of the lot, but in no instance shall it be less than four feet.

3. REAR YARD: Except as hereinafter provided in Chapter 27.42

hereof, there shall be a rear yard having a depth of not less than thirty feet or twenty per cent of the depth of the lot, whichever amount is smaller.

4. INTENSITY OF USE: Every lot shall have an area of not less than six thousand square feet and an average width of not less than fifty feet, except that if a lot has less area or width than herein required, and its boundary lines along their entire length touched lands under other ownership on the effective date of this title and have not since been changed, such parcel of land may be used for a single-family dwelling. (Ord. 5636 § 604, as amended by Ord. 6403; June 25, 1956).

Chapter 27.14

"B" TWO-FAMILY DWELLING DISTRICT

Sections:

- 27.14.010 Scope of regulations.
- 27.14.020 Use regulations.
- 27.14.030 Parking regulations.
- 27.14.040 Height regulations.
- 27.14.050 Area regulations.

27.14.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the "B" Two-Family Dwelling District Regulations. (Ord. 5636 § 701; November 2, 1953).

27.14.020 Use regulations. A building or premises shall be used only for the following purposes:

- 1. Any use permitted in the "A-1" Single-Family Dwelling District.
- 2. Two-Family Dwellings.

3. Accessory buildings and uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of business. If a garage is not a part of the main building it shall be located not less than sixty feet from the front street line. Ord. 5636 § 702; November 2, 1953).

27.14.030 Parking regulations. Whenever a structure is erected, converted, or structurally altered for a two-family dwelling, one parking space shall be provided and maintained on the lot for each dwelling unit in the structure. (Ord. 5636 § 703; November 2, 1953).

27.14.040 Height regulations. No building shall exceed three stories nor shall it exceed thirty-five feet in height, except as provided in Chapters 27.40 and 27.42 hereof. (Ord. 5636 § 704; November 2, 1953).

27.14.050 Area regulations.

1. **FRONT YARD:** The front yard regulations are the same as those in the "A-2" Single-Family Dwelling District.

2. **SIDE YARD:** The side yard regulations are the same as those in the "A-2" Single-Family Dwelling District.

3. **REAR YARD:** Except as hereinafter provided in Article XXI hereof, there shall be a rear yard having a depth of not less than thirty feet or twenty per cent of the depth of the lot, whichever amount is smaller.

4. **INTENSITY OF USE:** Except as herein provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed, shall be located upon lots containing the following areas:

(a) A lot on which there is erected a single-family dwelling shall contain an area of not less than five thousand square feet and an average width of not less than fifty feet.

(b) A lot on which there is erected a two-family dwelling shall contain an area not less than twenty-five hundred square feet per family and an average width of not less than fifty feet.

(c) Where a lot or tract has less area than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this section and have not since been changed, such parcel of land may be used for a single-family dwelling. (Ord. 5636 § 705, as amended by Ord. 7430; April 17, 1961).

Chapter 27.16**"C" FOUR-FAMILY DWELLING DISTRICT****Sections:**

- 27.16.010 Scope of regulations.
- 27.16.020 Use regulations.
- 27.16.030 Parking regulations.
- 27.16.040 Height regulations.
- 27.16.050 Area regulations.

27.16.010 Scope of regulations. The regulations set forth in this chapter or set forth elsewhere in this title when referred to in this chapter are the district regulations of the "C" Four-Family Dwelling District. (Ord. 5636 § 801; November 2, 1953).

27.16.020 Use regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "B" Two-Family Dwelling District.

2. Multiple dwellings containing not more than four (4) families in the same structure.

3. Accessory buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling. If a garage is not a part of the main building it shall be located not less than sixty (60) feet from the front street line. (Ord. 5636 § 802; November 2, 1953).

27.16.030 Parking regulations. Where a lot is occupied by a two-family or multiple dwelling, there shall be provided accessible parking space on the lot adequate to accommodate one (1) automobile for every dwelling unit provided in the main building. (Ord. 5636 § 803; November 2, 1953).

27.16.040 Height regulations. No building shall exceed three (3) stories nor thirty-five (35) feet in height, except as provided in Chapters 27.40 and 27.42 hereof. (Ord. 5636 § 804; November 2, 1953).

27.16.050 Area regulations.

1. **FRONT YARD:** The front yard regulations shall be the same as those in the "A-2" Single-Family Dwelling District except that the minimum front yard shall be twenty (20) feet.

2. **SIDE YARD:** The side yard regulations shall be the same as those in the "A-2" Single-Family Dwelling District.

3. **REAR YARD:** The rear yard regulations shall be the same as those in the "A-2" Single-Family Dwelling District.

4. **INTENSITY OF USE:** Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:

(a) For single-family dwellings, the lot shall contain an area of not less than five thousand (5,000) square feet and an average width of not less than fifty (50) feet.

(b) For two-family dwellings a lot shall contain not less than twenty-five hundred (2,500) square feet per family and an average width of not less than fifty (50) feet.

(c) For multiple dwellings a lot shall contain not less than fifteen hundred (1,500) square feet per family and an average width of not less than fifty (50) feet.

(d) Where a lot of record at the time of passage of this title contains less area than herein required, that lot may be used for single-family dwelling purposes or for any other non-dwelling use permitted in this chapter. (Ord. 5636 § 805, as amended by Ord. 6403; June 25, 1956).

Chapter 27.18

"D" MULTIPLE DWELLING DISTRICT

Sections:

- 27.18.010 Scope of regulations.
- 27.18.020 Use regulations.
- 27.18.030 Parking regulations.
- 27.18.040 Height regulations.
- 27.18.050 Area regulations.

27.18.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the "D" Multiple Dwelling District. (Ord. 5636 § 901; November 2, 1953).

27.18.020 Use regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "C" Four-Family Dwelling District.
2. Multiple Dwellings.
3. Boarding and lodging houses.
4. Non-profit hospitals, religious, educational and philanthropic institutions, but not penal or mental treatment institutions, animal hospitals, animal clinics or mental hospitals.
5. Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service, customarily carried on as a business.
6. Accessory buildings and uses customarily incident to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, hospital or institutional building. If a storage garage is not a part of the main building, it shall be located not less than sixty (60) feet from the front street line. (Ord. 5636 § 902; November 2, 1953).

27.18.030 Parking regulations. Where a lot is occupied by a two-family or multiple dwelling, there shall be provided the parking space on the lot for each dwelling unit provided in the main building. Where a lot is occupied by a fraternity, there shall be provided one parking space on the lot or within six hundred (600) feet thereof, for each four hundred (400) square feet of floor area, not including storage areas in the basement or attic; and where a lot is occupied by a sorority or rooming or boarding house, there shall be provided one parking space on the lot or within six hundred (600) feet thereof for each seven hundred (700) square feet of floor area, not including storage areas in the basement or attic. (Ord. 5636 § 903, as amended by Ord. 6978; August 3, 1959).

27.18.040 Height regulations. No building shall exceed four (4) stories nor forty-five (45) feet in height, except as provided in Chapters 27.40 and 27.42 hereof. (Ord. 5636 § 904; November 2, 1953).

27.18.050 Area regulations.

1. **FRONT YARD:** The front yard regulations are the same as those in the "C" Four-Family Dwelling District.

2. **SIDE YARD:** (a) The side yard regulations for buildings not exceeding three (3) stories in height are the same as those in the "A-2" Single-Family Dwelling District.

(b) There shall be a side yard which shall have a width of not less than ten (10) feet on each side of a four (4) story building.

3. **REAR YARD:** The rear yard regulations are the same as those in the "A-2" Single-Family Dwelling District.

4. **INTENSITY OF USE:** Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:

(a) A lot on which there is erected a single-family dwelling shall contain an area of not less than four thousand (4,000) square feet and an average width of not less than fifty (50) feet.

(b) A lot on which there is erected a two-family dwelling shall contain an area of not less than two thousand (2,000) square feet per family and an average width of not less than fifty (50) feet.

(c) A lot on which there is erected a multiple dwelling shall contain an area of not less than one thousand (1,000) square feet per family and an average width of not less than fifty (50) feet, except that this regulation shall not apply to dormitories, or rooming and lodging houses where no cooking is done in individual rooms or apartments.

(d) Where a lot of record at the time of the passage of this title contains less area than herein required, that lot may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this chapter. (Ord. 5636 § 905, as amended by Ord. 6403; June 25, 1956).

Chapter 27.20

"E" MULTIPLE DWELLING DISTRICT

Sections:

- 27.20.010 Scope of regulations.
- 27.20.020 Use regulations.
- 27.20.030 Parking regulations.
- 27.20.040 Height regulations.
- 27.20.050 Area regulations.

27.20.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the "E" Multiple Dwelling District. (Ord. 5636 § 1001; November 2, 1953).

27.20.020 Use regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "D" Multiple Dwelling District.
2. Apartment hotels. (Ord. 5636 § 1002; November 2, 1953).

27.20.030 Parking regulations. Where a lot is occupied by a multiple dwelling or an apartment hotel, there shall be provided one parking space on the lot for each two (2) dwelling units provided in the main building. Where a lot is occupied by a fraternity, there shall be provided one parking space on the lot or within twelve hundred (1200) feet thereof, for every seven hundred (700) square feet of floor area, not including storage areas in the basement or attic; and where a lot is occupied by a sorority or rooming or boarding house, there shall be provided one parking space on the lot or within twelve hundred (1200) feet thereof for each eleven hundred (1100) square feet of floor area, not including storage areas in the basement or attic. (Ord. 5636 § 1003, as amended by Ord. 6978; August 3, 1959).

27.20.040 Height regulations. No building shall exceed four (4) stories nor forty-five (45) feet in height, except a building may be constructed to a height of seventy-five (75) feet provided all yard requirements are increased one (1) foot for each two (2) additional feet the building exceeds forty-five (45) feet in height, and except as provided in Chapters 27.40 and 27.42. (Ord. 5636 § 1004, as amended by Ord. 7094; February 15, 1960).

27.20.050 Area regulations.

1. **FRONT YARD:** The front yard regulations are the same as those in the "C" Four-Family Dwelling District.

2. **SIDE YARD:** There shall be a side yard on both sides of a building; for buildings not exceeding two and one-half (2½) stories, the width of such yards shall not be less than five (5) feet on each side of the building; for buildings three stories in height the width of such yards shall not be less than seven and one-half (7½) feet; and for buildings exceeding three (3) stories in height an additional two and one-half (2½) feet shall be added to the required side yard for each story in excess of three (3).

3. **REAR YARD:** The rear yard regulations are the same as those in the "A-2" Single-Family Dwelling District.

4. **INTENSITY OF USE:** The intensity of use regulations shall be the same as those in the "D" Multiple Dwelling District except that

the minimum lot area per family for multiple dwellings and apartment hotels shall be reduced to five hundred (500) feet. (Ord. 5636 § 1005, as amended by Ord. 7306; October 3, 1960).

Chapter 27.22

"F" RESTRICTED COMMERCIAL DISTRICT

Sections:

- 27.22.010 Scope of regulations.
- 27.22.020 Use regulations.
- 27.22.030 Parking regulations.
- 27.22.040 Height regulations.
- 27.22.050 Area regulations.

27.22.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the "F" Restricted Commercial District. (Ord. 5636 § 1101; November 2, 1953).

27.22.020 Use regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "E" Multiple Dwelling District.
2. Office buildings.
3. Accessory buildings and uses customarily incident to the above, including one sign not exceeding twenty (20) square feet in area for each main building; provided, however, that no neon or gas tubing be used in any sign, that all signs be attached to a building and not extend beyond the front wall of the building, and that the wording of signs be limited to identifying the name of the building or a person or organization housed therein. (Ord. 5636 § 1102; November 2, 1953).

27.22.030 Parking regulations. 1. The parking regulations for dwellings shall be the same as those in the "E" Multiple Dwelling District.

2. Office buildings shall provide one off-street parking space on the lot or within nine hundred (900) feet thereof for each twelve hundred (1,200) square feet of floor space in the building exclusive of basement. (Ord. 5636 § 1103; November 2, 1953).

27.22.040 Height regulations. No building shall exceed four (4) stories nor fifty (50) feet in height except as otherwise provided in Chapters 27.40 and 27.42 hereof. (Ord. 5636 § 1104; November 2, 1953).

27.22.050 Area regulations.

1. **FRONT YARD:** The front yard regulations are the same as those in the "C" Four-Family Dwelling District, except that on the side street side of a corner lot and on Fifteenth Street the front yard need not exceed fifteen (15) feet in depth.

6. Service stations.
7. Hospital and clinics for animals, but not open kennels.
8. Laundry or laundrette, employing not more than five persons on the premises.
9. Messenger and telegraph service stations.
10. Offices.
11. Restaurants.
12. Custom dressmaking, millinery, tailoring, shoe repairing, household utility articles or similar trade; but not more than five employees shall be engaged upon the premises at any one time.

13. Store or shop for the conduct of a retail business subject to the following limitations; in a retail store where bakery goods, confections, delicatessen or other food products are sold, all food that is prepared on the premises shall be sold at retail thereon, and provided further that there shall be no slaughtering of animals or poultry upon the premises.

14. Undertaking establishments.
15. Photographer.
16. Bicycle sales and repair shop.
17. Shop for the repair of electrical, radio and television equipment and other similar commodities employing not more than five (5) persons on the premises, and not involving the conduct of any manufacturing on the premises.
18. Key shops.
19. Motels and hotels, provided that:
 - (a) the number of hotel or motel units shall not exceed the number obtained by dividing the total square foot area of the site by one thousand (1,000);
 - (b) one off-street parking space be provided for each hotel or motel unit;
 - (c) a distance of at least twenty (20) feet be maintained between buildings on the lot; and
 - (d) each hotel or motel unit have a minimum enclosed floor area of two hundred (200) square feet and be provided with heating facilities, lavatory, toilet, tub or shower with hot and cold running water. Sanitary and water supply facilities installed shall be subject to approval of the Health Director of the Lincoln-Lancaster Department of Health.
20. Nurseries and greenhouses.
21. Parking lots.
22. Signs, provided, however, that:
 - (a) where this district is within seventy-five (75) feet of "A-1," "A-2," "B," "C," "D," "E" and "F" Districts, such signs shall not be closer to said district than seventy-five (75) feet, except where the sign does not show directly toward such district; and
 - (b) no sign extend more than six (6) feet from the building line into the front yard, except that in the front yard there may be one (1) banjo sign for each lot or each fifty (50) feet of street frontage and there shall not be more than two for each business.
23. Accessory buildings and uses customarily incident to the above uses, including parking lots.

Any building used primarily for any of the above enumerated purposes may have not more than forty (40) per cent of the floor area devoted to storage purposes incidental to such primary use. (Ord. 5636 § 1202, as amended by Ord. 7095; February 15, 1960).

2. **SIDE YARD:** The side yard regulations for dwellings shall be the same as those in the "E" Multiple Dwelling District. Office buildings shall provide a side yard on both sides of a building having a minimum width of ten feet.

3. **REAR YARD:** The rear yard regulations for dwellings shall be the same as the "E" Multiple Dwelling District. Office buildings shall provide a rear yard having a minimum depth of ten feet.

4. **INTENSITY OF USE:** The intensity of use regulations shall be the same as in the "E" Multiple Dwelling District. (Ord. 5636 § 1105; November 2, 1953).

Chapter 27.23

"G-1" PLANNED COMMERCIAL DISTRICT

Sections:

- 27.23.010 Scope of regulations.
- 27.23.020 Use regulations.
- 27.23.030 Parking regulations.
- 27.23.040 Height regulations.
- 27.23.050 Area regulations.

27.23.010 Scope of regulations. The regulations set forth in this chapter or set forth elsewhere in this title when referred to in this chapter are the regulations in the "G-1" Planned Commercial District. (Ord. 8013 § 2 (part); April 29, 1963).

27.23.020 Use regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "G" Local District except mortuaries, laundries or laundrettes.

2. Flat wall signs or signs on the face of a building or marquee showing the name of each business and the commodities or services for sale or offered on the premises, except that there may be one free standing sign for each filling station. (Ord. 8013 § 2 (part); April 29, 1963).

27.23.030 Parking regulations. A. **GENERALLY.** Parking regulations shall be the same as in the "G" Local Business District.

B. **YARDS.** No parking facilities may be located in the required front, side or rear yard areas. (Ord. 8013 § 2 (part); April 29, 1963).

27.23.040 Height regulations. No building shall exceed three stories nor shall it exceed forty feet in height except as otherwise provided in Chapters 27.40 and 27.42 hereof. (Ord. 8013 § 2 (part); April 29, 1963).

27.23.050 Area regulations. A. **FRONT YARD.** There shall be a front yard of not less than fifty feet which yard shall be entirely devoted to land-

scaped area except for the necessary paving of driveways and sidewalks to reach building, parking, and loading areas.

B. **SIDE YARD.** A side yard is not required except on the side of a lot abutting on a dwelling district in which case there will be a side yard of not less than twenty feet, which side yard shall be entirely devoted to a landscaped area except for necessary paving of driveways and sidewalks to reach building, parking, or loading area.

C. **REAR YARD.** A rear yard is not required except on the side of a lot abutting on a dwelling district in which case there will be a rear yard of not less than fifty feet, which rear yard shall be entirely devoted to a landscaped area except for necessary paving of driveways and sidewalks to reach building, parking, or loading areas.

D. **INTENSITY OF USE.** No first floor residential uses are allowed in the "G-1" District. When living facilities are erected above other uses the intensity of use regulations are the same as those required in the present multiple dwelling district.

E. **MINIMUM AREA.** "G-1" Planned Commercial District zoning shall not be permitted or granted for any lot, tract or parcel of land less than five acres in area. (Ord. 8013 § 2 (part); April 29, 1963).

Chapter 27.24

"G" LOCAL BUSINESS DISTRICT

Sections:

- 27.24.010 Scope of regulations.
- 27.24.020 Use regulations.
- 27.24.030 Parking regulations.
- 27.24.040 Height regulations.
- 27.24.050 Area regulations.

27.24.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the "G" Local Business District. (Ord. 5636 § 1201; November 2, 1953).

27.24.020 Use regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "F" Restricted Commercial District.
2. Banks.
3. Receiving store for dry or steam cleaning which cleaning shall be done elsewhere.
4. Barber shop, beauty parlor, chiropody, massage or similar personal service shops.
5. Business or commercial schools or dancing or music academies.

27.24.030—27.25.050 ZONING

27.24.030 Parking regulations.

1. The parking regulations for dwellings are the same as those in the "D" Multiple Dwelling District.

2. Where any structure is erected, reconstructed or converted for any of the business purposes permitted in this chapter, parking spaces shall be provided in the ratio of not less than one parking space for each three hundred square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred feet of the building. Two or more owners of buildings may join together in providing this parking space. (Ord. 5636 § 1203; November 2, 1953).

27.24.040 Height regulations. No building shall exceed three stories nor shall it exceed forty feet in height, except as otherwise provided in Chapters 27.40 and 27.42 hereof. (Ord. 5636 § 1204; November 2, 1953).

27.24.050 Area regulations.

1. FRONT YARD: The front yard regulations are the same as those in the "C" Four-Family Dwelling District, except that on the side street side of a corner lot the front yard need not exceed ten feet in depth.

2. SIDE YARD: The side yard regulations for dwellings are the same as those in the "D" Multiple Dwelling District. Where a lot is used for any of the commercial purposes permitted in this district a side yard is not required except on the side of a lot abutting on a dwelling district in which case there shall be a side yard of not less than five feet.

3. REAR YARD: The rear yard regulations for dwellings are the same as in the "D" Multiple Dwelling District. In all other cases a rear yard is not required except where a lot abuts on a dwelling district in which case there shall be a rear yard of not less than twenty feet in depth.

4. INTENSITY OF USE: When a lot is improved with a single-family dwelling, two-family dwelling, or a multiple dwelling, or when living facilities are erected above other uses, the intensity of use regulations are the same as those required in the "C" Multiple Dwelling District. (Ord. 5636 § 1205; November 2, 1953).

Chapter 27.25

"H-S" HIGHWAY SERVICE DISTRICT

Sections:

- 27.25.010 Scope of regulations.
- 27.25.020 Use regulations.
- 27.25.030 Parking regulations.
- 27.25.040 Height regulations.
- 27.25.050 Area regulations.

27.25.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the "H-S" Highway Service District. (Ord. 7735 § 2; May 7, 1962).

27.25.020 Use regulations. A building or premises shall be used only for the following purposes:

- 1. Public or storage garages.
- 2. Restaurants, provided all food and beverages are served within a building.
- 3. Service stations.
- 4. Accessory buildings and uses, including accessory signs and advertising devices, and dwellings for persons employed on the premises. (Ord. 7735 § 2; May 7, 1962).

27.25.030 Parking regulations. Accessory off-street parking spaces shall be provided as follows:

- 1. Public or storage garages, or service stations: one space for each one hundred fifty square feet of floor area.
- 2. Restaurant: one space for each one hundred square feet of floor area. (Ord. 7938 § 1; December 31, 1962; prior Ord. 7735 § 2; May 7, 1962).

27.25.040 Height regulations. No building shall exceed two stories nor thirty-five feet in height except as otherwise provided in Chapters 27.40 and 27.42 hereof. (Ord. 7735 § 2; May 7, 1962).

27.25.050 Area regulations. (1) FRONT YARD: There shall be a front yard having a depth of not less than fifty feet except as provided in Chapter 27.42.

(2) SIDE YARD: Except as hereinafter provided, there shall be a side yard on each side of a building having a width of not less than fifteen feet.

(3) REAR YARD: Except as hereinafter provided, there shall be a rear yard of not less than thirty feet.

(4) INTENSITY OF USE: Every lot or tract of land shall have an area of not less than ten thousand square feet and an average width of not less than one hundred feet. (Ord. 7735 § 2; May 7, 1962).

Chapter 27.26

"H-1" HIGHWAY BUSINESS DISTRICT

Sections:

- 27.26.010 Scope of regulations.
- 27.26.020 Use regulations.

- 27.26.030 Parking regulations.
 27.26.040 Height regulations.
 27.26.050 Area regulations.

27.26.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the "H-1" Highway Business District. (Ord. 5636 § 1301; November 2, 1953).

27.26.020 Use regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "G" Local Business District.
2. Sales and showrooms including service facilities and rental equipment, provided all displays and merchandise are screened from public view by a fence, wall, shrubs, material obstruction, or within the walls of a building.
3. Private recreational uses.
4. Food storage lockers.
5. Bakeries.
6. Bottling works.
7. Used car lots, provided none of the activities of junk dealer as defined in Chapter 5.22 of this code, shall be carried on in this classification.
8. Auto repair garages, provided all displays and merchandise are within the enclosure walls of a building.
9. Laundries and dry cleaning establishments and laundrettes.
10. Printing shops.
11. Theatre, provided, however, that no theatre shall be erected or reconstructed unless there is provided on the same lot, or within three hundred feet thereof, a space for offstreet parking which contains an area adequate to accommodate one automobile for every four seats in the theatre.
12. Signs, provided, however, that (a) where this district is within seventy-five feet of "A-1," "A-2," "B," "C," "D," "E" and "F" Districts such signs shall not be closer to said district than seventy-five feet except where the sign does not show directly toward such district; and (b) no sign extend more than six feet from the building line into the front yard, except that in the front yard there may be one banjo sign for each lot or each fifty feet of street frontage and there shall not be more than two for each business.
13. Any retail establishment and any other use pertaining to said retail establishment except those uses specifically excluded in Chapter 27.32 or which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise and provided that at least thirty per cent of the total area shall be a retail sales room for the display of products

or services pertaining to said retail establishment, and any storage or display of any kind shall be within the enclosure walls of a building; provided further that there shall be no more than ten employees.

14. Accessory buildings and uses customarily incident to the above uses, including parking lots. (Ord. 7786 § 1; July 9, 1962; prior Ord. 6403; June 25, 1956).

27.26.030 Parking regulations. 1. Parking regulations for dwellings are the same as those in the "D" Multiple Dwelling District.

2. Where any structure is erected, reconstructed, or converted for any of the business purposes permitted in this chapter, parking spaces shall be provided in the ratio of not less than one parking space for each two hundred square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred feet of the building. Two or more owners of buildings may join together in providing this parking space. (Ord. 5636 § 1303; November 2, 1953).

27.26.040 Height regulations. No building shall exceed four stories nor shall it exceed fifty feet in height, except as otherwise provided in Chapters 27.40 and 27.42 hereof. (Ord. 5636 § 1304; November 2, 1953).

27.26.050 Area regulations. (1) FRONT YARD: The front yard regulations are the same as those in the "G" Local Commercial District.

(2) SIDE YARD: The side yard regulations are the same as those in the "G" Local Commercial District.

(3) REAR YARD: The rear yard regulations for dwellings are the same as in the "D" Multiple Dwelling District. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than ten feet in depth for a one story building, twenty feet in depth for a two story building and thirty feet in depth for a three story building.

(4) INTENSITY OF USE: When a lot is improved with a single family dwelling, two-family dwelling, or a multiple dwelling, or when living quarters are erected above other uses, the intensity of use regulations are the same as those required in the "D" Multiple Dwelling District. (Ord. 5636 § 1305; November 2, 1953).

Chapter 27.28

"H-2" HIGHWAY COMMERCIAL DISTRICT

Sections:

- 27.28.010 Scope of regulations.
 27.28.020 Use regulations.
 27.28.030 Parking regulations.
 27.28.040 Height regulations.
 27.28.050 Area regulations.

27.28.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are regulations in the "H-2" Highway Commercial District. (Ord. 5636 § 1401; November 2, 1953).

27.28.020 Use Regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "H-1" Highway Business District.
2. Signs, provided that those attached to a building or structure not extend more than six (6) feet into the front yard; and provided further that in the front yard there may be one banjo sign for each lot or each fifty (50) feet of street frontage, and there shall not be more than two (2) for each business.
3. Garages and farm machinery sales establishments.
4. Laundries and dyeing and cleaning establishments.
5. Creameries.
6. Motor truck terminals.
7. Lumber and coal yards.
8. Contractor's offices and storage yards.
9. Sales barns.

(Ord. 5636 § 1402 as amended by Ord. 6230; November 28, 1955).

27.28.030 Parking regulations. 1. For dwellings the parking regulations shall be the same as those in the "D" Multiple Dwelling District.

2. Any building that is erected, converted, or structurally altered for a commercial or industrial use shall provide on the lot one (1) parking space for each one hundred (100) square feet of floor space in the building. (Ord. 5636 § 1403; November 2, 1953).

27.28.040 Height regulations. No building shall exceed three (3) stories nor thirty-five (35) feet, except as otherwise provided in Chapters 27.40 and 27.42 hereof. (Ord. 5636 § 1404; November 2, 1953).

27.28.050 Area regulations. (1) **FRONT YARD:** The front yard regulations shall be the same as in the "A-1" Single-Family Dwelling District.

(2) **SIDE YARD:** The side yard regulations for dwellings shall be the same as in the "A-1" Single-Family Dwelling District. Commercial and industrial buildings shall provide a side yard on both sides of the buildings of fifteen (15) feet or ten (10) per cent of the width of the lot, whichever is smaller, but in no case shall this be less than five (5) feet.

(3) **REAR YARD:** There shall be a rear yard having a depth of not less than thirty (30) feet.

(4) **INTENSITY OF USE:** Every lot that is improved with a dwelling shall provide a lot area of not less than five thousand (5,000) square feet per family. (Ord. 5636 § 1405, as amended by Ord. 6403; June 25, 1956).

Chapter 27.30

"I" COMMERCIAL DISTRICT

Sections:

- 27.30.010 Scope of regulations.
- 27.30.020 Use regulations.
- 27.30.030 Parking regulations.
- 27.30.040 Height regulations.
- 27.30.050 Area regulations.

27.30.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the "I" Commercial District. (Ord. 5636 § 1501; November 2, 1953.

27.30.020 Use regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "G" Local Business District.
2. Bakery whose products are sold only on the premises.
3. Dyeing and cleaning works utilizing the services of not more than eight (8) persons on the premises.
4. Printing shops utilizing the services of not more than five (5) persons on the premises.
5. Sales and show rooms including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of a building.
6. Laundry utilizing the services of not more than five (5) persons on the premises.
7. Launderettes.
8. Theatre, provided, however, that no theatre shall be erected or reconstructed unless there is provided on the same lot or within three hundred (300) feet thereof a space for off-street parking which contains an area adequate to accommodate one (1) automobile for every four (4) seats in the theatre.
9. Garage and automobile repair shops.
10. Upholstery shop utilizing the services of not more than five (5) persons on the premises, and not involving any furniture manufacturing.
11. Signs, provided however, that (a) where this district is within seventy-five (75) feet of "A-1," "A-2," "B," "C," "D," "E" and "F" District, such signs shall not be closer to said district than seventy-five (75) feet except where the sign does not show directly toward such district; and, (b) no sign shall extend more than six (6) feet from the building line into the front yard, except that in the front yard there may be one (1) banjo sign for each lot or each fifty feet of street frontage and there shall be not more than two (2) for each business.

12. Furnace, heating, sheet, and cabinet shops or stores, utilizing the services of not more than five persons on the premises. Not more than ten per cent of the lot or tract occupied by such establishment shall be used for the open and unenclosed storage of materials and equipment.

13. Tire store sales and services including vulcanizing, utilizing the services of not more than five persons on the premises and involving no manufacturing on the premises.

14. Milk distributing station, but not involving any bottling on the premises.

15. Food storage lockers.

16. Plumbing and water softener service shops utilizing the services of not more than five persons on the premises.

17. Accessory buildings and uses customarily incident to the above uses, including parking lots. (Ord. 5636 § 1502, as amended by Ord. 6917; May 11, 1959).

27.30.030 Parking regulations. 1. The parking regulations for dwellings are the same as those in the "D" Multiple Dwelling District.

2. Where any structure is erected, reconstructed, or converted for any of the business purposes permitted in this chapter, parking space shall be provided in the ratio of not less than one parking space for each six hundred square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred feet of the building. Two or more owners of buildings may join together in providing this parking space. (Ord. 5636 § 1503; November 2, 1953).

27.30.040 Height regulations. No building shall exceed four stories nor shall it exceed forty-five feet in height, except as otherwise provided in Chapter 27.40 and 27.42 hereof. (Ord. 5636 § 1504; November 2, 1953).

27.30.050 Area regulations. (1) **FRONT YARD:** No front yard is required except where the frontage on one side of a street is partly in the "I" Commercial District and partly in a dwelling district, in which event the front yard regulations of the dwelling district shall apply.

(2) **SIDE YARD:** The side yard regulations are the same as those in the "G" Local Business District.

(3) **REAR YARD:** The rear yard regulations for dwellings are the same as in the "D" Multiple Dwelling District. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district in which case there shall be a rear yard of not less than ten feet in depth for a one story building, twenty feet in depth for a two story building and thirty feet in depth for a three story building.

(4) **INTENSITY OF USE:** When a lot is improved with a single-family dwelling, a two-family dwelling or a multiple dwelling, or when living quarters are erected above other uses, the intensity of the regula-

27.32.010—27.32.020

ZONING

tions are the same as those required in the "D" Multiple Dwelling District. (Ord. 7834 § 1; August 13, 1962; prior Ord. 5636 § 1505; November 2, 1953).

Chapter 27.32
"J" BUSINESS DISTRICT

Sections:

- 27.32.010 Scope of regulations.
- 27.32.020 Use regulations.
- 27.32.030 Height regulations.
- 27.32.040 Area regulations.

27.32.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the district regulations of the "J" Business District. (Ord. 5636 § 1601; November 2, 1953).

27.32.020 Use regulations. A building or premises may be used for any purposes except the following:

1. Acetylene gas manufacture or storage.
2. Acid manufacture.
3. Alcohol manufacture.
4. Ammonia, bleaching powder or chlorine manufacture.
5. Arsenal.
6. Asphalt manufacturing or refining.
7. Auto wrecking or salvage.
8. Blast furnaces.
9. Bag cleaning.
10. Boiler works.
11. Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft products only.
12. Cement, lime, gypsum or plaster of paris manufacture.
13. Coke ovens.
14. Creosote manufacture or treatment.
15. Disinfectants manufacture.
16. Distillation of bones, coal or wood.
17. Dyestuff manufacture.
18. Explosives or fireworks manufacture or storage.
19. Fat rendering.
20. Fertilizer manufacture.
21. Forge plant.
22. Garbage, offal or dead animals reduction or dumping.
23. Gas manufacturer or storage.
24. Glue, size or gelatin manufacture.

25. Iron, steel, brass or copper foundry or fabrication plant, but not including light metal fabrication.
26. Junk, iron or rags storage or bailing.
27. Oilcloth or linoleum manufacture.
28. Oiled rubber goods manufacture.
29. Ore reduction.
30. Paint, oil, shellac, turpentine or varnish manufacture.
31. Paper and pulp manufacture.
32. Petroleum or its products, refining or wholesale storage of.
33. Rock crusher.
34. Rolling mill.
35. Rubber or gutta-percha manufacture or treatment.
36. Shoe polish manufacture.
37. Smelting.
38. Stockyards or slaughter of animals or fowls.
39. Stone mill or quarry.
40. Tanning, curing or storage of raw hides or skins.
41. Tar distillations or manufacture.
42. Tar roofing or waterproofing manufacture.
43. Yeast plant.
44. Blacksmith shop.
45. And in general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.
46. Any use requiring large amounts of water to be disposed of in sanitary sewers, unless a written certification is first obtained, from the Department of Public Works and Utilities, stating that the existing sanitary sewers are adequate to accommodate the proposed use, and provided, further, that uses listed in Chapter 27.40 follow the requirements of this section.

(Ord. 5636 § 1602, as amended by Ord. 7431; April 17, 1961).

27.32.030 Height regulations. No building shall exceed twelve stories nor one hundred and fifty feet in height except as provided in Chapters 27.40 and 27.42 hereof. (Ord. 5636 § 1603; November 2, 1953).

27.32.040 Area regulations. (1) FRONT YARD: No front yard is required for any building in the "J" Business District.

(2) SIDE YARD: The side yard regulations for dwellings are the same as those in the "E" Multiple Dwelling District. In all other cases a side yard is not required.

(3) REAR YARD: The rear yard regulations for dwellings are the same as those in the "E" Multiple Dwelling District. In all other cases a rear yard is not required.

(4) INTENSITY OF USE: The intensity of use regulation shall be the same as those in the "D" Multiple Dwelling District, except that the

minimum lot area per family for multiple dwellings and apartment hotels shall be reduced to two hundred twenty square feet. (Ord. 5636 § 1604, as amended by Ord. 7343; November 21, 1960).

Chapter 27.34

"K" LIGHT INDUSTRIAL DISTRICT

Sections:

- 27.34.010 Scope of regulations.
- 27.34.020 Use regulations.
- 27.34.030 Height regulations.
- 27.34.035 Parking regulations.
- 27.34.040 Area regulations.

27.34.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the "K" Light Industrial District. (Ord. 5636 § 1701; November 2, 1953).

27.34.020 Use regulations. The use regulations are the same as those in the "J" Business District. (Ord. 5636 § 1701; November 2, 1953).

27.34.030 Height regulations. No building shall exceed seven stories nor shall it exceed ninety feet in height, except as otherwise provided in Chapters 27.40 and 27.42 hereof. (Ord. 5636 § 1703; November 2, 1953).

27.34.035 Parking regulations. Off street parking spaces shall be provided in the ratio of two spaces for each three employees of the maximum number to be employed at any one time, or in the ratio of one space for every one thousand square feet of total building area; provided, however, that if the number of spaces required by the building ratio is greater than that required by the employee ratio, the additional parking spaces need not be provided physically but sufficient space shall be reserved for future physical development. (Ord. 8070 § 1; June 3, 1963).

27.34.040 Area regulations. (1) **FRONT YARD:** Where all the frontage on one side of the street is located in the "K" Light Industrial District, no front yard shall be required. Where the frontage on one side of the street is located partly in the "K" Light Industrial District and a dwelling, local commercial or highway commercial district, the front yard requirements of the dwelling or commercial district shall apply to the "K" Light Industrial District.

(2) **SIDE YARD:** The side yard regulations for dwellings are the same as those in the "E" Multiple Dwelling District. In all other cases a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five feet.

(3) **REAR YARD:** A rear yard shall be provided for dwellings that shall have a depth of not less than thirty feet. In all other cases a rear yard is not required, except on the rear of a lot abutting on a dwelling district, in which case there shall be a rear yard of not less than twenty feet in depth.

(4) **INTENSITY OF USE:** The intensity of use regulations for dwellings are the same as those in the "D" Multiple Dwelling District. (Ord. 7837 § 1; August 13, 1962; prior Ord. 5636 § 1704; November 2, 1953).

Chapter 27.36

"L" HEAVY INDUSTRIAL DISTRICT

Sections:

- 27.36.010 Scope of regulations.
- 27.36.020 Use regulations.
- 27.36.030 Height regulations.
- 27.36.040 Area regulations.

27.36.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the "L" Heavy Industrial District Regulations. (Ord. 5636 § 1801; November 2, 1953).

27.36.020 Use regulations. Any building or premises may be used for any purpose not in conflict with any ordinance of the City of Lincoln regulating nuisances; provided, however, that no building shall be erected, converted, reconstructed, or structurally altered for church, library, school, hospital or residential purposes, except for resident watchman and caretakers employed on the premises; provided, further, that uses listed in Section 27.40.010 follow the procedure of that paragraph; and provided, further, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the City Council, after report by the Chief of the Fire Department and the Lincoln City-Lancaster County Planning and Zoning Commission:

1. Acid manufacture.
2. Cement, lime, gypsum, or plaster of paris manufacture.
3. Distillation of bones.
4. Explosives manufacture or storage.
5. Fat rendering.
6. Fertilizer manufacture.
7. Gas manufacture.
8. Garbage, offal or dead animals, reduction or dumping.
9. Glue manufacture.
10. Petroleum or its products, refining of.
11. Smelting.
12. Stockyards or slaughter of animals.
13. Wholesale storage of gasoline.

And, provided, further, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the City Council after report by the Health Department and the Lincoln City-Lancaster County Planning and Zoning Commission:

1. Auto wrecking or salvage.

27.36.030—27.37.020

ZONING

2. Junk, iron or rags storage or bailing. (Ord. 5636 § 1802, as amended by Ord. 7431; April 17, 1961).

27.36.030 Height regulations. Except as hereinafter provided in Chapter 27.42, a building may be erected to any height not in conflict with other ordinances. (Ord. 5636 § 1803; November 2, 1953).

27.36.040 Area regulations. (1) FRONT YARD: Where all the frontage on one side of a street is located in the "L" Heavy Industrial District, no front yard shall be required. Where the frontage on one side of the street is located partly in the "L" Heavy Industrial District and partly in a dwelling or commercial district, the front yard requirements of the dwelling or local commercial district shall apply to the "L" Heavy Industrial District.

(2) SIDE YARD: The side yard regulations are the same as in the "K" Light Industrial District.

(3) REAR YARD: The rear yard regulations are the same as those in the "K" Light Industrial District. (Ord. 7837 § 2; August 13, 1962; prior Ord. 5636 § 1804; November 2, 1953).

Chapter 27.37

"M" RESTRICTED INDUSTRIAL DISTRICT

Sections:

- 27.37.010 Scope of regulations.
- 27.37.020 Use regulations.
- 27.37.030 Height regulations.
- 27.37.040 Area regulations.
- 27.37.050 Parking and loading regulations.
- 27.37.060 Advertising signs.

27.37.010 Scope of regulations. The regulations set forth elsewhere in this title, when referred to in this chapter, are the "M" Restricted Industrial District Regulations. (Ord. 7601 § 2; November 6, 1961).

27.37.020 Use regulations.

(1) GENERAL REGULATIONS:

(a) No building shall be erected, converted, reconstructed, or structurally altered for church, library, school, hospital or residential purposes, except for resident watchmen and caretakers employed on the premises.

(b) No raw galvanized or other raw metal sheeting shall be used for the exterior construction of any building.

(c) Auto wrecking, junk yards, and similar storage or salvage shall not be permitted. The open storage of any other material may be allowed only in areas fully enclosed within a building or surrounded by a concrete or masonry wall not less than six feet in height. No oil drilling, oil de-

velopment operations, refining, mining operations or any kind or quarrying shall be permitted, except upon approval of the City Council after report by the Chief of the Fire Department and the Lincoln City-Lancaster County Planning Commission. Tanks, mineral excavations, shafts or non-aqueous wells shall not be permitted. Fuel oil storage tanks shall be permitted only if located underground in full compliance with regulations of the City of Lincoln. All combustible material shall be stored in such a way as to permit free access of fire-fighting equipment. Bulk storage of oils, petroleum and similar flammable liquids and chemicals shall be prohibited. The storage of explosives shall be prohibited.

(2) USES PERMITTED: Subject to the foregoing, any commercial or industrial use may be allowed, provided that the following performance standards be observed:

(a) Noise. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and, as measured at any property line, shall not exceed the following intensity in relation to sound frequency:

Octave Band in Cycles Per Second	
0 - 150	75 Decibels
150 - 300	67 Decibels
300 - 600	60 Decibels
600 - 1200	55 Decibels
1200 - 2400	50 Decibels
2400 - 4800	43 Decibels
Above 4800	40 Decibels

Such sound levels shall be measured with a sound level meter and an octave band analyzer conforming with specifications of the American Standards Association.

(b) Smoke. The emission of smoke by any use shall be controlled so as to be less dark in shade than that designated as No. 2 on the Ringelmann Chart, published and used by the United States Bureau of Mines; provided, however, that smoke of a density equal to that designated as No. 2 on the Ringelmann Chart may be permitted for not more than eight minutes during any thirty-minute period and smoke of a density not exceeding that designated as No. 3 on the Ringelmann Chart may be permitted for not more than three minutes during any thirty-minute period while starting or cleaning a fire.

(c) Dust and Other Particulate Matter. The emission of dust, fly ash and other particulate matter shall not exceed 0.85 pounds per one thousand pounds of flue gas, measured at a convenient point in the stack and under conditions not exceeding fifty per cent of excess air. The amount of solids in such gases shall be determined according to the test

for dust-separating apparatus of the American Society of Mechanical Engineers, revised and amended to date.

(d) **Odor.** The emission of odorous matter in such quantity as to be offensive at a point along or outside any lot line shall not be permitted. In determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the "Air Pollution Abatement Manual" (copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C.) shall be used as a guide.

(e) **Glare and Heat.** Any operation producing intense heat and glare shall be conducted within an enclosed building or with other effective screening in such a manner as to be completely imperceptible from any point along or outside the lot lines. (Ord. 7612 § 1; December 4, 1961; prior Ord. 7601 § 2; November 16, 1961).

27.37.030 Height regulations. Except as hereinafter provided in Chapter 27.42, buildings shall not exceed two stories or thirty-five feet in height, except that cooling towers, antennas, water towers and similar accessory appurtenances may be erected to exceed this height limit. (Ord. 7601 § 2; November 6, 1961).

27.37.040 Area regulations. (1) **FRONT YARD:** There shall be a front yard having a minimum depth of fifty feet, which yard shall be entirely devoted to landscaped area, except for guest parking and necessary paving of driveways and sidewalks to reach parking and loading areas in the side or rear yards. Landscaping shall mean that the area is permanently devoted to and maintained for the growing of trees, shrubbery, lawns and other plant materials; provided that front yard guest parking shall be set back at least twenty-five feet from the front property line, and provided further, that any driveways which intersect the front yard shall not be wider than twenty-four feet.

(2) **SIDE AND REAR YARDS:** There shall be minimum side and rear yards of twenty feet each; provided, however, any side or rear yard in the "M" Restricted Industrial District adjacent to "AA", "A-1", "A-2", "B", "C", "D" or "E" Districts shall have a minimum width or depth of fifty feet which shall be entirely devoted to landscaped area, except for necessary paving of driveways and sidewalks to reach parking and loading areas in the side or rear yards.

(3) **INTENSITY OF USE:** The minimum lots provided in the district shall have an area of one acre and a width of at least one hundred fifty feet. (Ord. 7625 § 1; December 26, 1961; prior Ord. 7601 § 2; November 6, 1961).

27.37.050 Parking and loading regulations. (1) No loading facilities may be provided in the front yard, or in the fifty feet of any side or rear yard adjacent to "AA", "A-1", "A-2", "B", "C", "D" or "E" Districts.

Loading facilities shall be so arranged as not to be visible from a public street.

(2) No parking facilities, except guest parking facilities, may be located in a front yard. No parking facilities may be located in the fifty feet of any side or rear yard adjacent to "AA", "A-1", "A-2", "B", "C", "D" or "E" Districts.

(3) Off street parking spaces shall be provided in the ratio of two spaces for each three employees of the maximum number to be employed at any one time, or in the ratio of one space for every one thousand square feet of total building area; provided, however, that if the number of spaces required by the building ratio is greater than that required by the employee ratio, the additional parking spaces need not be provided physically but sufficient space shall be reserved for future physical development. (Ord. 7625 § 2; December 26, 1961; prior Ord. 7601 § 2; November 6, 1961).

27.37.060 Advertising signs. Outdoor advertising shall be limited to one sign on each street frontage of a lot, which sign shall be attached to a building, extending parallel, or substantially parallel thereto, and not more than one foot from, but not above, the building, the contents of the sign to be limited to describing products or services sold or produced on the premises, or giving the name of the establishment, and the area of which is limited to one square foot for each lineal foot of street frontage of the street on which the sign faces; provided, however, that temporary signs not exceeding twenty square feet in area and relating to sale or lease of the premises may be located in a front yard. Flashing or intermittently illuminated signs shall be prohibited. (Ord. 7614 § 1; December 4, 1961; prior Ord. 7601 § 2; November 6, 1961).

Chapter 27.38

NON-CONFORMING USES¹

Sections:

- 27.38.010 Continuation of non-conforming use.
- 27.38.020 Use becoming non-conforming by change in law or boundaries.
- 27.38.030 Discontinuance of non-conforming use.
- 27.38.040 Extension or enlargement.
- 27.38.050 Restoration after damage.
- 27.38.060 Open storage and signs.
- 27.38.070 Effect on use which is non-conforming under prior law.

27.38.010 Continuation of non-conforming use. The lawful use of a building and premises existing at the time of the effective date of this

¹ See City Charter, Article 2, Section 15½.

27.38.020—27.38.060

ZONING

title² may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. (Ord. 5636 § 1901; November 2, 1953).

27.38.020 Use becoming non-conforming by change in law or boundaries. Whenever the use of a building becomes a non-conforming use through a change in the zoning ordinance or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. (Ord. 5636 § 1902; November 2, 1953).

27.38.030 Discontinuance of non-conforming use. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of two years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. (Ord. 5636 § 1903; November 2, 1953).

27.38.040 Extension or enlargement. No existing building devoted to a use not permitted by this title in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, converted, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building is located; provided, however, that during the ten year period immediately following the passage of this title, non-conforming light industrial uses in the "G," "H," and "I" Districts and non-conforming heavy industries in the "K" District may be extended or enlarged by not to exceed a fifty per cent increase in the cubical contents of the building; and further provided, that all height and area regulations be observed in such extension. (Ord. 5636 § 1904, as amended by Ord. 6403; June 25, 1956).

27.38.050 Restoration after damage. When a building, the use of which does not conform to the provisions of this title, is damaged by a fire, explosion, act of God, or the public enemy, to the extent of more than sixty per cent of its fair market value it shall not be restored except in conformity with the regulations of the district in which the building is situated, or as provided in Chapter 27.42 hereof. (Ord. 5636 § 1905; November 2, 1953).

27.38.060 Open storage and signs. Where land within the "A-1,"

2. See Section 27.52.100 for effective date.

"A-2" and "B" Districts contained no main buildings as distinguished from accessory buildings and fences and was used solely for open storage at the time of the passage of this title, use of such land for open storage shall be discontinued within two years. When land within the "A-1," "A-2" and "B" Districts contained no main buildings as distinguished from accessory buildings and fences and was used solely for signs at the time of the passage of this title, use of such land for signs shall be discontinued and the signs removed within two years, unless such sign is at least five hundred feet away from any residence. (Ord. 5636 § 1906, as amended by Ord. 6403; June 25, 1956).

27.38.070 Effect on use which is non-conforming under prior law. Nothing in this title shall be interpreted as authorization for, or approval of, the continuance of the use of a building or premises in violation of zoning regulations in effect at the time of the effective date of this title. (Ord. 5636 § 1907; November 2, 1953).

Chapter 27.40

ADDITIONAL USE REGULATIONS

Sections:

- 27.40.010 Special permits.
- 27.40.015 Special permits "A-A" rural and public use.
- 27.40.020 Community unit plan.
- 27.40.030 Two-family dwellings—When permitted in single-family dwelling districts.
- 27.40.040 Three and four-family dwellings—When permitted in two-family dwelling districts.
- 27.40.050 Special use permit fee.

27.40.010 Special permits. The city council of the City of Lincoln may, by special permit, after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this title, and may also permit an increase in the height of any such building. Copies of a plot plan of the lot and proposed uses, drawn to an accurate scale and showing all pertinent information shall accompany a request for special permit.

1. Any building erected by any department of a governmental agency.
2. Private schools, including nursery, pre-kindergarten, kindergarten, play and special schools.
3. Hospitals, clinics and institutions, including educational, religious and philanthropic institutions; provided, however, that adequate off-street parking space will be provided, that such buildings occupy not over forty per cent of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property and pro-

vided further, that the buildings shall be set back from all yard lines a distance of not less than one foot for each foot of building height, except that when the lot is adjacent to land zoned "G," "H-1," "H-2," "I," "J," "K," "L" and "M," the side yard requirements of the district in which the lot is located shall apply to the side yard adjacent to the non-residential district.

4. Cemetery.
5. Community buildings or recreation fields.
6. Airport or landing field.
7. Greenhouses and nurseries.
8. Trailer camps, but only in the "G," "H-1," "H-2," "I" and "K" Districts, and provided that:

(a) the number of trailers shall not exceed the number obtained by dividing the total square foot area of the trailer camp site by twenty-seven hundred;

(b) twenty-five feet shall be maintained between trailers, and between trailers and buildings;

(c) each trailer camp provides sanitary facilities and water supply in accordance with the standards of and meeting the approval of the Health Director. No special permit for trailer camps shall be granted until approved by the Health Director; and

(d) no certificate of occupancy shall be granted until after certification of compliance with the requirements of the Health Director. All special permits for trailer camps shall be temporary and shall be valid only during the period that the camp complies with the requirements of the Health Director.

9. Outdoor theatres, but only in the "A-A," "G," "H," "K," and "L" Districts.

10. Private recreational activities.
11. Riding stables and private stables.
12. Roadside stands for temporary or seasonal operation but only in the "A-A" District.
13. Radio and television towers and broadcasting stations.
14. Extraction of sand, gravel or other raw material.
15. Parking lots on land not more than three hundred feet from the boundary of the following districts: "F," "G," "H-1," "H-2," "I," "J," "K" and "L."
16. Clubs and semi-public buildings.
17. Nursing homes when approved by the City-County Health Department.
18. Truck terminals, but only in the "I," "J" and "K" Districts.
19. Life insurance companies, home office buildings, but only in the "G," "H-1," "H-2," "I" and "J" Districts.

20. Bulk storage of petroleum products, but only in the "H-2," "K" and "L" Districts.

21. Camp grounds for tents and camping trailers, but only in the "A-A" Rural and Public Use District or "K" Light Industrial District, provided that:

(a) Each individual campsite and camping trailer site shall be fifty feet from any other campsite, camping trailer site or building.

(b) Each campsite or camping trailer site shall contain at least one thousand square feet.

(c) The camp ground shall be supplied with a water supply and sewage disposal facilities, including washing, toilets, and similar facilities, all of which meet the requirements of the director of the city-county health department.

(d) A side yard of fifty feet and front yard of one hundred feet shall be maintained on the camp ground.

(e) The access to public roads or highways shall be paved or surfaced in a similar manner as the adjacent public roads and shall have the approval of the city traffic engineer.

(f) No site or sites may be occupied by the same person or persons more than thirty days in any one calendar year.

(g) No mobile homes or house trailers shall be located in any camp ground.

(h) All special permits issued under this title are temporary and valid only during the period that the camp ground and its associated facilities comply with the requirements of the health director and the provisions of this title.

(i) All camp ground operators shall keep accurate records as to the length of time a person stays in the camp ground and shall make said records available to the building inspector.

Before the issuance of any special permit of any of the above buildings or uses, the city council shall refer the proposed application to the city planning commission, which commission shall be given thirty days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood traffic conditions, public utility facilities and other matters pertaining to the public health, public safety and general welfare. If a contemplated use would require large amounts of water to be disposed of in sanitary sewers, the planning commission report shall include a certificate by the department of public works and utilities as requested by Chapter 27.32 hereof. No action shall be taken on any application for a proposed building or use above referred to until and unless the report of the city planning commission has been filed; provided, however, that if no report is received from the planning commission within forty-five days, it shall be assumed that approval of the application has been given by the said commission. An existing use of the type

lations of the "C" Four-Family Dwelling District are complied with. (Ord. 7795 § 2; July 1, 1962; prior Ord. 5636 § 2004; November 2, 1953).

27.40.050 Special use permit fee. At the time of filing application for a special use permit as hereinbefore in this chapter provided, a fee of twenty dollars shall be paid to the City Clerk to be credited to the general fund of the City of Lincoln. (Ord. 7709 § 3; April 24, 1962).

Chapter 27.42

ADDITIONAL HEIGHT AND AREA REGULATIONS

Sections:

- 27.42.010 Scope of regulations.
- 27.42.020 Height of public buildings.
- 27.42.030 Chimneys, towers and spires.
- 27.42.040 Accessory buildings in rear yards.
- 27.42.050 Construction and use of accessory buildings.
- 27.42.060 Projections from buildings.
- 27.42.062 Canopies in front yard.
- 27.42.070 Occupancy of basements and cellars.
- 27.42.080 Fences.
- 27.42.090 Fire escapes and chimneys—Projection into yards.
- 27.42.100 Porches and terraces in front yards.
- 27.42.110 Projection of terraces, porches, platforms and ornamental features.
- 27.42.120 Multiple dwelling considered as one building.
- 27.42.130 Temporary buildings.
- 27.42.140 More than one main building on commercial or industrial tract.
- 27.42.150 Two or more main buildings for multiple-family, institutional or hotel purpose.
- 27.42.160 Open space partially or wholly surrounded by buildings.
- 27.42.170 Side yards not required where dwellings erected above commercial structures.
- 27.42.180 Computation of number of employees where number restricted.
- 27.42.190 Stories and height of storage buildings.
- 27.42.200 Adjustment of front yard requirements.
- 27.42.210 Building line districts.

27.42.010 Scope of regulations. The district regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the district regulations appearing elsewhere in this title. (Ord. 5636 § 2100; November 2, 1953).

27.42.020 Height of public buildings. Public, semi-public, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty feet, and churches and temples may be erected to a height not exceeding seventy-five feet if the building is set back from each yard line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located. (Ord. 5636 § 2101; November 2, 1953).

27.42.030 Chimneys, towers and spires. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances, are exempt from the height regulations as contained herein. (Ord. 5636 § 2102; November 2, 1953).

27.42.040 Accessory buildings in rear yards. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty per cent of a rear yard and shall not be nearer than two feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten feet to the alley line. If a garage is located closer than ten feet to the main building the garage shall be regarded as part of the main building for the purpose of determining the side and rear yards. (Ord. 5636 § 2103; November 2, 1953).

27.42.050 Construction and use of accessory buildings. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises. (Ord. 5636 § 2104; November 2, 1953).

27.42.060 Projections from buildings. Every part of a required yard shall be open to the sky, unobstructed by a building, except for ordinary projection of sills, belt courses, cornices, and ornamental features projecting which do not exceed twelve inches, and except as otherwise provided in this chapter. (Ord. 8174 § 1; September 3, 1963; prior Ord. 5636 § 2105; November 2, 1953).

27.42.062 Canopies in front yard. In Districts "G," "G-1," "H-1," "H-S," "H-2," and "I," canopies may project into a front yard, provided that such canopies shall not extend beyond the lot line and shall not cover more than three square feet of ground area for each foot of the front lot line, and no portion of the canopy shall be lower than a plane extending from sixteen feet above the elevation at the front property line to nine feet above the elevation of the building line. (Ord. 8174 § 2; September 3, 1963).

27.42.070 Occupancy of basements and cellars. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed. (Ord. 5636 § 2106; November 2, 1953).

27.42.080 Fences. Notwithstanding the area regulations of this title with the requirements for open space for front yard, side yard, and rear yard, fences may be erected to a height not to exceed seventy-two inches on any part of a lot, provided that no fence shall be erected within thirty feet of the intersection of the property lines on two intersecting streets, except an open wire fence not to exceed forty-eight inches in height, when in the opinion of the Building Inspector the erection of the same will not result in a hazard to the lawful use of the said streets. The height of a fence shall be determined by a measurement from the ground level at the lowest grade level within two feet of either side of such fence.

The height limitations herein provided for fences permitted on any part of a lot, notwithstanding the area regulation of this title with the requirements for open space for front yard, side yard and rear yard, shall not apply to fences required by the city for uses permitted by the city. It is not intended that any structure other than a fence is permitted on any part of a lot by this section, and all other structures must comply with area and use regulations of this title. (Ord. 7863 § 1; September 4, 1962; prior Ord. 5636 § 2107, as amended by Ord. 6465; September 10, 1956).

27.42.090 Fire escapes and chimneys—Projection into yards. 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. (Ord. 5636 § 2108; November 2, 1953).

27.42.100 Porches and terraces in front yards. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten feet. An enclosed vestibule containing not more than forty square feet may project into a front yard for a distance not to exceed four feet. (Ord. 5636 § 2109; November 2, 1953).

27.42.110 Projection of terraces, porches, platforms and ornamental features. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line. (Ord. 5636 § 2110; November 2, 1953).

27.42.120 Multiple dwelling considered as one building. For the pur-

pose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one building occupying one lot. (Ord. 5636 § 2111; November 2, 1953).

27.42.130 Temporary buildings. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary building shall be removed upon completion of the construction work. (Ord. 5636 § 2112; November 2, 1953).

27.42.140 More than one main building on commercial or industrial tract. Where a lot or tract is used for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located. (Ord. 5636 § 2113; November 2, 1953).

27.42.150 Two or more buildings for multiple-family, institutional or hotel purpose. In the event that a lot is to be occupied by a group of two or more related buildings to be used for Multiple Dwelling, institutional, or hotel purposes, there may be more than one main building on the lot; provided, however, that open space between buildings that are parallel or with forty-five degrees of being parallel, shall have a minimum dimension of twenty feet for one story buildings, thirty feet for two story buildings, and forty feet for three story buildings. (Ord. 5636 § 2114, as amended by Ord. 7430; April 17, 1961).

27.42.160 Open space partially or wholly surrounded by building. Where an open space is more than fifty per cent surrounded by a building, the minimum width of the open space shall be at least twenty feet for one story buildings, thirty feet for two story buildings, and forty feet for three story buildings. (Ord. 5636 § 2115; November 2, 1953).

27.42.170 Side yards not required where dwellings erected above commercial structures. No side yards are required where dwelling units are erected above commercial and industrial structures. (Ord. 5636 § 2116; November 2, 1953).

27.42.180 Computation of number of employees where number restricted. Whenever the number of employees is restricted in connection with any use in the Business and Commercial Districts, such maximum number applies only to employees engaged in processing or treating materials or products on the premises and not to employees engaged in

ADDITIONAL HEIGHT, AREA REGULATIONS 27.42.190—27.42.200

selling, clerical, delivery or similar activities. (Ord. 5636 § 2117; November 2, 1953).

27.42.190 Stories and height of storage buildings. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district in which they are located, but such building shall not exceed the number of feet of building height permitted in such districts. (Ord. 5636 § 2118; November 2, 1953).

27.42.200 Adjustment of front yard requirements. The front yards heretofore established shall be adjusted in the following cases:

1. Where forty per cent or more of the frontage on the same side of a street between two intersecting streets is developed with two or more buildings that have (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.

2. Where forty per cent or more of the frontage is on one side of a

listed above lawfully established on the effective date of this title shall be deemed to have received a special permit as herein required and shall be provided with such a permit by the building inspector upon request and shall not be a non-conforming use; provided, however, that such an existing use shall require a special permit for any enlargement, extension or relocation. (Ord. 8002 § 3; April 15, 1963; prior Ord. 7748; May 28, 1962; Ord. 7431; April 17, 1961).

27.40.015 Special permits—"A-A" rural and public use district. The City Council of the City of Lincoln may, by special permit after public hearing, authorize the location of the following buildings or uses in any district from which they are prohibited by this title, which authorization shall not create any vested right, shall be only for a period of time not to exceed six years, and which cannot be renewed beyond the term of the permit.

1. The batching of concrete materials, including the stockpiling of aggregates, storage of cement, erection and operation of machinery and equipment used and useful in such operations, and the unloading and hauling of sand, gravel, rock and cement and other aggregates used in the manufacture of concrete, and the finished batching product, but only in the "A-A" Rural and Public Use District.

Before the issuance of any special permit for any of the above buildings or uses, the City Council shall refer the proposed application to the City Planning Commission, which Commission shall be given thirty days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood traffic conditions, public utility facilities and other matters pertaining to the public health, public safety and general welfare. If a contemplated use would require large amounts of water to be disposed of in sanitary sewers, the Planning Commission report shall include a certificate by the Department of Public Works and Utilities as requested by Chapter 27.32 hereof. No action shall be taken on any application for a proposed building or use above referred to until and unless the report of the City Planning Commission has been filed; provided, however, that if no report is received from the Planning Commission within forty-five days, it shall be assumed that approval of the application has been given by the said Commission. An existing use of the type listed above lawfully established on the effective date of this title shall be deemed to have received a special permit as herein required and shall be provided with such a permit by the Building Inspector upon request and shall not be a non-conforming use; provided, however, that such an existing use shall require a special permit for any enlargement, extension or relocation. (Ord. 7755 § 1; May 28, 1962).

27.40.020 Community unit plan. The owner or owners of any tract of land comprising an area of not less than ten acres may submit to the City

Council a plan for the use and development of all the tract of land for residential purposes or for the repair and alteration of any existing housing development on an area comprising ten acres or more. The development or alteration plan shall be referred to the City Planning Commission for study and report and for public hearing. If the Commission approves the plans, they shall then be submitted to the City Council for consideration and approval. The approval and recommendations of the Commission shall be accomplished by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets the following conditions:

1. That property adjacent to the area included in the plan will not be adversely affected.
2. That the plan is consistent with the intent and purpose of this title to promote public health, safety, morals and general welfare.
3. That the buildings shall be used only for single-family dwellings, two-family dwellings or multiple dwellings and the usual accessory uses, such as garages and storage space.
4. That the average lot area per family contained in the site will not be less than the lot area per family required in the district or districts in which the development is located.

If the City Council approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located. (Ord. 5636 § 2002; November 2, 1953).

27.40.030 Two-family dwellings—When permitted in single-family dwelling districts. Two-family dwellings may be erected in those locations in the "A-1" and "A-2" Single-Family Dwelling Districts, where at the time of the effective date of this title, and continuing thereafter, forty per cent or more of the frontage on the same side of a street between two intersecting streets is lawfully occupied by two or more buildings consisting of two-family dwellings or two-family and multiple family dwellings; provided, however, that the area and parking regulations of the "B" Two-Family District are complied with. (Ord. 7795 § 1; July 1, 1962; prior Ord. 5636 § 2003; November 2, 1953).

27.40.040 Three and four-family dwellings—When permitted in two-family dwelling district. Three and four-family dwellings may be erected in those locations in the "B" Two-Family Dwelling District, where at the time of the effective date of this title, and continuing thereafter, forty per cent or more of the frontage on the same side of a street between two intersecting streets is lawfully occupied by two or more buildings consisting of multiple dwellings; provided, however, that the area and parking regu-

street between two intersecting streets is developed with two or more buildings that have a front yard of less depth than herein required, then:

(a) Where a building is to be erected on a parcel of land that is within one hundred feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or,

(b) Where a building is to be erected on a parcel of land that is within one hundred feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

3. Upon petition of the majority of the property owners of the frontage in a block the city council, after report by the city planning commission, may establish a different front yard line. (Ord. 5636 § 2119, as amended by Ord. 6103; August 1, 1955).

27.42.210 Building line districts. On the following streets and highways no building shall be erected closer to the centerline of the street or highway than as described below. This section shall not be construed to permit buildings to be erected with less than the required front yard as provided for by the appropriate district regulations.

Building Line District (1) Thirty-three feet on 6th Street from Peach Street to "A" Street.

Building Line District (2) Thirty-three feet on 13th Street from Arapahoe to Van Dorn.

Building Line District (3) Thirty-three feet on 17th Street from Lake to South.

Building Line District (4) Forty feet on 17th Street from "R" to Holdrege.

Building Line District (5) Thirty-three feet on 20th Street from "A" to "C."

Building Line District (6) Thirty-three feet on 20th Street from Randolph to "O."

Building Line District (7) Thirty-three feet on 48th Street from Van Dorn to Randolph.

Building Line District (8) Thirty-three feet on Cotner Boulevard from Randolph to 70th.

Building Line District (9) Thirty-three feet on Fremont Street from 46th to 48th.

Building Line District (10) Thirty-three feet on "N" Street from 19th to 20th.

Building Line District (11) Seventy-five feet on the presently designated U. S. 34 and State 2 from the west corporate limit line of the City of Lincoln, northwestward to a point three miles from the said corporate limit line.

Building Line District (12) Seventy-five feet from the west corporate limits of the City of Lincoln on the presently designated Holstein Street to the junction of U.S. 34 and State 2.

Building Line District (13) Seventy-five feet from the west approach of the "O" Street viaduct westward on West "O" Street on the presently designated U.S. 6 to a point three miles from the west corporate limits.

Building Line District (14) Seventy-five feet on the presently designated by-pass U.S. 6 from West "O" Street to the junction of 10th and Oak Streets.

Building Line District (15) Sixty feet from the west corporate limit line on the presently designated U.S. 34, U.S. 6, and State 2 to the east corporate limit line.

Building Line District (16) A line that is parallel to and seventy-five feet from the north right of way line of the presently designated U.S. 6 from the east corporate limit line to 56th Street.

Building Line District (17) One hundred feet on the east side and eighty feet on the west side from the presently designated U. S. 77 from the Cornhusker Highway to a point three miles from corporate limits.

Building Line District (18) Seventy-five feet on the presently designated U.S. 6 from 56th Street to the east corporate limit line.

Building Line District (19) Ninety feet on the presently designated U.S. 6 from the east corporate limits to a point three miles from the corporate limits, and also ninety feet on City Route 6 from the corporate limits to the junction of U.S. 6.

Building Line District (20) Sixty feet on East "O" Street east of 27th Street to the corporate limits.

Building Line District (21) Seventy-five feet from the east corporate line to the presently designated U.S. 34 to a point three miles from the corporate limit line.

Building Line District (22) Seventy-five feet from 48th Street on the presently designated State Route 2 to a point three miles from the east corporate limits.

Building Line District (24) Fifty feet on the presently designated U.S. 77 from the south corporate limits to a point three miles from said corporate limits.

Building Line District (25) Forty-one feet on 27th Street from the north line of "D" Street to the south line of Holdrege Street being in Sections 24 and 25, Township 10, Range 6 East.

Building Line District (26) Seventy-five feet on 15th Street from "K" to "N" and from "P" to "R."

Building Line District (27) Fifty-three feet on 48th Street from Holdrege to Leighton.

Building Line District (28) Eighty feet on 48th Street from "O" to Holdrege. (Ord. 5636 § 2120, as amended by Ord. 7390; February 27, 1961).

Chapter 27.44

BOARD OF ZONING APPEALS³

Sections:

- 27.44.010 Creation—Membership.
- 27.44.020 Meetings.
- 27.44.030 Appeal procedure.
- 27.44.040 Jurisdiction.
- 27.44.050 Decisions of board—Scope and factors considered.
- 27.44.060 Recommendations of board.

27.44.010 Creation—Membership. A board of zoning appeals is hereby created. The members of such board shall be appointed by the mayor with the consent of the city council, and such members must be approved by the county board of commissioners before the board may be the city-county board. Not less than one or more than two members of the board shall be members of the city planning commission. Upon the passage of this title one member shall be appointed for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years, and one member for a term of five years; and upon expiration of said terms, appointments shall be made for a term of five years. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed by the affirmative vote of four members of the city council after being given a written statement of the charges against him and a hearing, which shall be a public hearing if he so requests. (Ord. 8257 1; December 2, 1963; prior Ord. 5636 § 2201, as amended by Ord. 6940; May 25, 1959).

27.44.020 Meetings. The members of the board of zoning appeals shall meet at least once each month at such time and place as they may fix by resolution. They shall select one of their number as chairman, who shall serve one year and until his successor has been selected. Special meetings may be (called) at any time by the chairman. A majority of the board shall constitute a quorum for the transaction of business, and three affirmative votes shall be required for final action on any matter acted upon by the board. The board shall cause a proper record to be kept of its proceedings. (Ord. 5636 § 2202, as amended by Ord. 6940; May 25, 1959).

27.44.030 Appeal procedure. A. Appeals to the board of zoning appeals may be taken by any person aggrieved or by any office, department or bureau of the City of Lincoln affected by any decision of the building

³ See also City Charter, Article 9B § 10.

inspector. Such appeal shall be taken within a reasonable time by filing with the building inspector a notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from is taken.

B. Upon receipt of the appeal by the board, the board shall fix a reasonable time for the hearing thereon within thirty days. Notice shall be given as provided in Chapter 27.52 hereof.

C. If due to the absence of one or more of the members of the board, any proposition put to a vote shall fail to receive three or more votes either for or against, said proposition shall be deemed to have received neither approval or disapproval.

D. A fee of twenty dollars shall be paid to the city clerk at the time the notice of appeal is filed to be credited to the general fund of the City of Lincoln. (Ord. 7709 § 1; April 24, 1962; prior Ord. 5636 § 2203, as amended by Ord. 6940; May 25, 1959).

27.44.040 Jurisdiction. The jurisdiction of the board of zoning appeals shall be limited to the following:

(1) **POWERS RELATIVE TO ERRORS.** To hear appeals where it is alleged there is an error in any order, decision or determination made by an administrative official in the enforcement of this title.

(2) **POWERS RELATIVE TO VARIANCES.** To hear and decide upon petitions for variances, and, subject to such standards, principles and procedures provided in this title, to vary the strict application of the height, area, parking or density requirements to the extent necessary to permit the owner a reasonable use of his land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.

(3) **POWERS RELATIVE TO EXCEPTIONS.** Upon appeal, the board is hereby empowered to recommend the following exceptions:

- (a) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
- (b) To permit the reconstruction of a non-conforming building which has been destroyed, or partially destroyed, by fire or act of God where the board shall find some compelling public necessity requiring the continuance of the non-conforming use.
- (c) To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the board deems reasonably necessary for the public convenience or welfare.

Such uses lawfully existing on the effective date of this title shall be deemed to have received such a permit, shall be provided

with such a permit by the Building Inspector upon request, and shall not be non-conforming uses; provided, however, that a permit shall be required for the enlargement, extension or relocation of any of these existing uses.

- (d) To interpret the provisions of the title where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of the title.

(Ord. 5636 § 2204, as amended by Ord. 6940; May 25, 1959).

27.44.050 Decisions of board—Scope and factors considered. In exercising the above mentioned jurisdiction, such Board may, in conformity with the provisions of this title, reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such recommendation as ought to be made. In considering all appeals under this title, the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the District Map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City of Lincoln. Every change recommended by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. (Ord. 5636 § 2205, as amended by Ord. 6940; May 25, 1959).

27.44.060 Recommendations of board. Recommendations of the Board of Zoning Appeals, accompanied by the written findings of fact, shall be transmitted to the City Council by the Board within one week after such actions have been taken. The City Council shall not take final action on the recommendation of the Board without holding one or more public hearings, due notice of which shall be given as provided in Chapter 27.52 hereof. (Ord. 5636 § 2206, as amended by Ord. 6940; May 25, 1959).

Chapter 27.16

OCCUPANCY PERMITS

Sections:

- 27.46.010 Required for changed or new occupancy.
- 27.46.020 Required for excavation or building permit.
- 27.46.030 Required for non-conforming uses.
- 27.46.040 Record for certificates of occupancy to be kept.

27.46.010 Required for changed or new occupancy. Subsequent to the effective date of this title, no change in the use or occupancy of land, nor

any change of use or occupancy in any existing building other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Building Inspector. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this title. (Ord. 5636 § 2301; November 2, 1953).

27.46.020 Required for excavation or building permit. No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued. (Ord. 5636 § 2302; November 2, 1953).

27.46.030 Required for non-conforming uses. A certificate of occupancy shall be required of all lawful non-conforming uses of land or buildings created at the time of the passage of this title. Application for such certificates of occupancy for non-conforming uses shall be filed with the Building Inspector by the owner or lessee of the land or building occupied by such non-conforming use within two (2) years from the effective date of this title. It shall be the duty of the Building Inspector to issue a certificate of occupancy for a lawful non-conforming use, but failure to apply for such certificate of occupancy for non-conforming use, or failure of the Building Inspector to issue such certificate of occupancy for non-conforming use, may be considered evidence that such non-conforming use did not lawfully exist at the effective date of this title. (Ord. 5636 § 2303; November 2, 1953).

27.46.040 Record of certificates of occupancy to be kept. A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy. (Ord. 5636 § 2304; November 2, 1953).

Chapter 27.48 PLAT PLAN

Sections:

27.48.010 Plat to accompany application for building permit.

27.48.010 Plat to accompany application for building permit. Each application for a building permit shall be accompanied by a plat showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this title. A record of applications and plats shall be kept in the office of the Building Inspector. (Ord. 5636 § 2400; November 2, 1953).

Chapter 27.52 GENERAL PROVISIONS

Sections:

- 27.52.010 Interpretation, purpose and conflict.
- 27.52.020 Purpose of catch heads.
- 27.52.030 Publication in pamphlet form.
- 27.52.040 Amendments.
- 27.52.050 Notice of hearings.
- 27.52.060 Enforcement.
- 27.52.070 Violation and penalty.
- 27.52.080 Severability.
- 27.52.090 Savings clause.
- 27.52.100 When effective.

27.52.010 Interpretation, purpose and conflict. In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this title to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this title imposes a greater restriction, this title shall control. (Ord. 5636 § 2601; November 2, 1953).

27.52.020 Purpose of catch heads. The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of an index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this title. (Ord. 5636 § 2609; November 2, 1953).

27.52.030 Publication in pamphlet form. This title shall be published in pamphlet form to be distributed in the city. (Ord. 5636 § 2610; November 2, 1953).

27.52.040 Amendments. The City Council may from time to time on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or regulations, or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the City Planning Commission for its recommendations and report, such report to be made within thirty days thereafter. Said report shall contain the findings of the Commission regarding the effect of the proposed amendment, supplement, change, modification or repeal upon adjacent property and upon the comprehensive zoning plan of the City of Lincoln. After the recommendations and report of the City Planning Commission have been filed, the City Council shall, before enacting any proposed amendment, supplement, change, modification or repeal, hold a public hearing in relation thereto, giving notice of

the time and place of such hearing, as provided in Section 27.52.050 hereafter.

Before any action shall be taken as provided in this chapter, the party proposing or recommending a change in the district regulations or district boundaries shall deposit with the city clerk the sum of thirty dollars to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the city council. No deposit of money shall be required when any action is recommended by the city council on its own motion or by any person or group officially designated to participate in the administration of this title. In the event the proposed amendment or change is denied by the council, no new request shall be made for the same or a substantially similar amendment or change within one year of said denial thereof. (Ord. 7709 § 2; April 24, 1962; prior Ord. 5636 § 2602; November 2, 1953).

27.52.050 Notice of hearings. Hearings required under Chapters 27.40, 27.44 and 27.52 of this title shall not be held until notice thereof has been given in compliance with the following provisions:

(a) A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen inches in height and twenty-four inches in width with a white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least five days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

(b) At least five days before the date of hearing the city clerk shall have published in a daily newspaper having a general circulation in the City of Lincoln, a notice of the time, place, and subject matter of such hearing.

(c) It shall not be necessary to give further notice of adjourned or continued meetings. (Ord. 5636 § 2603; November 2, 1953).

27.52.060 Enforcement. It shall be the duty of the building inspector of the City of Lincoln to enforce this title. Appeals from a decision of the building inspector may be made to the board of zoning appeals as provided in Chapter 27.44. (Ord. 8257 § 2; December 2, 1963; prior Ord. 5636 § 2604; November 2, 1953).

27.52.070 Violation and penalty. The owner or agent of a building or premises in or upon which a violation of any provision of this title has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who main-

tains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Hundred Dollars (\$100.00). Each and every day that such violation continues after notification may constitute a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this title, the appropriate authorities of the City of Lincoln in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land. (Ord. 5636 § 2605; November 2, 1953).

27.52.080 Severability. If any section, subsection, sentence, clause or phrase of this title is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this title. (Ord. 5636 § 2606; November 2, 1953).

27.52.090 Savings clause. This title shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any ordinance, or part of any ordinance, hereby repealed; this title shall in no manner affect rights or causes of action, either civil or criminal not in suit that may have already accrued or grown out of any ordinance, or part of any ordinance hereby repealed. (Ord. 5636 § 2607; November 2, 1953).

27.52.100 When effective. This title shall be in full force and effect from and after its passage and publication as provided by law. (Ord. 5636 § 2611; November 2, 1953).

4. Ordinance 5636, from which this title was derived, was passed by the City Council on November 2, 1953.