

Proposed H-2 District Updates: Zoning Text Amendments

Note: The proposed changes in this document are in draft form. The approval process involves review by Planning Commission and City Council. There may be additional modifications prior to final approval.

General Updates

- Change the name of the H-2 District from “Highway Business District” to “Mixed-Use Corridor District” and update description to match.

Updates to Permitted Uses

- Add residential as a permitted use in the H-2 district. The inclusion of residential in H-2 will allow for a greater mix of potential uses and create additional rooftops to support businesses in the area. The following residential uses to be added would be permitted by right unless otherwise noted:
 - Apartment hotels
 - Dwellings for caretakers/watchmen/supervisory personnel employed and residing on premises
 - Elderly and retirement housing
 - Housing for the handicapped
 - Multiple family dwellings
 - Single family dwellings
 - Townhouses
 - Two family dwellings
 - Residential healthcare facilities (with special permit)
- Some uses that are currently permitted in H-2 but not appropriate near residential will be removed. The list of uses to remove includes the following:
 - Sexually oriented live entertainment
 - Truck wash facilities
 - Enclosed disassembly operations (recycling/salvage facilities)

Updates to Site Development Standards

- Reduce the required side and rear yards for property lines that do not border a residential zoning district. This is intended to allow for more density and site design flexibility within the H-2 district. Also add standards for residential uses, which currently are not permitted in H-2. The residential standards are primarily adapted from the B-3 zoning district.

		H-2	H-2 (proposed)
Dwellings	Lot Area (sq ft)	n/a	1,000 (per unit)
	Frontage	n/a	0'
	Front Yard	n/a	20'
	Corner Front Yard	n/a	20'
	Side Yard/Side Yard Abutting Residential	n/a	0'/10'
	Rear Yard/Rear Yard Abutting Residential	n/a	0'/Smaller of 30' or 20% of depth
	Height	n/a	55' *
Other Allowed Uses	Average Lot Width	0'	0'
	Lot Area (sq ft)	0'	0'
	Frontage	0'	0'
	Front Yard	20'	20'
	Corner Front Yard	20'	20'
	Side Yard/Side Yard Abutting Residential	5'/20'	0'/20'
	Rear Yard/Rear Yard Abutting Residential	5'/Smaller of 30' or 20% of depth	0'/Smaller of 30' or 20% of depth
	Height	55' *	55' *

* In all H zoning districts, if the height of the building is over 45 feet but not more than 55 feet, that portion of the building in excess of 45 feet shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 zoning residential district for each one foot of building height in excess of 45 feet.

- Create new sidewalk design standards that would apply to H-2. The draft text is below. There are many segments of O Street and 48th Street that nearly fill the existing right-of-way, causing sidewalks to be close (five feet or less) from the street curb. This contributes to an unpleasant and potentially unsafe pedestrian experience.

With the proposed design standards the sidewalk would need to be at least ten feet from back of street curb. This is a standard distance that is applied to new development in growth areas of Lincoln. If space is not available in the right-of-way, a pedestrian easement would be provided on private property. This would only apply to parcels being redeveloped. This same strategy has been used on a site-by-site basis in the area. The Fresh International Market (former Fresh Thyme) site is an example where a pedestrian easement was provided to allow for a sidewalk on private property because there was not space in the O Street right-of-way.

The draft text is as follows:

Chapter 3.120 H-2 District Design Standards

Section 1. Introduction

The purpose of these requirements is to create a streetscape that supports walkability and pedestrian safety by allowing space for street trees and separation between the sidewalk and street in the H-2 zoning district.

Section 2. Work Requiring Review

These requirements apply to all new construction, changes in use, and major remodeling projects (investing more than 50% of a property's assessed valuation) in the H-2 zoning district.

Section 3. Application and Review Process

The review process for these Design Standards is designed to parallel the current building permit review process. That is, review for compliance with these Design Standards will take place at the same time that other components of the building permit are examined.

Section 4. General Requirements

1. Sidewalk Location
 - a. The sidewalk shall be no less than ten (10) feet from back-of-curb.
 - b. A public access easement shall be provided if the sidewalk extends outside the public right-of-way and onto private property.
 - c. Sidewalks on private property within a public access easement shall conform to applicable sections of Title 14.80 Sidewalk Construction.
 - d. Street trees shall be located in the area between the street and sidewalk and planted in conformance with Chapter 3.50 Design Standards for Screening and Landscaping.

Section 5. Waivers and Appeal

Any request for a deviation from the H-2 District Design Standards may be approved by the Planning Director, Appeals Board, or City Council as provided in Chapter 1.00.

Updates to Alcohol Sales Requirements

- Change on-site and off-site alcohol sales to align with the conditions of the B-2 and B-5 districts. The measurement method for separation distance in the H-2 district varies in multiple ways from the B-2 and B-5 districts.
 - The H-2 district measures alcohol separation distance from the edge of the alcohol sales establishment building. The B-2 and B-5 districts measure separation distance from the front door of the alcohol sales establishment building.
 - The H-2 district measures from the property line of the protected use (daycare, church, etc). The B-2 and B-5 districts measure from the building edge of the protected use.
 - The H-2 district includes first-floor residential use as a protected use. This means that alcohol establishments in H-2 must meet the separation requirement from first-floor residential uses, including residential uses that may exist in the future within the H-2 district. B-2 and B-5 districts only require separation from a residential zoning district.

The overall result is that it is easier to meet separation distance requirements in the B-2 and B-5 districts, particularly when measuring separation for uses located behind the alcohol sales establishment.

B-2 and B-5 are similar to the proposed H-2 district because they are large commercial districts that allow residential uses, so it makes sense for H-2, B-2, and B-5 to share conditions when locating alcohol establishments.

- Hotels
 - The amendment proposes to utilize the measurement used for Restaurants. Currently, hotels offering the purchase of alcohol, must comply with the same separation requirements for taverns, bars and liquor stores, which is 100 feet from the building to the lot line of a residential use, day care, place of religious assembly, state mental institution, or a residential zoning district. The restaurant separation is 25 feet from a residential zoning district. With this proposal the 25-foot separation for restaurants would also be applied to hotels in the H-2 district.
- Making it easier to locate alcohol establishments in the H-2 district aligns with the concept of a mixed-use walkable district. With the addition of residential uses in H-2 it could become prohibitively difficult to open new alcohol establishments in the area. Grocery/convenience stores and gathering places such as bars are part of a vibrant mixed-use environment and this change aligns with the goals of the new H-2 district.