

Modernizing Lincoln's Commercial Parking

Draft:

January 16th, 2024 – Added clarification that previously-approved special permits located within the text amendment districts would not have parking requirements.

January 5th, 2024 – This version contains the same content as the December 20th draft but includes several minor non-substantive grammar updates for clarity.

December 20th, 2023 – Original submittal as part of Planning Commission application.

Proposal Details

Elimination of minimum parking requirements for most commercial and industrial zoning districts.

- All districts that require a Use Permit: B-2, B-5, O-3, I-3, R-T
- All “H” and “I” districts

Maintain existing minimum parking requirements in residential districts and commercial districts typically found in close proximity to neighborhoods.

- R-1 - R-8, B-1, B-3, O-2.

Use Permit Districts

B-2 Planned Neighborhood Business District, B-5 Planned Regional Business District, O-3 Office Park District, I-3 Employment Center District, R-T Residential Transition District

Proposed Updates:

- **The applicant could determine their own parking needs as part of a Use Permit submittal and there would be no minimum requirements. The Planning Commission or City Council would still have the ability to add minimum parking requirements on a site-by-site basis if needed.**
- **All Use Permits approved prior to the date of this text amendment would have their parking requirements removed.**

“H” Commercial Districts

H-1 Interstate Commercial District, H-2 Highway Business District, H-3 Highway Commercial District, H-4 General Commercial District

Proposed Updates:

- **Eliminating minimum parking requirements for all “H” districts.**
- **All Planned Service Commercial special permits (H-4) approved prior to the date of this text amendment would have their parking requirements removed.**

“I” Industrial Districts

I-1 Industrial District, I-2 Industrial Park District

Proposed Updates:

- Eliminating minimum parking requirements for I-1 and I-2 (I-3 is a Use Permit district)

Planned Unit Developments (PUDs)

Proposed Updates:

- All PUDs approved prior to the date of this text amendment that include parking standards from a zoning district with no minimum parking requirements would have their parking requirements removed.

Special Permits

Proposed Updates:

- All Special Permits approved prior to the date of this text amendment that are located in a zoning district with no minimum parking requirements would have their parking requirements removed.

Chapter 27.67 PARKING

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.

General parking requirements for this title are set out in Figure 27.67.020 at the end of this chapter. (Ord. 21125 §12; August 30, 2021: Ord. 18998 §1; September 24, 2007: Ord. 18903 §13; March 26, 2007: Ord. 18826 §1; October 9, 2006: Ord. 17418 § 2; October 5, 1998; Ord. 17232 §17; August 18, 1997: Ord. 16958 §1; March 25, 1996: Ord. 16837 §1; July 31, 1995: Ord. 15784 §1; November 26, 1990: Ord. 15317 §10; October 16, 1989: Ord. 15165 §4; May 1, 1989: Ord. 15010 §1; October 10, 1988: Ord. 14696 §2; July 6, 1987: Ord. 13481, as amended by Ord. 13555 §1; March 7, 1983: Ord. 13234 §1; October 19, 1981: Ord. 13150 §1; June 15, 1981: Ord. 12657 §14; August 6, 1979: Ord. 12571 §354; May 8, 1979).

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 as follows:
 1. Parking lots, parking areas, and driving aisles in the front yard are permitted in the B-1, B-3, H-1, H-2, and H-3 zoning district in accordance with parking lot design standards; and
 2. Parking in the front yard is permitted in the R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoning districts for passenger cars, pickup trucks, or vans outside of an enclosed structure on a concrete driveway or its equivalent under the following conditions:
 - i. The width of such parking area shall not exceed thirty-five percent of the width of the front yard, except in the case of townhouses, where the width shall not exceed fifty percent of the width of the front yard, provided the width of such parking area shall not exceed sixteen feet;
 - ii. The parking area shall be not less than two feet from and parallel to the side lot line and not less than two feet from the front property line;
 - iii. The property shall be used for single-family dwellings, two-family dwellings, townhouses, and single-family dwellings with an accessory dwelling unit.

3. Parking in the front yard is permitted as otherwise provided in Section [27.63.170](#).
- b. No parking space is permitted in the required side yard in any district except in the H-2, H-3, and H-4 zoning districts when the side yard is not abutting a residential zoning district or as otherwise provided in this chapter and in Section [27.63.170](#).
- 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.
- g. For single-family dwellings, two-family dwellings, and townhouses in the R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoning districts, the required parking spaces may be stacked front-to-back, one vehicle deep.
- h. No parking space is required for the area of outdoor dining, open use areas, including but not limited to outdoor sales and display areas, and patios with and without restaurant seating.
- i. Parking lots allowed by special permit may be used to satisfy required parking. (Ord. [20749](#) §33; February 25, 2019; Ord. [20739](#) §5; January 28, 2019 Ord. [20611](#) §6; December 18, 2017: Ord. [20488](#) §1; May 8, 2017: Ord. [20372](#) §25; August 29, 2016: Ord. [19189](#) §1; December 15, 2008: Ord. [19092](#) §2; June 9, 2008: Ord. [18898](#) §2; September 24, 2007: Ord. [18770](#) §3; July 24, 2006: Ord. [18687](#) §28; March 20, 2006; Ord. [16958](#) §2; March 25, 1996: Ord. [15910](#) §1; June 24, 1991: Ord. 14215 §2; September 9, 1985: Ord. 12571 §355; May 8, 1979).

27.67.040 Parking Requirements; Special Conditions.

An alphabetical list of uses with special parking requirements for this title are set out in Figure 27.67.040 at the end of this chapter. Any change in use from one with a special parking requirement to another use in the future could result in a higher parking requirement, and the need to reconfigure the parking and/or building to accommodate the change in the requirement. The following special parking requirements shall apply to the listed uses in districts with minimum parking requirements per place of the general parking requirements found in Section [27.67.020](#) unless otherwise noted:

- a. A fraternity or sorority shall provide 0.75 spaces per resident. Parking shall be provided either onsite or within 600 feet of the premises. Notwithstanding the above, no parking shall be required for a fraternity or sorority located within the boundaries of 14th Street to 17th Street and Q Street to W Street.
- b. Group homes and transitional living facilities: One space per three client or employee residents, plus two spaces per three nonresident employees on the largest shift;

provided, however, that no spaces shall be required for client residents who will not possess motor vehicle operator's licenses. Appropriate documentation from the group home licensing agency shall be provided evidencing the non-possession of motor vehicle operator's licenses by clients.

- c. Adult day service facilities: One space/employee on the largest shift, plus off-street loading/unloading area for one automobile per ten care receivers. Joint parking with another use is acceptable if the adult care center and the other use have nonconcurrent parking demands.
- d. Elderly or retirement housing: One space/dwelling unit.
- e. ~~Mini-warehouses:~~
 - ~~1. Two spaces for manager's quarters or office; and~~
 - ~~2. One space for every 60 storage cubicles; however, if access lanes and roads to the storage area are twenty feet or greater in width, to allow vehicles to unload and pass, no additional parking for the storage cubicles is required.~~
- f. Two-family or attached single-family dwellings, approved as part of a Special Permit for a Community Unit Plan pursuant to [Chapter 27.65 COMMUNITY UNIT PLAN](#), a development plan for a planned unit development pursuant to [Chapter 27.60 PLANNED UNIT DEVELOPMENT DISTRICT](#), or a use permit pursuant to [Chapter 27.64 USE PERMITS](#) on lots having a width of less than 35 feet and where garages take direct access from a public street or private roadway are required to provide 1 off-premises guest parking stall per 2 dwelling units. On-street parking may be counted if there is at least 22 contiguous feet of uninterrupted curb space abutting each lot along the face of curb from the edge of the curb return to the lot line.
- g. Drive-in restaurants: One space/40 sq. ft. of floor area.
- h. Bowling alleys: 4 spaces/lane (plus required parking for affiliated uses.)
- i. ~~Auditoriums, theaters, grandstands, stadia, amphitheaters, and other places of public assembly: One space/50 sq. ft. of seating area plus parking for affiliated uses within 300 ft. of the main use.~~
- j. Recreational uses:
 - 1. Racquetball and other court games: Four spaces/court (plus required spaces for affiliated uses);
 - 2. Swimming pools: One space/100 sq. ft. of water surface (plus parking for affiliated uses) as determined by the city;
 - 3. Golf courses: Two spaces/hole on course, plus parking for affiliated uses.
- k. Hospitals: One space/2.5 beds, plus one space/employee on the largest shift.
- l. Places of religious assembly, chapels, public schools, private schools, and private business or commercial schools: One space/50 sq. ft. in largest assembly hall as determined by the City.
- m. Academies, such as gymnastic, karate, judo, dance, or music academies: One space for every three students allowed per class session plus one space for every employee. In those instances where two sessions of classes occur one after another, without at least one-half hour separation between sessions, the maximum number of students allowed at both sessions shall be combined in determining the amount of required parking per class session.

- n. Housing for the physically handicapped: (see also Section 27.63.215) One space/ dwelling unit.
- o. Domestic shelters: One space for every four residents and two spaces for every three employees on the largest shift.
- p. ~~Salvage yard: Six spaces, two spaces/acre of lot area, or one space/1,000 square feet of floor area, whichever is greater.~~
- q. Dwellings for members of a religious order: one space for every three residents.
- r. **Warehouses:**
 - ~~3. Warehouses with a floor area of 50,000 square feet or less: one space per every 1,000 square feet of floor area or a minimum of one space per employee on the largest shift. The floor area shall be calculated based on the total floor area of all structures on the lot.~~
 - ~~4. Warehouses with a floor area of more than 50,000 square feet: one space per every 1,000 square feet of floor area for the first 50,000 square feet of floor area and one additional space per 2,000 square feet of floor area in excess of 50,000 square feet, or a minimum of one space per employee on the largest shift. The floor area shall be calculated based on the total floor area of all structures on the lot.~~
 - ~~5. If the number of spaces required by the building ratio is greater than required by the employee ratio in (1) or (2) above, the additional parking spaces need not be provided physically, but sufficient areas shall be reserved to accommodate construction of the additional spaces. If the Building Official finds at any time that the character of the use of the warehouse is such as to require the full provision of parking facilities to be constructed, the Building Official shall report this fact to the City Council which may, after holding a hearing of which the owner shall be notified, require such additional parking to be installed.~~
- s. Hotels and motels: one space per room.
- t. Restaurants and Social Halls: one space per 100 square feet; one space per 200 square feet for restaurants located in the B-1 and B-3 zoning districts; one space per 300 square feet for restaurants located in the B-2 and B-5 zoning districts.
- u. Dwellings for caretakers employed and residing on the premises and/or accessory dwelling units: one space per dwelling unit in addition to the number required for the main use.
- v. Early childhood care facilities: One space/employee on the largest shift, plus off-street loading/unloading area for one automobile per ten care receivers. Joint parking with another use is acceptable if the early childhood care facility and the other use have nonconcurrent parking demands.
- w. Residential Healthcare Facilities: One space for every four residents and two spaces for every three employees on the largest shift.
- x. Sale of alcoholic beverages for consumption on the premises: One space per 100 square feet of floor area; one space per 200 square feet for premises for on-site alcohol consumption located in the B-1 and B-3 zoning districts; one space per 300 square feet for premises for on-site alcohol consumption located in the B-2 and B-5 zoning districts.

- y. Greenhouses and garden centers located in the AG or AGR zoning districts: For greenhouses, one parking space shall be provided for each employee on the maximum shift. Parking for greenhouses and garden centers in the AG zoning district may be provided on unpaved areas, except for ADA accessible stalls.
- z. Heritage Centers and Agricultural Attractions located in the AG zoning district: One space shall be provided for every 200 square feet of floor area devoted to permanent retail and service use. In addition, an overflow parking area shall be provided with three stalls for every acre included within the special permit area. Parking may be provided on unpaved areas, except for ADA accessible stalls.
- aa. Farm Wineries and Market Gardens located in the AG and AGR zoning districts: There shall be adequate parking for vehicles compatible with the number of people using the facility.
- ab. Off-street Freight Loading Requirements, in any district. At the time of construction, alteration, or enlargement of any commercial or industrial building having a floor area of 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:
 - ~~6.1.~~ 6.1. Six hundred square feet for the first 10,000 square feet of floor area;
 - ~~7.2.~~ 7.2. An additional 600 square feet for each additional 20,000 square feet of floor area.
- Ac. Data Center: Two (2) spaces per three (3) employees on largest shift, plus land shall be reserved to provide required parking for office uses in the underlying zoning districts in the event the Data Center is changed to another office use.
- Ad. Urban Gardens greater than two acres in size shall provide three off-street parking stalls per every acre or part thereof over two acres.
- Ae. Dwellings for Nonrelated Persons, for four to six persons living as a single housekeeping unit permitted under a community unit plan: One space per resident.
- Af. Parking for accessory buildings for retail sales, such as lumber storage areas, is not required to be provided, when they are not fully enclosed or are left open during business hours.
- Ag. Three parking stalls shall be provided on premises used for motorized vehicle sales if the premises is less than two (2) acres in size. If the premises is two (2) or more acres in size, parking shall be as shown on the parking matrix for the district the motorized vehicles sales is located in.
- ah. Large item retail sales: One space per 600 square feet of floor area.
- ai. Motorized Vehicle Wash Facilities: For properties where the primary use is automatic car wash facilities, 1 space per 3 employees on the largest shift shall be required. No parking shall be required for self-service or accessory automatic car wash facilities.
- aj. Collaborative Living Facilities: 1 parking space for every two residents.

(Ord. [21487](#) §4; July 10, 2023; Ord. [21401](#) §13; January 23, 2023; Ord. [21001](#) §7; November 02, 2020; Ord. [20824](#) §1; September 23, 2019; Ord. [20809](#) §2; July 29, 2019; Ord. [20739](#) §6; January

28, 2019: Ord. [20611](#) §7; December 18, 2017: Ord. [20503](#) §26; June 19, 2017: Ord. [20496](#) §2; May 22, 2017: Ord. [20372](#) §26; August 29, 2016: Ord. [20263](#) §1; November 2, 2015: Ord. [20043](#) §5; June 30, 2014: Ord. [19733](#) §33; June 25, 2012: Ord. [19710](#) §1; April 30, 2012: Ord. [19702](#) §5; April 16, 2012: Ord. [19547](#) §3; June 6, 2011: Ord. [19406](#) §2; June 28, 2010: Ord. [18977](#) §9; August 20, 2007: Ord. [18903](#) §14; March 26, 2007: Ord. [18680](#) §1; March 13, 2006: Ord. [17418](#) §3; October 5, 1998: Ord. [16854](#) §45; August 14, 1995: Ord. [16253](#) §3; October 26, 1992: Ord. [15861](#) §1; April 15, 1991: Ord. 14185, as amended by Ord. 14276, November 25, 1985: Ord. 13610 §1; June 6, 1983: Ord. 13546 §11; February 28, 1983: Ord. 13302 §9; February 1, 1982: Ord. 13291 §1; January 4, 1982: Ord. 12751 §24; November 5, 1979: Ord. 12679 §5; September 4, 1979: Ord. 12571 §356; May 8, 1979).

27.67.045 Modifications to Parking Requirements.

- a. Joint Parking. In all zoning districts with minimum parking requirements, uses that have parking demands which occur at substantially different times (“non-concurrent parking demand”) may join their parking facilities so as to reduce the minimum aggregate number of parking stalls required for the combined uses as follows:
1. The joint parking spaces must be located upon abutting lots or within the boundaries of a Planned Unit Development, Community Unit Plan or Use Permit, or within the applicable distance requirement allowed if required parking is allowed offsite.
 2. The times demanded for these joint parking spaces will not conflict substantially between the use offering the spaces and the use to be served.
 3. The minimum aggregate number of joint parking stalls shall be computed on the basis of providing the parking required for the non-concurrent use that has the largest parking demand as determined under Section [27.67.020](#).
 4. The joint parking arrangement shall be memorialized by a written agreement between the City and all parties to such use (“Joint Use Parking Agreement”). The Joint Use Parking Agreement shall be submitted to and approved by the City. The Joint Use Parking Agreement shall be filed of record with the Register of Deeds. In the event the Joint Use Parking Agreement is terminated or additional parking is required by a change of use and provision for such additional parking is not provided, approval of the joint parking arrangement by the City Council shall be required.
- b. Minor Modifications. In all zoning districts with minimum parking requirements, the Planning Director may approve minor modifications to the parking requirements, provided that a request for modification is filed with the Planning Director which describes the specific modification requested, a statement of the practical difficulties caused by strict enforcement of the parking requirements of this Title, and supporting documentation as to why the modification will not adversely affect existing or reasonably anticipated future uses of land in the surrounding area. Supporting documentation could address, but would not be limited to, the mix of uses and non-concurrent peak parking requirements, the amount and availability of on-street parking during the peak hour parking demand, the effects of local conditions, such as lower

customer frequency, and how such conditions reduce typical vehicle parking demand and justify parking minimums less than those required in this chapter.

~~The Planning Director is not authorized to waive the surfacing requirement.~~

c. Within thirty (30) days from the date of filing of the request for modification, the Planning Director shall approve or deny the request and shall notify the applicant in writing of the director's approval or denial. The request for minor modification may be approved by the Planning Director only upon a finding that:

1. The modification (including any previously approved modifications) does not reduce the required parking by more than 25%; in addition, the Planning Director may decrease any parking requirement by 3 stalls or fewer as long as the overall reduction is no greater than 50% of the required parking.
2. The modification (including any previously approved modifications) does not expand the distance requirement for the required parking by more than 25%; and
3. The modification will have no significant adverse effect on existing or reasonably anticipated future uses of the premises or land in the surrounding area.
4. The modification is needed to address practical difficulties encountered by the applicant. For the purpose of this section, practical difficulty shall mean a difficulty which cannot be alleviated by an amendment to an existing special permit, use permit, or Planned Unit Development; involves compliance with a setback requirement that is unnecessarily burdensome under the circumstances; and which amounts to more than a mere inconvenience in the reasonable use of the premises.

d. ~~The Planning Director is not authorized to waive the surfacing requirement.~~

e. Any council member, the Mayor, or aggrieved person may appeal any approval or denial of the request for modification by the Planning Director in accordance with Section 27.81.021.

27.67.066 Special Conditions: H-3 Zoning District

~~The following special parking requirements shall apply to uses in the H-3 zoning district.~~

- ~~a. Truck and heavy equipment sales, truck terminals, mobile home sales, contractor services, cabinet shops or stores, motorized vehicle sales and repair: One space per 500 square feet of floor area, or one space per employee on the largest shift; however, 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.~~
- ~~b. All other parking requirements in the H-3 zoning district shall apply. (Ord. 20393 §1; December 12, 2016; prior Ord. 20108 §11; November 17, 2014; Ord. 17311 §3; March 23, 1998).~~

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 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).

27.67.075 Special Conditions; Capitol Environs District.

(Repealed by Ord 10229 §1; December 15, 2014; prior Ord. 16958 §4; March 25, 1996).

27.67.080 Special Conditions; Personal Vehicles.

In the R-1, R-2, R-3 or R-4 residential districts, parking, in addition to, not in lieu of, the required parking space(s) in the zoning district shall be permitted under the following conditions:

- a. A personal vehicle, including a passenger car, recreational vehicle, trailer, boat, van, or pickup truck, may be parked inside of an enclosed structure when the structure conforms to the zoning requirements of the particular district in which it is located;
- b. A personal vehicle, including a passenger car, recreational vehicle, trailer, boat, van, or pickup truck, may be parked outside of an enclosed structure in the side yard or rear yard but not within two feet of a property line;
- c. A recreational vehicle, trailer, or boat may be parked outside of an enclosed structure in the required 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 a recreational vehicle, trailer, or boat;
 3. The recreational vehicle, trailer, or boat is parked perpendicular to the front curb;
 4. The recreational vehicle, trailer, or boat may be parked not less than two feet from the front property line, and not less than two feet from the side lot line.
 5. No part of the recreational vehicle, trailer, or boat 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 days in any calendar year; cooking is not permitted at any time;
 - ii. permanently connected to sewer lines, water lines, or electricity. A 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 recreational vehicle, trailer, or boat 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 recreational vehicle, trailer, or boat shall be owned by the resident on the property where the recreational vehicle, trailer, or boat is parked for storage.

(Ord. 14215 §2; September 9, 1985: prior Ord. 12571 §360; May 8, 1979).

27.67.085 Special Conditions; Unregistered, Wrecked, or Junked Vehicles.

No unregistered motor vehicle or trailer and no non-operating, wrecked, junked, or partially dismantled vehicle may be stored or parked in any zoning district for more than thirty days except under the following conditions:

- a. In all zoning districts, any unregistered motor vehicle and any non-operating, wrecked, junked or partially dismantled vehicle may be stored or parked inside an enclosed structure when the structure conforms to the zoning requirements of the particular district in which it is located.
- b. In the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts, the City Clerk may grant an administrative permit to permit the storage or parking of up to two unregistered motor vehicles and/or non-operating, wrecked, junked, or partially dismantled vehicles on any premises used for residential purposes as follows:
 1. Application for the administrative permit shall be filed in writing with the City Clerk on a form provided by the City and shall contain the name and address of the applicant and the make, model, year, and vehicle identification number of each vehicle to be restored or repaired.
 2. The vehicle(s) to be restored or repaired shall be owned by the applicant.
 3. The fee for such administrative permit shall be \$50.00 per vehicle.
 4. The permit shall cover the vehicle(s) only and does not authorize the storage of any miscellaneous vehicle parts or junk contained in, on or near the vehicle(s).
 5. All such permits shall expire 180 days following the date of issuance thereof.
 6. Administrative permits for said vehicles shall be renewable one time only upon payment of the \$50.00 fee per vehicle.
- c. This section shall not apply to a vehicle on the premises of a business enterprise operating in a lawful place and manner, when necessary to the lawful operation of such business enterprise, a vehicle on the premises of a farmstead as defined in Neb. Rev. Stat. §15-905 (Reissue 1997) when necessary for the operation of the farmstead, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner.

- d. Hobbyist Permits. An unregistered motor vehicle or non-operating, wrecked, junked, or partially dismantled vehicle lawfully stored or parked in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, or R-8 zoning district under a hobbyist permit issued in accordance with [Lincoln Municipal Code Section 10.42.115](#) shall be deemed to have received an administrative permit as herein required.
- e. For the purposes of this section, the terms “motor vehicle,” “trailer,” and “vehicle” shall have the same definition as provided for those respective terms in [Chapter 10.02](#) of the [Lincoln Municipal Code](#). (Ord. 17753 §1; October 30, 2000).

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.

A residential use which is nonstandard as to parking as of March 27, 1996 shall be allowed to continue.

A residential use which is nonstandard as to parking may not be converted to a use which would make it more nonstandard as to parking.

A residential use which is nonstandard as to parking may be converted to a use that would make it less nonstandard as to parking. (Ord. 16958 §5; March 25, 1996; prior Ord. 12571 §361; May 8, 1979).

27.67.100 Special Conditions; Parking Lots.

- a. Parking lots consisting of six 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, screening, 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 [10.32.240](#) and Section [10.32.250](#) 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: Lighting in parking lots shall be in conformance with the Design Standards for Outdoor Lighting.
 5. Signs: Only one sign, not to exceed three 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 (i) one-way driveway signs which shall be the same size and located in the same manner as entrance or exit signs; and (ii) signs for parking spaces for the handicapped conforming to adopted design standards.
- b. Nonconforming parking lots: 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. Such lots shall be maintained in conformance with [Title 8](#) of the [Lincoln Municipal Code](#). Such nonconforming parking lot may not be enlarged or extended, 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 years, any resumption of the use of said parking lot shall thereafter conform to all of the requirements of this ordinance.
- c. Waiver of surfacing requirement:
1. Parking lots may be provided on unpaved areas in the AG zoning district where specifically authorized under [Section 27.67.040](#) - Parking Requirements; Special Conditions.
 2. Upon application to the City Council, the owner of a parking lot may be relieved of the surfacing requirement of this section if the council finds that:
 - i. The parking lot is (i) to be used in conjunction with a nonprofit, religious, educational, or philanthropic institution; (ii) in excess of the parking required by the provisions of this title and not pay parking; or (iii) used for employee parking and located wholly within an industrial district; and
 - ii. Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoffs, and safe circulation; and
 - iii. A. The location of the parking lot is a sufficient distance from surrounding uses that it will not adversely affect the surrounding uses; or
B. The frequency of use of the parking lot is so low that compliance with the surfacing requirement of this section would cause undue economic hardship upon the owner as compared with minimal impact upon surrounding land uses.

Notwithstanding that a waiver is granted, if it is later found that dust or noise, created by the use of a parking lot exceeds the maximum levels set forth in [Title 8](#) of the [Lincoln Municipal Code](#), then such waiver may, after notice and hearing by the City Council, be revoked. Thereafter, the use of such parking lot shall cease unless surfaced in accordance with the adopted design standards.

- d. The following provisions shall apply to extension and enlargement of nonconforming parking lots:

1. If an existing nonconforming parking lot having less than twenty spaces is expanded fifty percent or more in area, the extension shall be surfaced in conformance with the appropriate design standards.
 2. If an existing nonconforming parking lot with twenty spaces or more is expanded twenty-five percent or more in area, the extension shall be surfaced in conformance with the appropriate design standards.
- e. In the event that the main use of a lot for a nonstandard or nonconforming parking lot is changed in whole or in part to another use, any continued use or resumption of the use of said lot for parking shall thereafter conform to all the requirements of this ordinance.

(Ord. 20263 §2; November 2, 2015: prior Ord. 19139 §5; September 15, 2008: Ord. 14254 §1; October 21, 1985: Ord. 14084 §1; April 15, 1985: Ord. 14007 §1; December 10, 1984: Ord. 12848 §1; February 19, 1980: Ord. 12571 §362; May 8, 1979).

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**Figure 27.67.020
PARKING MATRIX**

| Parking Spaces Required | | | | | | | | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------|---------------------|-------------------------------|-----------------------|--------------------------------------------------------|-------------------|-------------------|-------------------|-------------------|-----------------------------------------------------------|
| Zoning Districts | Single- and Two-Family Dwellings | | | | Multiple Family Dwellings (c) | | Office/Retail/Commercial Uses | | | | Industrial Uses | |
| | 0.5 per dwelling unit | 1 per dwelling unit | 1.75 per dwelling unit | 2 per dwelling unit | 1 per dwelling unit | 1.5 per dwelling unit | 2 per 3 persons on max. shift or 1 per 1,000 sq. ft. a | 1 per 600 sq. ft. | 1 per 500 sq. ft. | 1 per 300 sq. ft. | 1 per 150 sq. ft. | 2 per 3 persons on maximum shift or 1 per 1,000 sq. ft. a |
| AG | AG District: None except uses with special parking requirements listed under Section 27.67.040 of the Lincoln Municipal Code. | | | | | | | | | | | |
| AGR | | | | • | | | | | | | | |
| R-1 | | | | • | | • | | | | | | |
| R-2 | | | | • | | • | | | | | | |
| R-3 | | | | • | | • | | | | | | |
| R-4 | | | | • | | • | | | | | | |
| R-5 | | | • | | | • | | | | | | |
| R-6 | | | • | | | • | | | | | | |
| R-7 | | • | | | | • | | | | | | |
| R-8 | | • | | | | • | | | • | | | |
| R-T | <u>R-T District: There is no required parking in the R-T District.</u> | | | | | | | | | | | |
| O-1 | O-1 District: There is no required parking in the O-1 District. | | | | | | | | | | | |
| O-2 | | • | | | | • | | | | • | | |
| O-3 | <u>O-3 District: There is no required parking in the O-3 District.</u> | | | | | | | | | | | |
| B-1 | | • | | | | • | | | | within 300' | | |
| B-2 | <u>B-2 District: There is no required parking in the B-2 District.</u> | | | | | | | | | | | |
| B-3 | | within 300' | | | | within 300' | | | within 300' | | | |
| B-4 | B-4 District: There is no required parking in the B-4 District. | | | | | | | | | | | |
| B-5 | <u>B-5 District: There is no required parking in the B-5 District.</u> | | | | | | | | | | | |
| H-1 | <u>H-1 District: There is no required parking in the H-1 District.</u> | | | | | | | | | | | |
| H-2 | <u>H-2 District: There is no required parking in the H-2 District.</u> | | | | | | | | | | | |
| H-3 | <u>H-3 District: There is no required parking in the H-3 District.</u> | | | | | | | | | | | |
| H-4 | <u>H-4 District: There is no required parking in the H-4 District.</u> | | | | | | | | | | | |
| I-1 | <u>I-1 District: There is no required parking in the I-1 District.</u> | | | | | | | | | | | |
| I-2 | <u>I-2 District: There is no required parking in the I-2 District.</u> | | | | | | | | | | | |
| I-3 | <u>I-3 District: There is no required parking in the I-3 District.</u> | | | | | | | | | | | |
| <p>a. 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 to accommodate the construction of the additional spaces.</p> <p>Refer to Figure 27.67.040 of the Lincoln Municipal Code for a list of uses with special parking requirements.</p> <p>Refer to Section 27.67.040 of the Lincoln Municipal Code for uses with special parking requirements.</p> <p>Refer to Section 27.67.066 of the Lincoln Municipal Code for uses in the H-3 district with special parking requirements.</p> | | | | | | | | | | | | |

**Figure 27.67.020
PARKING MATRIX**

| Parking Spaces Required | | | | | | | | | | | | |
|-------------------------|----------------------------------|-----------------------|---------------------|------------------------|-------------------------------|---------------------|-------------------------------|--------------------------------------------------------|-------------------|-------------------|-------------------|---------------------|
| Zoning Districts | Single- and Two-Family Dwellings | | | | Multiple Family Dwellings (c) | | Office/Retail/Commercial Uses | | | | Industrial Uses | |
| | | 0.5 per dwelling unit | 1 per dwelling unit | 1.75 per dwelling unit | 2 per dwelling unit | 1 per dwelling unit | 1.5 per dwelling unit | 2 per 3 persons on max. shift or 1 per 1,000 sq. ft. a | 1 per 600 sq. ft. | 1 per 500 sq. ft. | 1 per 300 sq. ft. | 1 per 150 sq. ft. - |

Any parking requirement resulting in a partial parking space shall be rounded up to the next whole number as per Section 27.67.030(e) of the Lincoln Municipal Code.

b. In zoning districts that allow parking within a certain separation distance, the separation distance shall be measured from the nearest point of the parking lot that contains the required parking stalls.

c. Multiple Family Dwellings does not include any use already addressed in 27.67.040 Parking Requirements; Special Conditions.

**Figure 27.67.040
Uses with Special Parking Requirements**

| 27.67.020 | |
|--------------------------------------------------------------|-------------------------|
| Academies | 27.67.040(m) |
| Accessory buildings for retail sales | 27.67.040(af) |
| Accessory Dwelling Units | 27.67.040(u) |
| Adult day services facility | 27.67.040(c) |
| Agricultural attractions (located in the AG zoning district) | 27.67.040(z) |
| Amphitheaters | 27.67.040(i) |
| Auditoriums | 27.67.040(i) |
| Bowling alleys | 27.67.040(h) |
| Chapels | 27.67.040(l) |
| Collaborative Living Facilities | 27.67.040(aj) |
| Court games | 27.67.040(j) |
| Data center | 27.67.040(ac) |
| Domestic shelters | 27.67.040(o) |
| Drive-in restaurants | 27.67.040(g) |
| Dwellings for members of a religious order | 27.67.040(q) |
| Dwellings for caretakers employed and residing on premises | 27.67.040(u) |
| Early childhood care facilities | 27.67.040(v) |
| Elderly housing | 27.67.040(d) |
| Farm wineries | 27.67.040(aa) |
| Fraternities | 27.67.040(a) |
| Grandstands | 27.67.040(i) |

**Figure 27.67.040
Uses with Special Parking Requirements**

| 27.67.020 | |
|--------------------------------------------------------------------|-------------------------|
| Greenhouses (located in the AG or AGR zoning districts) | 27.67.040(y) |
| Group homes | 27.67.040(b) |
| Golf courses | 27.67.040(j) |
| Guest parking for small lot two-family and single-family dwellings | 27.67.040(f) |
| Healthcare residential | 27.67.040(w) |
| Heritage centers (located in the AG zoning district) | 27.67.040(z) |
| Hospitals | 27.67.040(k) |
| Hotels | 27.67.040(s) |
| Housing for the physically handicapped | 27.67.040(n) |
| Market Garden | 27.67.040(aa) |
| Mini-warehouses | 27.67.040(e) |
| Motels | 27.67.040(s) |
| Motorized Vehicle Sales | 27.67.040(ag) |
| Motorized Vehicle Wash Facilities | 27.67.040(ai) |
| Off-street freight loading requirements | 27.67.040(bb) |
| Places of public assembly | 27.67.040(i) |
| Places of religious assembly | 27.67.040(l) |
| Private business or commercial schools | 27.67.040(l) |
| Private schools | 27.67.040(l) |
| Public schools | 27.67.040(l) |
| Recreational uses | 27.67.040(j) |
| Restaurants (also see Drive-in restaurants) | 27.67.040(t) |
| Retirement housing | 27.67.040(d) |
| Retail Sales, Large Items | 27.67.040(ah) |
| Salvage yards | 27.67.040(p) |
| Sale of alcoholic beverages for consumption on the premises | 27.67.040(x) |
| Social halls | 27.67.040(t) |
| Sororities | 27.67.040(a) |
| Stadia | 27.67.040(i) |
| Swimming pools | 27.67.040(j) |
| Theaters | 27.67.040(i) |
| Warehouses | 27.67.040(r) |
| Urban gardens | 27.67.040(ad) |

Chapter 27.64 USE PERMITS

27.64.010 Procedures and Requirements.

- a. Application: Applications for a use permit under this chapter for development in the O-3, R-T, B-2, B-5, and I-3 zoning districts shall be filed by the owner in writing with the Planning Department on a [form](#) provided by the City. Upon filing the application, the City Council shall refer the application to the Planning Commission for its consideration and final action as provided in subsection (g) below.
- b. Preliminary plan: The Planning Director may require a preliminary plan that may include the following information:
 1. Boundary survey and gross acreage;
 2. Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on 100-foot grid shall be required to fully indicate the topography on flat land;
 3. Location, width, and direction of flow of all water courses in and adjacent to the use permit area, including the limits of the flood plain and floodway as defined in Section [27.52.020](#) or [27.53.020](#) for Existing Urban Areas and New Growth Areas, respectively;
 4. Requested waivers, if any;
 5. Street right of way: Profiles along the centerline 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 use permit to be extended 300 feet beyond the limits of the use permit into subdivided and unsubdivided land;
 6. Utility easements;
 7. Adjacent land use and zoning classifications;
 8. Location of structures on property to be removed;
 9. Vicinity map;
 10. Date prepared, scale, and north point;
 11. Schematic and location of existing buildings;
 12. Parking areas, ~~if applicable and capacity~~;
 13. Use of buildings and outlots, such as commercial, residential, open space, drainage, and other uses;
 14. Proposed vehicular and pedestrian circulation system including egress and ingress;
 15. Building and parking setback lines;
 16. Grading plan;
 17. Drainage Study;
 18. On-site and off-site water and sanitary sewer improvements;
 19. On-site and off-site drainage and storm sewer improvements;
 20. In the B-2 and B-5 districts, proposed name of the shopping center;

21. 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. A Computer-Aided-Design (CAD) file representing only the use permit boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittals maintained by the Transportation and Utilities Department.
 - d. 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.
 - e. 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 in the B-5 district 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 in accordance with [Chapters 3.05 and 3.10 of the City of Lincoln Design Standards for Zoning Regulations](#) which shall serve as a guide to the Planning Commission for evaluation of such application in terms of need, desirability, supportability, and its implications for the overall growth of the community.
 - f. Planning Commission review: The Planning Commission shall hold a public hearing upon such application and shall consider 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.
 - g. Planning Commission action: After holding at least one public hearing, the Planning Commission shall proceed to give final consideration to the application. The Planning Commission 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. Such conditions may include an increase in the ~~minimum parking and~~ yard requirements and decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the applicable R-T, O-3, B-2, B-5, or I-3 District shall apply. The Planning Commission may require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for which may include the requirement that applicant grant additional right of way in accordance with the Comprehensive Plan. The Planning Commission may also 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. In the event the Planning Commission fails to act upon the application within ninety days from the date of the Council's referral of the application to the Planning Commission, the applicant may file a written request with the Planning Director requesting the Planning Commission to take final action on the application. If the Planning Commission fails to take

such final action within thirty days following the Planning Director's receipt of the written request, the Planning Director shall schedule the application on the City Council's agenda for public hearing and final action.

h. Appeal of Planning Commission action:

1. Any council member, the Mayor, any aggrieved person, or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the Planning Director within fourteen days following the action of the Planning Commission.
2. Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in [Chapter 27.81](#). If the appellant, the applicant, and the Planning Director all agree, the scheduling of an appeal to City Council for a Use Permit may be delayed but in no case shall the public hearing be held more than 180 days from the date of appeal.
3. In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the City Council may, after public hearing, in conformity with the provisions of this title make such decision as ought to be made.

i. Adjustment: Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, adjust the minimum subdivision requirements, ~~minimum parking~~, height and lot requirements, sign regulations for location, height, and area of a sign, and specific I-3 use regulations set forth in Title 26 and Title 27 provided the public welfare and interest of the City and surrounding area are protected and the general interest and spirit of the regulations are preserved and provided further that in the R-T district, the maximum height of a building shall not exceed the height of the tallest residence on the same and facing block fronts. The Planning Commission shall hold a public hearing upon the requested adjustment at the same time that it hears the application for the use permit and shall make a report to the City Council regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving a report from the Planning Commission, the City Council shall take final action upon the use permit and the adjustment.

j. Amendment: The Planning Director is authorized to approve amendments to the use permit provided that:

1. A request for amendment is filed with the Planning Director and, if appropriate, accompanied by a plot plan showing all pertinent information;
2. Minor increases in the number of dwelling units or total floor area originally authorized by the Planning Commission or City Council may be approved if such increases will not cause a significant adverse impact on the public infrastructure, existing development within the use permit, and adjoining properties. Minor increases shall not exceed more than fifteen percent (15%) cumulative additional dwelling units or total floor area. However, the Planning Director may approve the conversion of floor area to

dwelling units, regardless of the percentage increase, so long as the number of dwelling units is no greater than the density allowed by the lot area requirements of the underlying zoning district.

3. The Planning Director may approve minor modifications to parking requirements when applicable in conformance with the provisions of Section 27.67.045(b).
 4. Amendments shall preserve the intent and spirit of the approved development plan;
 5. Amendments shall not violate any regulation set forth in this title;
 6. No change is made to the applicable setback, yard, or height requirements for lots along the perimeter of the use permit;
 7. Minor internal changes to the applicable setback, yard, or height requirements may be made within the use permit if they conform to the intent of the approved use permit and do not adversely impact existing development within the use permit;
 8. Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as a formal application for use permit.
- k. Building permits, certificates of occupancy, and certificates of compliance: Upon the approval of a use permit as provided for 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.
- l. 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 Director of Building and Safety 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.
- m. If an application for a use permit located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the use permit.
- n. Expiration of Application. All applications for a use permit which have been placed on pending by an applicant shall automatically expire and become null and void one year after placement on pending, unless said applications are slated for action on the City Council agenda on or before the one-year anniversary of the application. At least thirty days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the application shall automatically expire unless prior to the expiration date, the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or City Council agenda as appropriate.

o. Any parking requirements in a Use Permit approved prior to (approval date of parking text amendment) are void. Any parking table or parking requirements included in a site plan for a Use Permit are void and the site plan does not need to be amended to remove any such parking table or parking requirements.

(Ord. 21513 §9; August 21, 2023; Ord. 21373 §9; October 31, 2022; Ord. 21125 §9; August 30, 2021; Ord. 21093 §8; July 26, 2021; Ord. 20749 §31; February 25, 2019; Ord. 20739 §3; January 28, 2019; Ord. 20622 §4; February 5, 2018; Ord. 20503 §24; June 19, 2017; Ord. 20203 §2; June 15, 2015; Ord. 20108 §10; November 17, 2014; Ord. 19733 §32; June 25, 2012).

27.64.020 Clarification During Review.

During the building permit review process the Planning Director may clarify, in writing, the intended application of any zoning or subdivision aspect of a development approved under Chapter 27.64 Use Permits. That written clarification shall serve as the basis for review of the building permit. (Ord. 21159 §15; November 01, 2021).

Chapter 27.63 SPECIAL PERMITS

27.63.470 Planned Service Commercial.

Planned service commercial development may be allowed by special permit in the H-4 General Commercial District under the following conditions:

- a. The uses approved within a planned service commercial development shall be limited to:
 1. Motor vehicle sales;
 2. Warehouses;
 3. Mini-warehouses;
 4. Service centers for the repair of household appliances and lawn and garden equipment, provided outdoor storage of items to be repaired are permitted only when the storage area is enclosed with a solid fence or wall and gates eight feet in height and the items to be repaired are less than the height of the fence or wall and gates enclosing the storage area and no salvage or scrap processing operation shall be permitted. The fence or wall and gates shall be located where buildings are permitted;
 5. Dwellings for caretakers employed and required to reside on the premises;
 6. Ambulance services;
 7. Veterinary facilities;
 8. Contractors' services, provided outdoor storage of equipment and materials shall be permitted only when the storage area is enclosed with a solid fence or wall and gates eight feet in height and the stored equipment and material are less than the height of the fence or wall and gates enclosing the storage area. The fence or wall and gates shall be located where buildings are permitted;
 9. Restaurants;
 10. Motor fuel service facilities;
 11. Stores or shops for retail sales and services not exceeding 30,000 square feet in floor area per building; provided, there is at least four and one-half square feet of land area excluding other uses and their accessory uses within the approved special permit area per one square foot of floor area;
 12. Food storage lockers;
 13. Clubs, provided the activities are located at least 150 feet from an abutting residential district;
 14. Outdoor and enclosed commercial recreational facilities; provided that outdoor recreational facilities are at least 150 feet from an abutting residential district;
 15. Offices not exceeding 15,000 square feet of floor area per building; provided that there is at least four and one-half square feet of land area excluding other

uses and their accessory uses within the approved special permit area per one square foot of floor area;

16. Early childhood care facilities, provided that such facilities shall be fenced and have play areas that comply with the [design standards for early childhood care facilities](#). In addition, such facilities shall comply with all applicable state and local early childhood care requirements and all applicable building and life safety code requirements;
 17. Cabinet shops and stores; provided that the total floor area of the operation does not exceed 5,000 square feet and that all materials, both raw and finished, be stored inside;
 18. Places of Religious Assembly;
 19. Motor vehicle repair, including vehicle body repair shops, provided that all disabled vehicles and all new and used parts are stored inside the building;
 20. Academies;
 21. Banks, savings and loan associations, credit unions, and finance companies;
 22. Broadcast towers;
 23. Indoor kennels;
 24. Outdoor exercise area associated with an indoor animal hospital or indoor kennel; provided that such facilities comply with the requirements of Section [27.63.780](#).
 25. Motor vehicle and/or truck wash facility.
 26. Public elementary, middle, and high schools, or private schools having no rooms regularly used for housing or sleeping purposes.
 27. Motels and hotels.
 28. Sale of alcohol for uses that meet the conditions of Sections [27.63.680](#) and [27.63.685](#).
 29. Non-residential healthcare facilities per the conditions of Section [27.63.080](#).
 30. Assembly facilities; provided that such facilities comply with the conditions of Section [27.62.150\(a\)](#).
- b. An applicant for a special 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 for those districts requiring use permits.
 - c. Each application for a special 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 applicable standards shall be those adopted by resolution of the City Council for those districts requiring use permits.
 - d. The City Council may adjust the floor area requirements above, and height and lot regulations, ~~and minimum parking applicable~~ in the H-4 General Commercial District, consistent with adequate protection of the environments of adjacent land uses;

- e. That the land surrounding the tracts for the proposed planned service commercial development will not be adversely affected;
- f. That upon approval of a planned service commercial development, the land proposed to be included within such development shall not be developed for or devoted to any other permitted use or specially permitted use of the H-4 General Commercial District, except those specifically approved in the special permit authorizing the planned service commercial development, unless an amendment thereto has been approved in accordance with the procedures set forth for approving special permits generally.
- ~~f.g.~~ Any parking requirements in a Planned Service Commercial special permit approved prior to (approval date of parking text amendment) are void. Any parking table or parking requirements included in a site plan for a Planned Service Commercial special permit are void and the site plan does not need to be amended to remove any such parking table or parking requirements.

(Ord. [21401](#) §9; January 23, 2023; Ord. [21290](#) §2; June 27, 2022; Ord. [20619](#) §4; January 29, 2018; Ord. [20574](#) §1; October 30, 2017; Ord. [20435](#) §3; January 30, 2017; Ord. [20372](#) §42; August 29, 2016; Ord. [19733](#) §31; June 25, 2012; Ord. [18960](#) §1; July 23, 2007; 18928 §20; June 4, 2007; Ord. [18625](#) §1; October 10, 2005; Ord. [18480](#) §11; December 20, 2004; Ord. [18270](#) §1; November 3, 2003; Ord. [16854](#) §44; August 14, 1995; Ord. [16394](#) §1; June 21, 1993; Ord. [16128](#) §2; June 8, 1992; Ord. [15868](#) §1; April 29, 1991; Ord. [15798](#) §1; December 17, 1990; Ord. [15738](#) §1; October 1, 1990; Ord. [15692](#) §1; August 20, 1990; Ord. [15594](#) §1; June 25, 1990; Ord. [14987](#) §1; September 19, 1988; Ord. [14672](#) §1; May 26, 1987; Ord. [14185](#) §21; September 3, 1985; Ord. [13565](#) §1; April 4, 1983; Ord. [13510](#) §2; December 13, 1982).

27.63.650 Mail Order Catalog Sales; O-2, O-3, and B-2 Districts.

Mail order catalog sales may be allowed in the O-2, O-3, and B-2 districts by special permit under the following conditions:

- a. The granting of the special permit will not result in an adverse impact greater than that of permitted uses in the district.
- ~~b. Parking shall be in conformance with Chapter 27.67, except the City Council may reduce the parking requirements to those contained in the I-1 Industrial District provided that the applicant provides justifications for such modifications.~~
- ~~e.b.~~ The City Council may decrease the rear yard requirements with consideration given to the adjacent environment. (Ord. [16144](#) §10; July 6, 1992).

Chapter 27.60 PLANNED UNIT DEVELOPMENT DISTRICT

The planned unit development district is intended to provide a mechanism to permit flexibility in private or public development or redevelopment of areas throughout the city in the form of an overlay zone used in combination with one or more of the city's existing zoning districts. (Ord. 18437 §1; September 20, 2004).

27.60.010 General Purpose.

Planned unit development districts are intended to promote the public convenience and necessity; protect the health, safety, and welfare, to implement the goals and policies of the Comprehensive Plan and are to be used when it is necessary or appropriate to:

- a. Permit flexibility in the regulation of land development;
- b. Encourage innovation in land use, variety in design, layout, and type of construction;
- c. Encourage the economy and efficiency in land use, natural resources, the provision of public services and utilities and the preservation of open space. (Ord. 18437 §2; September 20, 2004; prior Ord. 13896 §1; July 23, 1984).

27.60.020 Requirements.

- a. General Requirements.
 1. The City or owners of any tract of land, at least three acres in size, may apply for a planned unit development designation in any district except the AG Agriculture and AGR Agricultural Residential districts.
 2. All regulations of the underlying zoning district shall apply, except as provided herein and/or specifically modified by the City Council through the adoption of a development plan.
 3. The maximum residential density of a planned unit development shall be determined by the City Council in order to permit flexibility in private and public development or redevelopment. In those instances where no maximum is established, the maximum residential density shall be in accordance with the [City of Lincoln Design Standards for community unit plans](#), or the lot area requirements of the underlying zoning district. Planned unit developments which comply with the [City of Lincoln Design Standards for Density Bonuses](#) may receive dwelling bonuses per those standards.
 4. Signs shall conform to Section [27.69.340](#), unless modified by the City Council.
 5. All development must meet the intent and spirit of the comprehensive plan.
 6. In the R-1 through R-4 districts where Neighborhood Design Standards govern, the maximum height of multifamily structures shall not exceed a height of 45 feet. In the R-1 through R-4 districts where Neighborhood Design Standards do not govern, maximum height of multi-family structures shall not exceed 55 feet. In all other zoning districts, the maximum height of multi-family structures shall not exceed 55 feet, unless the underlying zoning district permits a greater height.

b. Development Plan Requirements.

1. The applicant shall submit a development plan for the proposed planned unit development.
2. The development plan may propose and the City Council may approve any permitted use, conditional permitted use, or special permitted use allowed under the zoning code. Notwithstanding any regulation to the contrary, a separate special permit or use permit is not necessary to permit any such use.
3. The development plan may propose and the City Council may approve area, height, sign, parking, landscaping, screening, traffic access, and setback regulations for the project as a whole or for subareas or components of the project different from those within the underlying zoning district. In making its determination regarding approval of such proposed standards or restrictions, the City Council shall consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, the character and scale of similar development within the area of the proposal, and consistency with other adopted plans or standards. The City Council may impose alternate or additional area, height, parking, landscaping, screening, traffic access, and setback regulations as necessary to protect and enhance areas within or adjacent to the planned unit development and to ensure compliance with the comprehensive plan and protect the health, safety, and general welfare.
4. The development plan shall address the site-related impact and needs of the proposed development on existing and proposed street and utility systems. The City Council may impose conditions, restrictions, or standards as appropriate to achieve the intent of this ordinance, and require dedication of necessary rights-of-way or easements. In making its determination regarding such conditions, restrictions, or standards, the Council shall consider the adequacy of existing or adjacent facilities, the timely provision of adequate facilities, the impact of the proposed development on existing and/or planned facilities, and the overall cost to the community.
5. Where any portion of the total land area of a land use within the planned unit development is proposed to be adjacent to the perimeter of the planned unit development and such land use is not permitted in the adjacent zoning district, then the development plan must address how the proposal will mitigate any negative impacts. The City Council may impose additional standards and requirements for perimeter treatment to protect adjoining properties from adverse effects, and to achieve an appropriate transition of land uses and densities.
6. For planned unit developments proposed over parcels in substantially developed areas, the development plan must include appropriate standards and regulations to assure that new development or renovations are in the scale and character of the existing neighborhood and are sensitive to adjacent properties with respect to height, scale, use, and form of the surrounding

neighborhood including, but not limited to, the following: land uses (including limitations on allowed uses), design standards for new construction (related to the scale and character of the surrounding neighborhood), height, parking, and setbacks, including both minimum and maximum setbacks.

- c. A Computer-Aided-Design (CAD) file representing only the planned unit development boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittals maintained by the Transportation and Utilities Department.

(Ord. 21373 §5; October 31, 2022; Ord. 21125 §2; August 30, 2021; Ord. 20749 §26; February 25, 2019; Ord. 20622 §3; February 5, 2018; Ord. 18437 §3; September 20, 2004; Ord. 17232 §11; August 18, 1997; Ord. 15795 §1; December 17, 1990; Ord. 15753 §1; October 15, 1990; Ord. 15672 §1; July 23, 1990; Ord. 15164 §4; May 8, 1989; Ord. 15154 §1; April 17, 1989; Ord. 14676 §1; June 1, 1987; Ord. 13896, as amended by Ord. 14020 §1; January 7, 1985).

27.60.030 Plan; Form.

The development plan shall be in the form and contain the information required of a community unit plan or preliminary plat. Development standards which differ from the underlying district shall be shown on the development plan.

For planned unit developments in existing neighborhoods or over parcels already substantially developed, the Planning Director may allow a development plan not as detailed as the requirements for community unit plans or preliminary plats since the site is substantially developed and issues such as drainage and utility connections are not a primary concern. However, the plan shall provide sufficient information to identify parcels included in the planned unit development, proposed land uses and design standards for buildings. (Ord. 18437 §5; September 20, 2004; PC 27.60.035; Ord. 17857 §7; June 4, 2001; Ord. 15164 §6; May 8, 1989; Ord. 14584 §3; January 20, 1987).

27.60.040 Plan; Procedure.

Upon filing of a development plan, together with all maps, data, and information required, the Planning Director shall distribute copies of the development plan and all accompanying materials to other city departments and governmental agencies which are directly concerned or potentially affected by the proposed planned unit development. Within fifteen days from the filing of the development plan, representatives of those city departments and governmental agencies described above shall provide written recommendations to the Planning Director who shall, within fifteen days thereafter, prepare a written report to the Planning Commission. Such report shall specify the Planning Director's recommendations regarding the conformity of the proposal to the comprehensive plan and shall recommend either approval, approval with revisions, or denial, as the case may be. The Planning Commission shall hold a public hearing on such application and provide notice thereof in accordance with Section 27.81.050, and shall make a report to the City Council. The report to the City Council shall include the effect of the development plan upon the surrounding neighborhood, the community, and other matters relating to public health, safety, and general welfare, reasons for recommending approval or

denial of the application and if approval is recommended shall find that the proposed planned unit development meets the following conditions:

- a. The surrounding land will not be adversely affected;
- b. The proposed planned unit development is consistent with the intent and purpose of this title to promote the public health, safety, and general welfare;
- c. The buildings and land in the proposed planned unit development shall be used only for those purposes permitted by Section [27.60.020](#);
- d. The development plan meets the requirements of Chapters 27.52 and 27.53 of the [Lincoln Municipal Code](#).

The City Council shall not take final action upon any application for a planned unit development under this plan until a report from the Planning Commission has been filed with the City Clerk; provided, that in the event that there is a delay of more than 60 days from the Planning Commission's initial public hearing date on the part of the Planning Commission in reporting its recommendation 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.

Upon receipt of a report from the Planning Commission, the City Council shall proceed to give final consideration to the plan and may require that certain conditions be fulfilled by the applicant in conjunction with approval of the planned unit development.

Approval of a development plan shall be by ordinance after public hearing, in accordance with the requirements of Section [27.81.050](#).

All applications for a planned unit development which have been placed on pending by an applicant shall automatically expire and become null and void one year after placement on pending, unless said applications are slated for action on the City Council agenda on or before the one-year anniversary of the application. At least thirty days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the application shall automatically expire unless prior to the expiration date, the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or City Council agenda as appropriate.

(Ord. [21373](#) §6; October 31, 2022: Ord. [18898](#) §6; March 12, 2007: Ord. [18437](#) §6; September 20, 2004: Ord. [14584](#) §4, January 20, 1987: Ord. [13896](#) §4; July 23, 1984).

[27.60.050 Requirements After Approval.](#)

Upon approval of the development plan, the developer shall cause to be prepared and submitted to the Planning Department a revised final plot plan with all required amendments and revisions. Thereafter, building permits and certificates of occupancy shall be issued only upon a finding of substantial compliance with the approved planned unit development, 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 underlying zoning district(s) in which the planned unit development is located. (Ord. 18437 §7; September 20, 2004).

27.60.060 Planned Unit Development; Amendments.

After the City Council has approved a planned unit development, the Planning Director is authorized to approve amendments in the planned unit development provided that:

- a. A request for amendment is filed with the Planning Director and, if appropriate, accompanied by a plot plan showing all pertinent information;
- b. Minor increases in the number of dwelling units or total floor area originally authorized by the City Council may be approved if such increases will not cause a significant adverse impact on the public infrastructure, existing development within the planned unit development, and adjoining properties. Minor increases shall not exceed more than fifteen percent (15%) cumulative additional dwelling units or total floor area; If only floor area was approved, the Planning Director may approve the conversion of floor area to dwelling units so long as the number of dwelling units is no greater than the density allowed in the City of Lincoln Design Standards for Community Unit Plans or the lot area requirements of the underlying zoning district.
- c. No public land will be accepted as a result of the amendment;
- d. Amendments shall keep with the intent and spirit of the approved development plan;
- e. Amendments shall not violate any regulation set forth in this title;
- f. No change is made to the applicable setback, yard, or height requirements for lots along the perimeter of the planned unit development;
- g. Minor internal changes to the applicable setback, yard, or height requirements may be made within the planned unit development if they conform to the intent of the approved development plan and do not adversely impact existing development within the planned unit development;
- h. Notwithstanding any provision to the contrary in (f) and (g) above, a request for a height increase over the allowed zoning district height may be approved for up to ten feet for multi-family dwellings, and up to five feet for single or two family dwellings, along the perimeter or within the planned unit development in accordance with Section 1.2 of Chapter 3.35, City of Lincoln Design Standards for Community Unit Plans.
- i. Parking spaces located on a driveway approach to a garage, as part of a multi-family complex, may be approved and counted toward the satisfaction of a portion of the required parking stalls.
- j. The Planning Director may approve minor modifications to parking requirements in conformance with the provisions of Section 27.67.045(b).
- k. Any amendment not in conformance with this paragraph shall be submitted to the City Council in the same manner as a formal application for a planned unit development.

- I.- Any and all parking requirements are void in Planned Unit Developments approved prior to (insert approval date of parking text amendment) in zoning districts with no minimum parking requirements. Likewise, any and all parking requirements are void in Planned Unit Developments approved prior to (insert approval date of parking text amendment) which are bound by regulations of zoning districts with no minimum parking requirements. Any and all parking tables or parking requirements included in site plans or other documents for Planned Unit Developments described herein are void and said site plans and other materials need not be otherwise amended to eliminate minimum parking requirements.

27.60.070 Clarification During Review.

During the building permit review process the Planning Director may clarify, in writing, the intended application of any zoning or subdivision aspect of a development approved under Chapter 27.60 Planned Unit Development District. That written clarification shall serve as the basis for review of the building permit. (Ord. 21159 §13; November 01, 2021).

27.60.080 Previously Approved Planned Unit Developments.

For planned unit developments adopted prior to the effective date of this section, the original conditions of the planned unit development shall apply.

Any proposed amendments shall be in accordance with Section 27.60.060, except the Planning Director may not increase the total number of dwelling units or total floor area by administrative amendment for previously approved planned unit developments. (Ord. 18437 §12; September 20, 2004).

27.62.150 Manufacturing, Processing, Storage and Distribution Use Group.

- d. Outdoor motorized vehicle storage is allowed in the H-3, H-4, I-1, and I-2 zoning districts under the following conditions:
 - a. The outdoor storage shall be screened in conformance with the requirements for screening open storage in Chapter 3.50 of the City of Lincoln Design Standards.
 - b. There shall be no dismantling, wrecking, or disassembling of any vehicles.
 - c. Vehicles may not be stacked upon each other.
 - ~~d. Parking for outdoor motorized vehicle storage in the H-3 and H-4 districts shall be in conformance with the requirements set forth for other uses in Section 27.67.066(a).~~

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Chapter 27.63 SPECIAL PERMITS

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).

Any and all parking requirements imposed by Special Permits approved prior to (insert approval date of parking text amendment) in zoning districts with no minimum parking requirements are void. Any and all parking tables or parking requirements included in site plans or other controlling documents for Special Permits described herein are void and said site plans and other controlling documents need not be otherwise amended to eliminate minimum parking requirements.

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