

ZONING

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Prior Ordinance History: 9661; 9673; 9684; 9726; 9728; 9741; 9748; 9753; 9798; 9831; 9850; 9874; 9879; 9886; 9898; 9906; 9993; 9994; 10018; 10032; 10047; 10060; 10061; 10094; 10102; 10121; 10133; 10207; 10208; 10209; 10224; 10256; 10260; 10274; 10328; 10419; 10482; 10521; 10583; 10611; 10655; 10667; 10698; 10827; 10888; 10893; 10990; 11023; 11049; 11070; 11099; 11100; 11104; 11163; 11167; 11182; 11195; 11229; 11441; 11543; 11544; 11556; 11769; 11782; 11907; 11914; 12026; 12111; 12136; 12153; 12260; 12269; 12309; 12323; 12571; 12638; 12657; 12679; 12698; 12701; 12720; 12751; 12768.

Chapter 27.01

PURPOSE AND TITLE

Sections:

- 27.01 Purpose.
- 27.02 Name and citation of title.

**27.01.010 Purpose.** This title has been made in accordance with a comprehensive plan and to promote health and the general welfare of the community. It is designed to lessen congestion in the streets; to secure safety from fire, flood, and other dangers; 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, sewage, 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 suitability for particular uses, and with a view to conserving the value of property and encouraging the most appropriate use of land throughout the City of Lincoln and the area within three miles thereof.

**27.01.020 Name and citation of title.** This title shall be known, referred to, and cited as the Zoning Ordinance of the City of Lincoln.

## Chapter 27.03

## GENERAL DEFINITIONS

## Sections:

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**27.03.010 Definitions—General provisions.** For the purpose of this title, certain terms and words are hereby defined. Certain chapters contain definitions which are additional to those listed here. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "structure" shall include the word "building," and the word "shall" is mandatory. (Ord. 12571 §3; May 8, 1979).

**27.03.020 Abutting.** Abutting shall mean adjacent or contiguous and shall include property separated by an alley. (Ord. 12571 §4; May 8, 1979).

**27.03.030 Accessory buildings and uses.** An accessory building is 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. 12571 §5; May 8, 1979).

**27.03.040 Agriculture.** Agriculture shall mean the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, or honeybees; or for dairying, truck gardening, forestry, nurseries, or orchards; for the non-commercial on-farm storage or processing of agricultural products; or for any other similar agricultural, horticultural, or silvicultural use. (Ord. 12571 §6; May 8, 1979).

**27.03.050 Alley.** Alley shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon. (Ord. 12571 §7; May 8, 1979).

**27.03.060 Apartment.** See Multiple Dwelling Unit. (Ord. 12571 §8; May 8, 1979).

**27.03.070 Apartment hotel.** Apartment hotel shall mean a multiple dwelling 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, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street nor visible from any public sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use. (Ord. 12571 §9; May 8, 1979).

**27.03.080 Apartment house.** See Dwelling, multiple. (Ord. 12571 §10; May 8, 1979).

**27.03.085 Average lot width.** Average lot width shall mean the width determined by dividing the total lot area by the depth of the lot from the right-of-way line to the furthest rear lot line. If the rear lot line and right-of-way line are not parallel, an average depth dimension shall be used. (Ord. 12571 §10; May 8, 1979).

**27.03.090 Basement.** Basement shall mean that portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (Ord. 12571 §11; May 8, 1979).

**27.03.100 Boarding house.** Boarding house shall mean a building other than a hotel or motel or group home where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons. (Ord. 12571 §12; May 8, 1979).

**27.03.110 Broadcast tower.** Broadcast tower shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located. (Ord. 12571 §13; May 8, 1979).

**27.03.120 Building.** Building shall mean any structure designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property. (Ord. 12571 §14; May 8, 1979).

**27.03.130 Buildings, height of.** Height of a building shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above grade. (Ord. 12571 §15; May 8, 1979).

**27.03.140 Campsite.** Campsite shall mean a parcel of land intended for temporary occupancy by any of the following: tent, tent trailer, or recreational vehicle. (Ord. 12571 §16; May 8, 1979).

**27.03.150 Cellar.** Cellar shall mean that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (Ord. 12571 §17; May 8, 1979).

**27.03.160 Club.** Club shall mean a building or facility owned or operated by persons associated for a social, educational, or recreational purpose, not operated primarily for profit nor to render a service which is customarily carried on as a business, and which is generally restricted to members and their guests using the facility for the purpose for which they have associated; this shall not include a church building, or the occasional accessory use of a private residence as a meeting place. (Ord. 12571 §18; May 8, 1979).

**27.03.170 District.** District shall mean a section or sections of either the City of Lincoln or the area within three 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. 12571 §19; May 8, 1979).

**27.03.180 Dwelling.** Dwelling shall mean any building or portion thereof which is designed and used for residential purposes. (Ord. 12571 §20; May 8, 1979).

**27.03.190 Dwelling, single-family.** Single-family dwelling shall mean a dwelling having accommodations for and occupied by one family. (Ord. 12571 §21; May 8, 1979).

**27.03.200 Dwelling, two-family.** Two-family dwelling shall mean a dwelling having accommodations for and occupied by two families. (Ord. 12571 §22; May 8, 1979).

**27.03.210 Dwelling, multiple.** Multiple dwelling shall mean a dwelling having accommodations for and occupied by more than two families. (Ord. 12571 §23; May 8, 1979).

**27.03.220 Family.** One or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than two (2) persons who are unrelated for the purpose of this title. The following persons shall be considered related for the purpose of this title:

- (1) a person residing with a family for the purpose of adoption;
- (2) not more than six (6) persons under nineteen (19) years of age, residing in a foster home licensed or approved by the State of Nebraska;
- (3) not more than four (4) persons nineteen (19) years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State or its delegate;
- (4) Any person who is living with a family at the direction of a court. (Ord. 12571 §24; May 8, 1979).

**27.03.230 Feedlot, commercial.** Commercial feedlot shall mean an area of more than fifteen thousand (15,000) square feet where the principal business is the feeding of livestock or poultry. (Ord. 12571 §25; May 8, 1979).

**27.03.240 Flood plain.** Flood plain shall mean those lands which are subject to a one percent (1%) or greater chance of flooding in any given year. (See Chapter 27.55 for additional definitions.) (Ord. 12571 §26; May 8, 1979).

**27.03.250 Floor area.** Floor area shall mean the total number of square feet of floor space within the outside of the exterior walls of a building, not including storage space in cellars or basements and not including space used for the parking of automobiles. (Ord. 12571 §27; May 8, 1979).

**27.03.260 Frontage.** Frontage shall mean the length of the property on one side of a street between two street intersections (crossing or terminating) measured along the property line at the street, or if the street is dead-ended, the length of the property abutting on one side between an intersecting street and the dead end of the street. (Ord. 12571 §28; May 8, 1979).

**27.03.270 Garage, private.** Private garage shall mean an accessory building designed or used for the storage of not more than four motor vehicles owned and used by the occupants of the building to which it is accessory. (Ord. 12571 §29; May 8, 1979).

**27.03.280 Garden center.** Garden center shall mean a building or premises used primarily for the retail sale of items useful in the culture, display, or decoration of lawns, gardens, or indoor plants; including books, appliances, and tools, but not including power tools or tractors. (Ord. 12571 §30; May 8, 1979).

**27.03.290 Grade.** Grade shall mean:

- (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. 12571 §31; May 8, 1979).

**27.03.300 Group home.** Group home shall mean a facility in which more than two (2) but less than sixteen (16) persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care, for any of the purposes listed below. Such facility shall be licensed or approved by the State of Nebraska or other appropriate agency.

- (a) Adaptation to living with, or rehabilitation from, the handicaps of physical disability;
- (b) Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder, or mental retardation;
- (c) Rehabilitation from the effects of drug or alcohol abuse;
- (d) Supervision while under a program of alternatives to imprisonment, including but not limited to pre-release, work-release, and probationary programs. (Ord. 12571 §32; May 8, 1979).

**27.03.310 Health care facilities.** Health care facilities shall mean a building or structure, licensed or approved by the state or an appropriate agency, if required, used as any of the following:

(a) Hospitals: A hospital may include offices of medical societies, offices of charitable public health associations and private office space for the practice of medicine and dentistry under a license from the department of health of the state of Nebraska; provided, that any such private offices for the practice of medicine and dentistry shall be located on the hospital lot and the doctors and dentists involved therein must be on the staff of the hospital;

(b) Convalescent or nursing home;

(c) A facility in which sixteen (16) or more people reside while receiving therapy, counseling, or rehabilitation for physical, emotional, or mental disease or disability;

(d) A facility for out-patient physical, occupational, or vocational therapy or rehabilitation;

(e) Public health clinics and facilities.

Except as provided in (a) above, health care facilities does not include doctors' or dentists' professional offices and private clinics. (Ord. 12679 §1; September 4, 1979; prior Ord. 12571 §33; May 8, 1979).

**27.03.320 Home occupation.** Home occupation shall mean any occupation or activity carried on within a dwelling unit or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof. The regulations pertaining to home occupations can be found in section 27.70.010. (Ord. 12571 §34; May 8, 1979).

**27.03.330 Housing for the elderly.** Housing for the elderly shall mean any dwelling in which each occupied dwelling unit is occupied by at least one person of 60 years of age or more. (Ord. 12571 §35; May 8, 1979).

**27.03.340 Landscaping.** Landscaping shall mean that an area is devoted to and maintained for the growing of trees, shrubbery, lawns, and other plant materials; landscaping shall conform to all applicable standards adopted by the City of Lincoln. (Ord. 12571 §36; May 8, 1979).

**27.03.350 Lodging house.** Lodging house shall mean a building where lodging is provided by prearrangement for definite periods for compensation for three or more persons in contradistinction to hotels open to transients and group homes. (Ord. 12571 §37; May 8, 1979).

**27.03.360 Lot.** Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted in this title, and fronting upon a street. A lot may front upon a private roadway, or have other frontage requirements if specifically provided in this title. (Ord. 12571 §38; May 8, 1979).

**27.03.370 Lot, corner.** Corner lot shall mean a lot abutting two or more streets at their intersection. (Ord. 12571 §39; May 8, 1979).

**27.03.380 Lot, depth of.** Depth of lot shall mean the average horizontal distance between the front and rear lot lines. (Ord. 12571 §40; May 8, 1979).

**27.03.390 Lot, double frontage.** Double frontage lot shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot. (Ord. 12571 §41; May 8, 1979).

**27.03.400 Lot of record.** Lot of record shall mean a lot which is part of a subdivision, the plat of which has been recorded in the office of the register of deeds for Lancaster County on or before November 2, 1953, unless another date is specifically established in 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 for Lancaster County on or before November 2, 1953, unless another date is specifically established in this title, provided that such lot is numbered and described by the county surveyor and is not greater in area than one (1) acre. (Ord. 12571 §42; May 8, 1979).

**27.03.410 Lot, platted.** Platted lot shall mean a lot which is part of a subdivision the plat of which, or the appropriate permit for which, has been legally approved and recorded in the office of the register of deeds for Lancaster County. (Ord. 12571 §43; May 8, 1979).

**27.03.416 Lot width, average.** See Average lot width. (Ord. 12571 §43; May 8, 1979).

**27.03.420 Mini-warehouse.** Mini-warehouse shall mean a storage facility designed to serve families and small businesses only and complying with the following requirements:

- (a) All storage facilities shall be located within a building;
- (b) The dimensions of any storage bay shall not exceed twenty-two (22) feet in the narrowest dimension or thirty-six (36) feet in the widest dimension;
- (c) Storage bays shall not be interconnected by interior doors or other interior means providing access from one storage bay to another;
- (d) Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto. (Ord. 12571 §44; May 8, 1979).

**27.03.430 Mobile home.** Mobile home shall mean any single-family permanent living quarters, more than eight (8) feet wide and thirty-two (32) feet in length, and designed and built to be towed on its own chassis. (Ord. 12571 §45; May 8, 1979).

**27.03.440 Multiple dwelling unit.** Multiple dwelling unit shall mean a room or rooms in a multiple dwelling intended or designed for use as a residence by a single family, including kitchen facilities. (Ord. 12571 §46; May 8, 1979).

**27.03.450 Nonconforming use.** Nonconforming use shall mean the use of any dwelling, building, structure, lot, land, or premises, or part thereof, which was existing and lawful immediately prior to the effective date of this title and which does not conform with the provisions of this title and any amendments thereto. (Ord. 12571 §47; May 8, 1979).

**27.03.460 Nonstandard use.** Nonstandard use shall mean the category of nonconformance consisting of lots occupied by buildings or structures or uses which existed immediately prior to the effective date of this title which fail to comply with any of the following: minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set out in the provisions of this title. (Ord. 12571 §48; May 8, 1979).

**27.03.470 Office building.** Office building shall mean a building designed for or used as the office of professional, commercial, industrial, religious, institutional, public, or semipublic 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 drugstore, barbershop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand, or newsstand 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. Broadcast stations, offices, and studios shall be considered to be office buildings; broadcast towers as defined in this title shall not be so considered. (Ord. 12571 §49; May 8, 1979).

**27.03.480 Parking lot.** Parking lot shall mean an area consisting of six or more parking spaces for the storage of automobiles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for an automobile, provided that there shall be no storage of automobiles for the purpose of sale or resale. (Ord. 12571 §50; May 8, 1979).

**27.03.490 Parking space.** Parking space shall mean an area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. (Ord. 12571 §51; May 8, 1979).

**27.03.495 Premises.** Premises shall mean a tract of land, consisting of one platted lot or irregular tract, or more than one platted lot or irregular tract, provided such lots or tracts are under common ownership and contiguous. (Ord. 12571 §51; May 8, 1979).

**27.03.500 Recreational facilities.** Recreational facilities shall mean facilities primarily for participation by the public in athletic activities such as tennis, handball, racquetball, basketball, and other court games; jogging, track and field, baseball, football, soccer, and other field games; skating, swimming, or golf. Recreational facilities shall include country clubs and athletic clubs; it shall not include facilities accessory to a private residence used only by the owner and guests, nor shall it include arenas or stadia used primarily for spectators to watch athletic events. (Ord. 12571 §52; May 8, 1979).

**27.03.510 Recreational vehicle.** Recreational vehicle shall mean a vehicular unit not exceeding forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, primarily designed as temporary living quarters for recreational camping or travel use having either its own motive power or designed to be mounted on or drawn by an automotive vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel. This definition shall include a boat mounted on a trailer, together not exceeding forty (40) feet in body length, eight (8) feet in width, or twelve (12) feet in overall height. (Ord. 12571 §53; May 8, 1979).

**27.03.520 Rooming house.** See Lodging house. (Ord. 12571 §54; May 8, 1979).

**27.03.530 Row house.** See Townhouse. (Ord. 12571 §55; May 8, 1979).

**27.03.540 Service station.** Service station shall mean any building or premise which provides for the retail sale of gasoline, oil, tires, batteries, and accessories for

motor vehicles and for certain motor vehicle services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. Automobile repair work may be done at a service station provided that no rebuilding of engines, spray paint operations, or body or fender repair is permitted. Gasoline pumps and gasoline pump islands shall be located more than twelve (12) feet from the nearest property line. (Ord. 12571 §56; May 8, 1979).

**27.03.550 Sign.** Sign shall mean any symbolic device capable of visual communication or attraction which is visible from off the premises upon which it is located. Signs shall include any announcement, words, written material, illustration, symbol, picture, mural, insignia, or structure which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information with the exception of merchandise window displays, national flags and sculpture. For the purpose of removal, sign shall also include all sign structures.

For additional specific definitions pertaining to signs, see chapter 27.69. (Ord. 12571 §57; May 8, 1979).

**27.03.560 Solar screen.** Solar screen shall mean a device attached to a building to provide shading for glazed areas thereof. (Ord. 12571 §58; May 8, 1979).

**27.03.570 Story.** Story shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of the building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar, or unused under-floor space shall be considered as a story. (Ord. 12571 §59; May 8, 1979).

**27.03.580 Street.** Street shall mean all property acquired or dedicated to the public and accepted by the appropriate governmental agencies for street purposes, and property that has been commonly used or dedicated to be used for street purposes prior to November 2, 1953. (Ord. 12571 §60; May 8, 1979).

**27.03.590 Street centerline.** Street centerline shall mean a line midway between street lines. (Ord. 12571 §61; May 8, 1979).

**27.03.600 Street line.** Street line shall mean a dividing line between a lot, tract, or parcel of land and a contiguous street. (Ord. 12571 §62; May 8, 1979).

**27.03.610 Structure.** Structure shall mean anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. 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. 12571 §63; May 8, 1979).

**27.03.620 Structural alteration.** Structural alteration shall mean any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. (Ord. 12571 §64; May 8, 1979).

**27.03.630 Townhouse.** Townhouse shall mean one of a group or row of not less than three (3) nor more than twelve (12) attached, single-family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. The townhouse need not face upon a street if otherwise specifically provided in this title. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot. (Ord. 12571 §65; May 8, 1979).

**27.03.640 Yard line.** The yard line is a line on the lot running parallel to and the required horizontal distance from the nearest lot line. (Ord. 12571 §66; May 8, 1979).

**27.03.650 Yard, required.** Required yard shall mean the required minimum open space between the property line and the yard line. The required yard shall contain no building or structure other than the projection of the usual steps, unenclosed balconies, or open porches, or as otherwise provided in this title. (Ord. 12571 §67; May 8, 1979).

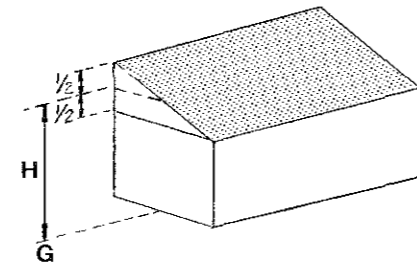
**27.03.660 Yard, required front.** The required front yard shall extend across the front of a lot between the side lot lines. There shall be a required front yard on each street side of a corner lot. (Ord. 12571 §68; May 8, 1979).

**27.03.670 Yard, required rear.** The required rear yard shall extend across the rear of a lot between the side lot lines. On corner lots, the required rear yard may be to the rear of either street, provided that the minimum required rear yard shall be calculated on the longest average lot dimension. On interior lots, the required rear yard shall in all cases be at the opposite end of the lot from the front yard. (Ord. 12571 §69; May 8, 1979).

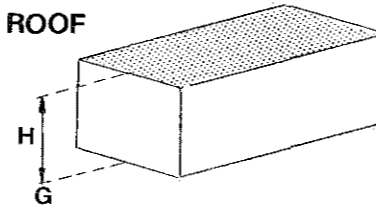
**27.03.680 Yard, required side.** The required side yard shall extend between the front yard line and the rear yard line. There shall be only one required side yard on a corner lot. (Ord. 12571 §70; May 8, 1979).

**BUILDING HEIGHT**

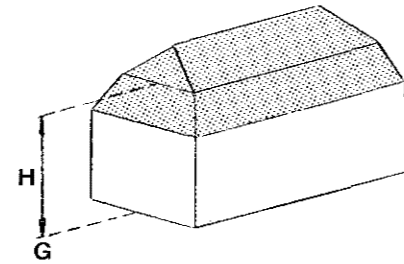
**SHED ROOF**



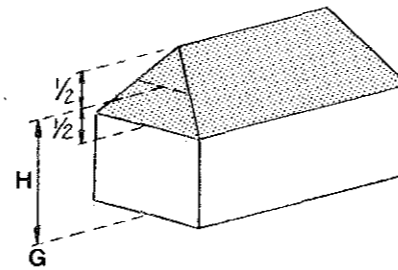
**FLAT ROOF**



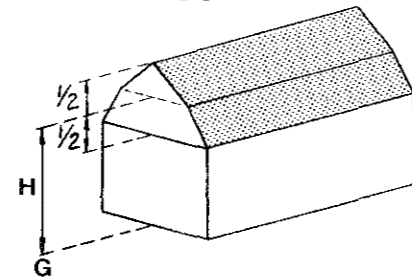
**MANSARD ROOF**



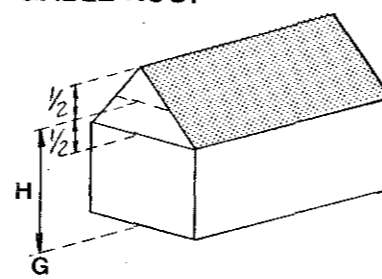
**HIP ROOF**



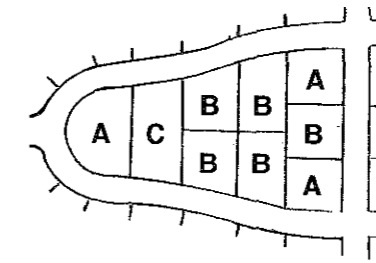
**GAMBREL ROOF**



**GABLE ROOF**

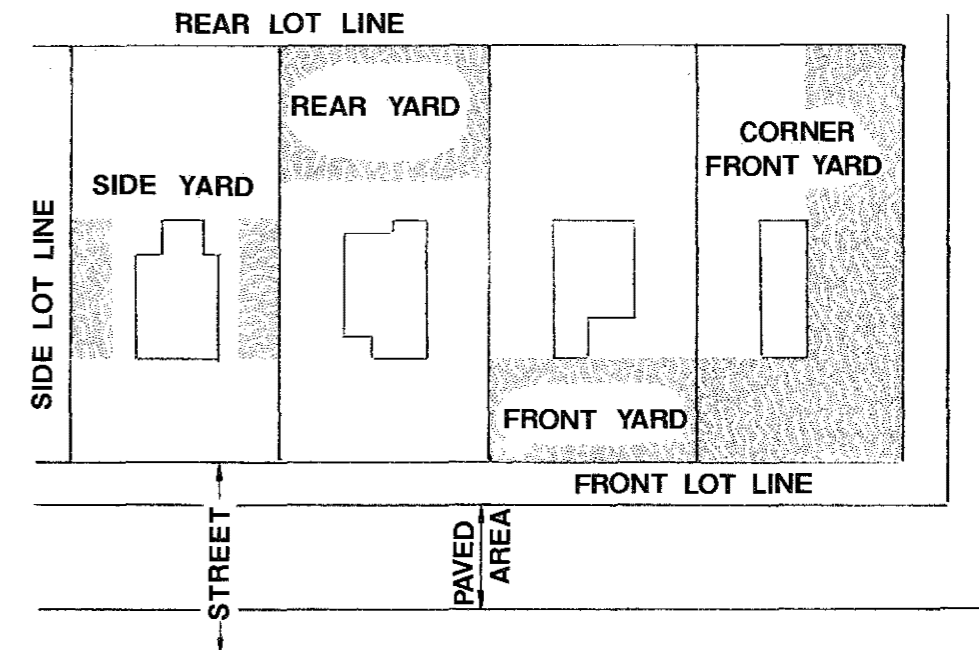


H=HEIGHT OF BUILDING  
G=GRADE



**LEGEND: LOTS**  
A - CORNER  
B - INTERIOR  
C - DOUBLE FRONTAGE

**REQUIRED YARDS --- ILLUSTRATED**



Chapter 27.05

DISTRICTS AND BOUNDARIES

Sections:

- 27.05.010 Districts designated.
- 27.05.020 Boundaries of districts; maps.
- 27.05.030 Rules where uncertainty as to boundaries arises.
- 27.05.040 Vacation of streets and alleys.
- 27.05.050 Classification of land coming within the zoning jurisdiction of the City.
- 27.05.060 Classification of districts.

27.05.010 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 and the area within three miles of the corporate limits thereof is hereby divided into districts. (Ord. 12571 §71; May 8, 19W).

27.05.020 Boundaries of districts; maps. The boundaries of the districts are shown upon maps which are made a part hereof by reference, which maps are designated as the "Lincoln Zoning District Maps." Other maps referenced in this title, including but not limited to, the "Lincoln Capitol Environs District Map," "Flood Hazard Boundary Map," "Lincoln Airport Zoning Map," and "Lincoln Building Line District Map" are also made a part hereof by reference for the purpose of designating the boundaries of districts. That part of the maps designating the different districts and their boundaries and that part of the legend designating the symbol title shall have the same force and effect as if they were all fully set forth herein. Other notations and references thereon are for information only. (Ord.12571 §72; May 8, 1979).

27.05.030 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 by reference, the following rules apply:

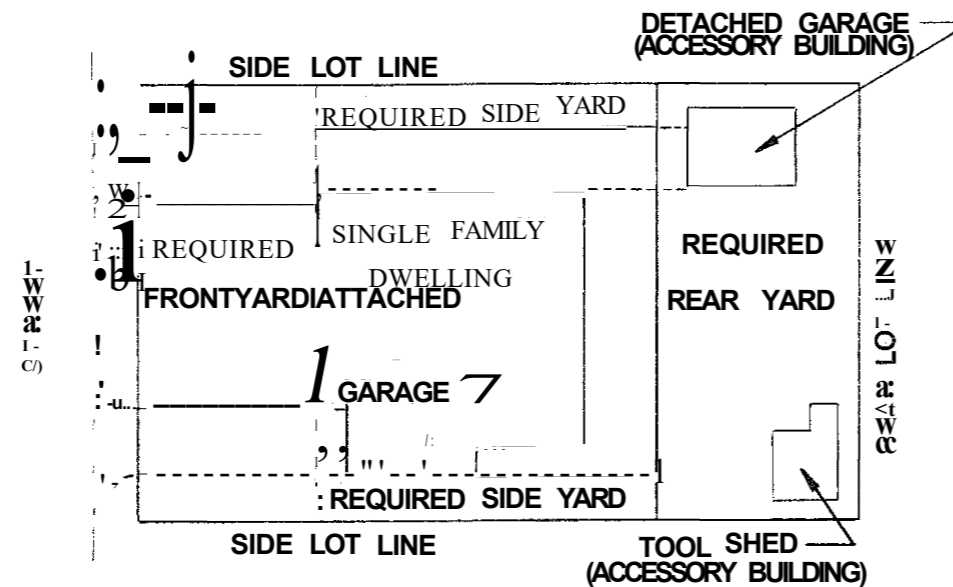
(a) The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map made a part of this title by reference are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

(b) Where the property has been or may hereafter be divided into blocks and platted lots, the district boundaries shall be construed to coincide with the nearest platted lot lines; and where the districts designated in the district map made a part of this title by reference are bounded approximately by platted lot lines, the platted lot line shall be construed to be the boundary of the district.

(c) In unsubdivided property, the district boundary lines on the map made a part of this title by reference shall be determined by use of the scale appearing on the map. (Ord. 12571 §73; May 8, 1979).

27.05.040 Vacation of streets and alleys. Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley, or

**BUILDINGS - PRINCIPAL AND ACCESSORY**





public way is extended to the center of such vacation; and all area included in the vacation shall then and henceforth be subject to the appropriate regulations of the extended districts. (Ord. 12571 §74; May 8, 1979).

**27.05.050 Classification of land coming within the zoning jurisdiction of the city.** All unincorporated territory which may hereafter come within three (3) miles of the city limits by virtue of annexation to the city shall be placed and continued in the AG Agriculture District unless previously designated AGR Agricultural Residential District, in which event it shall be continued in such district. Any other county zoning shall cause the planning director to initiate a change of zone to the appropriate city zoning classification closest in use and area regulations to the previous county zoning. (Ord. 12571 §75; May 8, 1979).

**27.05.060 Classification of districts.** Certain district designations in this title are to apply to specific types of development. The following districts are generally to apply to developing or newly developed areas: R-3, B-2, B-5, H-4, and I-4. The following districts are specifically to apply to already developed areas and are districts not planned for major expansion or creation of new areas with such designations: R-1, R-2, B-1, and B-3. Those districts not specifically listed in this section are not limited to either already developed or newly developing areas. (Ord. 12571 §76; May 8, 1979).

## Chapter 27.07

## AG AGRICULTURE DISTRICT

## Sections:

27.07.010	Scope of regulations.
27.07.020	Permitted uses.
27.07.030	Permitted conditional uses.
27.07.040	Permitted special uses.
27.07.050	Accessory uses.
27.07.060	Parking regulations.
27.07.070	Sign regulations.
27.07.080	Height and area regulations.

This district is designated for agricultural use and is intended to encourage a vigorous agricultural industry throughout the county and to preserve and protect agricultural production by limiting urban sprawl as typified by urban or acreage development.

**27.07.010 Scope of regulations.** The regulations set forth in this chapter, or elsewhere in this title when referred to in this chapter, are the district regulations in the AG Agriculture District. (Ord. 12571 §77; May 8, 1979).

**27.07.020 Permitted uses.** A building or premises shall be permitted to be used for the following purposes in the AG Agriculture District:

- (a) Agriculture, except confined feeding facilities for livestock or poultry;
- (b) Confined feeding facilities for livestock or poultry, of a maximum area of fifteen thousand (15,000) square feet;
- (c) Breeding, raising, management, and sale of fur-bearing animals and the produce thereof;
- (d) Dog-breeding establishments and kennels;
- (e) Stables and riding academies;
- (f) Public uses: including but not limited to public parks, playgrounds, golf courses, and recreational uses; fire stations; public elementary and high schools; and public utilities and utility distribution systems;
- (g) Single-family dwellings;
- (h) Churches. (Ord. 12571 §78; May 8, 1979).

**27.07.030 Permitted conditional uses.** A building or premises may be used for the following purpose in the AG Agriculture District in conformance with the conditions prescribed herein:

- (a) Cemeteries, including mausoleums:
  - (1) Mausoleums shall be located at least two hundred (200) feet from every street and adjoining property line;
  - (2) Any cemetery established after the effective date of this title shall contain an area of twenty (20) acres or more.
- (b) Pet cemeteries: Minimum area shall be five (5) acres;
- (c) Roadside stands for the temporary or seasonal sale of produce:

(1) Such roadside stands shall be permitted in a required yard; however, no roadside stand shall be permitted in a right of way, nor closer than thirty (30) feet to the edge of a travelled roadway;

(2) Such roadside stand shall not be operated for more than one hundred eighty (180) days in any one year.

(d) Group homes:

(1) Group homes shall comply with all sign, height, and area regulations of the district, and all provisions of the Minimum Standard Housing Ordinance. Parking shall be regulated in conformance with the provisions of chapter 27.67;

(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half mile;

(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska. (Ord. 12571 §79; May 8, 1979).

**27.07.040 Permitted special uses.** (a) A building or premises may be used for the following purposes in the AG Agriculture District if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (1) Private schools;
- (2) Recreational facilities;
- (3) Dwellings for members of religious orders;
- (4) Broadcast towers and stations;
- (5) Campgrounds;
- (6) Veterinary facilities;
- (7) Confined feeding facilities for livestock or poultry in excess of fifteen thousand (15,000) square feet in area; in those parts of the AG Agriculture District designated "Agricultural" on the Future County Land Use Map (Fig. 8) of the Lincoln City-Lancaster County Comprehensive Regional Plan (which for this purpose only is hereby incorporated herein by reference);
- (8) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;
- (9) Sale barns;
- (10) Garden centers;
- (11) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
- (12) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- (13) Expansion of nonconforming use;
- (14) Historic preservation;
- (15) Community unit plans shall be permitted in conformance with provisions of chapter 27.65. Any community unit plan shall contain a minimum area of seventy-five (75) acres, and shall have a minimum density of five (5) acres per dwelling unit. (Ord. 12571 §80; May 8, 1979).

**27.07.050 Accessory uses.** Accessory uses permitted in the AG Agriculture District are accessory buildings and uses customarily incident to any of the permitted uses in the district. (Ord. 12571 §81; May 8, 1979).

**27.07.060 Parking regulations.** All parking within the AG Agriculture District shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §82; May 8, 1979).

**27.07.070 Sign regulations.** Signs within the AG Agriculture District shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §83; May 8, 1979).

**27.07.080 Height and area regulations.** The maximum height and minimum lot requirements within the AG Agriculture District shall be as follows:

(a) General requirements:

	Lot Area	Avg. Lot Width	Req'd. Frontage	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
All permitted uses	20 acres	550'	550'	50'*	60'	100'	35'

\*The sum of (1) the distance from the centerline of the abutting road to the property line, plus (2) the required front yard need not exceed the total of 80'. The required front yard may be reduced, where necessary, to reach this total.

(b) There shall be a required front yard on each street side of a double frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on the effective date of this title need not be reduced below thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Where a lot of record on the effective date of this title has a width less than required herein, the required side yard may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than fifteen (15) feet.

(e) Where a lot of record on the effective date of this title has a depth of not more than three hundred (300) feet, there shall be a required rear yard having a depth of not less than fifty (50) feet or twenty percent (20%) of the depth of the lot of record, whichever amount is smaller.

(f) If a lot or tract has less area, width, or frontage or any combination thereof, than herein required, and its boundary lines along their entire length abutted lands under other ownership on the effective date of this title and have not since been changed, such parcel may be used for a single-family dwelling. If two or more adjacent lots in common ownership exist on the effective date of this title, each of such lots may be used for a single-family dwelling; provided, that each such lot shall contain a minimum area of two (2) acres and shall have an average lot width of one hundred fifty (150) feet. Adjacent lots in common ownership may be combined to meet these minimum requirements.

(g) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to the side or rear lot line.

(h) A lot or parcel of land of one acre or more may be used for a single-family dwelling, provided that a residential structure:

- (1) has existed on such land for more than five (5) years;
- (2) such structure is, or has been, used as the primary residence associated with a farm; and
- (3) such structure is in conformance with the other provisions of this title, the Minimum Housing Code, and the minimum standards for water and sewage facilities. (Ord. 12571 §83; May 8, 1979).

## Chapter 27.09

## AGR AGRICULTURAL RESIDENTIAL DISTRICT

## Sections:

- 27.09.010 Scope of regulations.
- 27.09.020 Permitted uses.
- 27.09.030 Permitted conditional uses.
- 27.09.040 Permitted special uses.
- 27.09.050 Accessory uses.
- 27.09.060 Parking regulations.
- 27.09.070 Sign regulations.
- 27.09.080 Height and area regulations.

This district is intended to provide for a vigorous agricultural industry combined with low-density, acreage residential development in selected portions of the county. Generally, these districts are located near urban areas, villages, or existing rural non-farm activities within reasonable reach of fire protection, relatively close to paved roads, and in areas of the county where ownership of land is already in small parcels.

**27.09.010 Scope of regulations.** The regulations set forth in this chapter, or elsewhere in this title when referred to in this chapter, are the district regulations in the AGR Agricultural Residential District. (Ord. 12571 §85; May 8, 1979).

**27.09.020 Permitted uses.** A building or premises shall be permitted to be used for the following purposes in the AGR Agricultural Residential District:

- (a) Agriculture, except confined feeding facilities for livestock or poultry;
- (b) Dog-breeding establishments and kennels;
- (c) Stables and riding academies;
- (d) Public uses; and publicly owned and operated uses including but not limited to public parks, playgrounds, golf courses, and recreational uses; fire stations; public elementary and high schools; and public utilities and utility distribution systems; and airports;
- (e) Churches;
- (f) Single-family dwellings. (Ord. 12571 §86; May 8, 1979).

**27.09.030 Permitted conditional uses.** A building or premises may be used for the following purpose in the AGR Agricultural Residential District in conformance with the conditions prescribed herein:

- (a) Cemeteries, including mausoleums:
  - (1) Mausoleums shall be located at least two hundred (200) feet from every street line and adjoining property line;
  - (2) Any cemetery established after the effective date of this title shall contain an area of twenty (20) acres or more;
- (b) Pet cemeteries: Minimum area shall be five (5) acres;
- (c) Roadside stands for the temporary or seasonal sale of produce:
  - (1) Such roadside stands shall be permitted in a required yard; however, no roadside stand shall be permitted in a right of way, nor closer than thirty (30) feet to the edge of a travelled roadway;

(2) Such roadside stand shall not be operated for more than one hundred eighty (180) days in any one year.

(d) Group homes:

(1) Group homes shall comply with all sign, height, and area regulations of the district, and all provisions of the Minimum Standard Housing Ordinance. Parking shall be regulated in conformance with the provisions of chapter 27.67;

(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half (1/2) mile;

(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska. (Ord. 12571 §87; May 8, 1979).

**27.09.040 Permitted special uses.** A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Private schools;
- (b) Recreational facilities;
- (c) Dwellings for members of religious orders;
- (d) Broadcast towers;
- (e) Campgrounds;
- (f) Veterinary facilities;
- (g) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;
- (h) Garden centers;
- (i) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
- (j) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- (k) Community unit plans shall be permitted in conformance with the provisions of chapter 27.65;
- (l) Expansion of nonconforming uses;
- (m) Historic preservation. (Ord. 12571 §88; May 8, 1979).

**27.09.050 Accessory uses.** Accessory uses permitted in the AGR Agricultural Residential District are accessory buildings and uses customarily incident to any of the permitted uses in the district. (Ord. 12571 §89; May 8, 1979).

**27.09.060 Parking regulations.** All parking within the AGR Agricultural Residential District shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §90; May 8, 1979).

**27.09.070 Sign regulations.** Signs within the AGR Agricultural Residential District shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §91; May 8, 1979).

**27.09.080 Height and area regulations.** The maximum height and minimum lot requirements within the AGR Agricultural Residential District shall be as follows:

(a) General requirements:

	Lot Area	Avg. Lot Width	Frontage	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
All permitted uses	1 acre	150'	120'	50'*	15'	Lesser of 50' or 20% of depth.	30'

\*The sum of (1) the distance from the centerline of the abutting road to the property line, plus (2) the required front yard need not exceed 80'. The required front yard may be reduced, where necessary, to reach this total.

- (b) There shall be a required front yard on each street side of a double frontage lot;
- (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced below thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Where a lot of record on November 2, 1953, has a width of one hundred (100) feet or less, the required side yard may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than five (5) feet.

(e) If a lot or tract has less area or width, or both less area and width, than herein required, and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such parcel may be used for a single-family dwelling.

(f) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to the side or rear lot line (Ord. 12571 §92; May 8, 1979).

Chapter 27.11

R-1 RESIDENTIAL DISTRICT

Sections:

- 27.11.010 Scope of regulations.
- 27.11.020 Use regulations.
- 27.11.030 Permitted conditional uses.
- 27.11.040 Permitted special uses.
- 27.11.050 Accessory uses.
- 27.11.060 Parking regulations.
- 27.11.070 Sign regulations.
- 27.11.080 Height and area regulations.

This district is intended to provide a generally stable residential use in areas of the city that are largely developed. With a gross density of generally three to five dwelling units per acre, the district permits single- and two-family dwellings and such supportive community facilities as parks, playgrounds, schools, libraries, and churches. It is intended that this district be limited to previously platted portions of the city already undergoing substantial development, thereby preserving existing low-density residential development.

**27.11.010 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 R-1 Residential District. (Ord. 12571 §93; May 8, 1979).

**27.11.020 Use regulations.** A building or premises shall be permitted to be used for the following purposes in the R-1 Residential District:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (d) Public libraries;
- (e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes. (Ord. 12571 §94; May 8, 1979).

**27.11.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the R-1 Residential District in conformance with the conditions prescribed herein:

- (a) Churches:
  - (1) Parking shall be in conformance with chapter 27.67;
  - (2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the city council;
  - (3) Required side and rear yards shall be fifteen (15) feet or the same as the district, whichever is greater.
  - (4) Buildings shall not cover more than fifteen percent (15%) of the lot area.
- (b) Group homes:
  - (1) Group homes shall comply with all sign, height, and area regulations of the district, and all provisions of the Minimum Standard Housing Ordinance.

Parking shall be regulated in conformance with the provisions of chapter 27.67;

- (2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half (½) mile;
- (3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska. (Ord. 12517 §95; May 8, 1979).

**27.11.040 Permitted special uses.** A building or premises may be used for the following purposes in the R-1 Residential District if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Community unit plans in conformance with chapter 27.65;
- (b) Private schools, other than those permitted under section 27.11.020(e) above;
- (c) Health care facilities;
- (d) Dwellings for members of religious orders;
- (e) Mobile home courts;
- (f) Recreational facilities;
- (g) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- (h) Broadcast towers;
- (i) Certain parking lots as defined in chapter 27.63;
- (j) Housing and related facilities for the elderly;
- (k) Expansion of nonconforming uses;
- (l) Historic preservation. (Ord. 12517 §96; May 8, 1979).

**27.11.050 Accessory uses.** Accessory uses permitted in the R-1 Residential District are accessory buildings and uses customarily incident to any of the permitted uses in the district. (Ord. 12517 §97; May 8, 1979).

**27.11.060 Parking regulations.** Parking within the R-1 Residential District shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12517 §98; May 8, 1979).

**27.11.070 Sign regulations.** Signs within the R-1 Residential District shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12517 §99; May 8, 1979).

**27.11.080 Height and area regulations.** The maximum height and minimum lot requirements within the R-1 Residential District shall be as follows:

- (a) General requirements:

	<u>Lot Area</u> <u>(Sq. ft.)</u>	<u>Avg.</u> <u>Lot</u> <u>Width</u>	<u>Req'd.</u> <u>Front</u> <u>Yard</u>	<u>Req'd.</u> <u>Side</u> <u>Yard</u>	<u>Req'd.</u> <u>Rear</u> <u>Yard</u>	<u>Height</u>
<b>Dwelling,</b> <b>single-family</b>	9,000	60'	30'	10'		35'
<b>Dwelling,</b> <b>two-family</b>	7,200 per fam.	48' per fam.	30'	20', 0' if party wall.	Smaller of 30' or 20% of depth	35'
<b>Other permitted</b> <b>uses</b>	9,000	60'	30'	10'		35'

(b) There shall be a required front yard on each street side of a double frontage lot;  
 (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Wherever a lot of record on November 2, 1953, had a width of one hundred (100) feet or less, the required side yard for a single-family dwelling may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than five (5) feet.

(e) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line nor more than fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(f) If a lot or tract has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such parcel of land may be used for a single-family dwelling.

(g) In those locations in the R-1 residential district where, on November 2, 1953, and continuing thereafter, forty percent (40%) or more of the frontage on the same side of a street between two street intersections is lawfully occupied by two or more buildings consisting of two-family dwellings or two-family and multiple family dwellings, two-family dwellings may be erected in conformance with the height, minimum lot requirements, and parking regulations of the R-4 residential district.

(h) Multiple dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of chapter 27.61. (Ord. 12751 §1; November 5, 1979; prior Ord. 12657 §1; August 6, 1979; Ord. 12517 §100; May 8, 1979).

## Chapter 27.13

## R-2 RESIDENTIAL DISTRICT

## Sections:

27.13.010	Scope of regulations.
27.13.020	Use regulations.
27.13.030	Permitted conditional uses.
27.13.040	Permitted special uses.
27.13.050	Accessory uses.
27.13.060	Parking regulations.
27.13.070	Sign regulations.
27.13.080	Height and area regulations.

This district is intended to provide a generally stable residential use in areas of the city that are largely developed. With a gross density of generally three to five dwelling units per acre, this district permits single- and two-family dwellings and supportive community services, such as parks, playgrounds, schools, libraries, and churches. It is intended that this district be limited to previously platted portions of the city already undergoing substantial development, thereby preserving existing low-density residential development.

**27.13.010 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 R-2 Residential District. (Ord. 12571 §101; May 8, 1979).

**27.13.020 Use regulations.** A building or premises shall be permitted to be used for the following purposes in the R-2 Residential District:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (d) Public libraries;
- (e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes. (Ord. 12571 §102; May 8, 1979).

**27.13.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the R-2 Residential District in conformance with the conditions prescribed herein:

- (a) Churches:
  - (1) Parking shall be in conformance with Chapter 27.67;
  - (2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the city council;
  - (3) Required side and rear yards shall be fifteen (15) feet or the same as the district, whichever is greater.

- (4) Buildings shall not cover more than fifteen percent (15%) of the lot area.
- (b) Group homes:
  - (1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the Minimum Standard Housing Ordinance. Parking shall be regulated in conformance with the provisions of chapter 27.67.
  - (2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half (½) mile;
  - (3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska. (Ord. 12571 §103; May 8, 1979).

**27.13.040 Permitted special uses.** A building or premises may be used for the following purposes in the R-2 Residential District if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Community unit plans in conformance with chapter 27.65;
- (b) Private schools, other than those permitted under section 27.11.020(e) above;
- (c) Health care facilities;
- (d) Dwellings for members of religious orders;
- (e) Mobile home courts;
- (f) Recreational facilities;
- (g) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- (h) Broadcast towers;
- (i) Certain parking lots as defined in chapter 27.63;
- (j) Housing and related facilities for the elderly;
- (k) Expansion of nonconforming uses;
- (l) Historic preservation. (Ord. 12571 §104; May 8, 1979).

**27.13.050 Accessory uses.** Accessory uses permitted in the R-2 Residential District are accessory buildings and uses customarily incident to any of the permitted uses in the district. (Ord. 12571 §105; May 8, 1979).

**27.13.060 Parking regulations.** Parking within the R-2 Residential District shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §106; May 8, 1979).

**27.13.070 Sign regulations.** Signs within the R-2 Residential District shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §107; May 8, 1979).

**27.13.080 Height and area regulations.** The maximum height and minimum lot requirements within the R-2 Residential District shall be as follows:

- (a) General requirements:

	<u>Lot Area</u> <u>(Sq. ft.)</u>	<u>Avg.</u> <u>Lot</u> <u>Width</u>	<u>Req'd.</u> <u>Front</u> <u>Yard</u>	<u>Req'd.</u> <u>Side</u> <u>Yard</u>	<u>Req'd.</u> <u>Rear</u> <u>Yard</u>	<u>Height</u>
<b>Dwelling,</b> <b>single-family</b>	6,000	50'	25'	5'	Smaller of 30' or 20% of depth	35'
<b>Dwelling,</b> <b>two-family</b>	5,000 per fam.	40' per fam.	25'	10', 0' if party wall.		35'
<b>Other permitted</b> <b>uses</b>	6,000	50'	25'	5'		35'

(b) There shall be a required front yard on each street side of a double frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line nor more than fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(e) If a lot or tract has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such parcel of land may be used for a single-family dwelling.

(f) In those locations in the R-2 residential district where, on November 2, 1953, and continuing thereafter, forty percent (40%) or more of the frontage on the same side of a street between two street intersections is lawfully occupied by two (2) or more buildings, consisting of two-family dwellings or two-family and multiple family dwellings, two-family dwellings may be erected in conformance with the height, minimum lot requirements, and parking regulations of the R-4 residential district.

(g) Multiple dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of chapter 27.61. (Ord. 12751 §2; November 5, 1979; prior Ord. 12657 §2; August 6, 1979; Ord. 12517 §108; May 8, 1979).

## Chapter 27.15

## R-3 RESIDENTIAL DISTRICT

## Sections:

27.15.010	Scope of regulations.
27.15.020	Use regulations.
27.15.030	Permitted conditional uses.
27.15.040	Permitted special uses.
27.15.050	Accessory uses.
27.15.060	Parking regulations.
27.15.070	Sign regulations.
27.15.080	Height and area regulations.

This district is intended to provide for developing areas of residential use with a gross density of three to five dwelling units per acre, with strong encouragement for the general use of community unit plans to foster improved and innovative design, a mix of housing types and socio-economic groups, and improved energy and resource conservation.

**27.15.010 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 R-3 residential district. (Ord. 12571 §109; May 8, 1979).

**27.15.020 Use regulations.** A building or premises shall be permitted to be used for the following purposes in the R-3 residential district:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (d) Public libraries;
- (e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes. (Ord. 12571 §110; May 8, 1979).

**27.15.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the R-3 residential district in conformance with the conditions prescribed herein:

- (a) Churches:
  - (1) Parking shall be in conformance with chapter 27.67;
  - (2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the city council;
  - (3) Required side and rear yards shall be fifteen (15) feet or the same as the district, whichever is greater.
  - (4) Buildings shall not cover more than fifteen percent (15%) of the lot area.
- (b) Group homes:
  - (1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the Minimum Standard Housing Ordinance. Parking shall be regulated in conformance with the provisions of Chapter 27.67.

(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half (½) mile;

(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska. (Ord. 12571 §111; May 8, 1979).

**27.15.040 Permitted special uses.** A building or premises may be used for the following purposes in the R-3 residential district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Community unit plans in conformance with the following requirements:
  - (1) The average lot area shall be at least five thousand (5,000) square feet;
  - (2) All the requirements of chapter 27.65.
- (b) Private schools, other than those permitted under section 27.11.020(e) above;
- (c) Health care facilities;
- (d) Dwellings for members of religious orders;
- (e) Mobile home courts;
- (f) Recreational facilities;
- (g) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- (h) Broadcast towers;
- (i) Extracting sand, gravel, and soil;
- (j) Certain parking lots as defined in chapter 27.63;
- (k) Housing and related facilities for the elderly;
- (l) Expansion of nonconforming uses;
- (m) Historic preservation;
- (n) Garden centers, only in conjunction with nurseries existing on the effective date of this title. (Ord. 12571 §112; May 8, 1979).

**27.15.050 Accessory uses.** Accessory uses permitted in the R-3 residential district are accessory buildings and uses customarily incident to any of the permitted uses in the district. (Ord. 12571 §114; May 8, 1979).

**27.15.060 Parking regulations.** Parking within the R-3 residential district shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §114; May 8, 1979).

**27.15.070 Sign regulations.** Signs within the R-3 residential district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §115; May 8, 1979).

**27.15.080 Height and area regulations.** The maximum height and minimum lot requirements within the R-3 residential district shall be as follows:

- (a) General requirements:



	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
Dwelling, single-family	6,000	50'	20'	Total 15', Min. 5' per side; 0' on party wall.	Smaller of 30' or 20% of depth.	35'
Dwelling, two-family	5,000 per fam.	40' per fam.	20'			35'
Other permitted uses	6,000	50'	20'	15' per side		35'

(b) There shall be a required front yard on each street side of a double frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten (10) feet on the side along the street adjacent to both corner lots.

(d) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, nor more than fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(e) If a lot or tract has less area or width, or both less area and width, than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such parcel of land may be used for a single-family dwelling.

(f) Multiple dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of chapter 27.61. (Ord. 12751 §3; November 5, 1979; prior Ord. 12657 §3; August 6, 1979; Ord. 12517 §116; May 8, 1979).

Chapter 27.17

R-4 RESIDENTIAL DISTRICT

Sections:

- 27.17.010 Scope of regulations.
- 27.17.020 Use regulations.
- 27.17.030 Permitted conditional uses.
- 27.17.040 Permitted special uses.
- 27.17.050 Accessory uses.
- 27.17.060 Parking regulations.
- 27.17.070 Sign regulations.
- 27.17.080 Height and area regulations.

This district is intended to provide a stable area of residential use at a gross density in the range of three to five dwelling units per acre. It is anticipated that some redevelopment will occur in this district. The use of the district includes single- and two-family dwellings, plus support facilities, such as schools, parks, community buildings, and churches.

**27.17.010 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 R-4 Residential District. (Ord. 12571 §117; May 8, 1979).

**27.17.020 Use regulations.** A building or premises shall be permitted to be used for the following purposes in the R-4 Residential District:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (d) Public libraries;
- (e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes. (Ord. 12517 §118; May 8, 1979).

**27.17.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the R-4 Residential District in conformance with the conditions prescribed herein:

- (a) Churches;
  - (1) Parking shall be in conformance with chapter 27.67;
  - (2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the city council;
  - (3) Required side and rear yards shall be fifteen (15) feet or the same as the district, whichever is greater.
  - (4) Buildings shall not cover more than fifteen percent (15%) of the lot area.
- (b) Group homes:

(1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the Minimum Standard Housing Ordinance. Parking shall be regulated in conformance with the requirements of chapter 27.67;

(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than twelve hundred (1,200) feet;

(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska. (Ord. 12517 §119, May 8, 1979).

**27.17.040 Permitted special uses.** A building or premises may be used for the following purposes in the R-4 Residential District if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Community unit plans in conformance with chapter 27.65;
- (b) Private schools, other than those permitted under section 27.17.020(e) above;
- (c) Health care facilities;
- (d) Dwellings for members of religious orders;
- (e) Mobile home courts;
- (f) Recreational facilities;
- (g) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- (h) Broadcast towers;
- (i) Certain parking lots as defined in chapter 27.63;
- (j) Clubs;
- (k) Housing and related facilities for the elderly;
- (l) Expansion of nonconforming uses;
- (m) Historic preservation. (Ord. 12517 §120, May 8, 1979).

**27.17.050 Accessory uses.** Accessory uses permitted in the R-4 Residential District are accessory buildings and uses customarily incident to any of the permitted uses in the district. (Ord. 12517 §121; May 8, 1979).

**27.17.060 Parking regulations.** Parking within the R-4 Residential District shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12517 §22; May 8, 1979).

**27.17.070 Sign regulations.** Signs within the R-4 Residential District shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12517 §123; May 8, 1979).

**27.17.080 Height and area regulations.** The maximum height and minimum lot requirements within the R-4 Residential District shall be as follows:

(a) General requirements:

	<u>Lot Area</u> <u>(Sq. ft.)</u>	<u>Avg.</u> <u>Lot</u> <u>Width</u>	<u>Req'd.</u> <u>Front</u> <u>Yard</u>	<u>Req'd.</u> <u>Side</u> <u>Yard</u>	<u>Req'd.</u> <u>Rear</u> <u>Yard</u>	<u>Height</u>
All permitted uses	5,000	50'	25'	5', 0' for dwellings at party wall.	Smaller of 30' or 20% of depth.	35'

(b) There shall be a required front yard on each street side of a double frontage lot;  
 (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, nor more than fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(e) Where a lot of record as of November 2, 1953, has less area or width, or both less area and width, than herein required, and its boundary lines along their entire length abutted lands of other ownership on November 2, 1953, and have not since been changed, such lot may be used for a single-family dwelling. Where a lot of record as of November 2, 1953, has less width than herein required, and its boundary lines along their entire length abutted lands of other ownership on November 2, 1953, and have not since been changed, such lot may be used for a two-family dwelling.

(f) In those locations in the R-4 residential district where, on November 2, 1953, and continuing thereafter, forty percent (40%) or more of the frontage on the same side of a street between two street intersections is lawfully occupied by two (2) or more buildings, consisting of multiple dwellings, three- and four-family dwellings may be erected in conformance with the height, minimum lot requirements, and parking regulations of the R-5 residential district.

(g) Multiple dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of chapter 27.61. (Ord. 12751 §4; November 5, 1979; prior Ord. 12657 §4; August 6, 1979; Ord. 12517 §124; May 8, 1979).

Chapter 27.19

R-5 RESIDENTIAL DISTRICT

Sections:

- 27.19.010 Scope of regulations.
- 27.19.020 Use regulations.
- 27.19.030 Permitted conditional uses.
- 27.19.040 Permitted special uses.
- 27.19.050 Accessory uses.
- 27.19.060 Parking regulations.
- 27.19.070 Sign regulations.
- 27.19.080 Height and area regulations.

This district is intended to provide a redeveloping area of moderate residential density of between six and ten dwelling units per acre. This district provides for single-family, two-family, and multiple and townhouse residential uses, plus support facilities, such as schools, parks, community buildings, and churches.

**27.19.010 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 R-5 residential district. (Ord. 12571 §125; May 8, 1979).

**27.19.020 Use regulations.** A building or premises shall be permitted to be used for the following purposes in the R-5 residential district:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Multiple dwellings;
- (d) Townhouses;
- (e) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (f) Public libraries;
- (g) Public elementary and high schools, 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. (Ord. 12571 §126; May 8, 1979).

**27.19.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the R-5 residential district in conformance with the conditions prescribed herein:

- (a) Churches:
  - (1) Parking shall be in conformance with chapter 27.67;
  - (2) Required side and rear yards shall be fifteen (15) feet or the same as the district, whichever is greater.
  - (3) Buildings shall not cover more than fifteen percent (15%) of the lot area.
- (b) Group homes:
  - (1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the requirements of chapter 27.67;

(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than twelve hundred (1,200) feet;

(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska. (Ord. 12571 §127; May 8, 1979).

**27.19.040 Permitted special uses.** A building or premises may be used for the following purposes in the R-5 residential district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Private schools, other than those permitted under section 27.19.020(g) above;
- (b) Health care facilities;
- (c) Dwellings for members of religious orders;
- (d) Recreational facilities;
- (e) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- (f) Broadcast towers;
- (g) Certain parking lots as defined in chapter 27.63;
- (h) Clubs;
- (i) Housing and related facilities for the elderly;
- (j) Community unit plans in conformance with chapter 27.65;
- (k) Expansion of nonconforming uses;
- (l) Historic preservation. (Ord. 12571 §128; May 8, 1979).

**27.19.050 Accessory uses.** Accessory uses permitted in the R-5 residential district are accessory buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling. (Ord. 12571 §129; May 8, 1979).

**27.19.060 Parking regulations.** All parking within the R-5 residential district shall be in conformance with the provisions of chapter 27.67. (Ord. 12571 §130; May 8, 1979).

**27.19.070 Sign regulations.** Signs within the R-5 residential district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §131; May 8, 1979).

**27.19.080 Height and area regulations.** The maximum height and minimum lot requirements within the R-5 residential district shall be as follows:

(a) General requirements:

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
Dwelling, single-family	5,000	50'	20'	5'	Smaller of 30' or 20% of depth.	35'
Dwelling, two-family	5,000	50'	20'	5'		35'
Townhouses	2,500 per unit	20'	20'	0' or 10' on nonparty wall side.		35'

(cont.)

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
<b>Dwelling Multiple:</b>						
<b>Lots containing 14,000 sq. ft. or less</b>	1,500 per unit	50'	20'	7' or 10' if over 20' in height.		35'
<b>More than 14,000 sq. ft. but less than 21,000 sq. ft.</b>	1,300 per unit	100'	20'	7' or 10' if over 20' in height.		35'
<b>21,000 sq. ft. or more</b>	1,100 per unit	150'	20'	7' or 10' if over 20' in height.		35'
<b>Other permitted uses</b>	5,000	50'	20'	5'		35'

(b) There shall be a required front yard on each street side of a double frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten (10) feet on the side along the street adjacent to both corner lots.

(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

- 125 square feet for the first dwelling unit;
- 80 square feet per unit for the next four dwelling units;
- 25 square feet per unit for the next four dwelling units;
- 20 square feet per unit for each additional dwelling unit beyond nine (9).

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space requirement; except for porches, balconies, and terraces as permitted in sections 27.71.100 and 27.71.110.

(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) Required open space may be provided either on a balcony four (4) or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation and other uses that are consistent with similar uses in ground-level side and rear yards

for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space;

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one (3-1), if the smallest dimension of the open space is twelve (12) feet or less.

(e) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, nor more than fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(f) Where a lot of record as of November 2, 1953, has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, the lot may be used for a single-family dwelling, two-family dwelling, or for any non-dwelling use permitted in this chapter. (Ord. 12751 §5; November 5, 1979; prior Ord. 12701 §1; October 2, 1979; Ord. 12517 §132; May 8, 1979).

## Chapter 27.21

## R-6 RESIDENTIAL DISTRICT

## Sections:

27.21.010	Scope of regulations.
27.21.020	Use regulations.
27.21.030	Permitted conditional uses.
27.21.040	Permitted special uses.
27.21.050	Accessory uses.
27.21.060	Parking regulations.
27.21.070	Sign regulations.
27.21.080	Height and area regulations.

This district is intended to provide a generally redeveloping area of moderately high residential density between eleven and fourteen dwelling units per acre. This district provides for single-family, two-family, multiple and townhouse residential uses, lodging and boarding houses, private clubs, fraternities and sororities, and support facilities, such as schools, parks, community buildings, and churches.

**27.21.010 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 R-6 residential district. (Ord. 12571 §133; May 8, 1979).

**27.21.020 Use regulations.** A building or premises shall be used only for the following purposes in the R-6 residential district:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Multiple dwellings;
- (d) Townhouses;
- (e) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (f) Public libraries;
- (g) Public elementary and high schools, 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;
- (h) Boarding and lodging houses;
- (i) Nonprofit religious, educational and philanthropic institutions;
- (j) Private clubs, fraternities, sororities, and lodges, except those the primary activity of which is a service customarily carried on as a business. (Ord. 12571 §134; May 8, 1979).

**27.21.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the R-6 residential district in conformance with the conditions prescribed herein:

- (a) Churches:
  - (1) Parking shall be in conformance with chapter 27.67;

(2) Required side and rear yards shall be fifteen (15) feet or the same as the district, whichever is greater.

(3) Buildings shall not cover more than fifteen percent (15%) of the lot area.

(b) Group homes:

(1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the requirements of chapter 27.67;

(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than twelve hundred (1,200) feet;

(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska. (Ord. 12571 §135; May 8, 1979).

**27.21.040 Permitted special uses.** A building or premises may be used for the following purposes in the R-6 residential district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Private schools, other than those permitted under section 27.21.020(g) above;
- (b) Health care facilities;
- (c) Dwellings for members of religious orders;
- (d) Recreational facilities;
- (e) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- (f) Broadcast towers;
- (g) Certain parking lots as defined in chapter 27.63;
- (h) Housing and related facilities for the elderly;
- (i) Community unit plans in conformance with chapter 27.65;
- (j) Expansion of nonconforming uses;
- (k) Historic preservation. (Ord. 12571 §136; May 8, 1979).

**27.21.050 Accessory uses.** Accessory uses permitted in the R-6 residential district are the accessory buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling, hospital, or institution building. (Ord. 12571 §137; May 8, 1979).

**27.21.060 Parking regulations.** All parking within the R-6 residential district shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §138; May 8, 1979).

**27.21.070 Sign regulations.** Signs within the R-6 residential district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §139; May 8, 1979).

**27.21.080 Height and area regulations.** The maximum height and minimum lot requirements within the R-6 residential district shall be as follows:

- (a) General requirements:

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
Dwelling, single-family	4,000	50'	20'	5'		35'
Dwelling, two-family	5,000	50'	20'	5'		35'
Townhouses	2,500 per fam.	20'	20'	0' or 5' on nonparty wall side.		35'
Other permitted uses	4,000	50'	20'	5'		35'
<u>Dwelling, multiple:</u>						
Lot containing 14,000 sq. ft. per unit or less	1,100 <sup>6</sup> per unit	50'	20'	7' or 10' if over 20' in height.	Smaller of 30' or 20% of depth.	35'
More than 14,000 but less than 21,000 sq. ft.	900 per unit	100'	20'	Total 25', min. 8' per side.		45'*
21,000 sq. ft. or more	700 <sup>30</sup> per unit	150'	20'	Total 30', min. 10' per side.		45'*

\*Over 35' in height, add one foot to the required side and rear yards for each additional two (2) feet of height.

- (b) There shall be a required front yard on each street side of a double frontage lot;
- (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten (10) feet on the side along the street adjacent to both corner lots.
- (d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:
  - 125 square feet for the first dwelling unit;
  - 80 square feet per unit for the next four dwelling units;
  - 25 square feet per unit for the next four dwelling units;
  - 20 square feet per unit for each additional dwelling unit beyond nine (9).

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement except as follows:

- (i) Porches, balconies, and terraces as permitted in sections 27.71.100 and 27.71.110;
- (ii) The required side yard may be counted where the distance between the main building and the side lot line exceeds the required side yard by more than seven (7) feet;

(iii) Balconies projecting into the required side yard for a distance not to exceed seven (7) feet may be counted as open space;

(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) Required open space may be provided either on a balcony four (4) or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation, and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures, such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one (3-1), if the smallest dimension of the open space is twelve (12) feet or less.

(e) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, nor more than fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(f) Where a lot of record as of November 2, 1953, has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, the lot may be used for a single-family dwelling, two-family dwelling, or for any non-dwelling use permitted in this chapter.

(g) Where, on the effective date of this title, a lot exists which meets all of the following conditions:

- (1) It has a minimum area of eight thousand (8,000) square feet;
- (2) It is abutted on both side lot lines by lots occupied by multiple dwellings;
- (3) Each of the adjoining multiples contain six (6) or more units. (Ord. 12751 §6; November 5, 1979: prior Ord. 12701 §2; October 2, 1979: Ord. 12517 §140; May 8, 1979).

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## Chapter 27.23

## R-7 RESIDENTIAL DISTRICT

## Sections:

27.23.010	Scope of regulations.
27.23.020	Use regulations.
27.23.030	Permitted conditional uses.
27.23.040	Permitted special uses.
27.23.050	Accessory uses.
27.23.060	Parking regulations.
27.23.070	Sign regulations.
27.23.080	Height and area regulations.

This district is intended to provide a redeveloping area of comparatively high density residential use in the range of fifteen dwelling units, gross, per acre. This district provides for single-family, two-family, multiple, and townhouse residential uses, lodging and boarding houses, apartment hotels, private clubs, fraternities and sororities, and such facilities as schools, parks, community buildings, and churches.

**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 district regulations in the R-7 residential district. (Ord. 12571 §141; May 8, 1979).

**27.23.020 Use regulations.** A building or premises shall be permitted to be used for the following purposes in the R-7 residential district:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Multiple dwellings;
- (d) Townhouses;
- (e) Apartment hotels;
- (f) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (g) Public libraries;
- (h) Public elementary and high schools, 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;
- (i) Boarding and lodging houses;
- (j) Nonprofit religious, educational and philanthropic institutions;
- (k) Private clubs, fraternities, sororities, and lodges, except those the primary activity of which is a service customarily carried on as a business. (Ord. 12571 §142; May 8, 1979).

**27.23.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the R-7 residential district in conformance with the conditions prescribed herein:

- (a) Churches:
  - (1) Parking shall be in conformance with chapter 27.67;

(2) Required side and rear yards shall be fifteen (15) feet or the same as the district, whichever is greater.

(3) Buildings shall not cover more than fifteen percent (15%) of the lot area.

(b) Group homes:

(1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the requirements of chapter 27.67.

(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than twelve hundred (1,200) feet;

(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska. (Ord. 12571 §143; May 8, 1979).

**27.23.040 Permitted special uses.** A building or premises may be used for the following purposes in the R-7 residential district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Private schools, other than those permitted under section 27.23.020(h) above;
- (b) Health care facilities;
- (c) Dwellings for members of religious orders;
- (d) Recreational facilities;
- (e) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- (f) Broadcast towers;
- (g) Certain parking lots as defined in chapter 27.63;
- (h) Housing and related facilities for the elderly;
- (i) Expansion of nonconforming uses;
- (j) Historic preservation. (Ord. 12571 §144; May 8, 1979).

**27.23.050 Accessory uses.** Accessory uses permitted in the R-7 residential district are accessory buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling, hospital, or institution building. (Ord. 12571 §145; May 8, 1979).

**27.23.060 Parking regulations.** All parking within the R-7 residential district shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §146; May 8, 1979).

**27.23.070 Sign regulations.** Signs within the R-7 residential district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §147; May 8, 1979).

**27.23.080 Height and area regulations.** The maximum height and minimum lot requirements within the R-7 residential district shall be as follows:

- (a) General requirements:

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height	
Dwelling, single-family	4,000	50'	20'	5'	Smaller of 30' or 20% of depth.	35'	
Dwelling, two-family	4,000	50'	20'	5'		35'	
Townhouses	2,000 per fam.	20'	20'	0' or 5' on nonparty wall side.		35'	
Other permitted uses	4,000	50'	20'	5'		35'	
<b><u>Dwelling, multiple:</u></b>							
Lots containing 14,000 sq. ft. or less	700 per unit	50'	20'	Total 15', (min. 7' per side)		45'*	
More than 14,000 but less than 21,000 sq. ft.	600 per unit	100'	20'	Total 25', (min. 10' per side)	50'*		
21,000 sq. ft. or more	550 per unit	150'	20'	Total 30', (min. 10' per side)	75'*		

\*Over 35' in height, add one foot to the required side and rear yards for each additional (2) feet of height.

(b) There shall be a required front yard on each street side of a double frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten (10) feet on the side along the street adjacent to both corner lots.

(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

- 125 square feet for the first dwelling unit;
- 80 square feet per unit for the next four dwelling units;
- 25 square feet per unit for the next four dwelling units;
- 20 square feet per unit for each additional dwelling unit beyond nine (9).

This open space requirement may be met in the following manner:

- (1) The required rear yard may be counted; however, the required front and

side yards may not be counted toward fulfillment of said open space requirement, except as follows:

(i) Porches, balconies, and terraces as permitted in sections 27.71.100 and 27.71.110;

(ii) The required side yard may be counted where the distance between the main building and the side lot line exceeds the required side yard by more than seven (7) feet;

(iii) Balconies projecting into the required side yard for a distance not to exceed seven (7) feet may be counted as open space;

(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) This required open space may be provided either on a balcony four (4) or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreational and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one (3-1), if the smallest dimension of the open space is twelve (12) feet or less.

(e) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, nor more than fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(f) Where a lot of record as of November 2, 1953, has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, the lot may be used for a single-family dwelling, two-family dwelling, or for any non-dwelling use permitted in this chapter.

(g) Where, on the effective date of this title, a lot exists which meets all of the following conditions, the lot density may be calculated as if the lot contained more than fourteen thousand (14,000) square feet, but less than twenty-one thousand (21,000) square feet as provided in this chapter:

- (1) It has a minimum area of seven thousand one hundred (7,100) square feet;
- (2) It is abutted on both side lot lines by lots occupied by multiple dwellings;
- (3) Each of the adjoining multiples contain nine (9) or more units. (Ord. 12751 §7; November 5, 1979: prior Ord. 12701 §3; October 2, 1979: Ord. 12517 §148; May 8, 1979).



Chapter 27.24

R-8 RESIDENTIAL DISTRICT

Sections:

- 27.24.010 Scope of regulations.
- 27.24.020 Use regulations.
- 27.24.030 Permitted conditional uses.
- 27.24.040 Permitted special uses.
- 27.24.050 Accessory uses.
- 27.24.060 Parking regulations.
- 27.24.070 Sign regulations.
- 27.24.080 Height and area regulations.

This district is intended to permit high density residential uses; lodging and boarding houses; apartment hotels; private clubs; civic, cultural, educational, labor, professional, trade and fraternal membership organizations; and such facilities as schools, parks, community buildings, and churches exclusively in that area designated as the E-1 multiple dwelling district which existed immediately prior to the effective date of this title.

**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 district regulations in the R-8 residential district. (Ord. 12571 §148a; May 8, 1979).

**27.24.020 Use regulations.** A building or premises shall be permitted to be used for the following purposes in the R-8 residential district:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Multiple dwellings;
- (d) Townhouses;
- (e) Apartment hotels;
- (f) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (g) Public libraries;
- (h) Public elementary and high schools, 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;
- (i) Boarding and lodging houses;
- (j) Nonprofit religious, educational, or philanthropic institutions;
- (k) Private clubs; civic, cultural, educational, labor, professional, and trade membership organizations; fraternities; sororities; and lodges, except those the primary activity of which is a service customarily carried on as a business;
- (l) Churches. (Ord. 12571 §148a; May 8, 1979).

**27.24.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the R-8 residential district in conformance with the conditions prescribed herein:

Group homes:

(1) Group homes shall comply with all sign, height, and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the requirements of chapter 27.67.

(2) The distance between the proposed use and any existing group home measured from lot line to lot line shall not be less than twelve hundred (1,200) feet.

(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska. (Ord. 12571 §148a; May 8, 1979).

**27.24.040 Permitted special uses.** A building or premises may be used for the following purposes in the R-8 residential district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Private schools, other than those permitted under section 27.24.020(h) above;
- (b) Health care facilities;
- (c) Dwellings for members of religious orders;
- (d) Recreational facilities;
- (e) Broadcast towers;
- (f) Certain parking lots as defined in chapter 27.63;
- (g) Housing and related facilities for the elderly;
- (h) Expansion of nonconforming uses;
- (i) Historic preservation;
- (j) Offices for professional services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, architects, engineers, lawyers, and accountants;
- (k) Church steeples, towers, and ornamental spires which exceed the maximum height permitted in the district. (Ord. 12571 §148a; May 8, 1979).

**27.24.050 Accessory uses.** Accessory uses permitted in the R-8 residential district are necessary buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling, hospital, or institution building. (Ord. 12571 §148a; May 8, 1979).

**27.24.060 Parking regulations.** All parking within the R-8 residential district shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §148a; May 8, 1979).

**27.24.070 Sign regulations.** Signs within the R-8 residential district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §148a; May 8, 1979).

**27.24.080 Height and area regulations.** The maximum height and minimum lot requirements within the R-8 residential district shall be as follows:

(a) General requirements:

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
Dwelling, single-family	4,000	50'	10'	10'	20'	35'
Dwelling, two-family	4,000	50'	10'	10'	20'	35'
Townhouses	2,000 per fam.	20'	10'	0' or 10' on non-party wall side	20'	35'
Dwelling, multiple or apartment hotel	250 per unit	50'	10'	10'*	20'	150'
Other permitted uses	4,000	50'	10'	10'	20'	35'

\*For a building exceeding 45' in height, the sum total of two required side yards shall not be less than 30', and neither side yard shall be less than 10'.

(b) There shall be a required front yard on each street side of a double frontage lot;  
 (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

- 125 square feet for the first dwelling unit;
- 80 square feet per unit for the next four dwelling units;
- 25 square feet per unit for the next four dwelling units;
- 20 square feet per unit for each additional dwelling unit beyond nine (9).

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space requirement, except as follows:

(i) Porches, balconies, and terraces as permitted in sections 27.71.100 and 27.71.110;

(ii) The required side yard may be counted where the distance between the main building and the side lot line exceeds the required side yard by more than seven (7) feet;

(iii) Balconies projecting into the required side yard for a distance not to exceed seven (7) feet may be counted as open space;

(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) Required open space may be provided either on a balcony four (4) or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation and other uses that are consistent with similar uses in ground-level and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space;

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one (3-1), if the smallest dimension of the open space is twelve (12) feet or less.

(e) Accessory buildings which are attached to or located not more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in any required rear yard, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard, and shall not be nearer than two (2) feet to any side or rear lot line, nor more than fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(f) Where a lot of record as of November 2, 1953, has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, the lot may be used for a single-family dwelling, two-family dwelling, or for any non-dwelling use permitted in this chapter. (Ord. 12751 §8; November 5, 1979; prior Ord. 12679 §2; September 4, 1979; Ord. 12571 §148a; May 8, 1979).

## Chapter 27.25

## O-1 OFFICE DISTRICT

## Sections:

- 27.25.010 Scope of regulations.
- 27.25.020 Permitted uses.
- 27.25.030 Permitted special uses.
- 27.25.040 Accessory uses.
- 27.25.050 Parking regulations.
- 27.25.060 Sign regulations.
- 27.25.070 Height and area regulations.

This district is intended to provide a redeveloping area of office uses in the general area of the County-City Building and the State Capitol Building. This district provides for office buildings, dwellings, public uses, and certain religious, educational, and philanthropic institutions.

**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 O-1 Office District. (Ord. 12571 §149, May 8, 1979).

**27.25.020 Permitted uses.** A building or premises shall be permitted to be used for the following purposes in the O-1 Office District:

- (a) Office buildings;
- (b) Dwellings;
- (c) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (d) Public libraries;
- (e) Public elementary and high schools, 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;
- (f) Churches;
- (g) Nonprofit religious, educational, and philanthropic institutions. (Ord. 12571; §150; May 8, 1979).

**27.25.030 Permitted special uses.** A building or premises may be used for the following purposes in the O-1 Office District if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Private schools, other than those permitted under section 27.25.020(d) above;
- (b) Health care facilities;
- (c) Recreational facilities;
- (d) Broadcast towers;
- (e) Clubs;
- (f) Church steeples, towers, and ornamental spires which exceed the maximum height of forty-five (45) feet;
- (g) Banks, savings and loan associations, credit unions, and finance companies;
- (h) Expansion of nonconforming uses;

- (i) Historical preservation;
- (j) Any permitted use which exceeds the maximum height permitted in the district up to seventy-five (75) feet. (Ord. 12571 §152; May 8, 1979).

**27.25.040 Accessory uses.** Accessory uses permitted in the O-1 Office District are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §153; May 8, 1979).

**25.25.050 Parking regulations.** All parking within the O-1 Office District shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §154; May 8, 1979).

**27.25.060 Sign regulations.** Signs within the O-1 Office District shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §155; May 8, 1979).

**27.25.070 Height and area regulations.** The maximum height and minimum lot requirements within the O-1 Office District shall be as follows:

(a) General requirements:

	Lot Area (Sq. ft.)	Frontage	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
Dwelling	550 per unit	50'	20'	10'	10'	45'
Other permitted use	0	0'	20'	10'	10'	45'

(b) There shall be a required front yard on each street side of a double frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

- 125 square feet for the first dwelling unit;
- 80 square feet per unit for the next four dwelling units;
- 25 square feet per unit for the next four dwelling units;
- 20 square feet per unit for each additional dwelling unit beyond nine (9).

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement; except for porches, terraces, and balconies as permitted in sections 27.71.100 and 27.71.110;

(2) Parking spaces and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) This required open space may be provided either on a balcony four (4) or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation and

other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one (3-1), if the smallest dimension of the open space is twelve (12) feet or less.

(e) Accessory buildings which are attached to or are located not more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height, and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(f) Dwellings existing in this district on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses in conformance with the provisions of chapter 27.61. (Ord. 12751 §9; November 5, 1979; prior Ord. 12571 §156; May 8, 1979).

CHAPTER 27.26

O-2 SUBURBAN OFFICE DISTRICT

Sections:

- 27.26.010 Scope of regulations.
- 27.26.020 Permitted uses.
- 27.26.030 Permitted conditional uses.
- 27.26.040 Permitted special uses.
- 27.26.050 Accessory uses.
- 27.26.060 Parking regulations.
- 27.26.070 Sign regulations.
- 27.26.080 Height and area regulations.

This district is intended to provide a redeveloping area, primarily of office uses in those suburban areas previously zoned O-1 Office District and those fronting on the same street, with the same side lot lines and within one hundred fifty (150) feet of the following districts: B-1, B-3, B-4, H-2, H-3, and I-1. This district is intended as a transition zone where it abuts the previously mentioned districts. (Ord. 12701 §5; October 2, 1979).

**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 O-2 suburban office district. (Ord. 12571 §228; May 8, 1979).

**27.26.020 Permitted uses.** A building or premises shall be permitted to be used for the following purposes in the O-2 suburban office district:

- (a) Office buildings;
- (b) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (c) Public libraries;
- (d) Public elementary and high schools, 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;
- (e) Churches;
- (f) Nonprofit religious, educational, and philanthropic institutions;
- (g) Banks, savings and loans, credit unions, and finance companies. (Ord. 12679 §3; September 4, 1979; prior Ord. 12571 §229; May 8, 1979).

**27.26.030 Permitted conditional uses.** Any building or premises may be used for the following purposes in the O-2 suburban office district in conformance with the conditions prescribed herein:

Dwellings, provided that:

- (a) Dwellings shall only be permitted above the first story of a building;
- (b) The first story shall be used for a non-dwelling use permitted in the district;
- (c) Said non-dwelling use shall not:
  - (1) be accessory to the residential use;
  - (2) be a parking lot or garage;
- (d) Said first story shall not have more than twenty percent (20%) of its height below grade. (Ord. 12571; §230; May 8, 1979).

**27.26.040 Permitted special uses.** A building or premises may be used for the following purposes in the O-2 suburban office district if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Expansion of nonconforming uses;
- (b) Historic preservation. (Ord. 12571 §231; May 8, 1979).

**27.26.050 Accessory uses.** Accessory uses permitted in the O-2 suburban office district are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §232; May 8, 1979).

**27.26.060 Parking regulations.** All parking within the O-2 suburban office district shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §233; May 8, 1979).

**27.26.070 Sign regulations.** Signs within the O-2 suburban office district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §234; May 8, 1979).

**27.26.080 Height and area regulations.** The maximum height and minimum lot requirements within the O-2 suburban office district shall be as follows:

(a) General requirements:

	Lot Area (Sq. ft.)	Frontage	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
Dwelling, single-family	4,000	50'	30' or same as abutting residential district, whichever is lesser.	10'	40'	25'
Dwelling, two-family	4,000	50'		10'	40'	25'
Other permitted uses:	Less than 15,000	50'		10'*	40'*	25'
	15,000 and over	100'		20'**	40'*	25'

\*When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

\*\*0' when abutting a commercial or industrial district.

- (b) There shall be a required front yard on each street side of a double frontage lot;
- (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards;

(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

- 125 square feet for the first dwelling unit;
- 80 square feet per unit for the next four dwelling units;
- 25 square feet per unit for the next four dwelling units;
- 20 square feet per unit for each additional dwelling unit beyond nine (9).

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement; except for porches, terraces, and balconies as permitted in sections 27.71.100 and 27.71.110;

(2) Parking spaces and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) This required open space may be provided either on a balcony four (4) or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space;

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one (3-1), if the smallest dimension of the open space is twelve (12) feet or less;

(e) Accessory buildings which are attached to or are located not more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height, and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen feet (15') in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet (10') to the alley line;

(f) Dwellings existing in this district on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses in conformance with the provisions of chapter 27.61. (Ord. 12751 §10; November 5, 1979; prior Ord. 12657 §5; August 6, 1979; Ord. 12571 §235; May 8, 1979).

## Chapter 27.27

## O-3 OFFICE PARK DISTRICT

## Sections:

- 27.27.010 Scope of regulations.
- 27.27.020 Use regulations.
- 27.27.030 Permitted special uses.
- 27.27.040 Accessory uses.
- 27.27.050 Parking regulations.
- 27.27.060 Sign regulations.
- 27.27.070 Height and area regulations.
- 27.27.080 Use permit; procedures and requirements.

This district is intended to provide a developing or redeveloping area primarily consisting of a mixture of office and other types of compatible and complementary commercial uses, and residential uses in suburban areas. This district is intended to be located on arterial streets in close proximity to commercial uses. This district is intended to provide an appealing atmosphere, stressing the quality of the environment.

**27.27.010 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 O-3 Office Park District. (Ord. 12571 §156a; May 8, 1979).

**27.27.020 Use regulations.** Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the O-3 Office Park District prior to the approval of a use permit in conformance with the requirements of this chapter. O-3 Office Park District zoning shall not be permitted or granted upon any property having a total area of less than two (2) acres. A building or premises shall be permitted to be used for the following purposes in the O-3 Office Park District:

- (a) Office buildings;
- (b) Single-family dwellings;
- (c) Two-family dwellings;
- (d) Multiple dwellings;
- (e) Townhouses;
- (f) Pharmacies;
- (g) Medical supply shops;
- (h) Barber shops, beauty parlors, and shoeshine shops;
- (i) Book, newspaper, and magazine stores;
- (j) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (k) Public libraries;
- (l) Banks, savings and loan associations, credit unions, and finance companies, and insurance companies;
- (m) Churches;
- (n) Nonprofit religious, educational, and philanthropic institutions.

The total area occupied by permitted uses identified as (f), (g), (h), and (i) shall be located within an office building and shall not have any separate entrance from the street, but shall be accessible through an interior lobby, corridor, or passageway of the office building. (Ord. 12571 §156a; May 8, 1979).

**27.27.030 Permitted special uses.** A building or premises may be used for the following purposes in the O-3 Office Park District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Expansion of nonconforming uses;
- (b) Historic preservation;
- (c) Restaurants;
- (d) Medical testing laboratories;
- (e) Recreational facilities;
- (f) Clubs;
- (g) Church steeples, towers, and ornamental spires which exceed the maximum district height. (Ord. 12571 §156a; May 8, 1979).

**27.27.040 Accessory uses.** Accessory uses permitted in the O-3 Office Park District are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §156a; May 8, 1979).

**27.27.050 Parking regulations.** All parking within the O-3 Office Park District shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §156a; May 8, 1979).

**27.27.060 Sign regulations.** Signs within the O-3 Office Park District shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §156a; May 8, 1979).

**27.27.070 Height and area regulations.** Minimum area for the establishment of this district is two (2) acres. The maximum height and minimum lot requirements within the O-3 Office Park District shall be as follows:

(a) General requirements:

	Lot Area (Sq. ft.)	Frontage	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
Dwelling, single-family	4,000	50'	30'	15', or the same as the abutting district, whichever is greater	40'	35'
Dwelling, two-family	4,000	50'	30'		40'	35'
Dwelling, multiple	1,500 per unit	50'	30'		40'	35'
Other permitted uses	4,000	50'	20'	15'	40'	45'
Townhouses	2,500 per unit	20'	30'	0' or 10' on non-party wall side.	40'	35'

- (b) There shall be a required front yard on each street side of a double frontage lot;
- (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards;

(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

- 125 square feet for the first dwelling unit;
- 80 square feet per unit for the next four dwelling units;
- 25 square feet per unit for the next four dwelling units;
- 20 square feet per unit for each additional dwelling unit beyond nine (9).

This open space requirement may be met in the following manner:

- (1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement; except for porches, terraces, and balconies as permitted in sections 27.71.100 and 27.71.110;
- (2) Parking spaces and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;
- (3) This required open space may be provided either on a balcony four (4) or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation, and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space;
- (4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one (3-1) if the smallest dimension of the open space is twelve (12) feet or less.

(e) Accessory buildings which are attached to or located not more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height, and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line. (Ord. 12751 §11; November 5, 1979; prior Ord. 12571 §156a; May 8, 1979).

**27.27.080 Use permit; procedures and requirements.** (a) Minimum requirements: No use permit shall be granted upon any property having a total area of less than two (2) acres, nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter. The city council shall impose such conditions as are appropriate and necessary to ensure compliance with the comprehensive plan and protect the health, safety, and general welfare in the issuance of any such use permits. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the O-3 Office Park District shall apply.

(b) Application requirements: Applications for a use permit under this section

shall be filed in writing on a form provided by the city with the superintendent for codes administration. A preliminary plan shall accompany each application and shall include the following information:

- (1) Boundary survey and gross acreage;
- (2) Contour lines at intervals not to exceed five (5) feet based on city data.

Spot elevations on 100-foot grid shall be required to fully indicate the topography on flat land;

- (3) Street right-of-way;
- (4) Utility easements;
- (5) Adjacent land use and zoning classifications;
- (6) Location of structures on property;
- (7) Vicinity map;
- (8) Date prepared, scale, and north point;
- (9) Schematic and location of buildings;
- (10) Parking areas and capacity;
- (11) Open space for residential uses;
- (12) Use of buildings, such as retail, service, restaurant, office, residential, and other uses;
- (13) Height of buildings;
- (14) Location of existing trees and proposed landscape plan;
- (15) Proposed vehicular and pedestrian circulation system including egress and ingress;
- (16) Building and parking setback lines;
- (17) Grading plan;
- (18) On-site and off-site water and sanitary sewer improvements;
- (19) On-site and off-site drainage and storm sewer improvements;
- (20) Location of proposed free-standing signs;
- (21) Cross-section for paving of parking lots and sidewalks;
- (22) Proposed name of the shopping center;
- (23) Name, address, and telephone number of developer; certified record owner or owners and addresses; and legal description of the proposed use permit area, including the number of acres.

(c) Environmental performance standards: Any applicant for a use permit under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established by various municipal departments and approved by resolution of the city council.

(d) Landscape plan: Each application for a use permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas, and around proposed buildings. The planning director shall develop appropriate written standards for such landscape plans, which standards shall be approved by resolution of the city council.

(e) Planning Commission review: Upon the filing of an application together with all maps, data, and information required by this section, the city council shall refer the application to the planning commission. The planning commission shall hold a public hearing upon such application and make a report to the city council regarding the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. The city council shall

take no final action upon any application for a use permit under this section until a report from the planning commission has been filed with the city clerk; provided, that in the event there is a delay of more than sixty (60) days from the date of referral on the part of the planning commission in reporting its recommendations to the city council, the applicant may appeal to the city council requesting final action. If the city council determines that the delay of the planning commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting.

(f) Council consideration and final action: Upon receipt of a report from the planning commission, the city council shall proceed to give final consideration to the application and require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for, and may include the requirement that applicant grant additional right-of-way in accordance with the comprehensive plan. The council may require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by departmental publications approved by resolution of the city council.

(g) Adjustment of yard requirements and height restrictions: The city council may increase or decrease the minimum yard requirements and height restrictions set forth in this chapter consistent with adequate protection of the environment of adjacent land uses.

(h) Amendment: The planning director is authorized to approve amendments to any use permit granted under this section, provided that:

(1) A request for amendment is filed with the Planning Director, together with any of the information specified in paragraph (b) above which is pertinent to the proposed amendment;

(2) Such amendment shall not violate any provisions of this title;

(3) Such amendment shall not provide for any increase in total floor area and storage space originally permitted by the city council;

(4) Such amendment shall not be contrary to the general purpose of this chapter;

(5) Any amendment not in conformance with this paragraph shall be submitted to the city council in the same manner as an original application for a use permit.

(i) Building permits, certificates of occupancy, and certificates of compliance: Upon the approval of a use permit by the city council under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit.

(j) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this title shall be deemed to have received a use permit as herein required and shall be provided with such permit by the superintendent for codes administration upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension, or relocation of such existing use, an application in conformance with this section shall be required. (Ord. 12751 §12; November 5, 1979; prior Ord. 12571 §156a; May 8, 1979).

## Chapter 27.29

## B-1 LOCAL BUSINESS DISTRICT

## Sections:

27.29.010	Scope of regulations.
27.29.020	Permitted uses.
27.29.030	Permitted conditional uses.
27.29.040	Permitted special uses.
27.29.050	Accessory uses.
27.29.060	Parking regulations.
27.29.070	Sign regulations.
27.29.080	Height and area regulations.

This district is intended to provide a stable area of local retail relating to existing communities and existing neighborhoods. It provides for functional business uses to serve those communities and neighborhoods. Dwellings are permitted only above the first floor.

**27.29.010 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 B-1 Local Business District. (Ord. 12517 §157; May 8, 1979).

**27.29.020 Permitted uses.** A building or premises shall be permitted to be used for the following purposes in the B-1 Local Business District:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (b) Public libraries;
- (c) Public elementary and high schools, 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;
- (d) Churches;
- (e) Nonprofit religious, educational, and philanthropic institutions;
- (f) Banks, savings and loan associations, credit unions, and finance companies;
- (g) Barber shops, beauty parlors, and shoeshine shops;
- (h) Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;
- (i) Child care centers;
- (j) Service stations;
- (k) Hospitals and clinics for animals, but not open kennels;
- (l) Self-service laundromats;
- (m) Messenger and telegraph stations;
- (n) Office buildings;
- (o) Parking lots and storage garages;
- (p) Restaurants;
- (q) Stores or shops for the sale of goods at retail, but not including motor vehicles;
- (r) Undertaking establishments;
- (s) Photography studios;

- (t) Bicycle sales and repair shops;
- (u) Key shops;
- (v) Ambulance services;
- (w) Theaters;
- (x) Garden centers;
- (y) Clubs;
- (z) Marinas, for sale, service, and storage of motor boats and other related water craft;
- (aa) Receiving store for dry or steam cleaning which shall be done elsewhere. (Ord. 12751 §13; November 5, 1979; prior Ord. 12571 §158; May 8, 1979).

**27.29.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the B-1 local business district in conformance with the conditions prescribed herein:

- (a) Automobile wash facility:
  - (1) Automatic, conveyor operated: A minimum three hundred (300) feet total length of vehicle stacking lane or lanes shall be provided on the approach side of the wash structure for each lane of the wash operation. Sufficient stacking space for two (2) vehicles per lane of the wash operation shall be provided at the exit end of the wash operation area. The stacking space shall not be located within the required front yard.
  - (2) Self-service, coin-operated car wash: The car wash facility shall not exceed three (3) wash bays. Sufficient space shall be provided for the stacking of four (4) automobiles per bay on the approach side of the building, and one (1) automobile per bay on the exit side of the building. The stacking space shall not be located within the required front yard.
- (b) Motels and hotels:
  - (1) 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);
  - (2) A distance of at least twenty (20) feet shall be maintained between buildings on the lot;
  - (3) Each hotel or motel unit shall have a minimum enclosed floor area of two hundred (200) square feet.
- (c) Tailor shops, shoe repairing, printing, photocopying, repair shops for electrical, radio, television equipment, and household appliances, or other similar businesses:
 

The floor area of said premises not devoted to sales or office space shall not exceed five thousand (5,000) square feet;
- (d) Dwellings, provided that:
  - (1) Dwellings shall only be permitted above the first story of a building;
  - (2) The first story shall be used for a non-dwelling use permitted in the district;
  - (3) Said non-dwelling use shall not:
    - (i) be accessory to the residential use,
    - (ii) be a parking lot or garage;
  - (4) Said first story shall not have more than twenty percent (20%) of its height below grade. (Ord. 12571 §159; May 8, 1979).

**27.29.040 Permitted special uses.** A building or premises may be used for the following purposes in the B-1 local business district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Health care facilities;
- (b) Recreational facilities;
- (c) Broadcast towers;
- (d) Church steeples, towers, and ornamental spires which exceed the maximum of forty (40) feet;



- (e) Expansion of nonconforming uses;
- (f) Historic preservation. (Ord. 12571 §160; May 8, 1979).

**27.27.050 Accessory uses.** Accessory uses permitted in the B-1 local business district are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §161; May 8, 1979).

**27.29.060 Parking regulations.** All parking within the B-1 local business district shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §162; May 8, 1979).

**27.29.070 Sign regulations.** Signs within the B-1 local business district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §163; May 8, 1979).

**27.29.080 Height and area regulations.** The maximum height and minimum lot requirements within the B-1 local business district shall be as follows:

- (a) General requirements:

	<u>Lot Area (Sq. ft.)</u>	<u>Frontage</u>	<u>Req'd. Front Yard</u>	<u>Req'd. Side Yard</u>	<u>Req'd. Rear Yard</u>	<u>Height</u>
Dwelling, above first story	2,000 per unit	50'	20'	0' if abutting residential district	Smaller of 30' or 20% of depth	40'
Other permitted uses	0	0'	20'	0*	Smaller of 30' or 20% of depth	40'

\*When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

- (b) There shall be a required front yard on each street side of a double frontage lot;
- (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

- 125 square feet for the first dwelling unit;
- 80 square feet per unit for the next four dwelling units;
- 25 square feet per unit for the next four dwelling units;
- 20 square feet per unit for each additional dwelling unit beyond nine (9).

This open space requirement may be met in the following manner:

- (1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, balconies, and terraces as permitted in sections 27.71.100 and 27.71.110;
- (2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) This required open space may be provided either on a balcony four (4) or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreational and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one (3-1), if the smallest dimension of the open space is twelve (12) feet or less.

(e) Accessory buildings shall not extend into any required yard.

(f) Dwellings existing in this district on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses in conformance with the provisions of chapter 27.61. (Ord. 12571 §164; May 8, 1979).

## Chapter 27.31

B-2 PLANNED NEIGHBORHOOD  
BUSINESS DISTRICT

## Sections:

- 27.31.010 Scope of regulations.
- 27.31.020 General purpose.
- 27.31.030 Permitted uses.
- 27.31.040 Permitted conditional uses.
- 27.31.050 Permitted special uses.
- 27.31.060 Accessory uses.
- 27.31.070 Parking regulations.
- 27.31.080 Sign regulations.
- 27.31.090 Height and area regulations.
- 27.31.100 Use permits; procedures and requirements.

This district is intended to provide a developing area for planned retail uses to serve neighborhoods. This district includes a use permit provision to provide for the integration of the business area with adjacent residential areas and thus reduce the adverse impact on residential areas through enhanced design.

**27.31.010 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 B-2 Planned Neighborhood Business District. (Ord. 12571 §165; May 8, 1979).

**27.31.020 General purpose.** The regulations for the B-2 Planned Neighborhood Business District set forth in this chapter are established to permit the development of local retail shopping facilities and related activities which will provide for planned and controlled consumer services on a neighborhood level, promote healthful economic growth, create a desirable environment, best complement the general land use pattern of the community, and assist in implementing the established goals and policies of the community. (Ord. 12571 §166; May 8, 1979).

**27.31.030 Permitted uses.** Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the B-2 Planned Neighborhood Business District prior to the approval of a use permit in conformance with the requirements of this chapter, B-2 Planned Neighborhood Business District zoning shall not be permitted or granted upon any property having a total area of less than five (5) acres. A building or premises shall be used only for the following purposes in the B-2 Planned Neighborhood Business District:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (b) Public libraries;
- (c) Public elementary and high schools, 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;

- (d) Churches;
- (e) Nonprofit religious, educational, and philanthropic institutions;
- (f) Banks, savings and loan associations, credit unions and finance companies;
- (g) Garden centers;
- (h) Barber shops, beauty parlors and shoeshine shops;
- (i) Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;
- (j) Child care centers;
- (k) Service stations;
- (l) Hospitals and clinics for animals, but not open kennels;
- (m) Self-service laundromats;
- (n) Receiving stores for dry cleaning or laundry;
- (o) Messenger and telegraph stations;
- (p) Office buildings;
- (q) Restaurants;
- (r) Stores or shops for the sale of goods at retail, but not including motor vehicles;
- (s) Undertaking establishments;
- (t) Photography studios;
- (u) Bicycle sales and repair shops;
- (v) Key shops;
- (w) Ambulance services;
- (x) Theaters;
- (y) Clubs. (Ord. 12571 §167; May 8, 1979).

**27.31.040 Permitted conditional uses.** A building or premises may be used for the following purposes in the B-2 Planned Neighborhood Business District in conformance with the conditions prescribed herein:

- (a) Automobile wash facility:
  - (1) Automatic, conveyor operated: A minimum three hundred (300) feet total length of vehicle stacking lane or lanes shall be provided on the approach side of the wash structure for each lane of the wash operation. Sufficient stacking space for two vehicles per lane of the wash operation shall be provided at the exit end of the wash operation area. The stacking space shall not be located within the required front yard.
  - (2) Self-service, coin-operated car wash: The car wash facility shall not exceed three wash bays. Sufficient space shall be provided for the stacking of four automobiles per bay on the approach side of the building, and one automobile per bay on the exit side of the building. The stacking space shall not be located within the required front yard.
- (b) Motels and hotels:
  - (1) 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);
  - (2) A distance of at least twenty (20) feet shall be maintained between buildings on the lot;
  - (3) Each hotel or motel unit shall have a minimum enclosed floor area of two hundred (200) square feet.
- (c) Dwellings, provided that:
  - (1) Dwellings shall only be permitted above the first story of a building;
  - (2) The first story shall be used for a non-dwelling use permitted in the district;
  - (3) Said non-dwelling use shall not:

- (i) be accessory to the residential use;
- (ii) be a parking lot or garage;
- (4) Said first story shall not have more than twenty percent (20%) of its height below grade. (Ord. 12571 §168; May 8, 1979).

**27.31.050 Permitted special uses.** A building or premises may be used for the following purposes in the B-2 Planned Neighborhood Business District if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Health care facilities;
- (b) Recreational facilities;
- (c) Broadcast towers;
- (d) Extraction of sand, gravel, and soil;
- (e) Church steeples, towers, and ornamental spires which exceed the maximum height permitted in the B-2 Planned Neighborhood Business District;
- (f) Expansion of nonconforming uses;
- (g) Historic preservation. (Ord. 12571 §169; May 8, 1979).

**27.31.060 Accessory uses.** Accessory uses permitted in the B-2 Planned Neighborhood Business District are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §170; May 8, 1979).

**27.31.070 Parking regulations.** All parking within the B-2 Planned Neighborhood Business District shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §171; May 8, 1979).

**27.31.080 Sign regulations.** Signs within the B-2 Planned Neighborhood Business District shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §172; May 8, 1979).

**27.31.090 Height and area regulations.** The maximum height and minimum lot requirements within the B-2 Planned Neighborhood Business District shall be as follows:

- (a) General requirements:

	Lot Area (Sq. ft.)	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
Dwellings	2,000 per unit	50'	20'	50'	40'
Other	0	50'	0', 20'* when abutting residential district.	0', 50'* when abutting residential district.	40'

\*When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

- (b) There shall be a required front yard on each street side of a double frontage lot;
- (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on April 29, 1963, need not be

reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards;

- (d) Accessory buildings shall not extend into any required yard; shall be as follows:

(e) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

- 125 square feet for the first dwelling unit;
- 80 square feet per unit for the next four dwelling units;
- 25 square feet per unit for the next four dwelling units;
- 20 square feet per unit for each additional dwelling unit beyond nine (9).

This open space requirements may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, balconies, and terraces as permitted in sections 27.71.100 and 27.71.110;

(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) Required open space may be provided either on a balcony four (4) or more feet in depth or on a rooftop; provided, the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation, and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one (3-1) if the smallest dimension of the open space is twelve (12) feet or less. (Ord. 12571 §173; May 8, 1979).

**27.31.100 Use permit; procedures and requirements.** (a) Minimum requirements: No use permit shall be granted upon any property having a total area of less than five (5) acres, except as provided under section 27.31.100(k), nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter. The city council shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any such use permits. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the B-2 planned neighborhood business district shall apply.

(b) Application requirements: Applications for a use permit under this section shall be filed in writing on a form provided by the city with the superintendent for codes administration. A preliminary plan shall accompany each application and shall include the following information:

- (1) Boundary survey and gross acreage;
- (2) Contour lines at intervals not to exceed five (5) feet based on city data. Spot elevations on one hundred (100) foot grid shall be required to fully indicate the topography on flat land;
- (3) Street right of way;
- (4) Utility easements;
- (5) Adjacent land use and zoning classifications;
- (6) Location of structures on property;
- (7) Vicinity map;

- (8) Date prepared, scale and north point;
- (9) Schematic and location of buildings;
- (10) Parking areas and capacity;
- (11) Open space for residential uses;
- (12) Use of buildings, such as retail, service, restaurant, office, residential and other uses;
- (13) Height of buildings;
- (14) Location of existing trees and proposed landscape plan;
- (15) Proposed vehicular and pedestrian circulation system including egress and ingress;
- (16) Building and parking setback lines;
- (17) Grading plan;
- (18) On-site and off-site water and sanitary sewer improvements;
- (19) On-site and off-site drainage and storm sewer improvements;
- (20) Location of proposed free-standing signs;
- (21) Cross-section for paving of parking lots and sidewalks;
- (22) Proposed name of the shopping center;
- (23) Name, address, and telephone number of developer; certified record owner or owners and addresses; and legal description of the proposed use permit area, including the number of acres.

(c) Environmental performance standards: Any applicant for a use permit under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established by various municipal departments and approved by resolution of the city council.

(d) Landscape plan: Each application for a use permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas and around proposed buildings. The planning director shall develop appropriate written standards for such landscape plans, which standards shall be approved by resolution of the city council.

(e) Planning commission review: Upon the filing of an application together with all maps, data, and information required by this section, the city council shall refer the application to the planning commission. The planning commission shall hold a public hearing upon such application and make a report to the city council regarding the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. The city council shall take no final action upon any application for a use permit under this section until a report from the planning commission has been filed with the city clerk; provided, that in the event there is a delay of more than sixty (60) days from the date of referral on the part of the planning commission in reporting its recommendations to the city council, the applicant may appeal to the city council requesting final action. If the city council determines that the delay of the planning commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting.

(f) Council consideration and final action: Upon receipt of a report from the planning commission, the city council shall proceed to give final consideration to the application and require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for, and may include the requirement that applicant grant additional right of way in accordance with the comprehensive plan. The council may require the execution of a written agreement with the city relating to the installation

of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by departmental publications approved by resolution of the city council.

(g) Adjustment of yard requirements and height restrictions: The city council may increase or decrease the minimum yard requirements and height restrictions set forth in this chapter consistent with adequate protection of the environment of adjacent land uses.

(h) Amendment: The planning director is authorized to approve amendments to any use permit granted under this section, provided that:

(1) A request for amendment is filed with the planning director, together with any of the information specified in paragraph (b) above which is pertinent to the proposed amendment;

(2) Such amendment shall not violate any provisions of this title;

(3) Such amendment shall not provide for any increase in total floor area and storage space originally permitted by the city council;

(4) Such amendment shall not be contrary to the general purpose of this section as specified in section 27.31.020;

(5) Any amendment not in conformance with this paragraph shall be submitted to city council in the same manner as an original application for a use permit.

(i) Building permits, certificates of occupancy, and certificates of compliance: Upon the approval of a use permit by the city council under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit.

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

(k) A use permit may be granted for a lot of less than five (5) acres, provided:

(1) The lot was legally created prior to the effective date of this ordinance;

(2) The lot has remained under separate ownership from adjoining properties in the B-2 district.

The city council may, under the above conditions, adjust the requirements under paragraph (b) to permit the applicant a reasonable use of his property. (Ord. 12751 §14; November 5, 1979; prior Ord. 12571 §174; May 8, 1979).

## Chapter 27.33

## B-3 COMMERCIAL DISTRICT

## Sections:

- 27.33.010 Scope of regulations.
- 27.33.020 Permitted uses.
- 27.33.030 Permitted conditional uses.
- 27.33.040 Permitted special uses.
- 27.33.050 Accessory uses.
- 27.33.060 Parking regulations.
- 27.33.070 Sign regulations.
- 27.33.080 Height and area regulations.

This is a district providing for local commercial uses in a redeveloping neighborhood generally located in established retail centers of those neighborhoods. The uses permitted generally are those for neighborhood uses, plus additional limited manufacturing uses that reflect the character of that commercial area.

**27.33.010 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 B-3 commercial district. (Ord. 12571 §205; May 8, 1979).

**27.33.020 Permitted uses.** A building or premises shall be permitted to be used for the following purposes in the B-3 commercial district:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (b) Public libraries;
- (c) Public elementary and high schools, 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;
- (d) Churches;
- (e) Nonprofit religious, educational, and philanthropic institutions;
- (f) Banks, savings and loan associations, credit unions, and finance companies;
- (g) Barber shops, beauty parlors, and shoeshine shops;
- (h) Private schools, including but not limited to, business or commercial schools, dance or music academies, and nursery schools;
- (i) Child care centers;
- (j) Service stations;
- (k) Hospitals and clinics for animals, but not open kennels;
- (l) Self-service laundromats, and laundrettes;
- (m) Receiving stores for dry cleaning or laundry;
- (n) Messenger and telegraph stations;
- (o) Office buildings;
- (p) Restaurants;
- (q) Stores or shops for the sale of goods at retail;
- (r) Undertaking establishments;
- (s) Photography studios;

- (t) Bicycle sales and repair shops;
- (u) Key shops;
- (v) Ambulance services;
- (w) Theaters;
- (x) Retail bakery;
- (y) Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings;
- (z) Garage and automobile repair shops;
- (aa) Milk distribution stations, but not involving any bottling on the premises;
- (bb) Food storage lockers;
- (cc) Automobile and motorcycle sales, provided that none of the activities of junk dealers as defined elsewhere in this code shall be carried on;
- (dd) Optical lens grinding and finishing;
- (ee) Clubs;
- (ff) Parking lots and storage garages. (Ord. 12571 §206; May 8, 1979).

**27.33.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the B-3 commercial district in conformance with the conditions prescribed herein:

## (a) Automobile wash facility:

(1) Automatic, conveyor operated: A minimum three hundred (300) feet total length of vehicle stacking lane or lanes shall be provided on the approach side of the wash structure for each lane of the wash operation. Sufficient stacking space for two (2) vehicles per lane of the wash operation shall be provided at the exit end of the wash operation area. The stacking space shall not be located within the required front yard.

(2) Self-service, coin-operated car wash: The car wash facility shall not exceed three wash bays. Sufficient space shall be provided for the stacking of four automobiles per bay on the approach side of the building, and one automobile per bay on the exit side of the building. The stacking space shall not be located within the required front yard.

## (b) Motels and hotels:

(1) 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);

(2) A distance of at least twenty (20) feet shall be maintained between buildings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area of two hundred (200) square feet.

(c) Furnace, heating, sheet metal, electrical shops or electrical contractors, heating and air conditioning contractors, and cabinet shops or stores:

(1) The floor area of said premises not devoted to sales or office space shall not exceed eight thousand (8,000) square feet;

(2) Not more than ten percent (10%) of the lot or tract occupied by the establishment shall be used for open and unenclosed storage of material and equipment.

## (d) Tire stores and sales, including vulcanizing:

(1) The floor area of said premises not devoted to sales or office space shall not exceed four thousand (4,000) square feet;

(2) There shall be no manufacturing on the premises.

(e) Tailor shops, shoe repairing, upholstery shops, printing, photocopying, household appliances repairs, or similar business establishments; dyeing and drycleaning works; laundry; plumbing and water softener service shops:

The floor area of said premises not devoted to sales or office space shall not exceed four thousand (4,000) square feet.

- (f) Dwellings, provided that:
  - (1) Dwellings shall only be permitted above the first story of a building;
  - (2) The first story shall be used for a nondwelling use permitted in the district;
  - (3) Said nondwelling use shall not:
    - (i) be accessory to the residential use;
    - (ii) be a parking lot or garage;
  - (4) Said first story shall not have more than twenty percent (20%) of its height below grade. (Ord. 12571 §207; May 8, 1979).

**27.33.040 Permitted special uses.** A building or premises may be used for the following purposes in the B-3 commercial district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Health care facilities;
- (b) Recreational facilities;
- (c) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- (d) Broadcast towers;
- (e) Expansion of nonconforming use;
- (f) Historic preservation. (Ord. 12571 §208; May 8, 1979).

**27.39.050 Accessory uses.** Accessory uses permitted in the B-3 commercial district are accessory building and uses customarily incident to the permitted uses. (Ord. 12571 §209; May 8, 1979).

**27.33.060 Parking regulations.** All parking within the B-3 commercial district shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §210; May 8, 1979).

**27.33.070 Sign regulations.** Signs within the B-3 commercial district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §211; May 8, 1979).

**27.33.080 Height and area regulations.** The maximum height and minimum lot requirements within the B-3 commercial district shall be as follows:

- (a) General requirements:

	Lot Area (Sq. ft.)	Frontage	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
Dwelling, above first story	2,000 per unit	50'		5'	30'	
Other permitted uses	0	0'	0', if block face partially in residential district, same as abutting residential district.	0', 5' if abutting residential district.	0', 30' if abutting residential district.	45'; 35' if abutting R-1, R-2 or R-3 zoning district.

(b) There shall be a required front yard on each street side of a double frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

- 125 square feet for the first dwelling unit;
- 80 square feet per unit for the next four dwelling units;
- 25 square feet per unit for the next four dwelling units;
- 20 square feet per unit for each additional dwelling unit beyond nine (9).

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement; except for porches, terraces and balconies as permitted in sections 27.71.100 and 27.71.110;

(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) Required open space may be provided either on a balcony four (4) or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one (3-1) if the smallest dimension of the open space is twelve (12) feet or less.

(e) Accessory buildings shall not extend into any required yard.

(f) Dwellings existing in this district on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses in conformance with the provisions of chapter 27.61. (Ord. 12638 §1; July 16, 1979; prior Ord. 12571 §212; May 8, 1979).

## Chapter 27.35

## B-4 LINCOLN CENTER BUSINESS DISTRICT

## Sections:

- 27.35.010 Scope of regulations.
- 27.35.020 Permitted uses.
- 27.35.030 Permitted special uses.
- 27.35.040 Accessory uses.
- 27.35.050 Parking regulations.
- 27.35.060 Sign regulations.
- 27.35.070 Height and area regulations.

This is a district for a redeveloping area applicable to the business and retail uses located in the area of the Lincoln Center Business District. It is designed so that Lincoln Center remains as the dominant multi-use center and key focal point of business, social, and cultural activity in the Lincoln urban area. This district should include a large variety of activities, including retail and office functions, housing, commercial services, institutions, and transportation. It is intended that relationships between permitted functions will be carefully developed, and the need for access, circulation, and amenities will be given special attention.

**27.35.010 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 B-4 Lincoln center business district. (Ord. 12571 §213; May 8, 1979).

**27.35.020 Permitted uses.** Subject to the restrictions and requirements of section 27.35.030 below, a building or premises may be used for any lawful purpose in the B-4 Lincoln center business district, except the following:

- (a) The refining, distillation, or manufacture of:
  - (1) Acids or alcohols;
  - (2) Ammonia, bleach, or chlorine;
  - (3) Asphalt, tar, or products made therewith, including roofing or waterproofing;
  - (4) Cement, lime, gypsum, or plaster of paris;
  - (5) Disinfectants;
  - (6) Dyestuffs;
  - (7) Fertilizer;
  - (8) Glue, sizing, or gelatin;
  - (9) Oilcloth, linoleum, or oiled rubber goods;
  - (10) Paint, shellac, turpentine, or oils;
  - (11) Paper or pulp;
  - (12) Rubber, gutta-percha, balata, creosote, or products treated therewith;
  - (13) Shoe polish;
- (b) The operation of:
  - (1) Bag cleaning works;
  - (2) Blast furnaces, coke ovens, smelting or ore reduction works;
  - (3) Boiler works;

- (4) Forge;
- (5) Rock crusher, stone mill, or quarry;
- (6) Rolling mill;
- (7) Yeast plant;

(c) Production, manufacture, distribution, or commercial storage of toxic, radioactive, flammable, or explosive materials, including chemicals and gases, fireworks and explosives, arsenals and magazines;

(d) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals or fowl; rendering fat; distillation of bones, coal, or wood;

(e) Dumping or reduction of garbage, offal, or dead animals; storage or baling of junk, scrap metal, or rags; auto wrecking or salvage;

(f) Grain elevators and grain mills;

(g) Refining of natural gas or petroleum or their products; or bulk storage thereof not located underground and in full compliance with all applicable city regulations;

(h) Brick, tile, pottery, or terra cotta manufacture, other than the manufacture of handicrafts;

(i) The manufacture of acetylene, the transfer of the gas from one container to another, or the storage of the gas in containers having a capacity greater than the equivalent of one thousand (1,000) cubic feet at standard temperature and pressure;

(j) And in general those uses, not limited to the above, which may be obnoxious or offensive or hazardous to health by reason of odor, dust, smoke, gas, glare, radiation, or noise;

(k) In the area of the B-4 Lincoln center business district bounded by 10th Street, "P" Street, 14th Street, and "N" Street, except as provided by section 27.35.030 below:

(1) Parking lots, parking garages, and other off-street parking facilities;

(2) Uses in which the customer is served directly in the car, including but not limited to drive-in restaurants, drive-in teller windows, gas stations, or car washes. (Ord. 12571 §214; May 8, 1979).

**27.35.030 Permitted special uses.** (a) A building or premises may be used for the following purposes in the B-4 Lincoln center business district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

(1) Expansion of nonconforming use;

(2) Historic preservation;

(3) Any permitted use which exceeds the maximum height permitted in the district.

(b) A building or premises may be used for the following purposes in that portion of the B-4 Lincoln center business district bounded by 10th Street, "P" Street, 14th Street, and "N" Street if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

(1) Parking lots, parking garages, and other off-street parking facilities;

(2) Gas stations and car washes located within a parking garage when such uses are accessory to the parking garage;

(3) Drive-in teller windows. (Ord. 12698 §1; September 24, 1979; prior Ord. 12571 §215; May 8, 1979)

**27.35.040 Accessory uses.** Accessory uses permitted in the B-4 Lincoln center business district are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §216; May 8, 1979).

**27.35.050 Parking regulations.** All parking within the B-4 Lincoln Center Business District shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §217; May 8, 1979).

**27.35.060 Sign regulations.** Signs within the B-4 Lincoln Center Business District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §218; May 8, 1979).

**27.35.070 Height and area regulations.** The maximum height and minimum lot requirements within the B-4 Lincoln Center Business District shall be as follows:

(a) For the area of the B-4 Lincoln Center Business District located from one hundred fifty (150) feet east of 17th Street to the eastern boundary of the B-4 Lincoln Center Business District, the following maximum height and minimum lot requirements shall apply:

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height	
Dwelling, single-family	4,000	50'	20'(1)	5'(1)	Smaller of 30' or 20% of depth(1)	75'(2)	
Dwelling, two-family	2,000 per fam.	50'	20'(1)	5'(1)		75'(2)	
Townhouses	2,000 per fam.	20'	20'(1)	0' or 5'(1) on non-party wall side.		75'(2)	
<b>Dwelling, multiple:</b>							
Lots containing 14,000 sq. ft. or less	700 per unit	50'	20'(1)	Total(1) 15', min. 5'		75'(2)	
Lots containing more than 14,000 but less than 21,000 sq. ft.	600 per unit	100'	20'(1)	Total(1) 25', min. 8'		75'(2)	
Lots containing 21,000 sq. ft. or more	550 per unit	150'	20'(1)	Total(1) 30', min. 10'		75'(2)	
Other permitted uses	0	50'	20'(1)	5'(1)	75'(2)		

(1) In the area located between the centerline of "N" and "P" Streets, no yards shall be required.

(2) Over thirty-five (35) feet in height, add one foot to the required side and rear yards for each additional two (2) feet of height.

(b) For the area of the B-4 Lincoln center business district not included in section (a) above, the following maximum height and minimum lot requirements shall apply:

	Lot Area (Sq. ft.)	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
Dwellings	220 per dwelling	0'(1)	0'(1) (except as req'd. in (e) below)	0'(1)	275'(2)
Other permitted uses	0	0'(1)	0'(1)	0'(1)	275'(2)

(1) When any yard is abutting a residential district, the yard requirement shall be that of the abutting residential district.

(2) West of 9th Street, the maximum height shall be seventy-five (75) feet.

(c) Where any front yard is required in this district, there shall be a required front yard along each street side of a double frontage lot.

(d) Where any front yard is required in this district, there shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(e) Where a yard is not otherwise required, a yard shall be required adjacent to any wall of a building which contains windows for dwelling units. The yard requirement shall be five (5) feet for structures under thirty-five (35) feet in height, ten (10) feet for structures thirty-five (35) to fifty (50) feet in height, and twenty (20) feet for those structures over fifty (50) feet in height. Depending upon the location of said windows, this yard may be a side yard, a rear yard, or located in or on an interior courtyard. This yard need not start at the ground level but may begin on the top surface of a non-residential building, provided that this surface is usable as open space as defined in (f) below.

(f) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

- 125 square feet for the first dwelling unit;
- 80 square feet per unit for the next four dwelling units;
- 25 square feet per unit for the next four dwelling units;
- 20 square feet per unit for each additional dwelling unit beyond nine (9).

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space requirement, except for porches, terraces, and balconies as permitted in section 27.71.100 and 27.71.110.

(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) Required open space may be provided either on a balcony four (4) or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such



a manner that it may be developed with areas of planting, open space, recreation and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one (3-1) if the smallest dimension of the open space is twelve (12) feet or less.

(g) Accessory buildings which are attached to or located not more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in any required rear yard, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard, and shall not be nearer than two (2) feet to any side or rear lot line, nor more than fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line. (Ord. 12751 §15; November 5, 1979; prior Ord. 12571 §219; May 8, 1979).

## CHAPTER 27.37

## B-5 PLANNED REGIONAL BUSINESS DISTRICT

## Sections:

27.37.010	Scope of regulations.
27.37.020	Use regulations.
27.37.030	Permitted special uses.
27.37.033	Accessory uses.
27.37.040	Parking regulations.
27.37.050	Sign regulations.
27.37.060	Height and area regulations.
27.37.070	Use permits; procedures and requirements.

The regulations set forth in this chapter are established to permit the development of regional retail shopping facilities and related activities which will provide for planned and controlled consumer services for all segments of the population, promote healthful economic growth, create a desirable environment, best complement the general land use pattern of the community, and assist in implementing the established goals and policies of the community.

**27.37.010 Scope of regulations.** The regulations set forth in this chapter, or set forth elsewhere in this title and referred to in this chapter, are the regulations for the B-5 planned regional business district.

**27.37.020 Use regulations.** (a) General regulations. Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the B-5 planned regional business district prior to the approval of a use permit in conformance with the requirements of this chapter. B-5 planned regional business district zoning shall not be permitted or granted upon any property having a total area of less than thirty (30) acres.

(b) Permitted uses. A building or premises may be used only for the following purposes in the B-5 planned regional business district:

- (1) Stores or shops for the sale of goods at retail, and shops providing service for such goods;
- (2) Business offices;
- (3) Personal and professional services;
- (4) Places of public assembly, entertainment, or recreation;
- (5) Hotels or motels;
- (6) Banks and savings and loan associations, credit unions, and finance companies;
- (7) Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;
- (8) Restaurants;
- (9) Service stations, and automobile washing services;
- (10) Automobile sales establishments;
- (11) Residential uses;
- (12) Public or nonprofit community services;
- (13) Dry cleaning or laundry establishment; provided, the floor area does not exceed 2000 square feet, exclusive of office and "pickup space." (Ord. 12751 §16; November 5, 1979; prior Ord. 12571 §221; May 8, 1979).

**27.37.030 Permitted special uses.** A building or premises may be used for the following purposes in the B-5 Planned Regional Business District if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63: Historic preservation. (Ord. 12571 §222; May 8, 1979).

**27.37.033 Accessory uses.** Accessory uses permitted in the B-5 Planned Regional Business District are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §223; May 8, 1979).

**27.37.040 Parking regulations.** All parking within the B-5 Planned Regional Business District shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §224; May 8, 1979).

**27.37.050 Sign regulations.** Signs within the B-5 Planned Regional Business District shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §225; May 8, 1979).

**27.37.060 Height and area regulations.** The maximum height and minimum lot requirements within the B-5 Planned Regional Business District shall be as follows:

(a) The required front yard shall be fifty (50) feet. The required front yard shall be entirely landscaped, except for the necessary paving of walkways and driveways to reach parking and loading areas in the side or rear yards, provided that any driveways which traverse the front yard shall not be wider than thirty (30) feet.

(b) There shall be a required yard of one hundred (100) feet wherever a lot abuts a residential district, and such yard shall be screened in conformance with the landscape design standards adopted by resolution of the city council.

(c) There shall be a required front yard along each street side of a double frontage lot.

(d) There shall be a required front yard along each street side of a corner lot.

(e) The maximum permitted height shall be forty (40) feet.

(f) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

125 square feet for the first dwelling unit;

80 square feet per unit for the next four dwelling units;

25 square feet per unit for the next four dwelling units;

20 square feet per unit for each additional dwelling unit beyond nine (9).

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, terraces, and balconies as permitted in sections 27.71.100 and 27.71.110;

(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) Required open space may be provided either on a balcony four (4) or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of plantings, open space, recreational, and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space;

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one (3-1) if the smallest dimension of the open space is twelve (12) feet or less.

(g) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height and yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district or use, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, nor more than fifteen (15) feet in height. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line. (Ord. 12571 §226; May 8, 1979).

**27.37.070 Use permits; procedures and requirements.** (a) Minimum requirements. No use permit shall be granted upon any property having a total area of less than thirty (30) acres, nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter. The city council shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any use permits. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the B-5 Planned Regional Business District shall apply.

(b) Environmental performance standards. Any applicant for a use permit under the provisions of this section shall comply with such environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established by various municipal departments and approved by resolution of the city council.

(c) Environmental impact statement and market analysis. If any application for a change of zone to the B-5 Planned Regional Business District or for a use permit under the provisions of this section substantially deviates from the Comprehensive Plan in terms of location or size, as determined by the planning director, the applicant shall submit an environmental impact statement and a market analysis which shall serve as a guide to the city council and planning commission for evaluation of such application in terms of need, desirability, supportability, and its implications for the overall growth of the community. The planning director shall develop appropriate written standards and forms for such environmental impact statement and market analysis, which shall be approved by the planning commission and city council.

(d) Landscape plan. Each application for a use permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas and around proposed buildings. The planning director shall develop appropriate written standards for such landscape plans, which standards shall be approved by resolution of the city council.

(e) Application requirements. Applications for a use permit under this section shall be filed in writing with the superintendent for codes administration on a form provided by the city. A preliminary plan shall accompany each application and shall include the following information:

(1) Boundary survey and gross acreage;

(2) Contour lines at intervals not to exceed five (5) feet based on city data. Spot elevations on one hundred (100) foot grids shall be required to fully indicate the topography on flat land;

- (3) Street right of way;
  - (4) Utility easements;
  - (5) Adjacent land use and zoning classifications;
  - (6) Location of structures on property;
  - (7) Vicinity map;
  - (8) Date prepared, scale and north point;
  - (9) Schematic building layout;
  - (10) Parking areas and capacity;
  - (11) Open space for residential uses;
  - (12) Use of buildings, such as retail, service, restaurant, office, residential, and other uses. Buildings to be included in the first phase construction shall include tenant occupancies where known. A clear demonstration shall be made that the residential use will be protected from adverse effects, such as traffic, air pollution, noise, and glare; and the mixing of residential and commercial uses on the ground level shall be discouraged;
  - (13) Acreage and percentage of total developed building area, parking lots, open space, malls, and other features;
  - (14) Height of buildings;
  - (15) Location of existing trees and proposed landscape plan;
  - (16) Proposed vehicular and pedestrian circulation system, including ingress and egress;
  - (17) Building and parking setback lines;
  - (18) Grading plan;
  - (19) Phase of development and proposed starting dates;
  - (20) Discussion of adverse environmental effects of the project and proposed steps to minimize these effects;
  - (21) On-site and off-site water and sanitary sewer improvements;
  - (22) On-site and off-site drainage and storm sewer improvements;
  - (23) Location of proposed free-standing signs;
  - (24) Cross-section for paving of parking lots and sidewalks;
  - (25) Proposed name, if any, of the shopping center;
  - (26) Name, address, and telephone number of developer, certified record owner, or owners, and addresses; legal description of the proposed use permit area, including the number of acres.
- (f) Planning commission review. Upon the filing of an application together with all maps, data, and information required by this section, the city council shall refer the application to the planning commission. The planning commission shall hold a public hearing upon such application and make a report to the city council regarding the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. The city council shall take no final action upon any application for a use permit under this section until a report from the Planning Commission has been filed with the city clerk; provided, that in the event there is a delay of more than sixty (60) days from the date of referral on the part of the planning commission in reporting its recommendations to the city council, the applicant may appeal to the city council requesting final action. If the city council determines that the delay of the planning commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting.
- (g) Council consideration and final action. Upon receipt of a report from the

planning commission, the city council shall proceed to give final consideration to the application and require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for, and may include the requirement that applicant grant additional right of way in accordance with the Comprehensive Plan. The council may require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by department publications approved by resolution of the city council.

(h) Adjustment of yard requirements, height restrictions, and parking. (1) The city council may increase or decrease the minimum yard requirements and height restrictions set forth in this chapter consistent with adequate protection of the environment of adjacent land uses.

(2) The city council may increase or decrease the required parking set forth in this chapter and chapter 27.67 if it is determined that the mix of uses or ownership patterns create situations where the applicability of a particular standard is not feasible.

(i) Amendment. The planning director is authorized to approve amendments to any use permit granted under this section, including square footage of floor area and storage space in phases of development; provided, that:

(1) A request for amendment is filed with the planning director, together with any of the information specified in paragraph (f) above which is pertinent to the proposed amendment;

(2) Such amendment shall not violate any provisions of this title;

(3) Such amendment shall not provide for any increase in total floor area and storage space originally permitted by the city council;

(4) Such amendment shall not be contrary to the general purpose section as specified in (a) above;

(5) Any amendment not in conformance with this paragraph shall be submitted to city council in the same manner as an original use permit.

(j) Building permits, certificates of occupancy and certificates of compliance. Upon the approval of a use permit by the city council under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions and subsequent amendments within each phase of development of a use permit.

(k) Preexisting uses. An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this title, and any enlargement or extension as permitted in this section, shall be deemed to have received a use permit as herein required and shall be provided with such permit by the superintendent of codes administration upon request, and shall not be a nonconforming use.

The extension or enlargement permitted hereunder shall be the lesser of ten thousand (10,000) square feet or five percent (5%) of floor area per calendar year for eight (8) years from the effective date of this title for each existing use under a single ownership. It shall be noncumulative and shall apply only to the extension or enlargement of existing buildings or structures.

For any enlargement or extension in excess of that permitted in this section, an application in conformance with this chapter shall be required. (Ord. 12751 §17; November 5, 1979; prior Ord. 12571 §227; May 8, 1979).

Chapter 27.39

H-1 INTERSTATE COMMERCIAL DISTRICT

Sections:

- 27.39.010 Scope of regulations.
- 27.39.020 Permitted uses.
- 27.39.030 Permitted special uses.
- 27.39.040 Accessory uses.
- 27.39.050 Parking regulations.
- 27.39.060 Sign regulations.
- 27.39.070 Height and area regulations.

This is a district located principally near the Interstate Highway, intended to serve through highway travelers where hotel, service stations, garages, and restaurants should be available.

**27.39.010 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 interstate commercial district. (Ord. 12571 §175; May 8, 1979).

**27.39.020 Permitted uses.** A building or premises shall be used only for the following purposes in the H-1 interstate commercial district:

- (a) Public or storage garages;
- (b) Restaurants;
- (c) Service stations;
- (d) Hotels and motels;
- (e) Dwelling for a caretaker employed and residing on the premises. (Ord. 12571 §176; May 8, 1979).

**27.39.030 Permitted special uses.** A building or premises may be used for the following purposes in the H-1 interstate commercial district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Expansion of nonconforming uses;
- (b) Historic preservation. (Ord. 12571 §177; May 8, 1979).

**27.39.040 Accessory uses.** Accessory uses permitted in the H-1 interstate commercial district are accessory buildings and uses customarily incident to the permitted uses. Hotels and motels may include as accessory uses dwellings for persons employed on the premises, and a shop or store for the sale of goods at retail primarily for the use of residents or guests of such hotel or motel when such uses are located entirely within the building with no separate entrance from the outside. (Ord. 12571 §178; May 8, 1979).

**27.39.050 Parking regulations.** All parking within the H-1 interstate commercial district shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §179; May 8, 1979).

**27.39.060 Sign regulations.** Signs within the H-1 interstate commercial district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §180; May 8, 1979).

**27.39.070 Height and area regulations.** The maximum height and minimum lot requirements within the H-1 interstate commercial district shall be as follows:

(a) General requirements:

	<u>Lot Area</u> <u>(Sq. ft.)</u>	<u>Avg.</u> <u>Lot</u> <u>Width</u>	<u>Req'd.</u> <u>Front</u> <u>Yard</u>	<u>Req'd.</u> <u>Side</u> <u>Yard</u>	<u>Req'd.</u> <u>Rear</u> <u>Yard</u>	<u>Height</u>
<b>All permitted uses</b>	5,000	50'	25'	5'	Smaller of 30' or 20% of depth.	45'

(b) There shall be a required front yard on each street side of a double frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(e) Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of chapter 27.61. (Ord. 12751 §18; November 5, 1979; prior Ord. 12571 §181; May 8, 1979).

## Chapter 27.41

## H-2 HIGHWAY BUSINESS DISTRICT

## Sections:

- 27.41.010 Scope of regulations.
- 27.41.020 Permitted uses.
- 27.41.030 Permitted conditional uses.
- 27.41.040 Permitted special uses.
- 27.41.050 Accessory uses.
- 27.41.060 Parking regulations.
- 27.41.070 Sign regulations.
- 27.41.080 Height and area regulations.

This is a district for a redeveloping area intended to provide business and services oriented to major arterial streets. It provides for those uses usually found in neighborhood business areas, plus a limited number of additional uses, such as auto repair garages, mini-warehouses, and auto sales.

**27.41.010 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-2 highway business district. (Ord. 12571 §182; May 8, 1979).

**27.41.020 Permitted uses.** A building or premises shall be permitted to be used for the following purposes in the H-2 highway business district:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (b) Public libraries;
- (c) Public elementary and high schools, 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;
- (d) Churches;
- (e) Banks, savings and loan associations, credit unions, and finance companies;
- (f) Barber shops, beauty parlors, and shoeshine shops;
- (g) Private schools, including but not limited to business or commercial schools, dance or music academies, but not nursery schools;
- (h) Dwelling for a caretaker employed and residing on the premises;
- (i) Service stations;
- (j) Hospitals and clinics for animals, but not open kennels;
- (k) Messenger and telegraph stations;
- (l) Office buildings;
- (m) Restaurants;
- (n) Automobile and motorcycle sales, provided none of the activities of junk dealers as defined in this code shall be carried on;
- (o) Undertaking establishments;
- (p) Photography studios;
- (q) Bicycle sales and repair shops;
- (r) Key shops;

- (s) Ambulance services;
- (t) Recreational facilities;
- (u) Food storage lockers;
- (v) Bakeries;
- (w) Bottling works;
- (x) Auto repair garages, provided all displays and merchandise are within the enclosure walls of a building;
- (y) Laundry, and drycleaning establishments, including laundromats, and receiving stores for drycleaning or laundry;
- (z) Printing shops;
- (aa) Mini-warehouses;
- (bb) Optical lens grinding and finishing;
- (cc) Parking lots;
- (dd) Clubs;
- (ee) Stores or shops, for the sale of goods at retail, not otherwise permitted in this chapter, of no more than twenty thousand (20,000) square feet of floor area. (Ord. 12571 §183; May 8, 1979).

**27.41.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the H-2 Highway Business District in conformance with the conditions prescribed herein:

- (a) Automobile wash facility:
    - (1) Automatic, conveyor operated: A minimum three hundred foot (300') total length of vehicle stacking lane or lanes shall be provided on the approach side of the wash structure for each lane of the wash operation. Sufficient stacking space for two vehicles per lane of the wash operation shall be provided at the exit end of the wash operation area. The stacking space shall not be located within the required front yard.
    - (2) Self-service, coin-operated car wash: The car wash facility shall not exceed three wash bays. Sufficient space shall be provided for the stacking of four automobiles per bay on the approach side of the building, and one automobile per bay on the exit side of the building. The stacking space shall not be located within the required front yard.
  - (b) Motels and hotels:
    - (1) 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);
    - (2) A distance of at least twenty (20) feet shall be maintained between buildings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area of two hundred (200) square feet.
  - (c) Service facilities, including but not limited to repair and maintenance of home and office equipment, electrical appliances, radio and television sets, and rental equipment; and the places of business of plumbing, electrical, and heating and air conditioning contractors.
- All storage and display of merchandise shall be screened from public view by a fence, walls, shrubs, material obstruction, or all such storage and display shall be within the enclosure walls of a building.
- (d) Nursery schools and child care centers:
    - (1) One and five-tenths (1.5) parking spaces per teacher or employee on the largest shift shall be provided;
    - (2) An off-street passenger loading zone shall be provided of a size equivalent to one parking space per ten (10) students or fraction thereof;

(3) All outdoor areas used for children's activities shall be fenced and so designed as to contain the children safely. (Ord. 12571 §184; May 8, 1979).

**27.41.040 Permitted special uses.** A building or premises may be used for the following purposes in the H-2 Highway Business District if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Theaters; including outdoor theaters;
- (b) Broadcast towers;
- (c) Extraction of sand, gravel, and soil;
- (d) Church steeples, towers, and ornamental spires exceeding the maximum permitted height of the H-2 Highway Business District;
- (e) Outdoor lighting for recreational facilities;
- (f) Expansion of nonconforming uses;
- (g) Historic preservation. (Ord. 12571 §185; May 8, 1979).

**27.41.050 Accessory uses.** Accessory uses permitted in the H-2 Highway Business District are accessory buildings and uses customarily incident to the permitted uses, including parking lots. (Ord. 12571 §186; May 8, 1979).

**27.41.060 Parking regulations.** All parking within the H-2 Highway Business District shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §187; May 8, 1979).

**27.41.070 Sign regulations.** Signs within the H-2 Highway Business District shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §188; May 8, 1979).

**27.41.080 Height and area regulations.** The maximum height and minimum lot requirements within the H-2 Highway Business District shall be as follows:

(a) General requirements:

	<u>Lot Area</u> <u>(Sq. ft.)</u>	<u>Frontage</u>	<u>Req'd.</u> <u>Front</u> <u>Yard</u>	<u>Req'd.</u> <u>Side</u> <u>Yard</u>	<u>Req'd.</u> <u>Rear</u> <u>Yard</u>	<u>Height</u>
<b>All permitted uses</b>	0	0'	25'	5', 20'* when abutting residential district.	Smaller of 30'* or 20% of depth.	45'

\*When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

(b) There shall be a required front yard on each street side of a double frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply

with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(e) Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of chapter 27.61. (Ord. 12751 §19; November 5, 1979; prior Ord. 12571 §189; May 8, 1979).

## Chapter 27.43

## H-3 HIGHWAY COMMERCIAL DISTRICT

## Sections:

27.43.010	Scope of regulations.
27.43.020	Permitted uses.
27.43.030	Permitted conditional uses.
27.43.040	Permitted special uses.
27.43.050	Accessory uses.
27.43.060	Parking regulations.
27.43.070	Sign regulations.
27.43.080	Height and area regulations.

This is a district for a redeveloping area intended to provide for low-density commercial uses requiring high visibility and/or access from major highways. The uses permitted generally include those of the neighborhood and highway business areas.

**27.43.010 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-3 highway commercial district. (Ord. 12571 §190; May 8, 1979).

**27.43.020 Permitted uses.** A building or premises shall be permitted to be used for the following purposes in the H-3 highway commercial district:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (b) Public libraries;
- (c) Public elementary and high schools, 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;
- (d) Churches;
- (e) Nonprofit religious, educational, and philanthropic institutions;
- (f) Banks, savings and loan associations, credit unions and finance companies;
- (g) Barber shops, beauty parlors, and shoeshine shops;
- (h) Private schools, including but not limited to business or commercial schools, dance or music academies, but not nursery schools;
- (i) Dwelling for a caretaker employed and residing on the premises;
- (j) Service stations;
- (k) Hospitals and clinics for animals, but not open kennels;
- (l) Messenger and telegraph stations;
- (m) Office buildings;
- (n) Restaurants;
- (o) Automobile, motorcycle, truck, and heavy equipment sales, provided none of the activities of junk dealers as defined elsewhere in this code shall be carried on;
- (p) Undertaking establishments;
- (q) Photography studios;
- (r) Bicycle sales and repair shops;
- (s) Key shops;

- (t) Ambulance services;
- (u) Recreational uses;
- (v) Food storage lockers;
- (w) Bakeries;
- (x) Bottling works;
- (y) Auto repair garages, provided all displays and merchandise are within the enclosure walls of a building;
- (z) Printing shops and photocopy centers;
- (aa) Mini-warehouses;
- (bb) Optical lens grinding and finishing;
- (cc) Farm machinery sales establishments;
- (dd) Laundries, dyeing, and drycleaning establishments, including laundrettes, laundromats, and receiving stores for drycleaning or laundry;
- (ee) Creameries;
- (ff) Motor truck terminals;
- (gg) Sale barns;
- (hh) Warehouses;
- (ii) Mobile home sales;
- (jj) Outdoor theaters;
- (kk) Parking lots;
- (ll) Clubs;
- (mm) Service facilities, including but not limited to repair and maintenance of home and office equipment and appliances, and the places of business of plumbing, electrical, and heating and air conditioning contractors;
- (nn) Contractors' offices and storage yards, and lumber and coal yards;
- (oo) Stores or shops for the sale of goods at retail, not otherwise permitted in this chapter, of no more than twenty thousand (20,000) square feet of floor area. (Ord. 12571 §191; May 8, 1979).

**27.43.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the H-3 highway commercial district in conformance with the conditions prescribed herein:

- (a) Automobile wash facility:
  - (1) Automatic, conveyor operated: A minimum three hundred (300) feet total length of vehicle stacking lane or lanes shall be provided on the approach side of the wash structure for each lane of the wash operation. Sufficient stacking space for two (2) vehicles per lane of the wash operation shall be provided at the exit end of the wash operation area. The stacking space shall not be located within the required front yard.
  - (2) Self-service, coin-operated car wash: Sufficient space shall be provided for the stacking of four (4) automobiles per bay on the approach side of the building, and one automobile per bay on the exit side of the building. The stacking space shall not be located within the required front yard.
- (b) Motels and hotels:
  - (1) 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);
  - (2) A distance of at least twenty (20) feet shall be maintained between buildings on the lot and each hotel or motel unit shall have a minimum enclosed floor area of two hundred (200) square feet.

- (c) Nursery schools and child care centers:
  - (1) One and five-tenths (1.5) parking spaces per teacher or employee on the largest shift shall be provided;
  - (2) An off-street passenger loading zone shall be provided, of a size equivalent to one parking space per ten (10) students or fraction thereof;
  - (3) All outdoor areas used for children's activities shall be fenced and so designed as to contain the children safely. (Ord. 12571 §192; May 8, 1979).

**27.43.040 Permitted special uses.** A building or premises may be used for the following purposes in the H-3 highway commercial district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Extraction of sand, gravel, and soil;
- (b) Bulk storage of petroleum products;
- (c) Broadcast towers;
- (d) Church steeples, towers, and ornamental spires exceeding the maximum permitted height in the H-3 highway commercial district;
- (e) Outdoor lighting for recreational facilities;
- (f) Expansion of nonconforming use;
- (g) Historic preservation;
- (h) Stores and shops for retail sales and service which exceed twenty thousand (20,000) square feet of floor area. (Ord. 12657 §6; August 6, 1979; prior Ord. 12571 §193; May 8, 1979).

**27.43.050 Accessory uses.** Accessory uses permitted in the H-3 highway commercial district are accessory buildings and uses customarily incident to the permitted uses, including parking lots. (Ord. 12571 §194; May 8, 1979).

**27.43.060 Parking regulations.** All parking within the H-3 highway commercial district shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §195; May 8, 1979).

**27.43.070 Sign regulations.** Signs within the H-3 highway commercial district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §196; May 8, 1979).

**27.43.080 Height and area regulations.** The maximum height and minimum lot requirements within the H-3 highway commercial district shall be as follows:

- (a) General requirements:

	<u>Lot Area</u> <u>(Sq. ft.)</u>	<u>Frontage</u>	<u>Req'd.</u> <u>Front</u> <u>Yard</u>	<u>Req'd.</u> <u>Side</u> <u>Yard</u>	<u>Req'd.</u> <u>Rear</u> <u>Yard</u>	<u>Height</u>
All permitted uses	0	0	30'	Smaller of 15' or 10% of lot width, min. 5'.  20' when abutting residential district.	Smaller of 30'* or 20% of depth.	45'

\*When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

- (b) There shall be a required front yard on each street side of a double frontage lot;
- (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(e) Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of chapter 27.61. (Ord. 12751 §20; November 5, 1979; prior Ord. 12657 §7; August 6, 1979; Ord. 12571 §197; May 8, 1979).



Chapter 27.45

H-4 GENERAL COMMERCIAL DISTRICT

Sections:

- 27.45.010 Scope of regulations.
- 27.45.020 Permitted uses.
- 27.45.030 Permitted special uses.
- 27.45.040 Accessory uses.
- 27.45.050 Parking regulations.
- 27.45.060 Sign regulations.
- 27.45.070 Height and area regulations.

This district is intended to provide a developing area for low-density commercial uses, requiring high visibility and access from major highways. The permitted uses should be planned to reduce internal conflicts and conflicts with surrounding uses. This district is specifically tailored to provide for certain general commercial uses as stated in the Comprehensive Plan.

**27.45.010 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-4 general commercial district. (Ord. 12571 §198; May 8, 1979).

**27.45.020 Permitted uses.** H-4 general commercial district zoning shall not be permitted or granted upon any property having a total area of less than five (5) acres. A building or premises shall be permitted to be used for the following purposes in the H-4 general commercial district:

- (a) Automobile, motorcycle, truck, and heavy equipment sales, provided none of the activities of junk dealers as defined elsewhere in this code shall be carried on;
- (b) Commercial storage or sale of farm implements and products used for agriculture, but not including fertilizer, or toxic or flammable agricultural chemicals;
- (c) Lumber yards;
- (d) Warehouses;
- (e) Mini-warehouses;
- (f) Wholesale and distribution centers;
- (g) Service centers for the repair of machinery and equipment;
- (h) Truck terminals;
- (i) Dwellings for caretakers employed and required to reside on the premises;
- (j) Ambulance service;
- (k) Outdoor theaters;
- (l) Hospitals and clinics for animals but not open kennels;
- (m) Sale barns;
- (n) Contractors' offices and storage, including electrical, plumbing, heating, and air conditioning contractors;
- (o) Restaurants;
- (p) Service stations;
- (q) Truck stops;
- (r) Mobile home sales;

- (s) Auctions;
- (t) Stores or shops for retail sales and service, not to exceed thirty thousand (30,000) square feet of floor area;
- (u) Food storage lockers. (Ord. 12657 §8; August 6, 1979; prior Ord. 12571 §199; May 8, 1979).

**27.45.030 Permitted special uses.** A building or premises may be used for the following purposes in the H-4 general commercial district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Extraction of sand, gravel, and soil;
- (b) Bulk storage of petroleum products;
- (c) Stores and shops for retail sales and service of more than thirty thousand (30,000) but less than one hundred thousand (100,000) square feet in floor area;
- (d) Any permitted use which exceeds the maximum height permitted in the district;
- (e) Facilities for the commercial storage or sale of fertilizer, or toxic or flammable agricultural chemicals;
- (f) Broadcast towers;
- (g) Expansion of nonconforming use;
- (h) Historic preservation. (Ord. 12657 §9; August 6, 1979; prior Ord. 12571 §200; May 8, 1979).

**27.45.040 Accessory uses.** Accessory uses permitted in the H-4 general commercial district are accessory buildings and uses customarily incident to the permitted uses, including parking lots. (Ord. 12571 §201; May 8, 1979).

**27.45.050 Parking regulations.** All parking within the H-4 general commercial district shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §202; May 8, 1979).

**27.45.060 Sign regulations.** Signs within the H-4 general commercial district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §203; May 8, 1979).

**27.45.070 Height and area regulations.** The maximum height and minimum lot requirements within the H-4 general commercial district shall be as follows:

(a) General requirements:

	Lot Area (Sq. ft.)	Frontage	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
All permitted uses	15,000	75'	50'	20', 50'* if abutting residential district.	20', 50'* if abutting residential district.	35'

\*When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

- (b) There shall be a required front yard on each street side of a double frontage lot;
- (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be

reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(e) Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of chapter 27.61. (Ord. 12751 §21; November 5, 1979; prior Ord. 12571 §204; May 8, 1979).

## Chapter 27.47

## I-1 INDUSTRIAL DISTRICT

## Sections:

27.47.010	Scope of regulations.
27.47.020	Use regulations.
27.47.030	Permitted special uses.
27.47.040	Accessory uses.
27.47.050	Parking regulations.
27.47.060	Sign regulations.
27.47.070	Height and area regulations.

This district is for a developing stable or redeveloping area representing light and heavy industrial uses and having a relatively high intensity of use and land coverage. (Ord. 12701 §6; October 2, 1979; prior Ord. 12571; May 8, 1979).

**27.47.010 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 I-1 industrial district regulations. (Ord. 12571 §236; May 8, 1979).

**27.47.020 Use regulations.** (a) General regulations. No building shall be erected, converted, reconstructed, or structurally altered for church, library, school, hospital, or residential purposes, except for resident watchmen and caretakers or supervisory personnel employed and residing on the premises. Those special permitted uses in section 27.47.030 below shall be limited by the restrictions placed thereon.

(b) Permitted uses. Subject to the foregoing, a building or premises may be used for any commercial or industrial purpose not in conflict with any other ordinances or regulations of the City of Lincoln. (Ord. 12571 §237; May 8, 1979).

**27.47.030 Permitted special uses.** A building or premises may be used for the following purposes in the I-1 industrial district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) The refining, distillation or manufacture of:
- (1) Acids or alcohols;
  - (2) Ammonia, bleach, or chlorine;
  - (3) Asphalt, tar, or products made therewith, including roofing or water-proofing;
  - (4) Cement, lime, gypsum, or plaster of paris;
  - (5) Disinfectants;
  - (6) Dyestuffs;
  - (7) Fertilizer;
  - (8) Glue, sizing, or gelatin;
  - (9) Oilcloth, linoleum, or oiled rubber goods;
  - (10) Paint, shellac, turpentine, or oils;
  - (11) Rubber, gutta-percha, balata, creosote, or products treated therewith;
  - (12) Shoe polish;
- (b) The operation of:
- (1) Bag cleaning works;
  - (2) Blast furnaces, coke ovens, smelting or ore reduction works;

- (3) Boiler works;
- (4) Forge;
- (5) Rock crusher, stone mill, or quarry;
- (6) Rolling mill;
- (7) Yeast plant;

(c) Production, manufacture, distribution, and storage of toxic, radioactive, flammable, or explosive materials, including chemicals and gases, fireworks, and explosives, except that any of the above referenced uses, except fireworks, may be stored or used in connection with a permitted commercial, business, or industrial purpose as allowed by section 27.47.020(b) as incidental to the referenced permitted use without the requirement of obtaining a special permit;

(d) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals or fowl; rendering fat; distillation of bones, coal or wood;

(e) Dumping or reduction of garbage, offal, or dead animals;

(f) Storage or baling of junk, scrap metal, or rags; auto wrecking or salvage;

(g) Refining or bulk storage of petroleum or natural gas, or their products;

(h) The manufacture of acetylene, the transfer of the gas from one container to another, or the storage of the gas in containers having a capacity greater than the equivalent of one thousand (1,000) cubic feet at standard temperature and pressure;

(i) Stores and shops for retail sales and service exceeding twenty thousand (20,000) square feet in floor area;

(j) Any permitted use which exceeds the maximum height permitted in the district up to a maximum of ninety (90) feet;

(k) Broadcast towers;

(l) Outdoor theaters;

(m) Extraction of sand, gravel, and soil;

(n) Expansion of nonconforming uses;

(o) Historic preservation;

(p) Technical training centers. (Ord. 12657 §10; August 6, 1979; prior Ord. 12571 §238; May 8, 1979).

**27.47.040 Accessory uses.** Accessory uses permitted in the I-1 Industrial District are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §239; May 8, 1979).

**27.47.050 Parking regulations.** All parking within the I-1 Industrial District shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §240; May 8, 1979).

**27.47.060 Sign regulations.** Signs within the I-1 Industrial District shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §241; May 8, 1979).

**27.47.070 Height and area regulations.** The maximum height and minimum lot requirements within the I-1 Industrial District shall be as follows:

(a) The required front yard shall be fifteen (15) feet except that on lots developed with buildings on the effective date of this title, the front yard shall be none except where the frontage on one side of a street between two intersecting streets is located partly in the I-1 Industrial District and partly in a district that requires a front yard, in which case the front yard requirements of the adjacent district shall apply to the I-1 Industrial District from the place where it abuts the other district to the next intersecting street, or for three hundred (300) feet, whichever is less.

(b) There shall be no required side and rear yards except when a side or rear yard

abuts a residential district, in which case there shall be a required yard of twenty (20) feet or ten percent (10%) of the lot width, whichever is less, provided the yard shall not be reduced to less than five (5) feet, and it shall be screened in conformance with the landscape design standards of the City of Lincoln.

(c) The maximum height in the district shall be seventy-five (75) feet.

(d) Accessory buildings shall not extend into any required yard.

(e) Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of chapter 27.61.

(f) There shall be a required front yard on each street side of a double frontage lot.

(g) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(h) The required front yard shall be entirely devoted to landscaped area except for necessary paving of walkways and driveways to reach parking and loading areas in the side or rear yards, and provided, further, that any driveways which intersect the front yard shall not be wider than thirty (30) feet. (Ord. 12571 §242; May 8, 1979).

Chapter 27.49

I-2 INDUSTRIAL PARK DISTRICT

Sections:

- 27.49.010 Scope of regulations.
- 27.49.020 Use regulations.
- 27.49.030 Permitted conditional uses.
- 27.49.040 Permitted special uses.
- 27.49.050 Accessory uses.
- 27.49.060 Parking regulations.
- 27.49.070 Sign regulations.
- 27.49.080 Height and area regulations.

This district is for a developing area intended for manufacturing and industrial uses in an open and environmentally attractive atmosphere.

**27.49.010 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-2 Industrial Park District. (Ord. 12571 §243; May 8, 1979).

**27.49.020 Use regulations.** (a) General regulations. (1) No building shall be erected, converted, reconstructed, or structurally altered for church, library, school, hospital, or residential purposes, except for motels, or for resident foremen, caretakers, or supervisory personnel employed and residing on the premises.

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

(3) Auto wrecking, junk yards, and similar storage or salvage shall not be permitted.

(4) Storage of explosives shall be prohibited.

(5) No floor area which is used for the retail sale of goods, excluding eating facilities, shall be permitted except at the rate of twelve and one-half (12 1/2) square feet per acre of I-2 Industrial Park zoned land located within any single I-2 Industrial Park District at the time the required acreage is at least fifty percent (50%) occupied for permitted industrial uses.

(6) Those special and conditional uses permitted in sections 27.49.030 and 27.49.040 below shall be limited by the restrictions placed thereon.

(b) Permitted uses. Subject to the general regulations of section 27.49.020(a) above, any commercial or industrial use is permitted in the I-2 Industrial Park District in compliance with all applicable ordinances and regulations including but not limited to the environmental performance standards relating to noise, emission, dust, odor, glare, and heat approved by resolution of city council. (Ord. 12571 §244; May 8, 1979).

**27.49.030 Permitted conditional uses.** A building or premises may be used for the following purposes in the I-2 Industrial Park District in conformance with the conditions prescribed herein:

(a) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable liquids and chemicals:

- (1) Shall be adequately screened from public view;
- (2) Shall be for use on the premises and not for resale;
- (3) Shall be located, constructed, maintained, and operated in compliance with all codes and regulations of the City of Lincoln.

(b) Liquefied petroleum gas and similar gas used for fuel stored above ground:

- (1) Tanks may not exceed 30,000 gallon capacity;
- (2) Such gas shall be for use on the premises, and not for resale;
- (3) Such tanks shall be adequately screened from public view by a fire-resistant ventilated barrier which shall be at least six (6) feet in height;
- (4) Must be in full compliance with all codes and regulations of the City of Lincoln;

(c) All other combustible material:

To be stored in such a way as to permit free access of fire-fighting equipment.

(d) Open storage of any other material:

Only in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six (6) feet in height. (Ord. 12571 §245; May 8, 1979).

**27.49.040 Permitted special uses.** A building or premises may be used for the following purposes in the I-2 industrial park district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Mining, quarrying, and stone mills;
- (b) Broadcast towers;
- (c) Expansion of nonconforming use;
- (d) Historic preservation. (Ord. 12571 §246; May 8, 1979).

**27.49.050 Accessory uses.** Accessory uses permitted in the I-2 industrial park district are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §247; May 8, 1979).

**27.49.060 Parking regulations.** All parking within the I-2 industrial park district shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §248; May 8, 1979).

**27.49.070 Sign regulations.** Signs within the I-2 industrial park district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §249; May 8, 1979).

**27.49.080 Height and area regulations.** The maximum height and minimum lot requirements within the I-2 industrial park district shall be as follows:

(a) General requirements:

	Lot Area (Sq. ft.)	Frontage	Req'd. Front Yard	Req'd. Side Yard	Req'd. Rear Yard	Height
All permitted uses	1 acre	150'	50'	20' (50'* when abutting residential district)	20'	45'

\*When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

(b) There shall be a required front yard on each street side of a double frontage lot;  
 (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 6, 1961, need not be reduced to less than twenty-eight (28) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, nor more than fifteen (15) feet in height. Accessory buildings not a part of the main structure, if located not less than sixty (60) feet from the front lot line, may extend into the required side yard though not nearer than two (2) feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten (10) feet to the alley line.

(e) The required front yard shall be entirely devoted to landscaped area, except for guest parking which is permitted in an area not to exceed thirty percent (30%) of the required front yard and necessary paving of walkways and driveways to reach parking and loading areas in the side or rear yards, and provided, further, that any driveways which intersect the front yard shall not be wider than thirty (30) feet. The required side and rear yards shall be entirely devoted to landscaped area when they abut a residential district.

(f) No loading facilities shall be provided in the front yard nor in any side yard adjacent to any residential district. Loading facilities located within one hundred fifty (150) feet of any street shall be visually screened. (Ord. 12751 §22; November 5, 1979; prior Ord. 12571 §250; May 8, 1979).

## Chapter 27.53

I-4 PLANNED INDUSTRIAL  
RESERVE DISTRICT

## Sections:

27.53.010	Scope of regulations.
27.53.020	General purpose.
27.53.030	Use regulations.
27.53.040	Permitted conditional uses.
27.53.050	Permitted special uses.
27.53.055	Subordinate satellite industries.
27.53.060	Accessory uses.
27.53.070	Parking regulations.
27.53.080	Sign regulations.
27.53.090	Height and area regulations.
27.53.100	Use permit section.

This district is intended for low-density, high-amenity, large scale industrial development under very special conditions in those areas designated Agricultural/Industrial Reserve in the Comprehensive Plan. This is not an urban district and is intended for areas beyond the reach of the urban infrastructure.

**27.53.010 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-4 Planned Industrial Reserve District. (Ord. 12571 §258; May 8, 1979).

**27.53.020 General purpose.** The regulations for the I-4 Planned Industrial Reserve District set forth in this chapter are established to permit the development of those industrial facilities typified by land-extensive operations and to provide such industrial uses and the community with suitable sites, complementing the general land use pattern of the community, and assisting in implementing the adopted goals and policies of the community. (Ord. 12571 §259; May 8, 1979).

**27.53.030 Use regulations.** (a) General regulations. Any development, including building and open land uses, except farming and the sale of farm products, shall be prohibited in the I-4 Planned Industrial Reserve District prior to the approval of a use permit in conformance with the requirements of this chapter. I-4 Planned Industrial Reserve District zoning shall not be permitted or granted upon any lot, tract, or parcel of land or combination thereof having a total area of less than seventy (70) acres of land.

(b) Specific regulations: (1) No building shall be erected, converted, reconstructed, or structurally altered for church, library, school, hospital, or residential purposes, except for resident foremen, caretakers, or supervisory personnel employed on the premises and required to reside on the premises.

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

(3) Auto wrecking, junk yards, and similar storage or salvage shall not be permitted.

- (4) Storage of explosives shall be prohibited.
- (5) Sale of goods at retail, including restaurants and eating facilities, shall only be permitted where such sale is primarily to serve and benefit persons employed in the district.
- (6) Those special and conditional uses permitted in sections 27.53.040 and 27.53.050 below shall be limited by the restrictions placed thereon.
- (c) Permitted uses. Subject to the general regulations above, any commercial or industrial use is permitted in the I-4 planned industrial reserve district in compliance with all applicable ordinances and regulations including but not limited to the environmental performance standards relating to noise, emission, dust, odor, glare, and heat approved by resolution of city council. (Ord. 12571 §260; May 8, 1979).

**27.53.040 Permitted conditional uses.** A building or premises may be used for the following purposes in the I-4 planned industrial reserve district in conformance with the conditions prescribed herein:

- (a) Fuel oil storage tanks and all bulk storage of oils, petroleum, and similar flammable liquids and chemicals:
  - (1) Shall be adequately screened from public view;
  - (2) Shall be for use on the premises and not for resale;
  - (3) Shall be located, constructed, maintained, and operated in compliance with all codes and regulations of the City of Lincoln;
- (b) Liquid petroleum gas and similar gas used for fuel stored above ground:
  - (1) Tanks may not exceed thirty thousand (30,000) gallon capacity;
  - (2) Such gas shall be for use on the premises, and not for resale;
  - (3) Such tanks shall be adequately screened from public view by a fire-resistant ventilated barrier which shall be at least six (6) feet in height;
  - (4) Must be in full compliance with all codes and regulations of the City of Lincoln;
- (c) Open storage of any other material:
  - Only in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six (6) feet in height;
- (d) All combustible material:
  - To be stored in such a way as to permit free access of fire-fighting equipment;
- (e) Heliports:
  - In compliance with all federal and state requirements. (Ord. 12571 §261; May 8, 1979).

**27.53.050 Permitted special uses.** A building or premises may be used for the following purposes in the I-4 planned industrial reserve district if a special permit for such use has been obtained in conformance with the requirements of chapter 27.63:

- (a) Mining, quarrying, and stonemills;
- (b) Broadcast towers;
- (c) Expansion of nonconforming use;
- (d) Historic preservation. (Ord. 12571 §262; May 8, 1979).

**27.53.055 Subordinate satellite industries.** Deviations from the minimum lot size will be allowed to accommodate the location of a main industry and subordinate satellite industries under separate ownership under the following conditions:

- (a) The minimum lot size allowed within a seventy (70) acre tract will be five (5) acres, and no more than six (6) such lots or a total of thirty (30) acres may be devoted to subordinate satellite industries in any one seventy (70) acre tract;
- (b) The functions of the industries placed on the smaller lots must be compatible with the intent and purpose of the district;
- (c) The industries located on the smaller parcels must be compatible with, and related in function to, the industry located on the largest parcel in any one seventy (70) acre tract;
- (d) Industries located on smaller parcels must be economically related to the industry located on the largest parcel;
- (e) Protective covenants must be granted by the owners of all parcels to the owners of the other parcels and to the citizens of the City of Lincoln regulating the uses to be placed upon the industries located on the smaller parcels and preventing the owners of the smaller parcels from conveying title to those parcels to other businesses or uses which are not compatible with nor economically related to the industry located on the largest parcel. Such covenants shall be approved by the city attorney's office and shall not be changed, modified, or terminated without prior approval from the city council;
- (f) Subordinate satellite industries under this section may not receive subdivision approval nor a building permit unless the construction of the same is concurrent with or after the construction of the industry located on the largest parcel. (Ord. 12701 §7; October 1, 1979; prior Ord. 12571 §262; May 8, 1979).

**27.53.060 Accessory uses.** Accessory uses permitted in the I-4 planned industrial reserve district are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §263; May 8, 1979).

**27.53.070 Parking regulations.** All parking within the I-4 planned industrial reserve district shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §264; May 8, 1979).

**27.53.080 Sign regulations.** Signs within the I-4 planned industrial reserve district shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §265; May 8, 1979).

**27.53.090 Height and area regulations.** The maximum height and minimum lot requirements within the I-4 planned industrial reserve district shall be as follows:

(a) General requirements:

	<u>Lot Area</u>	<u>Req'd. Front Yard</u>	<u>Req'd. Side Yard</u>	<u>Req'd. Rear Yard</u>	<u>Height</u>
<b>All permitted uses</b>	40 acres	50'	100'	100'	45'
<b>Satellite industries</b>	5 acres	50'	50'	50'	45'

(b) There shall be a required front yard on each street side of a double frontage lot;

- (c) There shall be a required front yard on each street side of a corner lot;
- (d) Accessory buildings shall not extend into any required yard;
- (e) The required front yard shall be entirely devoted to landscaped area, except for necessary paving of walkways, and driveways to reach parking and loading areas in the side and rear yards, provided that any driveways which intersect the front yard shall not be wider than thirty (30) feet.
- (f) No loading facilities shall be provided in the front yard nor in any side yard adjacent to any residential district. (Ord. 12571 §266; May 8, 1979).

**27.53.100 Use permit section.** (a) Minimum requirements. No use permit shall be granted upon any property having a total area of less than seventy (70) acres, nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter. The city council shall impose such conditions as are appropriate and necessary to ensure compliance with the comprehensive plan and protect the health, safety, and general welfare in the issuance of any use permits. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the I-4 planned industrial reserve district shall apply.

(b) Environmental performance standards. Any applicant for a use permit under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be approved by resolution of the city council.

(c) Landscape plan. Each application for a use permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, parking areas, and around proposed buildings. The planning director shall develop appropriate written standards for such landscape plans, which standards shall be approved by resolution of the city council.

(d) Application requirements. Applications for a use permit under this section shall be filed in writing on a form provided by the city with the superintendent for codes administration. A preliminary plan shall accompany each application and shall include the following information:

- (1) Boundary survey and gross acreage;
- (2) Contour lines at intervals not to exceed five (5) feet based on city data. Spot elevations on one hundred (100) foot grid shall be required to fully indicate the topography of flat land.
- (3) Street right-of-way;
- (4) Utility easements;
- (5) Adjacent land use and zoning classifications;
- (6) The amount of traffic to be generated and the street facilities required to accommodate said traffic;
- (7) Location of structures on property;
- (8) Vicinity map;
- (9) Date prepared, scale and north point;
- (10) Schematic building layout;
- (11) Parking areas and capacity;
- (12) Use of buildings;
- (13) Acreage and percentage of total developed building area, parking lot, open space, and similar uses;
- (14) Height of buildings;

- (15) Location of trees and proposed landscape plan;
- (16) Proposed vehicular and pedestrian circulation system, including ingress and egress;
- (17) Building and parking set-back lines;
- (18) Grading plan;
- (19) Phase of development and proposed starting dates;
- (20) Discussion of adverse environmental effects of the project and proposed steps to minimize these effects;
- (21) On-site and off-site water and sanitary sewer improvements;
- (22) On-site and off-site drainage and storm sewer improvements;
- (23) Location of proposed free-standing signs;
- (24) Proposed name of industry;
- (25) Name, address, and telephone number of developer, certified record owner or owners, and their addresses; and legal description of the proposed use permit area including the number of acres.

(e) Planning Commission review. Upon the filing of an application together with all maps, data, and information required by this section, the city council shall refer the application to the planning commission. The planning commission shall hold a public hearing upon such application and make a report to the city council regarding the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. The city council shall take no final action upon any application for a use permit under this section until a report from the planning commission has been filed with the city clerk; provided, that in the event there is a delay of more than sixty (60) days from the date of referral on the part of the planning commission in reporting its recommendations to the city council, the applicant may appeal to the city council requesting final action. If the city council determines that the delay of the planning commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting.

(f) Council consideration and final action. Upon receipt of a report from the planning commission, the city council shall proceed to give final consideration to the application, and may require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for, and may include the requirement that applicant grant additional right of way in accordance with the Comprehensive Plan. The council may require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by departmental publications approved by resolution of the city council.

(g) Adjustment of yard requirements and height restrictions. The city council may increase or decrease the minimum yard requirements and height restrictions set forth in chapter 27.71 of this title consistent with adequate protection of the environment of adjacent land uses.

(h) Amendment. The planning director is authorized to approve amendments to any use permit granted under this section, including square footage of floor area and storage space in phases of development; provided that:

- (1) A request for amendment is filed with the planning director, together with any of the information specified in paragraph (e) above which is pertinent to the proposed amendment;

- (2) Such amendment shall not violate any regulations set forth in this title;
- (3) Such amendment shall not provide for any increase in total floor area and storage space originally permitted by the city council;
- (4) Such amendment shall not be contrary to the general purposes of this chapter as set forth in paragraph (a) above;
- (5) Any amendment not in conformance with this paragraph shall be submitted to city council in the same manner as an original use permit.

(i) Building permits, certificate of occupancy, and certificates of compliance. Upon the approval of a use permit by the city council under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit. (Ord. 12571 §267; May 8, 1979).

## Chapter 27.54

## P PUBLIC USE DISTRICT

## Sections:

- 27.54.010 Scope of regulations.
- 27.54.020 Permitted uses.
- 27.54.030 Area regulations.

This district is intended to provide a district essentially for mapping purposes which will identify real property of one (1) acre or more presently owned and used by any governmental entity, including local, state, or federal governmental units, and put to some form of public use. This district is not intended to be applied to land that is used by governmental entities on an easement or leased basis if title to the land is in private ownership. (Ord. 12571 §267a; May 8, 1979).

**27.54.010 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 P Public Use District. (Ord. 12571 §267a; May 8, 1979).

**27.54.020 Permitted uses.** A building or premises owned by any governmental entity, including local, county, state, federal governmental units and their subdivisions, and in some form of public use, shall be permitted to be located in the P Public Use District. The provisions of this chapter shall not apply to land in private ownership, even if leased to or the subject of an easement to a governmental entity, or to describe the future location of such public uses. (Ord. 12571 §267a; May 8, 1979).

**27.54.030 Area regulations.** The P Public Use District shall have a minimum district size of one acre. (Ord. 12571 §267a; May 8, 1979).



## Chapter 27.55

## FLOOD PLAIN DISTRICT

## Sections:

27.55.010	Scope of regulations.
27.55.020	Definitions.
27.55.030	Standards.
27.55.040	Administration.
27.55.050	Permit procedures.
27.55.060	Special permits.
27.55.070	Preexisting uses.
27.55.080	Penalties for violation.
27.55.090	Amendments.

**27.55.010 Scope of regulations.** The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are known as the Flood Plain Ordinance. The ordinance shall apply to all lands in the flood plain within the zoning jurisdiction of the City of Lincoln that are subject to a one percent (1%) or greater chance of flooding in any given year, as designated by the Federal Insurance Administration, U.S. Department of Housing and Urban Development. The official Flood Hazard Boundary Map (FHBM) and the Flood Insurance Rate Map (FIRM) and any revision thereto are hereby adopted by reference and declared to be a part of this ordinance. (Ord. 12571 §268; May 8, 1979).

**27.55.020 Definitions.** For the purpose of this chapter, certain terms and words are hereby defined:

(a) **BASE FLOOD** means the flood having a one percent (1%) chance of being equalled or exceeded in any given year.

(b) **DEVELOPMENT** means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(c) **FLOOD HAZARD BOUNDARY MAP (FHBM)** means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

(d) **FLOOD INSURANCE RATE MAP (FIRM)** means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(e) **FLOOD PLAIN** means those lands which are subject to a one percent (1%) or greater chance of flooding in any given year. The designated flood plain for this chapter shall be based on the areas of 100-year flood, or areas of special flood hazards, as shown on the official Flood Hazard Boundary Map or Flood Insurance Rate Map issued by the Federal Insurance Administration, U. S. Department of Housing and Urban Development, and shall include Zone A and Zones A-1 through A-30.

(f) **FLOODPROOFING** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(g) **FLOODWAY** means the channel of a river or other watercourses and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(h) **MEAN SEA LEVEL** means the average height of the sea for all stages of the tide.

(i) **MOBILE HOME COURT** means a contiguous parcel of land, under single ownership, containing ten (10) acres or more, which has been developed for the placement of mobile homes and approved by special permit of the city council and is owned by an individual, firm, partnership or corporation duly licensed by the City of Lincoln.

(j) **NEW CONSTRUCTION** means structures for which the start of construction commenced on or after May 5, 1978.

(k) **NEW MOBILE HOME COURT** means a mobile home court approved on or after May 5, 1978, by special permit of the city council in accordance with section 27.63.120 of this title.

(l) **RIVERINE** means relating to, formed by, or resembling a river (including tributaries, streams, brooks, etc.).

(m) **START OF CONSTRUCTION** means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

(n) **STRUCTURE** means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

(o) **SUBSTANTIAL IMPROVEMENT** means any repair, reconstruction, improvement, enlargement, extension, conversion, or structural alteration of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored to its condition prior to the occurrence of the damage. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (ii) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (Ord. 12571 §269; May 8, 1979).

**27.55.030 Standards.** The following shall be the standards to be followed in connection with the Flood Plain District:

(a) General standards:

(1) Within the designated flood plain, all new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure; constructed with materials and utility equipment resistant to flood damage;

and constructed by methods and practices that minimize flood damage. A registered professional engineer or architect shall certify that these provisions are satisfied.

(2) The location, grade, and floodproofing of all new and replacement water and sanitary sewer systems which are to be extended into or through any portion of the flood plain to serve the proposed development shall first be approved by the city prior to the extension of such utilities into the flood plain area.

(3) New and replacement community sewage systems and individual sewage disposal systems shall be designed in accordance with the standards set forth in chapter 24.38 of the Lincoln municipal code in order to minimize impairment to them or contamination from them during flooding;

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

(5) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited; and

(6) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after the issuance of flood warning by appropriate authorities.

(b) Residential construction. All new construction and substantial improvements of residential structures within the designated flood plain shall have the lowest floor, including basement, elevated to or above the base flood level.

(c) Nonresidential construction. All new construction and substantial improvements of commercial, industrial, and other nonresidential structures within the designated flood plain shall either have the lowest floor, including basement, elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight in accordance with the performance standards set forth in the city's building code. A registered professional engineer or architect shall certify that such watertight performance standards are satisfied. The certification shall be provided to the city as set forth in section 27.55.040 of this chapter.

(d) Mobile homes and mobile home courts. All mobile homes shall be located in a mobile home court in accordance with section 27.63.120 of this title. There shall be no mobile home courts or mobile homes allowed by the city within the designated flood plain unless the following conditions are met:

(1) Mobile home courts.

(i) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

(ii) Adequate surface drainage and access for a hauler are provided;

(iii) In the instance of elevation on pilings, lots are large enough to permit steps; piling foundations are placed in stable soil no more than ten (10) feet apart; and reinforcement is provided for pilings more than six (6) feet above the ground level; and

(iv) The grade of land for mobile home courts which is situated within the designated flood plain shall be raised at least one (1) foot above the base flood elevation.

(2) Mobile homes.

(i) They are anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors;

(ii) Over-the-top ties be provided at each of the four corners of the mobile

home, with two (2) additional ties per side at intermediate locations and mobile homes less than fifty (50) feet requiring one (1) additional tie per side;

(iii) Frame ties be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points; and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side;

(iv) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(v) Any additions to the mobile home be similarly anchored.

(e) Floodways. Require that until an official regulatory floodway is delineated by the Federal Insurance Administration, utilize the selected floodway designated by the Nebraska Natural Resources Commission as a basis for enforcing the following floodway standards. Generally, the selected floodway is located within areas of the designated flood plain with those limits where the extent of permitted encroachment would not raise the estimated level of the flood of 100-year frequency in excess of one foot, in the aggregate, as computed in the water surface profiles.

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the selected floodway unless certification by a professional registered engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

(2) If the above provision is satisfied, all new construction and substantial improvements shall comply with all other applicable provisions contained in section 27.39.030.

(3) Prohibit the placement of any mobile home courts within the selected floodway. (Ord. 12701 §7; October 2, 1979; prior Ord. 12571 §270; May 8, 1979).

**27.55.040 Administration.** A development permit shall be required in conformance with the provisions of this chapter. All new construction of residential and nonresidential structures or land within the designated flood plain shall hereafter be in full compliance with the terms of this chapter and other applicable regulations. All existing residential and nonresidential structures that are not in compliance with the terms of this chapter shall be required to conform to these terms before substantial improvements can be made. It shall be the duty of the superintendent for codes administration to enforce this chapter. His duties shall include, but not be limited to:

(a) Review all development permits to assure that the permit requirements for this chapter have been satisfied;

(b) Review proposed development to assure that all necessary permits have been obtained from those agencies from which prior approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(c) Notify affected adjacent communities and the Nebraska Natural Resources Commission in riverine situations prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administration, and assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;

(d) Require a registered professional engineer or surveyor to verify the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures and to which the new or substantially improved structures have been floodproofed. Such information shall be recorded and maintained by the superintendent for codes administration;

(e) Where floodproofing is utilized for a particular structure, obtain certification from a registered professional engineer or architect that the floodproofing methods are adequate in accordance with appropriate provisions of the city's building code;

(f) Where interpretation is needed as to the exact location of boundaries of the designated flood plain; for example, where there appears to be a conflict between a mapped boundary and actual field conditions, obtain the necessary interpretation from appropriate city engineering staff of the department of public works;

(g) When base flood elevation data have not been provided on the official map, obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source in order to administer this chapter. (Ord. 12701 §8; October 1, 1979; prior Ord. 12571 §271; May 8, 1979).

**27.55.050 Permit procedures.** Application for a development permit shall be made to the superintendent for codes administration on forms furnished by him and may include, but not be limited to, the plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(a) Elevation in relation to mean sea level of the lowest floor, including basement, of all structures, including the conversion of the elevation to the city datum. (Deduct 1,099.34 feet from U.S.G.S. datum to obtain city datum.)

(b) Elevation in relation to mean sea level to which any nonresidential structure has been floodproofed, including the conversion of the elevation to the city datum. (Deduct 1,099.34 feet from U.S.G.S. datum to obtain city datum.)

(c) Provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing specifications set forth in the city's building code.

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 12571 §272; May 8, 1979).

**27.55.060 Special permits.** The city council of the city of Lincoln may, by special permit, in accordance with provisions set forth in chapter 27.63 of this title:

(a) Grant variances from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship. However, variances shall not be issued by the city within the selected floodway if any increase in flood levels during the base flood discharge would result.

(b) Grant requests for substantial improvements of existing residential and nonresidential structures that are not in conformity with the provisions of this chapter.

(c) Attach certain conditions to the special permit as it deems necessary to further the purposes of this chapter.

In passing upon such special permits, the city council shall consider that permits shall only be issued upon a determination that (i) they are the minimum necessary, considering the flood hazard, to afford relief; (ii) the granting will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and (iii) the decision is based upon a showing of good and sufficient cause and a reasonable use of land involved.

Any applicant to whom a special permit is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from

the reduced lowest floor elevation. The superintendent for codes administration shall maintain all the records of special permits issued by the city council and report them to the Federal Insurance Administration upon request. (Ord. 12571 §273; May 8, 1979).

**27.55.070 Preexisting uses.** The following preexisting uses will be allowed in the Flood Plain District:

(a) Continuation of preexisting uses. The lawful use of a building and premises existing May 5, 1978, may be continued although such use does not conform to the provisions hereof; provided, that no expansion, enlargement, change, or alteration shall be made except in conformance with section 27.55.070(b) below.

(b) Substantial improvements of preexisting uses. No existing building and premises which is not in conformity with the provisions of this chapter shall be substantially improved unless it is done in conformity with the provisions of this chapter. A request for the substantial improvement of a preexisting use which does not conform to the provisions of this chapter shall be processed through special permit procedures set forth in section 27.55.060 of this chapter. (Ord. 12571 §274; May 8, 1979).

**27.55.080 Penalties for violation.** Violation of the provisions of this chapter or failure to comply with any of its requirements shall be punished in accordance with chapter 27.81. (Ord. 12571 §275; May 8, 1979).

**27.55.090 Amendments.** The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, in accordance with the procedures set forth in chapter 27.81. The regulations of this chapter are in compliance with the National Flood Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976. (Ord. 12571 §276; May 8, 1979).

## Chapter 27.57

## CAPITOL ENVIRONS DISTRICT

## Sections:

- 27.57.010 Scope of regulations.
- 27.57.020 Boundaries of district map.
- 27.57.030 Height of buildings in capitol environs area.

**27.57.010 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 Capitol Environs District. (Ord. 12571 §277; May 8, 1979).

**27.57.020 Boundaries of district map.** The boundaries of the Capitol Environs District are shown upon a map which is made a part hereof by reference, and said map is designated the "City of Lincoln Capitol Environs District Height Regulations Map." That part of the map designating the different districts and their boundaries and that part of the legend designating the symbol title shall have the same force and effect as if they were all fully set forth herein. Other notations and references are for information only. (Ord. 12571 §278; May 8, 1979).

**27.57.030 Height of buildings in capitol environs area.** Notwithstanding the zoning on the property or the other rules and regulations of this title, there shall be established the following maximum heights for buildings and structures located in the shaded area on the Capitol Environs District Height Regulations Map.

(a) No building located within this district shall exceed the building height limit as shown on the Capitol Environs District Height Regulations Map, or the maximum building height permitted in the underlying zoning district, whichever is less.

(b) Any of the appurtenances listed in section 27.71.020 of this title may not exceed twenty (20) feet in height above the maximum permitted in subsection (a) hereof. In addition, all of said appurtenances must be set back a minimum of fifteen (15) feet from all faces of a building when said faces are adjacent to a street. (Ord. 12571 §279; May 8, 1979).

## Chapter 27.59

## AIRPORT ZONING REGULATIONS

## Sections:

- 27.59.010 Definitions.
- 27.59.020 Location and boundaries.
- 27.59.030 Zone descriptions.
- 27.59.040 Height restrictions.
- 27.59.050 Airport zoning map.
- 27.59.060 Permit required; procedure.
- 27.59.070 Airport hazards.
- 27.59.080 Nonconforming height.
- 27.59.090 Administration.
- 27.59.100 Board of zoning appeals.
- 27.59.110 Powers of the board of zoning appeals.
- 27.59.120 Airport zoning commission.
- 27.59.130 Use of land.
- 27.59.140 Appeal from board of zoning appeals.
- 27.59.150 Penalty for violations.

**27.59.010 Definitions.** As used in this chapter unless the context otherwise requires:

(a) **AIRPORT** shall mean the Lincoln Municipal Airport, located as provided in section 27.59.020, below.

(b) **AIRPORT HAZARD** shall mean any structure or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

(c) **NONCONFORMING USE** shall mean any structure or use of land which does not conform to a requirement of this chapter or an amendment thereto, as of the effective date of this chapter.

(d) **PERSON** shall mean any individual, firm, association, corporation, or body politic and includes any receiver, assignee, or similar representative thereof.

(e) **STRUCTURE** shall mean any object constructed or installed by man.

(f) **RUNWAY** shall mean a portion of the airport, having a surface especially developed and maintained for the landing and take-off of aircraft.

(g) **CITY** shall mean the City of Lincoln, Nebraska.

(h) **LESSEE** shall mean any person, other than the owner, in possession of land. (Ord. 12571 §280; May 8, 1979).

**27.59.020 Location and boundaries.** The vicinity of the airport, located in sections 4, 5, 6, 7, 8, 9, 17 and 18, Township 10 North, and sections 31 and 32, Township 11 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, specifically being the area lying within the outer limits of a series of points forming a line which is a horizontal distance of three miles from the airport boundary or the corporate limits of the city, whichever is the lesser distance from the airport boundary line, as shown on the attached airport zoning map, is hereby declared an airport hazard area and is hereby zoned as follows:

The hazard area consists of approach zones, turning zones, and transition zones.

(a) The outer boundary of the hazard area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the approach and turning zones.

(b) The inner boundary of the hazard area is a boundary line consisting of a series of intersecting tangents, five hundred (500) feet from and parallel to the centerlines of the runways and connecting the inner boundaries of adjacent approach zones at the ends of the runways. (Ord. 12571 §281; May 8, 1979).

**27.59.030 Zone descriptions.** (a) An approach zone is located at each end of each existing or proposed runway for the landing or taking off of airplanes. Such approach zones begin two hundred (200) feet beyond the ends of the respective runways, and at such beginning are one thousand (1,000) feet in width, five hundred (500) feet on each side of the respective centerline, and extend and expand uniformly centered along the extended centerline of the respective runways to the outer boundary of the approach and turning zones at a rate of thirty (30) feet of width for each one hundred (100) feet of horizontal length for each runway.

The inner area of each approach zone is that portion of the approach zone beginning two hundred (200) feet beyond the end of the respective or proposed runway and extending to the intersection of the controlling glide angle with a plane one hundred fifty (150) feet above the highest elevations of the ends of the respective runways, at a rate of one foot vertically for each fifty (50) feet horizontally.

The outer area of each approach zone is the area between the inner area of the approach zone and the outer limit of the approach and turning zones.

(b) The transition zones are the areas bounded by the inner boundary of the hazard area, the sides of contiguous inner areas of approach zones and the outer limits of the transition zones; said outer limits of the transition zones being the intersections, at elevations of one hundred fifty (150) feet above the highest elevation at the ends or edges of the closest runway, or proposed runway, of a series of contiguous planes originating from bases established by the inner boundary of the hazard area and the edges of adjacent inner areas of approach zones; the planes rising from their respective bases at the rate of one foot vertically to seven (7) feet horizontally to the lines of intersection previously referred to.

(c) The turning zones comprise all portions of the zoned area not contained in the approach zones and transition zones. The outer limits of the turning zones are a series of points forming a line which is a horizontal distance of three (3) statute miles from the airport boundary line or the corporate limits of the city, whichever is the lesser distance from the airport, as shown on the attached airport zoning map. (Ord. 12571 §282; May 8, 1979).

**27.59.040 Height restrictions.** No building or structure, smokestack, chimney, tower, or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired, or established except as otherwise provided in section 27.59.090:

(a) In inner areas of approach zones to a height above the planes forming the inner area of the approach zones;

(b) In the outer area of approach zones and in turning zones to a height in excess of one hundred fifty (150) feet above the elevation at the closest point on the nearest runway, or to a height in excess of seventy-five (75) feet above the elevation of the natural ground at the location of the structure; except a maximum height of two hundred seventy-five (275) feet shall be permitted in the following described area:

Beginning at a point one hundred and forty-two (142) feet west of the west line of Tenth Street and one hundred and fifty (150) feet south of the south line of "R" Street; thence south to the centerline of "Q" Street; thence east along the centerline of "Q" Street to its intersection with the centerline of the north-south alley between 9th and 10th and "P" and "Q" Streets; thence south along said line to the centerline of the east-west alley between 9th and 10th and "P" and "Q" Streets; thence west along said line to a point one hundred (100) feet west of the west line of 9th Street; thence south to the centerline of "P" Street; thence west along the centerline of "P" Street to its intersection with the centerline of the north-south alley between 8th and 9th and "O" and "P" Streets; thence south along said line to the centerline of "O" Street; thence west along the centerline of "O" Street to a point one hundred and fifty (150) feet west of the west line of 9th Street; thence south to the centerline of the east-west alley between 8th and 9th and "N" and "O" Streets; thence east along said line to the centerline of the north-south alley between 9th and 10th and "N" and "O" Streets; thence south along said line to the centerline of "K" Street; thence east along the centerline of "K" Street to its intersection with the centerline of the north-south alley between 10th and 11th and "J" and "K" Streets; thence south along said line to a point one hundred and fifty (150) feet south of the south line of "K" Street; thence east to the centerline of 11th Street; thence north along the centerline of 11th Street to the centerline of "K" Street; thence east along the centerline of "K" Street to the centerline of 12th Street; thence north along the centerline of 12th Street to the centerline of "L" Street; thence east along the centerline of "L" Street to the centerline of 13th Street; thence north along the centerline of 13th Street to the centerline of "M" Street; thence east along the centerline of "M" Street to the centerline of 14th Street; thence north along the centerline of 14th Street to the centerline of "N" Street; thence east along the centerline of "N" Street to the centerline of 15th Street; thence north along the centerline of 15th Street to the centerline of "O" Street; thence east along the centerline of "O" Street to a point one hundred fifty (150) feet east of the east line of 15th Street; thence north to the centerline of the east-west alley between 15th and 16th and "Q" and "R" Streets; thence west along said line to a point one hundred and fifty (150) feet west of the west line of 15th Street; thence north to a point ninety-five (95) feet south of the south line of "R" Street; thence west to the centerline of 14th Street; thence south along the centerline of the east-west alley between 13th and 14th and "Q" and "R" Streets; thence west along the said line to the point of beginning, and more specifically set forth upon a map which is attached hereto and made a part of this title, which map is designated as the Airport Zoning Map.

(c) In the transition zones to a height above the planes forming the transition slopes;

(d) Within the inner boundary of the hazard area and in the existing or proposed runways to a height above the existing or proposed finished grade of said runways. All grades of said runways are hereby established by and referenced to the plans of said airport on file in the office of the city clerk, which plans are made a part of this chapter by reference.

**27.59.050 Airport zoning map.** The boundaries, approach zones, transition zones, and turning zones and all areas thereof are as indicated on the location sketch and airport zoning map which accompanies and is hereby made a part of this ordinance, a copy of which shall at all times be on file in the office of the city clerk. (Ord. 12571 §284; May 8, 1979).

**27.59.060 Permit required; procedure.** (a) It is hereafter unlawful to erect, construct, reconstruct, repair, or establish any building, tower, smokestack, chimney, or other structure or appurtenances thereto of any kind or character within the boundary of the zoned hazard area of said airport without first obtaining a height permit from the building official.

(b) In the outer area of approach zones and within the turning zones, no height permit shall be required generally for construction which is no higher than seventy-five (75) feet above the elevation of the natural ground at the point of construction, except in specifically "shaded" areas indicated on the Airport Zoning Map. Structures or buildings proposed to be constructed within or in close proximity to such "shaded" areas on said map shall require certification as to elevation if in the opinion of the building official such structure or building may exceed the allowable height of that particular "shaded" portion of the map.

(c) Application for a height permit as required under the provisions of this chapter shall be made upon a form which is available in the office of the building official. The application shall indicate the location, ground elevation with reference to the elevation at the closest point on a runway, and the height of the proposed structure. Said elevation shall be certified to by a land surveyor, registered by the State of Nebraska, which certificate must accompany said application. (Ord. 12571 §285; May 8, 1979).

**27.59.070 Airport hazards.** (a) The building official shall examine or cause to be examined any transmission line, pole, tree, wires, or other structures or natural growth, not included in section 27.59.060, reported to him as an airport hazard within the hazard area, and if such is found to be an airport hazard as defined in section 27.59.010, it shall be the duty of the building official to give the owner of the property where such hazard exists written notice thereof, and to take such measures as are necessary and authorized by law to eliminate or alleviate said hazard. For the purpose of aiding the building official to determine whether the existence of any such reported transmission line, pole, tree, wires, or other structures or natural growth constitute an airport hazard, the building official may in each case request a written report from the state department of aeronautics under the provisions of Neb. Rev. Stat. §§ 3-108 and 3-113 (Reissue 1973) to advise whether or not an airport hazard, as defined in this chapter, exists.

(b) Notwithstanding any other provisions of this title, no use may be made of land within any zone established by this ordinance in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, take-off, or maneuvering of aircraft. (Ord. 12571 §286; May 8, 1979).

**27.59.080 Nonconforming height.** Within the zoned hazard area as hereinbefore defined, the lawful height of a building, structure, or premises existing at the time of the effective date of this chapter may be continued although such height does not conform to the provisions hereof. Within the zoned area no nonconforming building, structure, smokestack, chimney, or appurtenance thereof of any kind or character shall hereafter be

replaced, substantially reconstructed, repaired, or altered to a height which constitutes a greater hazard to air navigation than existed before the effective date of this chapter, nor above the heights permitted by this chapter if such structures are torn down, destroyed, burned, deteriorated, or decayed to an extent of sixty percent (60%) or more, or abandoned for a period of twelve months or more. (Ord. 12571 §287; May 8, 1979).

**27.59.090 Administration.** It is the duty of the building official who is the superintendent for codes administration of the City of Lincoln, to administer and enforce this chapter, and said officer is hereby appointed the "administrative agency" provided for in Neb. Rev. Stat. § 3-319 (Reissue 1943, as amended), and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act, until or unless otherwise ordered by the mayor. Applications for permits and variances shall be made to the building official upon a form furnished by said official. Applications which are by this chapter to be decided by the building official shall be promptly considered and granted or denied. Applications for action by the board of zoning appeals shall be forthwith transmitted by the building official to the board for hearing and decision. (Ord. 12571 §288; May 8, 1979).

**27.59.100 Board of zoning appeals.** (a) The board of zoning appeals is the "board of adjustment" with respect to this chapter, to have and exercise the powers conferred by section 27.59.120 and such other powers and duties as are conferred and imposed by law. Any person aggrieved or affected by any decision or action of the building official made in the administration of this chapter may appeal such decision or action to the board of zoning appeals.

(b) Any appeal taken pursuant to this section shall be by the procedure established by section 27.75.030. (Ord. 12571 §289; May 8, 1979).

**27.59.110 Powers of the board of zoning appeals.** The board of zoning appeals has the following powers:

(a) To hear and decide appeals from any order, requirement, or decision made by the building official in the enforcement of this chapter;

(b) To hear and decide any special exceptions to the terms of this chapter which such board may be required to pass upon under this chapter; and

(c) To hear and decide specific variances to the extent necessary, where there are peculiar, exceptional, and unusual circumstances in connection with a specific situation where the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of this chapter. Provided, that any variance may be allowed subject to any reasonable conditions that the board of zoning appeals may deem necessary to effectuate the purpose of this chapter. (Ord. 12571 §290; May 8, 1979).

**27.59.120 Airport zoning commission.** The Lincoln City-Lancaster County Planning Commission is hereby appointed the "Airport Zoning Commission," referred to in Neb. Rev. Stat. § 3-308, (Reissue 1943), to have and exercise the powers conferred by Neb. Rev. Stat. § 3-308, (Reissue 1943), and such other powers and duties as are conferred and imposed by law. (Ord. 12571 §291; May 8, 1979).

**27.59.130 Use of land.** No use of land which is prohibited by title 27 of this code is permitted within the airport hazard area. (Ord. 12571 §292; May 8, 1979).

**27.59.140 Appeal from board of zoning appeals.** Any person aggrieved or taxpayer affected by any decision of the board of zoning appeals or governing body of a political subdivision which is of the opinion that a decision of the board of zoning appeals is illegal, may appeal to the District Court of Lancaster County in the manner provided in Neb. Rev. Stat. §§ 3-324 et seq. (Reissue 1973). (Ord. 12571 §293; May 8, 1979).

**27.59.150 Penalty for violations.** (a) Each violation of any provision of this chapter shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), or imprisonment for not less than five (5) nor more than thirty (30) days, or both such fine and imprisonment. Each day a violation continues to exist shall constitute a separate offense.

(b) In any case where use of land is made in violation of this chapter or where any building or structure is erected, constructed, reconstructed, altered, repaired, or converted in violation of this chapter, the city attorney, in addition to other remedies, is hereby authorized to institute on behalf of the city, injunction, mandamus, or any other appropriate action or proceeding to prevent such unlawful use, erection, construction, reconstruction, alteration, or conversion, or to correct or abate such violation. (Ord. 12571 §294; May 8, 1979).

## Chapter 27.61

## NONCONFORMING AND NONSTANDARD USES

## Sections:

- 27.61.010 Continuation of nonconforming use.
- 27.61.020 Use becoming nonconforming by change in law or boundaries.
- 27.61.030 Discontinuance of nonconforming use.
- 27.61.040 Extension or enlargement.
- 27.61.050 Restoration after damage.
- 27.61.060 Sign regulations.
- 27.61.070 Open storage.
- 27.61.080 Effect on use which is illegal under prior law.
- 27.61.090 Continuation of nonstandard uses.

**27.61.010 Continuation of nonconforming use.** Subject to the provisions of this chapter, the lawful use of a building or premises existing immediately prior to the effective date of this title may be continued although such use does not conform to the provisions hereof.

If no structural alterations are made, a nonconforming use may be changed to another nonconforming use of the same or of a more restrictive category. For the purposes of this chapter, each of the following categories of use shall be considered to be "more restrictive" than those it precedes:

- (a) Single- and two-family residential;
- (b) Multiple-family residential;
- (c) Office buildings;
- (d) Retail sales and service;
- (e) General commercial;
- (f) Light industrial;
- (g) Heavy industrial;
- (h) Uses only by special permit in the I-1 Industrial District.

Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

Subject to the requirements of sections 27.61.040 and 27.61.080, below, a nonconforming use not involving a building may be continued even though such use does not conform to the provisions hereof if no changes are made in regard to size or location of water lines, sewer lines or private roads. (Ord. 12571 §295; May 8, 1979).

**27.61.020 Use becoming nonconforming by change in law or boundaries.** Whenever the use of a building or premises becomes a nonconforming 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 nonconforming use of the same or of a more restrictive category, subject to the provisions of this chapter. Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive nonconforming use. (Ord. 12571 §296; May 8, 1979).

**27.61.030 Discontinuance of nonconforming use.** In the event that a nonconforming 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. 12571 §297; May 8, 1979).

**27.61.040 Extension or enlargement.** Any nonconforming building or premises devoted to a use not permitted by this title in the district in which the building or premises is located shall not be enlarged, extended, converted, reconstructed, or structurally altered unless such use is changed to a use permitted in the district in which the building or premises is located or unless authorized under the provisions of section 27.63.280 or required to do so by law or order. (Ord. 12571 §298; May 8, 1979).

**27.61.050 Restoration after damage.** When the use of a building is nonconforming as defined in this chapter and such a building is damaged by a fire, explosion, act of God, or the public enemy to the extent of more than sixty percent (60%) of its fair market value, it shall not be restored except in conformity with the regulations of the district in which the building is located, or in conformance with the provisions of chapter 27.75 or section 27.63.280. (Ord. 12571 §299; May 8, 1979).

**27.61.060 Sign regulations.** Signs for nonconforming uses and nonconforming signs shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §300; May 8, 1979).

**27.61.070 Open storage.** Where land within the R-1, R-2, R-3, and R-4 zoning districts contain no main buildings as distinguished from accessory buildings and fences, and where said land was used solely for open storage immediately prior to the effective date of this title, use of such land for open storage shall be discontinued within two years.

Where land is used for a nonconforming or nonstandard use in conformance with the provisions of this chapter and where such land contains a main building or structure in addition to open storage, said open storage shall be brought in conformance with the area, front yard, side yard, rear yard, height, unobstructed open space, and parking requirements for the district in which it is located within the period of one year from the effective date of this title. (Ord. 12571 §301; May 8, 1979).

**27.61.080 Effect on use which is illegal 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 immediately prior to the effective date of this title. (Ord. 12571 §302; May 8, 1979).

**27.61.090 Continuation of nonstandard uses.** Nonstandard uses existing immediately prior to the effective date of this title may be continued, although such uses do not conform to the provisions hereof.

Nonstandard structures and buildings may be enlarged or extended, converted, reconstructed, or structurally altered as follows:

(a) Enlargements, extensions, conversions, reconstructions, or structural alterations may be made as required by law or ordinance or ordered by the superintendent for codes administration to secure the safety of the structure;

(b) Enlargement, extension, conversion, reconstruction, or structural alteration of buildings or structures may otherwise be made if such changes comply with the minimum requirements as to front yard, side yard, rear yard, height, and unobstructed open space for the district in which they are located. (Ord. 12571 §303; May 8, 1979).

## Chapter 27.63

## SPECIAL PERMITS

## Sections:

27.63.010	Procedures.
27.63.020	Report of planning commission.
27.63.030	Amendments.
27.63.040	Preexisting uses.
27.63.050	Parking regulations.
27.63.060	Sign regulations.
27.63.070	Permitted special use: private schools.
27.63.080	Permitted special use: health care facilities.
27.63.090	Permitted special use: dwellings for members of a religious order.
27.63.100	Permitted special use: farm chemicals.
27.63.110	Permitted special use: garden centers.
27.63.120	Permitted special use: mobile home courts.
27.63.130	Permitted special use: recreational facilities.
27.63.140	Outdoor lighting for recreational facilities.
27.63.150	Permitted special use: broadcast towers.
27.63.160	Permitted special use: extraction of sand, gravel, and soil.
27.63.170	Permitted special use: parking lots.
27.63.180	Permitted special use: B-4 district.
27.63.190	Permitted special use: temporary parking lots.
27.63.200	Permitted special use: clubs.
27.63.210	Permitted special use: housing and facilities for the elderly.
27.63.220	Permitted special use: church steeples, towers, and ornamental spires.
27.63.230	Permitted special use: theaters.
27.63.240	Permitted special use: retail sales and service.
27.63.250	Permitted special use: a permitted use exceeding the maximum height permitted in district.
27.63.260	Permitted special use: confined feeding facilities.
27.63.270	Permitted special use: campgrounds.
27.63.280	Permitted special use: expansion of nonconforming uses.
27.63.290	Permitted special use: I-1 district.
27.63.300	Permitted special use: bulk storage of petroleum products.
27.63.310	Permitted special use: mining, quarrying, and stone mill.
27.63.320	Permitted special use: community unit plans.
27.63.330	Permitted special use: veterinary facilities.
27.63.340	Permitted special use: office for professional services.
27.63.350	Permitted special use: sale barns.
27.63.360	Permitted special use: mining.
27.63.370	Permitted special use: banks.
27.63.380	Permitted special use: flood plain construction.
27.63.390	Permitted special use: restaurants, medical testing laboratories
27.63.400	Permitted special use: historic preservation.



**27.63.010 Procedures.** The city council of the City of Lincoln may authorize, by special permit after public hearing, any of the following buildings or uses designated in this chapter as permitted special uses. Such permitted special uses shall be restricted to the particular district or districts listed under the applicable provisions below. Said special permit shall require conformance with all regulations of the applicable sections of this chapter. The city council shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any such special permits. Unless expressly modified by the terms of the special permit, all regulations of the district in which the permitted special use is located shall apply. 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 a special permit. (Ord. 12571 §304; May 8, 1979).

**27.63.020 Report of planning commission.** Before the issuance of any special permit for any of the buildings or uses enumerated in this chapter, the city council shall refer the application to the planning commission. The planning commission shall hold a public hearing upon such application and make a report to the city council regarding the effect of the proposed use upon the surrounding neighborhood, the Comprehensive Plan of the City of Lincoln, the community as a whole, and other matters relating to the public health, safety, and general welfare. The city council shall take no final action upon any application for a special permit filed under this chapter until a report from the planning commission has been filed with the city clerk; provided, that in the event there is a delay in excess of sixty (60) days from the date of referral on the part of the planning commission in reporting its recommendations to the city council, the applicant may appeal to the city council requesting final action. If the city council determines that the delay of the planning commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting. (Ord. 12571 §305; May 8, 1979).

**27.63.030 Amendments.** After the city council has approved a special permit, including the specific plot plan required under section 27.63.010, the planning director is authorized to approve amendments to the special permit, provided that a request for an amendment is filed with the planning director, and if appropriate, accompanied by a plot plan drawn to accurate scale showing all pertinent information relating to the requested amendment. (Ord. 12571 §306; May 8, 1979).

**27.63.040 Preexisting uses.** An existing use of the type listed in this chapter which was 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 permit by the city upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension, or relocation of such existing use an application in conformance with section 27.63.010 shall be required. (Ord. 12571 §307; May 8, 1979).

**27.63.050 Parking regulations.** Minimum parking requirements, where applicable, for special permit uses shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §308; May 8, 1979).

**27.63.060 Sign regulations.** Signs for special permit uses shall be regulated in conformance with the provisions of chapter 27.69. (Ord. 12571 §309; May 8, 1979).

**27.63.070 Permitted special use: private schools.** Private schools, including but not limited to business or commercial schools, dance or music academies, kindergarten, nursery, play, and special schools, when not otherwise permitted in the district, may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, or O-1 zoning districts. (Ord. 12571 §309; May 8, 1979).

**27.63.080 Permitted special use: health care facilities.** Health care facilities may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, B-1, B-2, or B-3 zoning districts under the following conditions:

(a) **Parking.** Parking shall be in conformance with chapter 27.67; additional parking requirements may be imposed. Traffic may be required to be discharged into a major street as designated in the Comprehensive Plan, or into a classified collector. No parking shall be permitted in required front or side yards; all parking shall be screened.

(b) **Yard and area regulations.** (1) Buildings shall not occupy over thirty-five percent (35%) of the total land area covered by the special permit.

(2) Yards abutting a nonresidential district shall be the same as those required in said abutting district.

(3) Yards abutting a residential district shall be the greater of ten (10) feet or that required in the said abutting district, plus an additional one foot for each one foot of height above twenty (20) feet of the main building.

(4) Required front and side yards shall be landscaped.

(c) The proposed health care facility shall conform to all applicable state and federal requirements. (Ord. 12571 §311; May 8, 1979).

**27.63.090 Permitted special use: dwellings for members of a religious order.** Dwellings for members of a religious order may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts under the following conditions:

(a) The dwelling be a single housekeeping unit; and

(b) Not more than three automobiles are parked or stored on the premises by the individuals residing on the premises. (Ord. 12571 §312; May 8, 1979).

**27.63.100 Permitted special use: farm chemicals.** Facilities for the commercial storage and sale of fertilizer and toxic or flammable agricultural chemicals such as herbicides, insecticides, and fungicides may be allowed in the AG, AGR, and H-4 zoning districts. (Ord. 12571 §313; May 8, 1979).

**27.63.110 Permitted special use: garden centers.** Garden centers may be allowed by special permit in the AG, AGR, and R-3 zoning districts under the following conditions:

(a) Buildings and parking shall be set back at least one hundred (100) feet from all exterior lot lines;

(b) Height regulations shall be the same as the zoning district in which it is located;

(c) If a building or parking lot is located on the garden center site adjacent to any residential district, the yards adjacent to said residential district shall be landscaped and a visual screen shall be provided. (Ord. 12571 §314; May 8, 1979).

**27.63.120 Permitted special use: mobile home courts.** Mobile home courts may be allowed by special permit in the R-1, R-2, R-3, and R-4 zoning districts under the following conditions:

- (a) The mobile home court has a minimum site area of ten (10) acres;
- (b) The average area per space contained within the court shall not be less than the lot area per family required in the district or districts in which the mobile home court is located.
- (c) Twenty-five (25) feet shall be maintained between mobile homes, and between mobile homes and buildings, in all horizontal directions.
- (d) No mobile home shall be located closer than fifty (50) feet to any exterior property line, except when the mobile home is located adjacent to a trailer court or another mobile home court. Land within said fifty-foot (50') exterior open space shall be permanently landscaped in accordance with the landscape design standards adopted by the City of Lincoln, except for the necessary paving of roadways and walkways to reach the mobile home area; provided, however, such landscaping shall not create a traffic hazard by impairing visibility at street and roadway intersections.
- (e) Mobile homes within the mobile home court shall be required to have a setback of at least twenty (20) feet from the pavement of private roadways.
- (f) The design and construction or installation of roadways, walkways, parking spaces, utilities, drainage facilities, storage facilities, recreational facilities, landscaping, and other improvements shall comply with the written design standards established by resolution of the city council. Said design standards shall be filed with the city clerk and made available upon request.
- (g) No mobile home court shall be occupied or otherwise used until the appropriate city official has found the same is in compliance with the resolution adopted by the city council approving said special permit and all other applicable laws, regulations, and requirements.
- (h) A special permit for a mobile home court shall be temporary and shall be valid only so long as the mobile home court existing thereunder complies with the resolution adopted by the city council approving said special permit and all other applicable laws, regulations, and requirements.
- (i) The city council may permit uses accessory to mobile homes and mobile home courts in the nature of off-street parking facilities, private recreational facilities, and storage and maintenance facilities.
- (j) If the applicant requests a combination special permit for both a mobile home court and a community unit plan, the city council may adjust the requirements set forth in subparagraph (c), (d), (e) and (f) when such adjustments would be consistent with the intent and purpose of this title to promote public safety and general welfare. However, this paragraph does not allow the minimum court area to be reduced to less than ten (10) acres. (Ord. 12571 §315; May 8, 1979).

**27.63.130 Permitted special use: recreational facilities.** Recreational facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, and B-3 zoning districts, in conformance with the following conditions:

- (a) Review of a site plan, including all proposed structures and a report thereon shall be obtained from both the planning department and the parks and recreation department.
- (b) Yard requirements in excess of those normally required in the district may be imposed.
- (c) Parking shall be in conformance with chapter 27.67; additional parking requirements may be imposed; no parking shall be permitted in any required yard. The application shall include the applicant's estimate of parking needed for the proposed facility.

(d) Outdoor lighting of the recreational facility may be permitted in conformance with the requirements for lighting of parking lots in chapter 27.67 and any standards adopted by resolution of the city council. (Ord. 12571 §316; May 8, 1979).

**27.63.140 Outdoor lighting for recreational facilities.** Outdoor lighting for recreational facilities may be allowed by special permit in the H-2 and H-3 zoning districts. (Ord. 12571 §317; May 8, 1979).

**27.63.150 Permitted special use: broadcast towers.** Broadcast towers may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, B-1, B-2, B-3, H-2, H-3, H-4, I-1, I-2, and I-4 zoning districts in conformance with the following conditions:

- (a) The application shall indicate conformance of the proposed use to all applicable governmental regulations and standards.
- (b) In those districts where office buildings are permitted and in the AG zoning district, offices, studios, and similar facilities are permitted to adjoin the broadcast tower, and need not be included in the special permit; in all other districts, only equipment and facilities necessary to the operation of the broadcast tower shall be permitted, and only if such facilities are expressly permitted by the terms of the special permit.
- (c) Broadcast towers may exceed the maximum height for the district in which they are located. (Ord. 12571 §318; May 8, 1979).

**27.63.160 Permitted special use: extraction of sand, gravel, and soil.** Extraction of sand, gravel, and soil may be allowed by special permit in the R-3, B-2, H-2, H-3, H-4, and I-1 zoning districts under the following conditions:

- (a) The application shall include a grading map showing existing contours, proposed excavation contours, and proposed final grade contours;
- (b) The application shall identify the effect of the extraction on the groundwater table of the adjoining properties;
- (c) The application shall identify proposed vehicle and equipment storage areas;
- (d) Erosion controls, including retention and sediment basins shall be provided during extraction in conformance with standards adopted by resolution of city council to prevent a change in the character of runoff onto adjacent land;
- (e) The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the city. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City of Lincoln;
- (f) Topsoil shall be collected and stored for redistribution on the site at the termination of the operation;
- (g) Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or park land;
- (h) Within nine (9) months after the completion of extraction on any portion of the site, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public. (Ord. 12571 §319; May 8, 1979).

**27.63.170 Permitted special use: parking lots.** Parking lots may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts in conformance with the provisions of chapter 27.67 and under one of the following conditions:

(a) The land shall not be located more than three hundred (300) feet from the boundary of one of the following districts: O-1, B-1, B-3, B-4, H-2, H-3, or I-1; or

(b) The land shall not be located more than three hundred sixty (360) feet from property occupied by a college, university, or church; provided that the parking lots are used primarily in connection with the said college, university, or church. (Ord. 12571 §320; May 8, 1979).

**27.63.180 Permitted special use: B-4 district.** (a) Parking lots, storage garages, and other offstreet parking facilities may be allowed by special permit in that portion of the B-4 zoning district bounded by 10th Street, "P" Street, 14th Street, and "N" Street, in conformance with the provisions of chapter 27.67.

(b) Gas stations or car washes may be permitted in that portion of the B-4 zoning district bounded by 10th Street, "P" Street, 14th Street, and "N" Street; provided that:

(1) Such use is located wholly within and is accessory to a storage garage permitted under (a) above;

(2) Such use is so located that service and access are from within said storage garage.

(c) Drive-in teller windows may be permitted in that portion of the B-4 zoning district bounded by 10th Street, "P" Street, 14th Street, and "N" Street; provided, that such use is so designed that all customers waiting to be served, and all auto-storage lanes, are wholly within a parking lot or a storage garage. (Ord. 12698 §2; September 24, 1979; prior Ord. 12571 §321; May 8, 1979).

**27.63.190 Permitted special use: temporary parking lots.** Parking lots may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts under the following conditions:

(a) The land shall not be located more than six hundred (600) feet from the boundary of one of the following districts: O-1, B-1, B-2, B-3, B-4, H-2, H-3, H-4, or I-1;

(b) Use of such temporary parking lot shall be for a period not to exceed twenty-four (24) months;

(c) Such use is made necessary by reason of construction activity that makes existing parking inaccessible. (Ord. 12571 §322; May 8, 1979).

**27.63.200 Permitted special use: clubs.** Clubs may be allowed by special permit in the R-4, R-5, O-1, and O-3 zoning districts under the following conditions:

(a) The application shall include the following information: Type of activity, expected peak use and building capacity, anticipated time of peak activity, and expected expansion of facilities.

(b) Clubs shall be located on major streets.

(c) Parking requirements shall as a minimum be in conformance with the provisions of chapter 27.67. Additional parking regulations, parking ingress and egress, location control, and buffering may be imposed. No parking shall be permitted in any required yard. The application shall include applicant's estimate of the parking needs of the proposed club.

(d) Height and area requirements shall as a minimum be in conformance with requirements of the district in which the use is located; additional requirements may be imposed. Buildings shall not occupy over thirty-five (35) percent of the total area of the

lot. Except where abutting a nonresidential district, buildings shall be set back from all yard lines a distance of not less than one foot for each one foot of building height. Visual screening shall be required in any yard that abuts a residential district. (Ord. 12657 §11; August 6, 1979; prior Ord. 12571 §323; May 8, 1979).

**27.63.210 Permitted special use: housing and facilities for the elderly.** Housing and related facilities for the elderly, either individually or in groups including accessory uses, shall be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts under the following conditions:

(a) Parking shall be in conformance with section 27.67.040(d)(2) unless modified under section 27.67.030(f) or under the condition of the special permit;

(b) The height and yard requirements of the district in which the proposed use is located shall apply;

(c) The minimum lot area of the district, or density requirement, shall not apply; however, buildings shall not occupy more than thirty-five percent (35%) of the total area of the land subject to the special permit.

(d) Parking areas or buildings that are of a substantially different character or size than those normally found in that district or neighborhood shall be landscaped and screened in conformance with the standards adopted by resolution of the city council, and the requirements of chapter 27.67;

(e) The proposed use shall not have any adverse or detrimental effect upon the values of the surrounding real property. (Ord. 12751 §23; November 5, 1979; prior Ord. 12571 §324; May 8, 1979).

**27.63.220 Permitted special use: church steeples, towers, and ornamental spires.** Church steeples, towers, and ornamental spires exceeding the maximum height permitted in the district may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, B-3, H-2, and H-3 zoning districts. (Ord. 12571 §325; May 8, 1979).

**27.63.230 Permitted special use: theaters.** Theaters, including outdoor theaters, may be allowed by special permit in the H-2 zoning district. Outdoor theaters may be allowed by special permit in the I-1 zoning district. (Ord. 12571 §326; May 8, 1979).

**27.63.240 Permitted special use: retail sales and service.** Stores and shops for retail sales and service of over thirty thousand (30,000) square feet and less than one hundred thousand (100,000) square feet may be allowed by special permit in the H-4 zoning district. Stores and shops for retail sales and service exceeding twenty thousand (20,000) square feet in area may be allowed by special permit in the H-3 zoning district. (Ord. 12657 §12; August 6, 1979; prior Ord. 12571 §327; May 8, 1979).

**27.63.250 Permitted special use: a permitted use exceeding the maximum height permitted in district.** A permitted use exceeding the maximum height permitted in the district may be allowed by special permit in the O-1, B-4, H-4, and I-1 zoning districts in conformance with the restrictions, if any, of the zoning district. (Ord. 12571 §328; May 8, 1979).

**27.63.260 Permitted special use: confined feeding facilities.** Confined feeding facilities for livestock and poultry in excess of fifteen thousand (15,000) square feet in area shall be allowed by special permit in those parts of the AG zoning district designated "Agricultural" on the future county land use map (fig. 8) of the Lincoln City-Lancaster County Comprehensive Regional Plan. The application for a special permit shall be accompanied by a statement from the Department of Environmental Control (DEC) that either the facility does not need to provide for antipollution controls, or that the applicant has received approval from DEC for antipollution controls. (Ord. 12571 §329; May 8, 1979).

**27.63.270 Permitted special use: campgrounds.** Campgrounds for tents, tent-trailers, and recreational vehicles may be allowed by special permit in the AG and AGR zoning districts under the following conditions:

(a) Each campsite shall contain at least twenty-five hundred (2,500) square feet. The campsite shall be so designed that the required twenty-five hundred (2,500) square feet can be enclosed within a rectangle of which one side shall not exceed three times any other side.

(b) The campground shall be supplied with a water supply and sewage disposal facilities, including washing, toilets, and similar facilities, all of which meet all applicable city codes and regulations.

(c) A side yard of fifty (50) feet and a front yard of one hundred (100) feet shall be maintained on the campground; provided, however, that the one hundred (100) foot front yard requirement may be waived if the front yard abuts on a public street which has a right-of-way width of two hundred (200) feet or more.

(d) The access to public roads and highways shall be paved or surfaced in a similar manner to the adjacent public roads, and shall be approved by the city.

(e) Access roads shall be provided to each campsite and all access roads shall have a minimum unobstructed width of fourteen (14) feet for all one-way roads, and twenty (20) feet for all two-way roads.

(f) No campground may be occupied by the same person or persons more than thirty (30) days in any one calendar year.

(g) No mobile homes or house trailers shall be located in any campground, except that one shall be permitted as an office for the campground.

(h) All special permits issued under this section are temporary and valid only during the period that the campground and associated facilities comply with the provisions of this title and all other applicable ordinances and regulations.

(i) All campground operators shall keep accurate records as to the length of time a person stays in the campground, and shall make said records available to any city official upon request. (Ord. 12571 §330; May 8, 1979).

**27.63.280 Special permits: expansion of nonconforming uses.** In all zoning districts, except the B-5 zoning district, a special permit may be granted to authorize the issuance of a building permit to permit the enlargement, extension, conversion, reconstruction or structural alteration of any building located upon premises, the use of which constitute a nonconforming use. In consideration of applications for such special permits, the following criteria shall be given specific consideration:

(a) Effects on adjacent property, traffic, city utility service needs;

(b) Density of land use zoning for the subject property and adjacent property;

(c) The degree of hardship upon the applicant which would be caused by failure to grant such a permit. (Ord. 12571 §331; May 8, 1979).

**27.63.290 Permitted special uses: I-1 district.** The following uses may be allowed by special permit in the I-1 zoning district:

(a) The refining, distillation, or manufacture of:

(1) Acids or alcohols;

(2) Ammonia, bleach, or chlorine;

(3) Asphalt, tar, or products made therewith, including roofing or water-proofing;

(4) Cement, lime, gypsum, or plaster of paris;

(5) Disinfectants;

(6) Dyestuffs;

(7) Fertilizer;

(8) Glue, sizing, or gelatin;

(9) Oilcloth, linoleum, or oiled rubber goods;

(10) Paint, shellac, turpentine, or oils;

(11) Rubber, gutta-percha, balata, creosote, or products treated therewith;

(12) Shoe polish;

(b) The operation of:

(1) Bag cleaning works;

(2) Blast furnaces, coke ovens, smelting or ore reduction works;

(3) Boiler works;

(4) Forge;

(5) Rock crusher, stone mill, or quarry;

(6) Rolling mill;

(7) Yeast plant;

(c) Production, manufacture, distribution and commercial storage of toxic, radioactive, flammable, or explosive materials, including chemicals and gases, fireworks, and explosives;

(d) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals or fowl; rendering fat; distillation of bones, coal, or wood;

(e) Dumping or reduction of garbage, offal, or dead animals;

(f) Storage or baling of junk, scrap metal, or rags; auto wrecking or salvage;

(g) Refining or bulk storage of petroleum or natural gas, or their products;

(h) The manufacture of acetylene, the transfer of the gas from one container to another, or the storage of the gas in containers having a capacity greater than the equivalent of one thousand (1,000) cubic feet at standard temperature and pressure;

(i) Stores and shops for retail sales and service exceeding twenty thousand (20,000) square feet in floor area.

(j) Technical training centers. (Ord. 12657 §13; August 6, 1979; prior Ord. 12571 §332; May 8, 1979).

**27.63.300 Permitted special use: bulk storage of petroleum products.** Bulk storage of petroleum products may be allowed by special permit in the H-3 or H-4 zoning districts. (Ord. 12571 §333; May 8, 1979).

**27.63.310 Permitted special use: mining, quarrying, and stone mill.** A stone mill, quarry, and mining operations may be allowed by special permit in the I-2 and I-4 zoning districts in conformance with the standards of section 27.63.160, as applicable. (Ord. 12571 §334; May 8, 1979).

**27.63.320 Permitted special use: community unit plans.** Community unit plans may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, and R-6 zoning districts in conformance with the provisions of chapter 27.65. (Ord. 12571 §335; May 8, 1979).

**27.63.330 Permitted special use: veterinary facilities.** Veterinary facilities may be allowed by special permit in the AG and AGR zoning districts. (Ord. 12571 §336; May 8, 1979).

**27.63.340 Permitted special use: office for professional services.** Offices for professional services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, architects, engineers, lawyers, and accountants, may be allowed by special permit in the R-8 zoning district under the following conditions:

(a) the building including accessory buildings shall not occupy more than twenty-five percent (25%) of the lot area;

(b) new buildings shall be located on a lot containing no less than fourteen thousand (14,000) square feet of lot area;

(c) new buildings shall not exceed two (2) stories in height. (Ord. 12571 §343; May 8, 1979). ~

**27.63.350 Permitted special use: sale barns.** Sale barns may be allowed by special permit in the AG zoning district. (Ord. 12571 §338; May 8, 1979).

**27.63.360 Permitted special use: mining.** Mining or extraction of minerals from any portion of the AG and AGR zoning districts, and the storage and processing thereof, may be allowed by special permit in conformance with the standards of section 27.63.160, as applicable. (Ord. 12571 §339; May 8, 1979).

**27.63.370 Permitted special use: banks.** Banks, savings and loan associations, credit unions, and finance companies may be allowed by special permit in the O-1 zoning district. (Ord. 12571 §340; May 8, 1979).

**27.63.380 Permitted special use: flood plain construction.** Certain construction may be allowed by special permit within the flood plain in conformance with chapter 27.55. (Ord. 12571 §341; May 8, 1979).

**27.63.390 Permitted special use: restaurants, medical testing laboratories.** Restaurants and medical testing laboratories may be allowed by special permit in the O-3 zoning district. (Ord. 12571 §341a; May 8, 1979).

**27.63.400 Permitted special use: historic preservation.** In any zoning district a special permit may be granted to allow the preservation of a historic structure or site and the reuse thereof. Such historic preservation shall be limited to structures or sites identified and approved in the Comprehensive Plan or additional structures or sites identified and approved by resolution of the city council. A special permit for historic preservation may approve any use in any zoning district in the historic structure or site after review and consideration of the following:

(a) A review shall be made in order to balance the significance of the historic structure or site against the proposed use variance from uses otherwise permitted in the district;

(b) The extent of exterior change to the structure or site shall be reviewed;

(c) The impact on the surrounding area shall be considered;

(d) The compatibility of the proposed use to the structure or site and the surrounding area shall be reviewed;

(e) The manner in which the public will be able to relate to or utilize the structure or site in the future shall be considered;

(f) A plan of the existing and proposed grounds surrounding the structure or site including outdoor furniture and plant material shall be submitted;

(g) A parking layout shall be submitted;

(h) Details shall be provided for all proposed modifications of the structure or site, both interior and exterior;

(i) The state historic preservation officer shall be given the opportunity to review the structure or site and the proposal for reuse thereof;

(j) The owner of the structure or site shall file a written agreement with the city accepting all the terms and conditions of the special permit;

(k) Details of how the preservation of the structure or site is to be accomplished will be submitted;

(l) The type of signage proposed for the structure or site shall be reviewed and approved. (Ord. 12571 §343; May 8, 1979).

## Chapter 27.65

## COMMUNITY UNIT PLAN

## Sections:

27.65.010	General purpose.
27.65.020	General requirements.
27.65.030	Procedures.
27.65.040	Council consideration of final action.
27.65.050	Requirements after approval.
27.65.060	Community unit plan amendments.
27.65.070	Form of community unit plan.
27.65.080	Design standards; density.
27.65.090	Parking.

**27.65.010 General purpose.** The purpose of this chapter is to permit and to encourage the creative design of new living areas, as distinguished from subdivisions of standard lot sizes and standard street systems, and in order to permit such creative design in buildings, open space, and their interrelationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods. (Ord. 12571 §344; May 8, 1979).

**27.65.020 General requirements.** The owner or owners of any tract of land in the R-1, R-2, R-3, R-4, R-5, or R-6 zoning district which is one acre or more in area; in the AG zoning district which is seventy-five (75) acres or more in area; or in the AGR zoning district which is ten (10) acres or more in area, including and up to the center-line of existing public rights-of-way abutting the tract of land may submit to the city council a plan for the use and development thereof for residential purposes or for the repair and alteration of any existing residential development; provided, however, that the city council shall apply the standards contained in this chapter and in chapter 27.63 in considering all applications for community unit plans.

(a) A community unit plan may be permitted on a tract of land which is less than ten (10) acres but more than five (5) acres in area. The maximum permitted density on such a tract shall be calculated as follows:

The maximum number of dwelling units permitted by the underlying district will be computed and this maximum will be reduced by ten percent (10%) to accommodate the small size of the tract.

(b) A community unit plan may be permitted on a tract of land which is not more than five (5) acres but more than one (1) acre in area. The maximum permitted density shall be calculated as follows:

The maximum number of dwelling units permitted by the underlying district will be computed and this maximum will be reduced by twenty percent (20%) to accommodate the small size of the tract.

(c) A community unit plan may be permitted on a tract of land which is less than ten (10) acres but more than one (1) acre in area where such tract is bounded on at least two sides by one or more existing community unit plans. The maximum density of such a tract shall be calculated as in section 27.65.080.

(d) A community unit plan may be permitted on a tract of land which is ten (10) or more acres in area. The maximum permitted density of such a tract shall be calculated as in section 27.65.080.

(e) Notwithstanding the provisions of (a) through (d) above, where permitted in the AG agriculture district, any community unit plan shall contain a minimum area of

seventy-five (75) acres, and in the AGR agricultural residential district, a minimum area of ten (10) acres.

(f) A community unit plan which complies with the energy conservation standards adopted by the city council and on file with the city clerk may receive a dwelling unit bonus in accordance with the standards adopted by resolution of the city council.

(g) Additional dwelling units may be granted by the city council for each dwelling unit subsidized by the state or federal government for low-income families or as a dwelling unit bonus for the provision of barrier-free units; however, the number of additional dwelling units shall not exceed those provided in the standards adopted by resolution of the city council.

(h) A community unit plan located in the AG or AGR zoning districts which will protect the open space areas as designated in the future land use maps of the Lincoln City-Lancaster County Comprehensive Plan may receive a dwelling unit bonus in accordance with the standards adopted by resolution of the city council. A similar dwelling unit bonus may be made for protection of environmentally sensitive areas not shown in the plan. However, any such request shall be accompanied by a showing by the applicant of the need and means for protection of a portion of the property.

(i) The dwelling unit bonuses permitted under this section shall not exceed a total of twenty percent (20%) in any community unit plan. (Ord. 12571 §345; May 8, 1979).

**27.65.025 Permitted density; not transferrable to AG or AGR zoning districts.** The permitted dwelling unit densities of land zoned R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-2, O-3, B-1, B-2, B-3, B-4, and B-5 shall not be transferred for the purpose of construction and occupancy of dwelling units to land located in the AG or AGR zoning districts. (Ord. 12768 §1; November 19, 1979).

**27.65.030 Procedures.** An application and plot plan and plans for development of a community unit plan under this chapter shall be filed in writing with the codes administration division. Upon the filing of an application, together with all information required by this chapter, the city council will refer the application to the planning commission. The planning commission shall hold a public hearing upon such application and make a report to the city council regarding the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to the public health, safety, and general welfare. The city council shall take no final action upon any application for a community unit plan filed under this chapter until a report from the planning commission has been filed with the city clerk; provided, that in the event there is a delay in excess of sixty (60) days from the date of referral on the part of the planning commission in reporting its recommendations to the city council, the applicant may appeal to the city council requesting final action. If the city council determines that the delay of the planning commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting.

The report of the planning commission to the city council shall include reasons for recommending approval or denial of any application and if approval is recommended, shall further include specific evidence and facts showing that the proposed community unit plan meets the following conditions:

(a) That the land surrounding the tracts for the proposed community unit plan will not be adversely affected;

(b) That the proposed community unit plan is consistent with the intent and purpose of this title to promote the public health, safety, and general welfare;

(c) That the buildings and land in the proposed community unit plan shall be used only for single-family dwellings, two-family dwellings, townhouses, or multiple

dwellings and accessory uses and any other uses permitted in the zoning district in which the land is located;

(d) That the average lot area per family within the proposed community unit plan will not be less than the lot area per family required in the zoning district or districts in which the tracts of the proposed community unit plan is located, except as otherwise provided in this chapter. (Ord. 12571 §346; May 8, 1979).

**27.65.040 Council consideration of final action.** Upon receipt of a report from the planning commission, the city council shall proceed to give final consideration to the application and require that certain conditions be fulfilled by the applicant in conjunction with the approval of the community unit plan applied for. Approval of a community unit plan shall be by a special permit in conformance with chapter 27.63. (Ord. 12571 §347; May 8, 1979).

**27.65.050 Requirements after approval.** Upon approval of the community unit plan by the city council, the developer shall cause to be prepared and submitted to the planning department a revised and reproducible final plot plan with all required amendments and revisions. Thereafter, building permits and certificates of occupancy shall be issued only upon strict compliance with the community unit plan as approved, or as amended, regardless of any regulations to the contrary with regard to the height and location of buildings, yard requirements, open space requirements, type of dwelling unit, accessory uses and the fronting of lots upon public streets set forth elsewhere in this title and applying to the zoning district or districts in which the community unit plan is located. (Ord. 12571 §348; May 8, 1979).

**27.65.060 Community unit plan amendments.** After the city council has approved a community unit plan, including the specific plot plan, the planning director is authorized to approve amendments in the community unit plan provided that:

- (a) A request for amendment is filed with the planning director, and, if appropriate, accompanied by a plot plan drawn to an accurate scale and showing all pertinent information;
- (b) There is no increase in the number of dwelling units;
- (c) No public land will be accepted as a result of the amendment;
- (d) The amendment shall not be contrary to the general purposes of this chapter as set forth in section 27.65.010. (Ord. 12571 §349; May 8, 1979).

**27.65.070 Form of community unit plan.** A plot plan shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall contain the following information:

- (a) A surveyor's certificate certifying to the accuracy of the boundary survey shown thereon, and a certificate for showing the planning commission's approval or disapproval, and a certificate for the city clerk to show the approval or disapproval by city council, including the date and resolution number;
- (b) Date prepared, north point, scale of plot plan, and location of section lines and section corners;
- (c) Contour lines at intervals not to exceed five (5) feet based on city data. Spot elevations on a one hundred (100) foot grid shall be required to fully indicate the topography on flat land;
- (d) Locations, name, tangent lengths, centerline radius of each curve and its interior angle and width of all proposed and existing streets, highways, private roadways, and other public ways within and adjacent to the development;

(e) Locations and widths of all existing and proposed easements for drainage, sewers, and other public utilities and, if appropriate, access easements;

(f) Location, width, and direction of flow of all watercourses in and adjacent to the community unit plan, including the limits of the flood plain and floodway as defined in chapter 27.55;

(g) The location and size of all existing and proposed sanitary and storm sewers, culverts, watermains, fire hydrants, and existing power lines and other underground structures or cables within the tract of land and adjacent streets;

(h) All lot lines, building setback lines for all lots, dimensions of all lot lines and building envelope lines. Chord distances shall be shown for lot lines abutting curvilinear streets;

(i) Lot numbers shall begin with the number (1) and shall continue consecutively through a block with no omission or duplication. Blocks shall be numbered in the same manner. Letters shall be used to designate outlots in alphabetical order;

(j) Proposed areas for parks and playgrounds. Any parcels other than streets which are to be dedicated or reserved for public use shall be clearly shown and said parcels shall be designated as outlots and assigned an alphabetical designation;

(k) The location of all proposed and existing sidewalks, walkways, and other pedestrian ways;

(l) Location, height, and use of proposed and existing buildings with an indication as to whether an existing building is to be removed or to remain, and signs, if any, in accordance with the provisions of chapter 27.69;

(m) A certified accurate boundary survey showing sufficient linear, angular, and curve data to determine the bearing and length of all boundary lines of the community unit plan. Where the tract of land abuts on an existing plat, the distances, angles, and bearing of any common lines shall be shown and any differences in measurement noted. The total calculated acres within the boundaries of the community unit plan shall be shown;

(n) The following data shall be shown on each sheet of the community unit plan:

- (1) The name of the community unit plan;
- (2) The name, address, and telephone number of the person or company responsible for preparation of the community unit plan;
- (3) North arrow, scale, date;
- (4) Sheet number and the total number of sheets comprising the community unit plan.

(o) Accompanying the community unit plan, the following information shall be submitted to the planning department with the number of copies requested by the planning director:

- (1) Name, address, and telephone number of developer;
- (2) Certified record owner or owners and their address;
- (3) Legal description of the proposed community unit plan, including the number of acres;
- (4) Statement of present zoning and proposed use or uses of the property;
- (5) Profiles along the center line of the proposed streets and private roadways which show the existing ground surface elevations and the proposed street grades including the length of vertical curves between changes in grade with the profiles for stub streets ending at the boundary of the community unit plan to be extended three hundred (300) feet beyond the limits of the community unit plan into subdivided and unsubdivided land;

(6) The proposed method of providing sanitary sewer service to the area;

(i) If a public or community sewage system is established, the size and location of all proposed sanitary sewers, the proposed manhole locations, any necessary extension to the existing public system or to the proposed community sewage treatment facility, and the location of the proposed community sewage treatment facility;

(ii) If the use of individual sewage disposal systems is permitted, pursuant to section 26.27.040 of the Lincoln Municipal Code, plans for the proposed disposal system and its location on each lot must be shown. If a septic tank system is proposed, soil and percolation data and plans which show the location of one main subsurface disposal field for each lot which is proposed to be served by a septic tank system shall be shown.

(7) The proposed method of providing an adequate potable water supply;

(i) If a public, or community water system, or rural water district is used, the location and size of all proposed water mains, the proposed hydrant locations, and any necessary extension of the proposed system to existing water mains or to a proposed community well, the location of the proposed community well, and the type of water treatment to be used;

(ii) If a community water system other than a rural water district is proposed, data on the quantity and quality of the water shall be obtained from a test well within the immediate vicinity of the proposed water supply well. If an individual water well system for each lot is proposed, data on the quantity and quality of the water shall be obtained from test wells which shall be drilled on the ratio of one to each ten (10) acres on a grid system. The results of these preliminary tests shall in no way be construed to guarantee the quantity or quality of water to individual lots in the proposed community unit plan and the data obtained from these tests shall not be used to imply that an adequate quantity or acceptable quality of water is available in the proposed community unit plan.

(8) A drainage study prepared in accordance with the current Storm Sewer Design Standards of the city on file with the city clerk. The following items must be included in the drainage study:

(i) A map showing the drainage area and resulting runoff from any land lying outside the limits of the community unit plan which discharges storm water runoff into or through the community unit plan;

(ii) A map showing all internal drainage areas and resulting runoff;

(iii) Proposals as to how the computed quantities of runoff will be handled;

(iv) A copy of the drainage computations.

(9) A map or an aerial photograph showing the proposed streets, private roadways, driveways, parking areas, buildings and lots which includes the location and identifies, by common name, all existing trees within the area of the community unit plan. Single trees which are three (3) inches in caliper or larger measured five (5) feet above the ground must be shown. However, if five (5) or more trees are located so that each is within approximately ten (10) feet of the edge of another tree, they will be considered a tree mass and the outline of the tree mass may be shown with a list of the common names of the trees which are within the tree mass. If the above-stated procedure is followed, the individual location of each tree within the tree mass is not necessary. An indication shall be made on the map showing which trees or tree masses are to remain and which trees or tree masses are to be removed;

(10) A vicinity sketch showing the general location of the community unit plan in relation to existing streets, section lines, and city limits;

(11) Site grading plan showing existing and proposed contour lines with intervals at no greater distance than five (5) feet, and if necessary, spot elevations showing complete proposed grading of the community unit plan. Also, cross-sections may be required showing existing and proposed ground lines and buildings. Information as to where fill will be obtained and the amount of the fill shall be included if all or part of the property is located within the flood plain as defined in chapter 27.55. If the proposed location from which said fill is obtained is later to be changed, the developer shall inform the public works department of the location of the proposed new borrow area and obtain approval thereof from the director of the department of public works.

(12) All deviations from the provisions of this chapter shall be fully set forth and reasons given for said deviations;

(13) In the event that said real property is located within a flood plain, the developer shall comply with all requirements pertaining to flood plains contained in the Lincoln Municipal Code and applicable state statutes. (Ord. 12571 §350; May 8, 1979)

**27.65.080 Design standards; density.** The density of a community unit plan, the shape, size, and location of buildings, required open space buffers, recreational facilities, and utilities shall be constructed in conformance with the design standards adopted by resolution of the city council. (Ord. 12571 §351; May 8, 1979).

**27.65.090 Parking.** All parking within the community unit plan shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §352; May 8, 1979).



(11) Site grading plan showing existing and proposed contour lines with intervals at no greater distance than five (5) feet, and if necessary, spot elevations showing complete proposed grading of the community unit plan. Also, cross-sections may be required showing existing and proposed ground lines and buildings. Information as to where fill will be obtained and the amount of the fill shall be included if all or part of the property is located within the flood plain as defined in chapter 27.55. If the proposed location from which said fill is obtained is later to be changed, the developer shall inform the public works department of the location of the proposed new borrow area and obtain approval thereof from the director of the department of public works.

(12) All deviations from the provisions of this chapter shall be fully set forth and reasons given for said deviations;

(13) In the event that said real property is located within a flood plain, the developer shall comply with all requirements pertaining to flood plains contained in the Lincoln Municipal Code and applicable state statutes. (Ord. 12571 §350; May 8, 1979)

**27.65.080 Design standards; density.** The density of a community unit plan, the shape, size, and location of buildings, required open space buffers, recreational facilities; and utilities shall be constructed in conformance with the design standards adopted by resolution of the city council. (Ord. 12571 §351; May 8, 1979).

**27.65.090 Parking.** All parking within the community unit plan shall be regulated in conformance with the provisions of chapter 27.67. (Ord. 12571 §352; May 8, 1979).

## Chapter 27.67

## PARKING

## Sections:

- 27.67.010 Scope of regulations.
- 27.67.020 Parking matrix.
- 27.67.030 General conditions.
- 27.67.040 Parking requirements; special conditions.
- 27.67.050 Special conditions; B-4 zoning district.
- 27.67.060 Special conditions; community unit plan and B-5 zoning district.
- 27.67.070 Special conditions; R-6 and R-7 zoning districts.
- 27.67.080 Special conditions; personal vehicles.
- 27.67.090 Special conditions; nonconforming uses.
- 27.67.100 Special conditions; parking lots.

**27.67.010 Scope of regulations.** Parking regulations for this title are as shown on the parking matrix and also as required in the additional conditions of this chapter. Any additional conditions imposed by any other ordinances or regulations also apply. If there is a conflict, the most restrictive ordinance, regulation, or other requirement shall apply. (Ord. 12571 §353; May 8, 1979).

**27.67.020 Parking matrix.** Parking requirements for this title are as follows: (See Fig. 1). (Ord. 12657 §14; August 6, 1979; prior Ord. 12571 §354; May 8, 1979).

SPACES	AG	AGR	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	O-1	O-2	O-3	B-1	B-2	B-3	B-4	B-5	H-1	H-2	H-3	H-4	I-1	I-2	I-4
1 Space/ Dwelling Unit		X	X	X	X	X	X SINGLE FAMILY		X	X SINGLE FAM.	X	X	X	X	X	X		X ELDERLY UNITS	X	X	X				
1.2 Spaces/ Dwelling Unit							X MULTIPLE UNITS																		
2 Spaces/ Dwelling Unit																		X							
2 Spaces/ 3 Units										X															
1/1200 Sq. Ft.											X WITHIN 900 FEET														
1/600 Sq. Ft.																	X WITHIN 300 FEET								
1/500 Sq. Ft.										X															
1/300 Sq. Ft.												X	X			X WITHIN 300 FEET									
1/200 Sq. Ft.																				X WITHIN 300 FEET					
1/150 Sq. Ft.																									
1/100 Sq. Ft.																									
1/Room+1/100 Sq. Ft. of Acc'ory Uses																									
4.5 Spaces/ 1000 Sq. Ft.																									
2 Spaces/3 Persons on Max. Shift -or- 1/1000 Sq. Ft. *																									

NONE (EXCEPT SCHOOLS, CHURCHES, & SIMILAR USES)

AS PER ADDITIONAL CONDITIONS

Figure 1

\*If the number of spaces required by the building ratio is greater than required by the employee ratio, an additional parking area SHALL be reserved for future development.

**27.67.030 General conditions.** The following general conditions shall apply, except as otherwise modified in this title:

- (a) No parking space is permitted in the required front yard in any district except in the B-1, H-1, H-2, and H-3 zoning districts.
- (b) No parking space is permitted in the required side yard in any district except as otherwise provided in this chapter.
- (c) Parking spaces are permitted in any required rear yard.
- (d) All required parking spaces shall be provided on the same lot as the use for which they are required.
- (e) Any parking requirement resulting in a partial parking space shall be rounded up to the next whole number.
- (f) Where additional parking is required by this chapter due to a change in use and provision for such additional parking is not made, a special review and approval shall be required by the city council. (Ord. 12571 §355; May 8, 1979).

**27.67.040 Parking requirements; special conditions.** The following special conditions shall apply to the listed uses in place of the parking requirements found in section 27.67.020:

- (a) Fraternity, sorority, and rooming and boarding houses:
  - (1) In the R-6 district:
    - (i) Fraternities: . . . . . 1 space/400 sq. ft. livable floor area, within six hundred (600) feet of the building;
    - (ii) Sorority, rooming or boarding house: . . . . . 1 space/700 sq. ft. livable floor area, within six hundred (600) feet of the building.
  - (2) In the R-7 district:
    - (i) Fraternities: . . . . . 1 space/700 sq. ft. livable floor area, within twelve hundred (1,200) feet of the building.
    - (ii) Sorority, rooming or boarding house: . . . . . 1 space/1,100 sq. ft. livable floor area within twelve hundred (1,200) feet of the building.
- (b) Group homes . . . . . 1 space/4 residents plus 1 space per employee on largest shift.
- (c) Adult foster care home . . . . . 2 spaces.
- (d) The following uses have special parking demands or high traffic generation, and are required to provide minimum parking as follows:
  - (1) Nursing care facilities . . . . . 1 space/3 beds.
  - (2) Housing for the elderly. . . . . (See also §27.63.210). . . . . 1 space/living unit.
  - (3) Mini-warehousing:
    - (i) One space for each ten (10) storage cubicles, equally distributed throughout the storage area. This parking requirement can be accomplished with the parking lanes as set forth in (iv) below;
    - (ii) Two spaces for manager's quarters;
    - (iii) One space for every twenty-five (25) storage cubicles to be located at the project office for the use of clients;
    - (iv) Storage area parking may be provided by having access lanes and roads of such width to allow vehicles to unload and pass.
  - (4) Doctors' and dentists' offices. . . . . 1 space/225 sq. ft. of floor area.
  - (5) Drive-in restaurants . . . . . 1 space/40 sq. ft. of floor area.
  - (6) Bowling alleys. . . . . 4 spaces/lane (plus required parking for affiliated uses.)

- (7) Auditoriums, theaters  
grandstands, stadia, amphi-  
theaters, and other places  
of assembly: . . . . . main use.
- (8) Recreational:
  - (i) Racquetball and other  
court games . . . . . spaces for affiliated uses);
  - (ii) Swimming pools . . . . . 1 space/100 sq. ft. of water surface  
(plus parking for affiliated uses)  
as determined by the city;
  - (iii) Golf courses . . . . . 2 spaces/hole of course, plus  
parking for affiliated uses.
- (9) Hospitals . . . . . 1 space/2.5 beds, plus 1 space/  
employee on the largest shift.
- (10) Churches and chapels  
and schools . . . . . 1 space/50 sq. ft. in largest  
assembly hall as determined  
by City.

(e) Off-street freight loading requirements. At the time of construction, alteration, or enlargement of any commercial or industrial building having a floor area of ten thousand (10,000) square feet or more, and containing a use or uses which requires off-street freight loading, off-street freight loading areas shall be provided on the premises to serve the use and maintained as follows:

- (1) Six hundred (600) square feet for the first ten thousand (10,000) square feet of floor area;
- (2) An additional six hundred (600) square feet for each additional twenty thousand (20,000) square feet of floor area.

(f) Joint parking. Uses that have nonconcurrent parking demand may join their parking facilities so as to reduce aggregate parking requirements as follows:

(1) B-5 district. The uses shall be located in the B-5 district and may include adjacent churches or chapels located outside the B-5 district. Uses that have nonconcurrent parking demand may join their parking facilities; however, the use having the largest floor area shall provide 4.5 parking spaces for every one thousand (1,000) square feet of floor area and all other uses included in the joint parking arrangement shall provide two parking spaces per one thousand (1,000) square feet of their floor area; provided, however, that the number of additional spaces that would be required in the absence of this paragraph need not be provided physically, but sufficient space shall be reserved in the event that future uses may not have nonconcurrent parking demand. For the purpose of determining the adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a written agreement between the city and all parties to such use.

(2) O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4 zoning districts. The uses shall be located in the following zoning districts: O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4, and may include uses in adjacent O-2 districts and adjacent churches and chapels outside the above districts. The aggregate parking requirement shall be computed on the basis of providing the parking required for that use or those uses having concurrent parking demand that have the largest parking demands as determined by the parking matrix and any additional conditions in this chapter; provided, however, that the number of additional spaces that would be required in the absence of this paragraph need not be provided physically, but sufficient space shall be reserved in the event that future uses may not have nonconcurrent parking demand. For the purpose of determining the adequacy

of the joint parking arrangement, all such joint parking use shall be authorized by a written agreement between the city and all parties to such use. (Ord. 12751 §24; November 5, 1979; prior Ord. 12679 §5; September 4, 1979; Ord. 12571 §356; May 8, 1979).

**27.67.050 Special conditions; B-4 zoning district.** The following special parking requirements shall apply to the B-4 zoning district:

(a) In the area located between 9th Street and one hundred fifty (150) feet east of 17th Street which is zoned B-4, there will be no parking requirements. There will also be no parking requirements in the area located between the centerline of "N" Street and the centerline of "P" Street from one hundred fifty (150) feet east of 17th Street to the eastern boundary of the B-4 district.

(b) In the area located west of 9th Street which is zoned B-4, parking shall be provided within seven hundred (700) feet of a use with the following requirements:

- (1) Industrial and manufacturing uses: Two (2) spaces per three (3) employees on the largest shift, or one space per one thousand (1,000) square feet of floor 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;
- (2) Restaurants: One parking space per three hundred (300) square feet of floor area;
- (3) Other business and office uses: One parking space per six hundred (600) square feet;
- (4) Residential uses: One parking space per dwelling unit.

(c) In the area one hundred fifty (150) feet east of 17th Street which is in the B-4 district, not specifically excepted in section (a) above:

- (1) Industrial and manufacturing uses: Two (2) spaces per three (3) employees on the largest shift, or one space per one thousand (1,000) square feet of floor 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.
- (2) Restaurants: One parking space per three hundred (300) square feet of floor area;
- (3) Other business and office uses: One parking space per six hundred (600) square feet;
- (4) Residential uses: One parking space per dwelling unit. (Ord. 12571 §357; May 8, 1979).

**27.67.060 Special conditions; community unit plan and B-5 zoning district.** In a community unit plan and in the B-5 zoning district, the following parking requirements shall apply:

- (a) Two-family dwellings: Two parking spaces per unit;
- (b) Multiple family dwelling: Two parking spaces per multiple family dwelling;
- (c) All other parking requirements in the district or districts in which the community unit plan is located shall apply. (Ord. 12571 §358; May 8, 1979).

**27.67.070 Special conditions; R-6, R-7, and R-8 zoning districts.** In the R-6, R-7, and R-8 zoning districts, parking is permitted in the required side yard, provided that there shall be no parking within seven (7) feet of any side lot line and parking is permitted in the area behind all buildings within the required side yard up to any side lot line. (Ord. 12657 §15; August 6, 1979; prior Ord. 12571 §359; May 8, 1979).

**27.67.080 Special conditions; personal vehicles.** It is permissible to park a personal vehicle, including a passenger car, recreational vehicle, trailer, boat, van, or pick-up truck in the R-1, R-2, or R-4 residential districts under the following conditions. This parking shall be in addition to, not in lieu of, the required parking space(s) in the zoning district.

(a) Parking is permitted inside any enclosed structure when the structure conforms to the zoning requirements of the particular district in which it is located;

(b) Parking is permitted outside of an enclosed structure in the side yard or rear yard;

(c) Parking is permitted outside of an enclosed structure in the front yard on a concrete driveway or its equivalent under the following conditions:

(1) Space is unavailable in the rear yard or outside the side yard and there is no reasonable access to either the rear yard or side yards. A corner lot is always deemed to have reasonable access to the rear yard; a fence is not deemed to prevent reasonable access.

(2) Enclosed parking is not possible in conformance with the requirements of the district; such enclosure is not a requirement for parking such a vehicle;

(3) The vehicle is parked perpendicular to the front curb;

(4) The vehicle may be parked not less than one foot from the front property line, and not less than one foot from the side lot line.

(5) No part of the unit may extend over the public sidewalk or the public right of way.

(6) Parking is permitted only for storage and any recreational vehicle, trailer, or boat shall not be:

(i) used for dwelling purposes for more than fourteen (14) days in any calendar year; cooking is not permitted at any time;

(ii) permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries;

(iii) used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its immediate use.

(7) Notwithstanding the provisions of this section, the unit may be parked anywhere on the premises during loading or unloading, and the use of electricity or water is permitted when necessary to prepare a recreational vehicle for use.

(8) The unit shall be owned by the resident on the property where the unit is parked for storage. (Ord. 12571 §360; May 8, 1979).

**27.67.090 Special conditions; nonconforming uses.** If a nonconforming use is changed to a more restrictive nonconforming use or to a conforming use, it shall comply with all of the parking requirements of this chapter for such use. (Ord. 12571 §361; May 8, 1979).

**27.67.100 Special conditions; parking lots.** (a) Parking lots consisting of six (6) or more parking spaces located in any zoning district except for nonpermanent lots that are allowed for no more than a period of two years, and lots for the purpose of sale, resale, or servicing of vehicles shall be constructed in accordance with the following requirements:

(1) Design standards: The City of Lincoln shall adopt design standards to be approved by resolution of the city council for surfacing, drainage, barriers, lighting, landscaping, and layout of the parking lots and place the same on file with the city clerk. All parking lots authorized by this chapter shall be constructed pursuant to and in conformance with the design standards adopted by the city and on file with the city clerk.

(2) Barriers: An adequate barrier shall be provided along the outer edge of the parking lot as required by section 10.28.290 and section 10.28.300 of the Lincoln Municipal Code. Barriers shall be located to prevent the parking of vehicles in the required front yard when prohibited by this title, and to provide protection to any landscaping or screen planting. Barriers shall be in conformance with chapter 14.44 of the Lincoln Municipal Code and any applicable standards adopted by resolution of the city council.

(3) Entrances and exits: The location and design of all entrances and exits shall be subject to the approval of the city.

(4) Lighting: If lighting is used to illuminate parking lots, it shall be so arranged as to reflect lighting away from the adjacent properties and public street. Direct rays of light from the light source shall be shielded from an adjacent residential district or residential land use. Lighting in parking lots shall be in conformance with the lighting standards adopted by the city. Lincoln Municipal Airport parking lots shall be excluded from the provisions of this paragraph.

(5) Signs: Only one sign, not to exceed three (3) square feet in area and not located on public right of way, is permitted at each entrance and/or exit designating that entrance or exit and may state conditions of use of the parking lot. No other signs except as otherwise permitted in the zoning district shall be permitted except one-way driveway signs which shall be the same size and located in the same manner as entrance or exit signs.

(b) Nonconforming parking lots: With the exception of the requirement of surfacing, all parking lots lawfully existing on the effective date of this ordinance may be continued, although such parking lots do not conform to the provisions hereof. Five (5) years from the effective date of this ordinance, all such parking lots must be surfaced in conformance with the surfacing provisions as required by this section and the appropriate design standards. During the interim period, all such lots must be maintained in a dust-free condition. Such nonconforming parking lot may not be enlarged, extended, nor restored after damage thereto, except as provided herein. In the event that such parking lots are discontinued or the normal operation thereof is stopped for a period of two (2) years, any resumption of the use of said parking lot shall thereafter conform to all of the requirements of this ordinance.

The following provisions shall apply to extension and enlargement of nonconforming parking lots:

(1) If an existing nonconforming parking lot having less than twenty (20) spaces is expanded fifty percent (50%) or more in area, the entire parking lot shall conform to all provisions of this section and any other applicable ordinances, regulations, and design standards;

(2) If an existing nonconforming parking lot with twenty (20) spaces or more is expanded twenty-five percent (25%) or more in area, the entire parking lot shall conform to all provisions of this section and any other applicable ordinances, regulations, and design standards. (Ord. 12571 §362; May 8, 1979).

## Chapter 27.69

## SIGNS

## Sections:

27.69.010	Scope of regulations.
27.69.020	Definitions.
27.69.030	General provisions.
27.69.040	Permitted signs.
27.69.041	Permitted signs: AG and AGR zoning districts.
27.69.042	Permitted signs: R-1, R-2, R-3, R-4, and R-5 zoning districts.
27.69.043	Permitted signs: R-6, R-7, and R-8 zoning districts.
27.69.044	Permitted signs: O-1, O-2, and O-3 zoning districts.
27.69.045	Permitted signs: B-1 zoning district.
27.69.046	Permitted signs: B-2 and H-4 zoning districts.
27.69.047	Permitted signs: H-1 zoning district.
27.69.048	Permitted signs: H-2 zoning district.
27.69.049	Permitted signs: H-3 zoning district.
27.69.050	Permitted signs: B-3 zoning district.
27.69.060	Permitted signs: B-5 zoning district.
27.69.070	Permitted signs: B-4 and I-1 zoning districts.
27.69.080	Permitted signs: I-2 and I-3 zoning districts.
27.69.090	Permitted signs: Other permitted signs.
27.69.100	Nonconforming signs.

**27.69.010 Scope of regulations.** The sign regulations for this title are as set forth in this chapter. Any additional conditions imposed by title 22 of the Lincoln municipal code, the State of Nebraska, or federal government, and other applicable ordinances or regulations also apply. In the event of any conflict, the most restrictive ordinance, regulation, or other requirement shall apply. (Ord. 12571 §363; May 8, 1979).

**27.69.020 Definitions.** For the purpose of this chapter, certain terms and words are hereby defined.

(a) **SIGN** shall mean any symbolic device capable of visual communication or attraction which is visible from off the premises upon which it is located. Sign shall include any announcement, words, written material, illustration, symbol, picture, mural, insignia, or structure which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information, with the exception of merchandise window displays, national flags, and sculpture. For the purpose of removal, signs shall also include all sign structures;

(b) **ON-PREMISE SIGN** shall mean any sign which serves to direct attention to product, service, or activity conducted on the premises on which the sign is located, or identifies said premises or a use thereof;

(c) **OFF-PREMISE SIGN** shall mean any sign which serves to direct attention to a product, service, or activity not conducted on the premises on which the sign is located;

(d) **AREA OF SIGN** shall mean the area of the largest single face of the sign within a perimeter which forms the outside shape including any frame which forms an integral part of the display, but excluding necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totalled. Individual letters mounted or painted on a wall shall be calculated as copy area;

(e) **COPY AREA** shall mean the area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. For fascia or wall signs, the copy area limits refer to the message, not to the background;

(f) **COPY (PERMANENT AND TEMPORARY)** shall mean the wording on a sign surface either in permanent or removable letter form;

(g) **DIRECTION SIGN** shall mean any sign which serves solely to designate the location or direction of any area or place;

(h) **FACADE** shall mean any face of a building which faces a street, private roadway, parking lot, or pedestrian walkway;

(i) **FLASHING SIGN** shall mean any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source;

(j) **GROUND SIGN** shall mean a billboard or similar type of sign which is supported by one or more uprights, poles, or braces in or upon the ground other than a pole sign, as defined in this chapter;

(k) **HEIGHT OF A SIGN** shall mean the distance between the lowest grade level within two (2) feet of either side of a sign, and the highest part of the sign or its supporting structure;

(l) **ILLUMINATED SIGN** shall mean any sign which is directly lighted by any electrical light source, internal or external. This definition shall not include signs which are illuminated by street lights or other light sources owned by any public agency or light sources which are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself;

(m) **MARQUEE** (or canopy or mansard-type projection) shall mean a permanent roof-like shelter extending from part or all of a building face;

(n) **MARQUEE SIGN** (or canopy sign) shall mean a sign designed and constructed as an integral part of a marquee or giving the appearance of being an integral part of a marquee;

(o) **MOBILE SIGN** shall mean a sign structure designed and constructed to be moved by means of wheels which proposes any announcement, declaration, demonstration, display, or illustration used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public;

(p) **POLE SIGN** shall mean a sign wholly supported by a sign structure in the ground with any part of the copy area having a minimum of ten (10) foot clearance above grade;

(q) **PROJECTING SIGN** shall mean a sign other than a wall sign which is attached to and projects from a structure or building face;

(r) **PROJECTION** shall mean the distance by which a sign extends beyond a building or structure;

(s) **REAL ESTATE SIGN** shall mean any sign which identifies an offer of the sale, rental, or lease of the premises on which it is located;

(t) **ROOF SIGN** shall mean any sign or part erected upon, against, or directly above a roof or on top of or above the parapet or cornice wall of a building;

(u) **ROTATING SIGN** shall mean any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs;

(v) **SEASONAL OR HOLIDAY SIGNS** shall mean signs used for special occasions, such as religious and national holidays, and installed for a limited period of time;

(w) **TEMPORARY SIGN** shall mean a sign which is not permanently affixed. All devices such as banners, pennants, flags (not intended to include flags of any nations) or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only;

(x) **WALL SIGN** shall mean any sign attached to the wall of a building with the display surface parallel to or at an angle to the wall to which it is attached, and which projects no more than twelve (12) inches from said wall surface;

(y) **WINDOW SIGN** shall mean a sign installed inside a window which can be viewed from outside the premises and is six (6) feet or less from the window or is located within a window display area formed by walls or doors that block the view into the main building. (Ord. 12571 §364; May 8, 1979).

**27.69.030 General provisions.** (a) No sign or part thereof shall be erected or maintained in any zoning district except in conformance with the provisions of this chapter.

(b) Signs may be illuminated, except in residential districts; provided, however, that the illumination of any sign shall not exceed three hundred (300) foot lamberts as measured at any point on the property line upon which the sign is located.

(c) No sign shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except for mobile signs and as otherwise expressly provided in this chapter.

(d) No sign shall move, rotate, revolve, or simulate movement by means of spinning, fluttering, or reflective devices or lighting, except a sign may rotate or revolve at a rate not to exceed six (6) revolutions per minute.

(e) No sign shall be erected or maintained in a required yard, encroach upon or overhang any adjacent property, or any land or public right-of-way, except as expressly provided in this chapter.

(f) No sign shall be erected upon, against, or directly above a roof or on top of or above the parapet of a building except as expressly provided in this chapter.

(g) No sign shall exceed the maximum height permitted for buildings in the zoning district in which it is located, except as otherwise specifically provided in this chapter.

(h) Every sign shall be permanently attached to the ground, or to a building or structure which is permanently attached to the ground, except for mobile signs as provided in this chapter and in title 22 of the Lincoln Municipal Code.

(i) The area of a double-faced sign or V-type sign not exceeding an angle of sixty degrees (60°) is calculated on one face of the sign only.

(j) No sign shall be painted on or attached to rocks, trees, or any other natural object.

(k) Sign regulations for permitted special uses and nonconforming uses shall be the same as those of the district in which they are located, except as otherwise provided in this chapter.

(l) No sign shall be erected, placed, or maintained that obstructs the view of the existing traveled roadway at the corner formed by intersecting streets within that triangular area bounded by the property lines and a diagonal line joining points on the property lines located twenty-five (25) feet from the point of intersection of the property lines on two intersecting streets, or in the case of rounded corners, the triangular area bounded by the tangents to the curve of the property lines on two intersecting streets and a diagonal line joining tangents to the curve of the property line on two intersecting streets and a diagonal line joining tangents to said curves at points that are located twenty-five (25) feet from the point of intersection of said tangents. The tangents referred to are those at the beginning and the end of the curve of the corner. Any obstruction maintained or existing in violation of this section shall be deemed a public nuisance. The above requirement on sight obstructions shall not prohibit the placement of a pole sign with ten (10) foot minimum clearance from top of the street grade to the bottom of the copy area.

(m) No sign or part thereof shall be erected in those zoning districts which are adjacent to or within the area of the Interstate and Federal-Aid Primary Road Systems in contravention of the advertising controls of the State of Nebraska. (Ord. 12571 §365; May 8, 1979).

**27.69.040 Permitted signs.** The specific regulations for signs and their supporting structures in the various zoning districts are as set out in this chapter. Provisions for other permitted signs are found in section 27.69.090, and in other applicable ordinances and regulations. In the event of any conflict, the most restrictive governing provision shall apply. (Ord. 12679 §6; September 4, 1979).

**27.69.041 Permitted signs; AG and AGR zoning districts.** In the AG and AGR zoning districts, the specific regulations are as follows:

(a) Residential premises: One on-premise wall sign not to exceed two (2) square feet of copy area, nonilluminated and nonreflecting, used to identify home occupations, block parents, name of the premises or occupants thereof, or to provide similar information;

(b) Nonresidential premises: One on-premise ground sign not exceeding seventy (70) square feet in area announcing the business or activity being conducted on the premises, and located on or adjacent to the building or in the area in which the activity is being conducted. No sign shall be located in a required front yard nor exceed ten (10) feet in height. (Ord. 12679 §7; September 4, 1979).

**27.69.042 Permitted signs; R-1, R-2, R-3, R-4, and R-5 zoning districts.** In the R-1, R-2, R-3, R-4, and R-5 zoning districts, the specific regulations are as follows:

One on-premise wall sign, not to exceed two (2) square feet of copy area, nonilluminated and nonreflecting, used to identify home occupations, transitional lot uses, block parents, the name of the premises or occupants thereof, or to provide similar information. (Ord. 12679 §8; September 4, 1979).

**27.69.043 Permitted signs; R-6, R-7, and R-8 zoning districts.** In the R-6, R-7, and R-8 zoning districts, the specific regulations are as follows:

(a) All uses: One on-premise wall sign, not to exceed two (2) square feet of copy area, nonilluminated and nonreflecting, used to identify home occupations, block parents, the name of the premises or occupants thereof, or to provide similar information.

(b) For multiple family dwellings:

(i) One on-premise wall sign, not to exceed six (6) square feet of copy area, nonilluminated and nonreflecting, identifying the name and use of the building;

(ii) One on-premise wall sign, not to exceed one (1) square foot in copy area, nonilluminated and nonreflecting, identifying the quarters of an on-premise building manager or custodian;

(c) Uses, other than multiple family dwellings, permitted in the district: One on-premise wall sign, not to exceed thirty-two (32) square feet of copy area per building facade. Neon or gas tubing shall be used only as back lighting. (Ord. 12679 §9; September 4, 1979).

**27.69.044 Permitted signs; O-1, O-2, and O-3 zoning districts.** In the O-1, O-2, and O-3 zoning districts, the specific regulations are as follows:

(a) One on-premise wall sign not to exceed two (2) square feet of copy area, nonilluminated and nonreflecting, used to identify home occupations, block parents, the name of the premises or occupants thereof, or to provide similar information;

(b) One on-premise wall sign not exceeding twenty (20) square feet in copy area and one on-premise ground sign not exceeding thirty-two (32) square feet in area for each main building limited to identifying the building or activity being conducted on the premises is permitted. Neon or gas tubing shall be used only as backlighting. (Ord. 12679 §10; September 4, 1979).



**27.69.045 Permitted signs; B-1 zoning district.** In the B-1 zoning district, the specific regulations are as follows:

(a) On-premise wall signs on building facades, attached to the face of the building, marquee, or mansard roof or substantially parallel thereto and not projecting beyond or above the roof or top of the cornice wall, are permitted. The copy area of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face or a total of four hundred (400) square feet, whichever is lesser.

(b) One on-premise pole sign or one on-premise ground sign per business per frontage is permitted. Such signs shall be spaced a minimum of fifty (50) feet apart along any street frontage. In those instances where a single business has a frontage along any one street of one hundred fifty (150) feet or more, it may have a maximum of two (2) ground or pole signs as otherwise permitted in this section on any such frontage with a minimum spacing of one hundred (100) feet. If such sign is located in a required front yard, it shall not exceed fifty (50) square feet of area, and a pole sign shall have a maximum height of twenty-five (25) feet, and a ground sign shall have a maximum height of eight (8) feet. If such sign is located outside the required front yard, it may have a maximum area of one hundred (100) square feet and a maximum height of thirty (30) feet.

(c) In lieu of the sign permitted in paragraph (2) above, one on-premise projecting sign is permitted. Said projecting sign may project from a building a maximum of six feet six inches (6' 6") and may project into a required front yard, but it shall not project above the roof line or top of a cornice wall. Such sign shall have a minimum ground clearance of eight (8) feet above the walk or grade below and may project over the public right-of-way when the building is erected adjacent to the front property line. The maximum area of such sign shall be one hundred (100) square feet.

(d) In lieu of the sign permitted in paragraphs (2) and (3) above, when the building is erected adjacent to the front property line, one on-premise marquee sign is permitted. This sign may be attached to the marquee extending into or over the right-of-way, provided such signs do not exceed three (3) feet in height and are designed as an integral part of the marquee. Those signs projecting above or below the marquee shall be erected at a ninety (90) degree angle to the building, and shall project no more than six feet six inches (6' 6") with a minimum clearance of eight (8) feet above the walk or grade below, and shall not project above the cornice wall or roof of the building.

(e) One on-premise sign per entrance to a business in a shopping center may hang from a canopy or marquee immediately adjacent to said entrance for the purpose of identifying said business. This sign may not exceed twelve (12) square feet of area, shall project no more than six feet six inches (6' 6"), and shall have a minimum clearance of eight (8) feet above the walk or grade below.

(f) Where more than one business is located on the lot, the on-premise signs permitted in the required front yard pursuant to (b) above may be combined. The resultant sign shall not exceed one hundred (100) square feet in area. Such pole signs shall be spaced a minimum of fifty (50) feet apart along any street frontage.

(g) Within seventy-five (75) feet of any residential, O-1, O-2, or O-3 zoning district, no sign shall face directly toward such district, except where the adjacent lot is used primarily for a nonresidential use. One sign, designating an accessory entrance, not exceeding twenty (20) square feet of area and nonilluminated and nonreflecting, is permitted.

(h) One off-premise sign not exceeding three hundred (300) square feet in area is permitted. Such signs shall be spaced a minimum of one hundred fifty (150) feet apart along any street frontage and shall not exceed thirty-five (35) feet in height. Such

signs shall be located a minimum of seventy-five (75) feet from all residential zoning districts. (Ord. 12751 §25; November 5, 1979; prior Ord. 12679 §11; September 4, 1979; Ord. 12571 §366 (part); May 8, 1979).

**27.69.046 Permitted signs; B-2 and H-4 zoning districts.** (a) On-premise wall signs on building facades, attached to the face of the building, marquee, or mansard roof or substantially parallel thereto, and not projecting beyond or above the roof or top of the cornice wall, are permitted. The copy area of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall space, or a total of five hundred (500) square feet, whichever is lesser.

(b) One on-premise sign per entrance to a business in a shopping center may hang from a canopy or roofed pedestrian walkway immediately adjacent to said entrance for the purpose of identifying said business. This sign may not exceed twelve (12) square feet of copy area, shall project no more than six feet six inches (6' 6"), and shall have a minimum ground clearance of eight (8) feet above the walk or grade below.

(c) One on-premise pole sign or one on-premise ground sign identifying the name of the B-2 or H-4 shopping or commercial area or primary activity conducted within the district shall be permitted. Such sign shall not exceed one hundred (100) square feet in area and shall be permitted adjacent to each public street abutting the perimeter of any B-2 or H-4 district, provided that said street frontage extends for at least three hundred (300) feet. Said signs shall be permitted in the required front yard, and a pole sign shall have a maximum height of twenty-five (25) feet, and a ground sign shall have a maximum height of six (6) feet. In the H-4 zoning district, if said pole sign is located outside the required front yard, it may have a maximum height of fifty (50) feet. For the B-2 zoning district, the sign regulations in this paragraph may be modified by the city council in connection with the granting of a use permit in conformance with all other requirements of chapter 27.31.

(d) In the H-4 zoning district, one off-premise sign not exceeding seven hundred (700) square feet in area shall be permitted. Such signs shall be spaced a minimum of one hundred fifty (150) feet apart along any street frontage, must be located fifty (50) feet inside the front property line, and shall not exceed forty-five (45) feet in height. Such sign shall be located a minimum of seventy-five (75) feet away from any residential zoning district.

(e) In the H-4 zoning district, in addition to the foregoing, within six hundred sixty (660) feet of a designated Interstate or Federal-Aid Primary Road Systems, the on-premise pole sign may be eighty (80) feet in height and three hundred (300) square feet in area, and the on-premise ground sign may be two hundred (200) square feet in area when said sign is within fifty (50) feet of the main building; or when over fifty (50) feet and not more than one hundred fifty (150) feet from the main building, said ground sign shall be limited to one hundred fifty (150) square feet in area. (Ord. 12679 §12; September 4, 1979; prior Ord. 12571 §366 (part); May 8, 1979).

**27.69.047 Permitted signs; H-1 zoning district.** In the H-1 zoning district, the specific regulations are as follows:

(a) One on-premise pole sign for each business or activity which shall not exceed one hundred (100) square feet in area is permitted.

(b) In lieu of the sign permitted in paragraph (a) above, one on-premise ground sign for each business or activity conducted on the premises which shall not exceed one hundred (100) square feet in area is permitted.

(c) One on-premise wall sign per building facade attached to the face of the building, marquee, or mansard roof or substantially parallel thereto and not projecting beyond or above the roof or top of the cornice wall is permitted. The copy area of such wall sign shall not exceed thirty percent (30%) coverage of the wall face, or five hundred (500) square feet, whichever is lesser.

(d) Signs are permitted in the required front yard and may not exceed fifty (50) feet in height.

(e) In addition to the foregoing, within six hundred sixty (660) feet of a designated Interstate or Federal-Aid Primary Road Systems, the on-premise pole sign may be eighty (80) feet in height and three hundred (300) square feet in area, and the on-premise ground sign may be two hundred (200) square feet in area when said sign is within fifty (50) feet of the main building; or when over fifty (50) feet and not more than one hundred fifty (150) feet from the main building, said ground sign shall be limited to one hundred fifty (150) square feet in area.

(f) One off-premise sign not exceeding three hundred (300) square feet in area is permitted. Such signs shall be spaced a minimum of one hundred fifty (150) feet apart along any street frontage and shall not exceed thirty-five (35) feet in height. Such sign shall be located a minimum of seventy-five (75) feet away from any residential zoning district. (Ord. 12679 §13; September 4, 1979).

**27.69.048 Permitted signs; H-2 zoning district.** In the H-2 zoning district, the specific regulations are as follows:

(a) One on-premise pole sign or one on-premise ground sign per business per frontage is permitted. Such signs shall be spaced a minimum of fifty (50) feet apart along any street frontage. In those instances where a single business has a frontage along any one street of one hundred fifty (150) feet or more, it may have a maximum of two (2) ground or pole signs as otherwise permitted in this section on any such frontage with a minimum spacing of one hundred (100) feet. If such sign is located in a required front yard, it shall not exceed fifty (50) square feet of area and a pole sign shall have a maximum height of twenty-five (25) feet and a ground sign shall have a maximum height of eight (8) feet. If such sign is located outside the required front yard, it may have a maximum area of one hundred (100) square feet and a maximum height of thirty-five (35) feet.

(b) In lieu of the sign permitted in paragraph (a) above, when a building is erected adjacent to the front property line, one on-premise marquee sign may be attached to the marquee extending into or over the right-of-way, provided such signs do not exceed three (3) feet in height and are designed as an integral part of the marquee. Those signs projecting above or below the marquee shall be erected at a ninety (90) degree angle to the building, shall project no more than six feet six inches (6' 6") with a minimum clearance of eight (8) feet above the walk or grade below, and shall not project above the cornice wall or roof of the building.

(c) On-premise wall signs on building facades, attached to the face of the building, marquee, or mansard roof or substantially parallel thereto and not projecting beyond or above the roof or top of the cornice wall, are permitted. The copy area of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face or a total of four hundred (400) square feet, whichever is lesser.

(d) Where more than one business is located on the lot, the on-premise signs permitted in the required front yard pursuant to (a) above may be combined. The resultant sign shall not exceed one hundred (100) square feet in area. Such pole signs shall be spaced a minimum of fifty (50) feet apart along any street frontage.

(e) In addition to the foregoing, within six hundred sixty (660) feet of a designated Interstate or Federal-Aid Primary Road Systems, the on-premise pole sign may be eighty (80) feet in height and three hundred (300) square feet in area, and the on-premise ground sign may be two hundred (200) square feet in area, when said sign is within fifty (50) feet of the main building; or when over fifty (50) feet and not more than one hundred fifty (150) feet from the main building, said ground sign shall be limited to one hundred fifty (150) square feet in area.

(f) One off-premise sign not exceeding six hundred (600) square feet in area shall be permitted. Such signs shall be spaced a minimum of one hundred fifty (150) feet apart along any street frontage, must be located twenty (20) feet inside the front property line, and shall not exceed thirty-five (35) feet in height. Such sign shall be located a minimum of seventy-five (75) feet away from any residential zoning district. (Ord. 12751 §26, November 5, 1979; prior Ord. 12679 §14; September 4, 1979).

**27.69.049 Permitted signs; H-3 zoning district.** In the H-3 zoning district, the specific regulations are as follows:

(a) One on-premise pole sign or one on-premise ground sign per business per frontage is permitted. Such signs shall be spaced a minimum of fifty (50) feet apart along any street frontage. In those instances where a single business has a frontage along any one street of one hundred fifty (150) feet or more, it may have a maximum of two (2) ground or pole signs as otherwise permitted in this section on any such frontage with a minimum spacing of one hundred (100) feet. If such sign is located in a required front yard, it shall not exceed fifty (50) square feet of area, and a pole sign shall have a maximum height of twenty-five (25) feet, and a ground sign shall have a maximum height of eight (8) feet. If such sign is located outside the required front yard, it may have a maximum area of one hundred (100) square feet and a maximum height of fifty (50) feet.

(b) On-premise wall signs on building facades, attached to the face of the building, marquee, or mansard roof or substantially parallel thereto and not projecting beyond or above the roof or the top of the cornice wall, are permitted. The copy area of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face, or a total of five hundred (500) square feet, whichever is lesser.

(c) Where more than one business is located on the lot, the on-premise signs permitted in the required front yard, pursuant to (a) above may be combined. The resultant sign shall not exceed one hundred (100) square feet in area. Such pole signs shall be spaced a minimum of fifty (50) feet apart along any street frontage.

(d) In addition to the foregoing, within six hundred sixty (660) feet of the designated Interstate or Federal-Aid Primary Road Systems, the on-premise pole sign may be eighty (80) feet in height and three hundred (300) square feet in area and the on-premise ground sign may be two hundred (200) square feet in area when said sign is within fifty (50) feet of the main building; or when over fifty (50) feet and not more than one hundred fifty (150) feet from the main building, said ground sign shall be limited to one hundred fifty (150) square feet in area.

(e) One off-premise sign not exceeding seven hundred (700) square feet in area. Such signs shall be spaced one hundred fifty (150) feet apart along any street frontage, must be located thirty (30) feet inside the front property line, and may not exceed thirty-five (35) feet in height. Such signs shall be located a minimum of seventy-five (75) feet from all residential zoning districts. (Ord. 12751 §27; November 5, 1979; prior Ord. 12679 §15; September 4, 1979).

**27.69.050 Permitted signs; B-3 zoning district.** In the B-3 zoning district, the specific regulations are as follows:

(a) On-premise wall signs on building facades, attached to the face of the building, marquee, or mansard roof or substantially parallel thereto, and not projecting beyond the roof or top of the cornice wall, are permitted. The copy area of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face or a total of four hundred (400) square feet, whichever is lesser.

(b) One on-premise pole sign or one on-premise ground sign per business per frontage is permitted. Such signs shall be spaced a minimum of fifty (50) feet apart along any street frontage. In those instances where a single business has a frontage along any one street of one hundred fifty (150) feet or more, it may have a maximum of two (2) ground or pole signs as otherwise permitted in this section on any such frontage with a minimum spacing of one hundred (100) feet. If such sign is located in a required front yard, it shall not exceed fifty (50) square feet of area and a pole sign shall have a maximum height of twenty-five (25) feet and a ground sign shall have a maximum height of eight (8) feet. If such sign is located outside the required front yard, it may have a maximum area of one hundred (100) square feet and a maximum height of thirty-five (35) feet.

(c) In lieu of the sign permitted in paragraph (b) above, one on-premise projecting sign for each business may project from the building a maximum of six feet six inches (6'6") and shall not project above the roof line or top of a cornice wall. Such sign may project over the public right-of-way when the building is erected adjacent to the front property line. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below, and a maximum area of one hundred (100) square feet.

(d) In lieu of the sign permitted in paragraphs (b) or (c) above, when the building is erected adjacent to the front property line, one on-premise marquee sign may be attached to the marquee extending into or over the right-of-way, provided such signs do not exceed three (3) feet in height and are designed as an integral part of the marquee. Those signs projecting above or below the marquee shall be erected at a ninety (90) degree angle to the building and shall project no more than six feet six inches (6'6") with a minimum clearance of eight (8) feet above the walk or grade below and shall not project above the cornice wall or roof of the building.

(e) One on-premise sign per entrance to a business in a shopping center may hang from a canopy or roofed pedestrian walkway immediately adjacent to said entrance for the purpose of identifying said business. This sign may not exceed twelve (12) square feet of copy area, project more than six feet six inches (6'6"), and shall have a minimum clearance of eight (8) feet above the walk or grade below.

(f) Where more than one business is located on the lot, the on-premise signs permitted in the required front yard pursuant to (b) above may be combined. The resultant sign shall not exceed one hundred (100) square feet in area. Such pole signs shall be spaced a minimum of fifty (50) feet apart along any street frontage.

(g) Within seventy-five (75) feet of any residential, O-1, O-2, or O-3 zoning district, no sign shall face directly toward such district, except where the adjacent lot is used primarily for a nonresidential use. One sign designating an accessory entrance not exceeding twenty (20) square feet in copy area and nonilluminated and nonreflecting is permitted.

(h) In any B-3 zoning district which is twelve (12) acres or more in area, one off-premise sign not exceeding four hundred (400) square feet in area is permitted. Such signs shall be spaced a minimum of one hundred fifty (150) feet apart along any street frontage and shall not exceed thirty-five (35) feet in height. Such signs shall be located a minimum of seventy-five (75) feet from all residential zoning districts. (Ord. 12751 §28; November 5, 1979; prior Ord. 12679 §16; September 4, 1979).

**27.69.060 Permitted signs; B-5 zoning district.** In the B-5 zoning district, the specific regulations are as follows:

(a) All signs shall be attached to a building or marquee and shall not project above the top of the building or marquee to which they are attached. Signs attached to a building shall be substantially parallel thereto and shall not project more than one (1) foot from the face thereof. All signs must show only the name and use of the store or premise for which they are erected or the identification for the entire commercial area. The copy area of wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall surface.

(b) One on-premise pole or ground sign or other graphic identification identifying the entire commercial area within a B-5 district and not exceeding one hundred (100) square feet in area may be permitted on each public street abutting the perimeter of such district, provided that such frontage shall extend for a contiguous distance of no less than three hundred (300) feet. In addition, any distinct commercial area within the entire B-5 district which has an area of twenty (20) acres or more and is designed as a distinct shopping complex shall be permitted one on-premise pole or ground sign, not exceeding one hundred (100) square feet in area on each public or private street abutting the perimeter of said area; provided, that such frontage shall extend for a contiguous distance.

(c) One on-premise ground sign for each building which contains businesses in the B-5 zoning district shall be permitted. Such sign shall not exceed fifty (50) square feet of copy area and eight (8) feet in height.

(d) In addition to the foregoing, any single business occupying two and five-tenths (2.5) acres or more in a single B-5 zoning district shall be permitted one on-premise ground sign for each two and five-tenths (2.5) acres of such occupancy. Such sign shall not exceed fifty (50) square feet of copy area and eight (8) feet in height.

(e) The sign regulations in subparagraphs (b), (c), and (d) may be modified by the city council in connection with the granting of a use permit in conformance with all other requirements of chapter 27.37. (Ord. 12751 §28; November 5, 1979; prior Ord. 12679 §17; September 4, 1979; Ord. 12571 §366 (part) May 8, 1979).

**27.69.070 Permitted signs; B-4 and I-1 zoning districts.** In the B-4 and I-1 zoning districts, the specific regulations are as follows:

(a) One on-premise pole sign for each business not to exceed one hundred (100) square feet in area nor thirty-five (35) feet in height is permitted. Such sign may be allowed in a required front yard or rear yard.

(b) One on-premise ground sign for each business not to exceed one hundred (100) square feet in area nor fifteen (15) feet in height is permitted.

(c) On-premise marquee signs may be substituted for the signs permitted in paragraphs (a) and (b) above when the building is erected adjacent to the front property line. Such on-premise marquee signs may be attached to the marquee extending into or over the right of way, provided such signs do not exceed three (3) feet in height and are designed as an integral part of the marquee. Those signs projecting above or below the marquee shall be erected at a ninety (90) degree angle to the building and shall project no more than six feet six inches (6'6") with a minimum clearance of eight (8) feet above the walk or grade below and shall not project above the cornice wall or roof of the building. All such marquee signs below the marquee shall not exceed twelve (12) square feet in area.

(d) In lieu of the signs permitted in subparagraphs (a) and (b) or (c) above, projecting signs may be substituted. Such projecting signs may project from the building a maximum of six feet six inches (6'6") and shall not project above the roofline or top of a cornice wall. Such sign may project over the public right-of-way when the building is

erected adjacent to the front property line. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below and a maximum area of three hundred fifty (350) square feet.

(e) On-premise wall signs on building facades, attached to the face of the building, marquee, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. Such wall signs shall project not more than twelve (12) inches from the facade of the building with a minimum clearance of eight (8) feet above the walk or grade below. The copy area of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face or a total of five hundred (500) square feet, whichever is lesser.

(f) One off-premise sign not exceeding seven hundred (700) square feet in area is permitted. Such signs shall be spaced one hundred fifty (150) feet apart along any street frontage and shall not exceed forty-five (45) feet in height. Such signs shall be located a minimum of seventy-five (75) feet from any residential zoning district. No off-premise signs shall be permitted within the B-4 zoning district area bounded by Tenth Street, Fourteenth Street, "N" Street, and "P" Street.

(g) In the area of the B-4 zoning district beginning one hundred fifty (150) feet east of 17th Street and continuing to the western boundary of the B-4 district, signs may blink or flash. Signs having electronically changing copy area shall not exceed the provisions of section 27.69.090(e). (Ord. 12751 §30; November 5, 1979; prior Ord. 12679 §18; September 4, 1979; Ord. 12571 §366 (part) May 8, 1979).

**27.69.080 Permitted signs; I-2 and I-4 zoning districts.** In the I-2 and I-4 zoning districts, the specific regulations are as follows:

(a) One on-premise wall 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 (1) foot from, and not projecting beyond or above the roof or top of the cornice wall, is permitted. The contents of the sign are to be limited to describing products or services sold or produced on the premises, or giving the name of the establishment. The area of said sign is limited to one (1) square foot for each lineal foot of street frontage of the street on which the sign faces.

(b) In lieu of the sign permitted in paragraph (a) above, there may be one ground sign not exceeding one hundred (100) square feet in area, not located in any required yard, and not exceeding eight (8) feet in height.

(c) In the I-4 district, in addition to the sign permitted in paragraphs (a) or (b) above, one on-premise pole sign not exceeding fifty (50) square feet in area and twenty-five (25) feet in height is permitted. (Ord. 12679 §19; September 4, 1979; prior Ord. 12571 §366; May 8, 1979).

**27.69.090 Other permitted signs.** The following signs shall be permitted in the areas specified:

(a) In any zoning district, churches and schools are permitted one on-premise illuminated bulletin board, not to exceed twenty (20) square feet in area and not more than thirty (30) additional square feet in supporting structure, and one on-premise wall sign on each building facade, not exceeding twenty (20) square feet in copy area. Such bulletin board shall not be located in any required yard.

(b) In any zoning district, one on-premise real estate sign may be erected on each street frontage of a premises, identifying an offer for the sale or lease of all or part of the premises on which it is located. Such sign shall be removed within one week after closing the sale of the property.

(1) In any residential district, such real estate sign shall not exceed ten (10) square feet of area. It may be located in a required yard but not in the street right-of-way.

(2) In any other zoning district, such real estate sign shall not exceed forty (40) square feet of area and shall not be located in any required yard.

(c) In any zoning district, the following signs shall be permitted:

(1) Official signs authorized by a government or subdivision thereof, including traffic, directional, and warning signs, public notices, and proclamations;

(2) Flags of any government or subdivision thereof, or of any educational, charitable, religious, or political organization;

(3) Historical or commemorative plaques or tablets;

(4) Memorial plaques, building cornerstones, or building names, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the building or structure it identifies;

(5) Street numbers;

(6) Reflectors and other safety signs or devices used to mark driveways, towers, airport approaches, and other potentially dangerous structures or situations.

(d) In all zoning districts, holiday decorations for religious or national holidays are permitted. Such decorations may blink, flash, or move and may be located in a required yard, provided, however, that no such holiday decoration shall interfere with traffic or present any other hazard to the safety or welfare of the public;

(e) In any nonresidential district, signs displaying the time, temperature, weather, or similar public service information shall be permitted. The copy area displaying such information may change, blink, flash, or have the appearance of movement; provided that the changing copy area shall not exceed eighty (80) square feet of copy area. Such area shall be included as a part of the permitted signage for the premises on which it is located.

(f) In any zoning district, one temporary sign per street frontage shall be permitted at a construction site to identify the nature of the construction and those persons or firms associated with it, including contractors, architects, finance companies, and owners. Such signs shall not exceed sixteen (16) square feet of area when located in residential districts. In any other zoning districts, such signs shall not exceed forty (40) square feet of area.

(g) In those zoning districts where commercial establishments are permitted, temporary signs identifying special sales and openings shall be permitted on the premises of commercial establishments for no more than sixty (60) days in any calendar year, and not exceeding fifty (50) square feet of area. Temporary political and noncommercial signs shall be regulated in conformance with title 22 of the Lincoln municipal code.

(h) In all nonresidential districts, directional signs not exceeding three (3) square feet in area and three (3) feet in height above grade are permitted. Such signs may be located in required yard.

(i) In all residential zoning districts, a sign not exceeding thirty (30) square feet in area and identifying the name of each business and the commodities or services offered in the building, shall be permitted on a building if the building is a nonconforming use. If the lot on which the nonconforming use is located is contiguous to or across an alley from a zoning district in which said nonconforming use would be a permitted use, the sign may be illuminated.

(j) In all residential and agricultural zoning districts, special permit uses may have a sign identifying or describing the name of the building and the business or services offered

on the premises. One sign only per special use shall be permitted if it meets the following conditions and requirements:

- (1) The sign shall not be more than twenty (20) square feet in area;
- (2) The sign shall not be located in any required yard;
- (3) The sign shall not be more than seven (7) feet in height if it is not a wall sign;
- (4) The location, size, and illumination of the sign, if any, shall be shown on the special permit application and shall be specifically approved as a part of said application;
- (5) The sign shall be in keeping with the character of the area in which it is located.

(k) In all zoning districts, temporary signs, including banners, pennants, and flags shall be permitted for nonprofit civic activities. Said signs shall be approved by the superintendent for codes administration and shall also obtain any other required permits.

(l) In those zoning districts where service stations are permitted, the following signs are permitted on the premises used as service stations in addition to those signs otherwise permitted in the zoning district in which such service station is located:

- (1) One sign is permitted for each street frontage indicating the price of the gasoline sold on the premises not to exceed twelve (12) square feet of area;
- (2) Signs are permitted on either face of the gas pump not to exceed a total copy area of four (4) square feet per pump;
- (3) Two additional on-premise signs not exceeding six (6) square feet of area each are permitted.

(m) In all nonresidential zoning districts, permanent window signs shall be permitted, provided that such signing does not cover more than twenty-five percent (25%) of the area of any window or door.

(n) In all zoning districts, murals, exclusive of any sign copy area, painted on the wall of a building, fence, or similar structure shall be permitted; provided that a permit therefor is obtained from the superintendent for codes administration, and that such mural shall not interfere with traffic or present any other hazard or detriment to the public health, safety, or general welfare.

(o) In all zoning districts, historically significant signs may be exempted from the provisions of this chapter by resolution of the city council, or by being in conformance with any historic preservation ordinance adopted by the city.

(p) In any nonresidential district, occupants of sixty percent (60%) or more of the street frontage of any block face may petition the city council for the formation of a special sign district for the purpose of defining an area of particular historical, ethnic, cultural, or entertainment atmosphere. Said merchants shall present proposed sign criteria to the city council according to the procedure established for a zoning amendment.

(q) In all zoning districts, signs directing motorists shall be permitted within parking lots and at the entrances and exits thereof, provided that no such sign shall exceed six (6) square feet of area and shall not exceed thirty (30) inches in height.

(r) In all residential zoning districts, one on-premise ground sign identifying a multiple complex or subdivision area not exceeding thirty-two (32) square feet in area nor five (5) feet in height shall be permitted. Such signs shall not be located in any required yard, may be internally illuminated, and may be a part of a planter system or attached to a masonry entrance fence.

(s) In any zoning district, a subdivision identification sign shall be permitted under the following conditions:

- (1) There shall be permitted on an original tract of ten (10) acres or less only one sign, which sign shall not exceed one hundred (100) square feet; on an original tract of more than ten (10) acres and less than thirty (30) acres, no more than two (2) signs, which signs shall not exceed a composite size of one hundred fifty (150) square feet and no one sign shall exceed one hundred (100) square feet.

(2) It shall be a temporary sign, provided that the permitted signs for larger tracts must be reduced to the same number and size for subdivision signs permitted for smaller original tracts in (1) above when the unsold aggregate area of the original tract is reduced to the size of such smaller tracts.

(3) It shall be located only where a building can be constructed, and cannot be located in a required front yard, required side yard, or required rear yard.

(4) The height of such signs shall not exceed ten (10) feet, with the height to be determined by a measurement from the ground level at the lowest grade level within two (2) feet of either side of the sign.

(5) Such sign shall be nonilluminated.

(6) Such sign shall only be for the identification or display to the public of the original sale of property in a subdivision.

(7) The sign must be kept in good condition, neat appearance, and good state of repair. Weeds shall be kept cut and cleared within a radius of forty (40) feet of such sign, and no debris shall be permitted so near thereto that the same shall constitute a fire hazard.

(t) In all nonresidential zoning districts, a roof sign may be permitted as an alternative to a permitted ground or pole sign if a special permit for such sign has been issued by the city council in conformance with all requirements of chapter 27.63 and under the following conditions:

(1) The business for which the roof sign is sought offers no feasible opportunity for placement of a ground or pole sign as otherwise authorized within the zoning district;

(2) The roof signs shall not be permitted to be higher than the district height limitation for buildings;

(3) All such roof signs shall be finished in such a manner that the visual appearance from all sides is that they are a part of the building itself;

(4) A sign on a sloping roof must be a minimum of one foot below the top roof line;

(5) The permitted roof sign shall be no larger in area than the ground or pole sign permitted in the zoning district in which said sign is to be located.

(u) In any commercial district, two (2) on-premise ground signs functioning as menu boards are permitted in conjunction with an eating establishment utilizing ordering from the vehicle; provided, such signs shall not exceed five (5) feet in height, nor twenty (20) square feet in area, and shall not be permitted in the required front or side yard of the district in which it is located. (12751 §31; November 4, 1979: Ord. 12679 §20; September 4, 1979: Ord. 12657 §16; August 6, 1979: Ord. 12571 §367; May 8, 1979).

**27.69.100 Nonconforming signs.** Signs located in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, B-1, B-2, and B-3 zoning districts which become nonconforming upon the adoption of this chapter shall be removed, replaced, or modified to provide conformance with this chapter within seven (7) years of the effective date hereof. Signs located in all other zoning districts which become nonconforming upon the adoption of this chapter shall be removed, replaced, or modified to provide conformance with this chapter within fourteen (14) years of the effective date hereof. Any signs not brought into conformance within the applicable time period may be removed in accordance with the provisions of title 22 of the Lincoln municipal code pertaining to the removal of obsolete signs. (Ord. 12679 §21; September 4, 1979: prior Ord. 12571 §368; May 8, 1979).

## Chapter 27.70

## ADDITIONAL USE REGULATIONS

## Sections:

- 27.70.010 Home occupations.
- 27.70.020 Dwellings for nonrelated persons.
- 27.70.030 Subdivision promotion activity.
- 27.70.040 Lots fronting upon private roadways.

**27.70.010 Home occupations.** A home occupation may be carried on within a dwelling unit or accessory building under the following conditions:

(a) There is no sign other than one non-animated, non-illuminated, non-reflecting nameplate not more than two (2) square feet in area, which nameplate designates the home occupation carried on within, in letters not to exceed two (2) inches in height and attached to the building wherein the home occupation is conducted;

(b) There is no commodity sold upon the premises except that which is prepared on the premises in connection with such occupation or activity or which is sold in relation and incidental to such occupation or activity;

(c) There is no person engaged in the home occupation employed on the premises other than a member of the family residing on the premises;

(d) Any activities carried on outdoors in connection with the home occupation is screened and there is no outdoor storage of any equipment, machinery, parts, or other articles of any nature used in connection with such home occupation;

(e) There is no chemical, mechanical, or electrical equipment used which will cause noise or odors disturbing to the residents of surrounding property or interference with television or radio reception;

(f) No more than twenty percent (20%) of the total floor area of all buildings on the premises is utilized in conducting such home occupation. (Ord. 12571 §369; May 8, 1979).

**27.70.020 Dwellings for nonrelated persons.** Dwellings for four (4) to six (6) persons not immediately related by blood, marriage, or adoption and living as a single housekeeping unit on lots of one (1) acre or more in area shall be permitted, provided that one (1) off-street parking space is supplied for each person in the housekeeping unit. (Ord. 12571 §370; May 8, 1979).

**27.70.030 Subdivision promotion activity.** In areas of new construction or lot development, a subdivision promotion activity may be established in a residential zoning district for the purpose of selling lots or homes in the area under the following conditions:

(a) The purpose of the subdivision promotion activity shall be to promote the sales of lots or homes in the subdivision or area in which the subdivision promotion activity is located or where similar homes are being constructed;

(b) Any office or similar premises used in connection with the subdivision promotion activity shall be located within a subdivision display home and no exterior reconstruction or any permanent alteration of the said display home shall be permitted in establishing said office;

(c) There shall be no sign on the premises other than those permitted in Chapter 27.69;

(d) The subdivision promotion activity may continue for a period of one (1) year from the issuance of the first occupancy permit to each builder, contractor, or subdivider within a subdivision or lot development area. At the expiration of one (1) year, a permit shall be obtained from the codes administration division to allow continuation of the subdivision promotion activity. This permit may be granted after an evaluation of the location or proposed location of the subdivision promotion activity by the codes administration division with consideration given to the type of development in the immediate area of the promotion activity, and the effect of the promotion activity on the adjacent area;

(e) Subdivision display homes which do not contain any subdivision promotion activities, including offices or continuing sales activities or continuing displays, shall not be governed by these provisions. (Ord. 12571 §371; May 8, 1979).

**27.70.040 Lots fronting upon private roadways.** Lots located in the AG, AGR, R-1, R-2, R-3, R-4, R-5, and R-6 zoning districts may front upon and take access to a private roadway if said lots are located within an approved community unit plan under chapter 27.65 of this title. Lots located in other zoning districts may front upon and take access to a private roadway if said private roadway has been approved either in connection with a use permit under the provisions of this title or with a subdivision of property in conformance with all of the requirements of title 26 of the Lincoln Municipal Code. All such lots shall also comply with all of the requirements of this title as applicable. (Ord. 12571 §372; May 8, 1979).

## Chapter 27.71

## ADDITIONAL HEIGHT AND AREA REGULATIONS

## Sections:

- 27.71.010 Scope of regulations.
- 27.71.020 Necessary mechanical appurtenances.
- 27.71.025 Chimneys, towers, and grain elevators.
- 27.71.030 Front yard; driveways.
- 27.71.040 Construction and use of accessory buildings.
- 27.71.050 Projections from buildings.
- 27.71.060 Walkways in the rear yard.
- 27.71.070 Occupancy of basements and cellars.
- 27.71.080 Fences.
- 27.71.090 Fire escapes and chimneys; projection into yards.
- 27.71.100 Porches and terraces in front yards.
- 27.71.110 Projection of terraces, porches, platforms, and ornamental features.
- 27.71.115 Canopies in front yard.
- 27.71.120 Temporary buildings.
- 27.71.130 More than one main building on business, commercial, or industrial tract.
- 27.71.140 Two or more buildings for multiple-family, institutional, or hotel purpose.
- 27.71.150 Multiple dwelling considered as one building.
- 27.71.160 Public utilities.
- 27.71.170 Adjustment of front yard requirements.
- 27.71.180 Side and rear yard requirements.
- 27.71.190 Building line district.
- 27.71.200 Adjustment of building line districts.

**27.71.010 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. 12571 §373; May 8, 1979).

**27.71.020 Necessary mechanical appurtenances.** All necessary mechanical appurtenances located on top of a building are exempt from the height regulations contained in this title as follows:

(a) No such appurtenances may exceed twenty (20) feet in height above the maximum permitted in the district in which they are located;

(b) All of said appurtenances must be set back a minimum of fifteen (15) feet from all faces of a building when said faces are adjacent to a street. (Ord. 12571 §374; May 8, 1979).

**27.71.025 Chimneys, towers, and grain elevators.** Chimneys, cooling towers, elevator bulkheads, grain elevators, fire towers, stage towers or scenery lofts, or water towers are exempt from the height regulations as contained herein. (Ord. 12657 §17; August 6, 1979).

**27.71.030 Front yard; driveways.** A driveway shall be permitted within the required front yard only if it provides a connection to a parking space that is or will be located in a portion of the lot other than the required front yard. (Ord. 12571 §375; May 8, 1979).

**27.71.040 Construction and use of accessory buildings.** No accessory buildings shall be constructed upon a lot until the construction of the main building has been commenced, and no accessory buildings shall be used for dwelling purposes. (Ord. 12571 §376; May 8, 1979).

**27.71.050 Projections from buildings.** Every part of any required yard shall be open to the sky, unobstructed by a building, except:

(a) Eaves may project into a front or rear yard thirty-six (36) inches, exclusive of gutters;

(b) Eaves may project into a side yard twenty-four (24) inches, or two-fifths of the required side yard, whichever projection is greater, exclusive of gutters;

(c) Ordinary projection of sills, belt courses, cornices, vertical solar screens, and ornamental features which may project twelve (12) inches; and

(d) Air conditioners, not to exceed five (5) ton units or parts thereof, may project into a required side yard, provided that such projection shall be distant at least two (2) feet from the adjacent lot line and shall not extend more than three (3) feet from the building. Such air conditioners may project into a required front yard but shall not extend more than three (3) feet from the building, and such air conditioner may extend into one side of a corner lot;

(e) Solar collectors which are a part of the main building may extend into a required rear yard for a distance not to exceed ten (10) feet;

(f) As otherwise provided in this chapter. (Ord. 12571 §377; May 8, 1979).

**27.71.060 Walkways in the rear yard.** In the required rear yards of the O-1, B-1, B-2, B-3, H-1, H-2, H-3, and I-1 districts, enclosed walkways not more than one (1) story in height nor eight (8) feet in width are permitted within two (2) feet of the rear lot line. (Ord. 12571 §378; May 8, 1979).

**27.71.070 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. 12571 §379; May 8, 1979).

**27.71.080 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 (72) inches on any part of a lot, provided that no fence shall be erected on a corner lot within that triangular area bounded by the property lines and a diagonal line joining points on the property lines located twenty-five (25) feet from the point of intersection of the property lines on two intersecting streets, or in the case of rounded corners, the triangular area bounded by the tangents to the curves of property lines on two intersecting streets and a diagonal line joining tangents to said curves at points that shall be located twenty-five (25) feet from the point of intersection of said tangents. The tangents referred to are those at the beginning and at the end of the curve at the corner. An open wire fence not to exceed forty-eight (48) inches in height may be located on such part of a corner lot when in the opinion of the building official the location 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 (2) 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 from 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. 12571 §380; May 8, 1979).

**27.71.090 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 (3½) feet and where the same are so placed as not to obstruct light and ventilation of adjacent dwellings. Chimneys, flues, and fireplaces may be permitted by the superintendent for codes administration to project into any required yard for a distance of not more than two (2) feet where the same are so placed as not to obstruct light and ventilation. (Ord. 12571 §381; May 8, 1979).

**27.71.100 Porches and terraces in front yards.** An open, unenclosed porch may project into a required front yard for a distance not exceeding ten (10) feet. Balconies and paved terraces may project into a required front yard for a distance not exceeding six (6) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed four (4) feet. (Ord. 12571 §382; May 8, 1979).

**27.71.110 Projection of terraces, porches, platforms, and ornamental features.** Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side or rear yard, provided these projections be distant at least two (2) feet from the adjacent side lot line. (Ord. 12571 §383; May 8, 1979).

**27.71.115 Canopies in front yard.** In B-1, B-2, H-1, H-2, and B-3 zoning districts, canopies may project into a required front yard; provided, that a five (5) foot setback shall be maintained from the property line, and such canopies shall not cover more than six (6) square feet of ground area per each foot of frontage, and no portion of the canopy shall be lower than nine (9) feet above grade. (Ord. 12571 §383a; May 8, 1979).

**27.71.120 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. 12571 §384; May 8, 1979).

**27.71.130 More than one main building on business, commercial, or industrial tract.** Where a lot or tract is used for a business, 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. 12571 §385; May 8, 1979).

**27.71.140 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 buildings to be used as a unit for multiple dwelling, institutional, or hotel purposes, there may be more than one main building on the lot; provided, however, that the open space between buildings shall have a minimum dimension of twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three-story buildings. (Ord. 12571 §386; May 8, 1979).

**27.71.150 Multiple dwelling considered as one building.** For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one building occupying one lot. (Ord. 12571 §387; May 8, 1979).

**27.71.160 Public utilities.** Notwithstanding the regulations of the various districts, public utilities structures may be erected where necessary in any district on any lot of one (1) acre or more in area. Poles and towers used for the support of wires and appurtenant equipment for supplying public utility services shall not be considered as structures or buildings under this title. When located adjacent to any residential district, such structures shall be screened in conformance with the standards adopted by resolution of the city council. (Ord. 12571 §389; May 8, 1979).

**27.71.170 Adjustment of front yard requirements.** The front yards located within the same zoning district shall be adjusted in the hereinafter-stated circumstances. This section shall not apply to the R-3, B-2, B-5, H-4, and I-4 zoning districts.

(a) Where forty percent (40%) 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 (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the greater of the front yards established by the existing building nearest the street line, or the required front yard.

(b) Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with two or more buildings that have a front yard of less depth than herein required, then:

(1) Where a building is to be erected on a parcel of land that is within one hundred (100) 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

(2) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

(c) 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. 12571 §390; May 8, 1979).

**27.71.180 Side and rear yard requirements.** The requirements of side or rear yards on lots that are required to provide three (3) or more front yards or their equivalent may be modified in the following circumstances:

(a) A lot in a dwelling district need provide only a side yard on an interior lot line when the required yard on the adjacent property is also a side yard. A rear yard shall be required on an interior lot line when the required yard on adjacent property is a rear yard.

(b) A lot in a business, commercial, or industrial district need provide only a side yard on an interior lot line unless the lot is occupied by a dwelling other than a hotel or motel, or the adjacent property is in a dwelling district, in which case the rules of subsection (a) of this section shall apply. (Ord. 12571 §391; May 8, 1979).

**27.71.190 Building line district.** On those streets and highways shown on the Building Line District Map, which is adopted as a part hereof and incorporated by reference herein, and is known as the "Lincoln Building Line District Map," no building shall be erected closer to the centerline of a street or highway than a distance equal to the sum of fifty (50) feet plus the required front yard of the zoning district in which the property is located. This section shall not be construed to permit buildings to be erected with less than the required front yard as provided by the appropriate district regulations. The centerlines referred to in this section refer to the centerlines as they existed on the effective date of this title. (Ord. 12571 §392; May 8, 1979).



**27.71.200 Adjustment of building line districts.** (a) A building line district may be modified by resolution of the city council for location of a sign or church bulletin board only when such location meets all other requirements of the Lincoln municipal code, and the applicant for such a structure agrees that it shall be moved at the sole cost of the applicant whenever necessary for public use.

(b) Upon petition of a majority of the property owners of the frontage in a block, the city council, after report by the planning commission, may by resolution modify a building line district to permit reasonable use of individual property. (Ord. 12720 §1; October 22, 1979; prior Ord. 12571 §393; May 8, 1979).

## Chapter 27.75

## BOARD OF ZONING APPEALS

## Sections:

- 27.75.010 Creation; membership.
- 27.75.020 Meetings.
- 27.75.030 Appeal procedure.
- 27.75.040 Jurisdiction.
- 27.75.050 Decisions of board; scope and factors considered.
- 27.75.060 Decision of board transmitted to city clerk.

**27.75.010 Creation; membership.** The board of zoning appeals is hereby continued, and members of the board on the effective date of this title shall continue to serve for the remainder of their appointed terms. The members of said 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. There shall be five (5) members of the board, and not less than one nor more than two shall be members of the planning commission. Two members of the board shall have experience in the fields of real estate, law, planning, or related fields. Appointments shall be made for a term of five (5) years, and one term shall expire each year. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed by the affirmative vote of four (4) members of the city council after being given a written statement of the charges, and a hearing, which shall be a public hearing if the member so requests.

**27.75.020 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 a 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.

**27.75.030 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 superintendent for codes administration. The decision of the superintendent for codes administration shall be made in writing and the appeal shall be taken within sixty (60) days from such written decision by filing with the superintendent for codes administration a notice of appeal specifying the grounds thereof. The superintendent for codes administration 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 (30) days. Notice shall be given as provided in chapter 27.81.

(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 (3) or more votes either for or against, said proposition shall be deemed to have received neither approval nor disapproval.

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

(a) 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.

(b) 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 the 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.

(c) Powers relative to exceptions. Upon petition, the board is hereby empowered to make the following zoning exceptions:

(1) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record;

(2) To permit the reconstruction of a nonconforming 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 nonconforming use;

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

(4) To reduce the parking requirements in the commercial, business, or industrial districts whenever the character of the use of building is such as to make unnecessary the full provisions of parking facilities as required. In permitting a reduction, the board may restrict the use of the building to uses requiring a similar reduced number of parking facilities. The granting of a reduction in parking requirements shall not serve as a convenience to the petitioner but shall recognize the varying demands for off-street parking by different uses that cannot reasonably be determined in detail in the zoning ordinance.

(d) Powers relative to airport zoning. The board shall have the power designated to it by sections 27.59.110 and 27.59.120. (Ord. 12571 §397; May 8, 1979).

**27.75.050 Decisions of board; scope and factors considered.** In exercising the above-mentioned jurisdiction, the 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 decision as ought to be made. In considering all appeals and petitions within its jurisdiction 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. In making a determination, the board may request information and recommendations from any department of the City of Lincoln. Every decision by the board shall be accompanied by a written finding of fact based on testimony and other evidence, specifying the reason for granting or denying the variation. In the event that the proposed variance or exception is denied by the board of zoning appeals, no new request shall be made for the same or a substantially similar variance or exception within one (1) year of said denial thereof. (Ord. 12571 §398; May 8, 1979).

**27.75.060 Decision of board transmitted to city clerk.** Decisions of the board of zoning appeals, accompanied by the written findings of fact, shall be transmitted to the city clerk by the board within one week after such actions have been taken. Any decision approving an appeal shall be by resolution of the board, a certified copy of which shall be filed with the register of deeds by the petitioner at the expense of the petitioner within sixty (60) days after such approval, or such approval shall be null and void. (Ord. 12571 §399; May 8, 1979).

## Chapter 27.77

**CERTIFICATES OF OCCUPANCY  
AND  
CERTIFICATES OF COMPLIANCE**

**Sections:**

- 27.77.010 Required for changed or new occupancy.  
 27.77.020 Certificate of occupancy; required for building permit.  
 27.77.030 Certificate of occupancy; required for nonconforming uses.  
 27.77.040 Record of certificates of occupancy to be kept.  
 27.77.050 Special permits; certificate of compliance.

**27.77.010 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, occupancy, or occupancy classification under the building code of any existing building or portion thereof shall be made, nor shall any new building be used or occupied, except as hereinafter specifically provided, until a certificate of occupancy has been issued by the building official. Every certificate of occupancy shall state that the new use, occupancy, or occupancy classification complies:

(a) With the provisions of this title or with the terms, conditions, and requirements of the special permit authorizing such building or use, as the case may be; and

(b) With the provisions of the building code.

Such certificate shall include, where applicable:

- (1) the building permit number;
- (2) address and legal description;
- (3) the name of the owner;
- (4) a description of the building or portion thereof, or of the premises or portion thereof for which the certificate is issued;
- (5) the name of the building official issuing the same. (Ord. 12571 §400; May 8, 1979).

**27.77.020 Certificate of occupancy; required for building permit.** No permit for the erection, structural alteration, conversion, enlargement or reconstruction of any building or use of land shall be issued before the application has been submitted, reviewed and a finding made that the proposed uses will meet the requirements of the zoning ordinance for a certificate of occupancy; and no building or premises shall be used or occupied until such certificate is issued. (Ord. 12571 §401; May 8, 1979).

**27.77.030 Certificate of occupancy; required for nonconforming uses.** A certificate of occupancy shall be required of all lawful nonconforming uses of land or buildings created by adoption of or amendment to this title. Application for such certificates of occupancy for nonconforming uses shall be filed with the building official by the owner or lessees of the land or building occupied by such nonconforming use within two (2) years from the date that such nonconforming use is created. It shall be the duty of the building official to issue a certificate of occupancy for a lawful nonconforming use. Failure of the building official to issue such certificate of occupancy for nonconforming use may be considered evidence that such nonconforming use did not lawfully exist at the effective date of this title or any amendment thereto creating such a nonconforming use. (Ord. 12571 §402; May 8, 1979).

**27.77.040 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 official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or buildings affected by such certificate of occupancy. (Ord. 12571 §403; May 8, 1979).

**27.77.050 Special permits; certificate of compliance.** Upon completion of construction of any improvements as authorized or required by the city council for any buildings or uses for which a special permit was granted, the permittee may apply for inspection and partial certification, and upon completion of construction of all such improvements, the permittee shall apply to the building official for a certificate of compliance, which certificate shall not be issued until the building official has inspected the premises covered by the special permit and has found that all terms, conditions, and requirements of the special permit have been complied with.

If the building official finds at any time that the terms, conditions, and requirements of a special permit have not been complied with, or that any phase thereof has not been completed within the time required under said special permit or any administrative amendment thereto, the building official shall report this fact to the city council which may, after a hearing of which the permittee shall be notified, revoke such special permit for failure to comply with such terms, conditions, and requirements, or take such other action as it may deem necessary to obtain compliance.

Any amendment to a special permit approved subsequent to the issuance of a certificate of compliance for such special permit shall require application by the permittee for a new certificate of compliance which shall not be issued until the building official has ascertained that any terms, conditions, and requirements of the amendment to the special permit have been complied with.

For purposes of this section, the term "special permit" shall include authorizations under chapters 27.31, 27.37, 27.53, 27.65, 27.63, and 27.69. (Ord. 12571 §404; May 8, 1979).

## Chapter 27.79

## PLOT PLAN

## Section:

27.79.010 Plot plan to accompany application for building permit.

**27.79.010 Plot plan to accompany application for building permit.** Each application for a building permit shall be accompanied by a plot plan 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 plot plans shall be kept in the office of the superintendent for codes administration. (Ord.12571 §405; May 8, 1979).

## Chapter 27.80

## FEES

## Sections:

- 27.80.010 General regulations.
- 27.80.020 Change of zone.
- 27.80.030 Use permits.
- 27.80.040 Community unit plan.
- 27.80.050 Mobile home courts.
- 27.80.060 Special permit.
- 27.80.070 Administrative amendments.
- 27.80.080 Board of zoning appeals.
- 27.80.090 Airport zoning.
- 27.80.100 Parking.
- 27.80.110 Changes in text.
- 27.80.120 Subdivision promotion activity permits.
- 27.80.130 General fees.
- 27.80.140 Exemption for city filing on its own behalf.

**27.80.010 General regulations.** The fees set forth in this chapter shall apply to this title. Under no condition shall any fee required hereunder be refunded for failure of said application to be granted by the city council or other appropriate authority. (Ord. 12571 §406; May 8, 1979).

**27.80.020 Change of zone.** The following fees shall be charged at the time of filing an application for a change of zone:

(a) For the filing of an application for a change of zone to the AG, AGR, R-1, R-2, R-3, and R-4 zoning districts:

(1) Where the area for which the change of zone is requested is one (1) acre or less, the application fee shall be fifty dollars (\$50.00);

(2) Where the area for which the change of zone is requested is in excess of one (1) acre, the application fee shall be seventy-five dollars (\$75.00);

(b) For the filing of an application for a change of zone to all other zoning districts:

(1) Where the area for which the change of zone is requested is one (1) acre or less, the fee shall be seventy-five dollars (\$75.00);

(2) Where the area for which the change of zone is requested is in excess of one (1) acre, the fee shall be one hundred fifty dollars (\$150.00). (Ord. 12571 §407; May 8, 1979).

**27.80.030 Use permits.** The application fee shall be two hundred dollars (\$200.00) for filing an application for a use permit in the B-2, B-5, O-3, and I-4 zoning districts. (Ord. 12751 §33; November 5, 1970; prior Ord. 12571 §408; May 8, 1979).

**27.80.040 Community unit plan.** The application fee for filing an application for a special permit for a community unit plan as required in chapter 27.65 shall be twenty-five dollars (\$25.00), plus six dollars (\$6.00) per dwelling unit to a maximum of seven hundred fifty dollars (\$750.00). Credit shall be given for any fees paid in connection with subdivision of the community unit plan. (Ord. 12571 §409; May 8, 1979).

**27.80.050 Mobile home courts.** The fee for an application for a special permit for a mobile home court under section 27.63.120 shall be twenty-five dollars (\$25.00), plus six dollars (\$6.00) per mobile home space shown on the application. (Ord. 12657 §18; August 6, 1979; prior Ord. 12571 §410; May 8, 1979).

**27.80.060 Special permit.** The filing fee for an application for a special permit under chapter 27.63, other than mobile home courts and community unit plans, shall be as follows:

(a) If the area for which the special permit is requested is one (1) acre or less, the fee shall be fifty dollars (\$50.00);

(b) If the area for which the special permit is requested is in excess of one (1) acre, the fee shall be one hundred fifty dollars (\$150.00). (Ord. 11571 §411; May 8, 1979).

**27.80.070 Administrative amendments.** The filing fee for an application for an administrative amendment to a special permit or to a use permit shall be fifty dollars (\$50.00). (Ord. 12571 §412; May 8, 1979).

**27.80.080 Board of zoning appeals.** The filing fee for an application for an appeal to the board of zoning appeals shall be fifty dollars (\$50.00). (Ord. 12571 §413; May 8, 1979).

**27.80.090 Airport zoning.** The filing fee for an application for a height permit in connection with the airport zoning district, chapter 27.59, shall be twenty-five dollars (\$25.00). (Ord. 12571 §414; May 8, 1979).

**27.80.100 Parking.** The filing fee for an application for a reduction in required parking as provided in section 27.67.030 shall be twenty-five dollars (\$25.00). (Ord. 12571 §415; May 8, 1979).

**27.80.110 Changes in text.** The filing fee for an application for a change of text in title 27 of the Lincoln Municipal Code shall be fifty dollars (\$50.00). (Ord. 12571 §416; May 8, 1979).

**27.80.120 Subdivision promotion activity permits.** The filing fee for a subdivision promotion activity permit, as provided in section 27.70.030, shall be five dollars (\$5.00). (Ord. 12571 §417; May 8, 1979).

**27.80.130 General fees.** The filing fee for an application in connection with title 27 of the Lincoln Municipal Code not otherwise covered by this chapter shall be fifty dollars (\$50.00). (Ord. 12571 §418; May 8, 1979).

**27.80.140 Exemption for city filing on its own behalf.** No fee 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. (Ord. 12571 §419; May 8, 1979).

## Chapter 27.81

## GENERAL PROVISIONS

## Sections:

27.81.010	General regulations.
27.81.020	Interpretation, purpose and conflict.
27.81.025	Publication in pamphlet form.
27.81.030	Purpose of catch heads; introductory statements and illustrations.
27.81.040	Amendments.
27.81.050	Notice of public hearings.
27.81.060	Enforcement.
27.81.070	Violation and penalty.
27.81.080	Severability.
27.81.090	Conflicts.
27.81.100	Savings clause.
27.81.110	When effective.

**27.81.010 General regulations.** The following general regulations shall apply to all zoning districts:

(a) Except as otherwise provided in this title, no building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any structure or land be used:

(1) Except for a purpose permitted in the district in which the structure or land is located;

(2) Except in conformance with the height and minimum lot requirements, and the parking and sign regulations, and any other applicable requirements of the district in which the structure or land is located.

(b) 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.

(c) 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 in chapters 27.65 and 27.71.

(d) All inhabited mobile homes shall conform to one of the following:

(1) Used as a dwelling and located in a mobile home court operating under a valid special permit in conformance with chapter 27.63; or

(2) Used as a dwelling associated with a farm; or

(3) Used as a temporary office or shelter incidental to construction on a development on the premises on which the mobile home is located.

A mobile home not in conformance with one of the above shall not be occupied or inhabited; nor shall it be connected to utilities, except when being displayed for sale by a dealer or manufacturer.

(e) If a single building or lot is located in two or more zoning districts, each part of the building or lot shall comply with the regulations of the district in which it is located, except as provided in chapter 27.05 or chapter 27.75. (Ord. 12571 §420; May 8, 1979).

**27.81.020 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, 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. 12571 §421; May 8, 1979).

**27.81.025 Publication in pamphlet form.** This title may be published in pamphlet form for distribution in the City. (Ord. 12571 §421; May 8, 1979).

**27.81.030 Purpose of catch heads; introductory statements and illustrations.** The catch heads appearing in connection with the sections of this title are inserted simply for convenience to serve the purpose of an index. The introductory statements found at the beginning of each zoning district are to serve as general references only. The illustrative examples of zoning terms found at the end of chapter 27.03 are inserted simply for convenience and clarification. The catch heads, introductory statements, and illustrative examples of zoning terms shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of this title. (Ord. 12571 §422; May 8, 1979).

**27.81.040 Amendments.** The city council may from time to time on its own motion, or on petition, amend, supplement, or otherwise modify this title. Any such proposed amendment, supplement, or modification shall first be submitted to the planning commission for its recommendations and report. Said report shall contain the findings of the commission regarding the effect of the proposed amendment, supplement, or modification upon adjacent property and upon the Comprehensive Plan of the City of Lincoln. After the recommendations and report of the planning commission have been filed, the city council shall, before enacting any proposed amendment, supplement, or modification hold a public hearing in relation thereto, giving notice of the time and place of such hearing as provided in section 27.81.050 hereafter.

In the event that the proposed amendment or change is denied by the city council, no new request shall be made for the same or substantially similar amendment or change within one year of said denial thereof. (Ord. 12571 §423; May 8, 1979).

**27.81.050 Notice of public hearings.** Public hearings required under chapters 27.63, 27.75, and 27.81 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. The notice shall be posted upon or as near to the subject premises as possible so that it is easily visible from the street, and such notice shall be so posted for at least eight (8) consecutive days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy, or change the posted notice prior to the hearing;

(b) For public hearings required under chapter 27.81 only, at least eight (8) 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 the public hearing;

(c) No public hearing shall be held by the planning commission or the board of zoning appeals as required in this title until the provisions of this section have been

complied with and notice has been posted pursuant thereto;

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

(e) Other notice, as may be deemed appropriate by the public body conducting the hearing, may be given in advance of public hearings. Such notice is not mandatory or required as a condition precedent to any such public hearing. (Ord. 12571 §424; May 8, 1979).

**27.81.060 Enforcement.** It shall be the duty of the superintendent for codes administration of the City of Lincoln to enforce this title. Appeals from a decision of the superintendent for codes administration may be made to the board of zoning appeals as provided in chapter 27.75. (Ord. 12571 §425; May 8, 1979).

**27.81.070 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 maintains 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. 12571 §426; May 8, 1979).

**27.81.080 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. 12571 §427; May 8, 1979).

**27.81.090 Conflicts.** Should any provision of this title be interpreted to conflict with any other ordinance of the City of Lincoln, or with any applicable state or federal statute, the more restrictive regulation shall apply. (Ord. 12571 §428; May 8, 1979).

**27.81.100 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. 12571 §429; May 8, 1979).

**27.81.110 When effective.** This title shall be in full force and effect from and after its passage and publication as provided by law. (Ord. 12571 §430; May 8, 1979).

Title 30

CODE—GENERAL PROVISIONS

Chapters:

30.04 Interpretation and Enforcement

Chapter 30.04

INTERPRETATION AND ENFORCEMENT

Sections:

- 30.04.010 Purpose of catch heads.
- 30.04.020 Validity.
- 30.04.030 Savings clause.
- 30.04.040 Penalty for violations.

**30.04.010 Purpose of catch heads.** The catch heads appearing in connection with the foregoing sections, chapters, and titles of this code are inserted simply for convenience to serve the purpose of an index, and they should be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of this code. (Ord. 3489 §48-201; July 6, 1936).

**30.04.020 Validity.** Each section and each subdivision of a section of this code is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of this code is concerned; and the invalidity of any section or subdivision of a section of this code shall not invalidate any other section or subsection of a section thereof. (Ord. 3489 §48-101; July 6, 1936).

**30.04.030 Savings clause.** This code 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; and this code 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. 3489 §48-102; July 6, 1936).

**30.04.040 Penalty for violations.** Any person upon whom a duty is placed by the provisions of this code who shall fail, neglect, or refuse to perform such duty or who shall violate any of the provisions of this code for which a penalty is not otherwise specifically provided shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the city jail for a period not to exceed six (6) months, or by a fine of not to exceed five hundred dollars (\$500.00), recoverable with costs, or both, and shall stand committed to the city jail until such fine and costs of prosecution are paid. Each day that a violation of this code continues shall constitute a separate and distinct offense and shall be punishable as such.

The penalty provided in this chapter shall be cumulative with and in addition to the revocation, cancellation, or forfeiture of any license or permit elsewhere in this code provided for violation thereof. (Ord. 9025 §1; June 6, 1966; prior Ord. 3489 §49-101, as amended by Ord. 6870; January 12, 1959).