

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Sections 27.51.030, 27.51.090, and 27.51.100 of  
2 the Lincoln Municipal Code to allow development of a minimum of 50 acres instead of 75  
3 acres in the I-3 Employment Center District; and repealing Sections 27.51.030, 27.51.090, and  
4 27.51.100 of the Lincoln Municipal Code as hitherto existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 27.51.030 of the Lincoln Municipal Code be amended  
7 to read as follows:

8 **27.51.030 Use Regulations.**

9 (a) General Regulations. Any development, including building and open land uses,  
10 except farming and the sale of farm products, shall be prohibited in the I-3 Employment Center  
11 District prior to the approval of a use permit in conformance with the requirements of this  
12 chapter. I-3 Employment Center District zoning shall not be permitted or granted upon any  
13 property having a total area of less than ~~seventy-five (75)~~ fifty (50) acres, provided an area of  
14 at least 75 acres is designated as an Employment Center in the Comprehensive Plan, nor in  
15 any location not designated as an Employment Center in the Comprehensive Plan.

16 (b) Specific Regulations.

17 (1) The aggregate retail use permitted in subsection (c) below shall not  
18 exceed twenty percent (20%) of the buildable square footage of the land included within the  
19 boundaries of the use permit assuming a floor-to-area ratio of one to four. Similarly, the  
20 aggregate office use permitted in subsection (c) below shall not exceed thirty percent (30%)  
21 of the buildable square footage of the land included within the boundaries of the use permit  
22 assuming a floor-to-area ratio of one to four.

23 (2) The total of all retail, office, post-secondary education facilities, nonprofit  
24 religious, educational, and philanthropic institutions permitted in subsection (c) below and  
25 early childhood care facilities specially permitted in Section 27.51.050 below shall not in the  
26 aggregate exceed fifty percent (50%) of the buildable square footage of the land included  
27 within the boundaries of the use permit assuming a floor-to-area ratio of one to four.

1 (3) Notwithstanding (1) and (2) above, 75,000 square feet or more of floor  
2 area used by a single user shall not be subject to the thirty percent (30%) and fifty percent  
3 (50%) limitations.

4 (4) Those conditional and special uses permitted in Sections 27.51.040 and  
5 27.51.050 below shall be limited by the restrictions placed thereon.

6 (5) All uses shall comply with all applicable ordinances and regulations  
7 including such environmental performance standards relating to noise, emission, dust, odor,  
8 glare, and heat as may be approved by resolution of the City Council.

9 (6) No galvanized or other raw metal sheeting shall be used for the exterior  
10 construction of any building. No painted galvanized or other painted metal sheeting shall be  
11 used for more than seventy percent (70%) of the exterior construction of a building on any  
12 side of such building which is visible from an abutting public street.

13 (c) Permitted Uses. Subject to the general and specific regulations above, a  
14 building or premises may be used for the following purposes in the I-3 Employment Center  
15 District:

- 16 (1) Retail use;
- 17 (2) Office buildings;
- 18 (3) Production, manufacturing, assembly, processing, warehousing, storage,  
19 distribution, or transportation of goods and materials, except:

20 (i) The refining, distillation, or manufacture of:

- 21 A. Acids or alcohols;
- 22 B. Ammonia, bleach, or chlorine;
- 23 C. Asphalt, tar, or products made therewith, including  
24 roofing or waterproofing;
- 25 D. Cement, lime, gypsum, or plaster of paris;
- 26 E. Disinfectants;
- 27 F. Dyestuffs;
- 28 G. Fertilizer;
- 29 H. Glue, sizing, or gelatin;
- 30 I. Oilcloth, linoleum, oiled rubber goods;
- 31 J. Paint, shellac, turpentine, or oils;
- 32 K. Rubber, gutta-percha, balata, creosote, or products  
33 treated therewith;
- 34 L. Shoe polish;

35 (ii) The operation of:

- 36 A. Bag cleaning works;
- 37 B. Blast furnaces, coke ovens, smelting or ore reduction  
38 works;
- 39 C. Boiler works;
- 40 D. Forges;
- 41 E. Rolling mills;
- 42 F. Yeast plants;

43 (iii) Production, manufacture, processing, distribution, and storage,  
44 warehousing, or transportation of toxic, radioactive, flammable, or explosive materials, except

1 that any of the above referenced materials may be stored or used in connection with a  
2 permitted use as allowed by any ordinances or regulations of the City of Lincoln as incidental  
3 to the permitted use;

4 (iv) Tanning, curing, or storage of raw hides or skins; stockyards or  
5 slaughter of animals or fowl; rendering fat; distillation of bones, coals or wood;

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

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

10 (vii) Mining, quarrying, stone milling, or rock crushing;

11 (viii) Extraction of sand, gravel, or soil;

12 (ix) The milling, processing, refining, or distillation of agricultural  
13 crops.

14 (4) Community colleges, colleges, or other post-secondary education  
15 facilities;

16 (5) Private schools;

17 (6) Nonprofit religious, educational and philanthropic institutions;

18 (7) Farming and the sale of farm produce.

19 Section 2. That Section 27.51.090 of the Lincoln Municipal Code be amended  
20 to read as follows:

21 **27.51.090 Height and Area Regulations.**

22 Minimum area for the establishment of the I-3 Employment Center District is ~~seventy-~~  
23 ~~five~~ fifty acres. The maximum height and minimum lot requirements within the I-3  
24 Employment Center District shall be as follows:

25 (a) General Requirements.

	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
26 27.51.030(c)(3)						
27 Uses	0	150'	50'	20'*	20'*	55'**
28 Retail	0	50'	50'	20'*	20'*	45'**
29 Office	0	50'	50'	20'*	20'*	45'**
30 Other	0	50'	50'	20'*	20'*	35'

1 \* When a side or rear yard abuts a residential district, required yard shall be 50 feet and screened in  
2 conformance with the landscape design standards adopted by the City of Lincoln.

3 \* \* When a side or rear yard of an Employment Center or an office/retail use abuts a residential district,  
4 the maximum height of any improvement located within 150 feet of the residential district shall be 35  
5 feet.

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

7 (c) There shall be a required front yard on each street side of a corner lot.

8 (d) Accessory buildings shall comply with the height, and front, side, and rear yard  
9 requirements of the main structure.

10 (e) All required yards shall be entirely devoted to landscaping, except for necessary  
11 paving of walkways and driveways to reach parking and loading areas from a public or private  
12 street, and provided, further, that any driveways which intersect the front yard shall not be  
13 wider than thirty feet.

14 (f) No loading facilities shall be located in any required yard. Loading facilities  
15 located within 150 feet of any street shall be visually screened.

16 Section 3. That Section 27.51.100 of the Lincoln Municipal Code be amended  
17 to read as follows:

18 **27.51.100 Use Permit Section.**

19 (a) Minimum Requirements. No use permit shall be granted upon any property  
20 having a total area of less than ~~seventy-five~~ fifty acres, nor for any plan unless it is in  
21 conformance with all applicable city standards and with all regulations of the applicable  
22 sections of this chapter. The Planning Commission shall impose such conditions as are appro-  
23 priate and necessary to ensure compliance with the comprehensive plan and protect the  
24 health, safety, and general welfare in the issuance of any use permits. Such conditions may  
25 include an increase in the minimum yard requirements and decrease in the maximum height  
26 restrictions set forth in this chapter. Lots fronting on private roadways may be permitted.

1 Unless expressly modified by the terms of the use permit, all regulations of the I-3  
2 Employment Center District shall apply.

3 (b) Environmental Performance Standards. Any applicant for a use permit under the  
4 provisions of this section shall comply with environmental performance standards relating to  
5 noise, emission, dust, odor, glare, and heat as shall be approved by resolution of the City  
6 Council.

7 (c) Landscape Plan. Before building permit approval, each application for a use  
8 permit under this section shall include a landscape plan which shall show proposed plantings  
9 in conformance with city standards in all required yard areas, open space areas, parking areas,  
10 and around proposed buildings. The Planning Director shall develop appropriate written  
11 standards for such landscape plans, which standards shall be approved by resolution of the  
12 City Council.

13 (d) Application Requirements. Applications for a use permit under this section shall  
14 be filed in writing on a form provided by the city with the Planning Department. A  
15 preliminary plan shall accompany each application and shall include the following  
16 information:

- 17 (1) Boundary survey and gross acreage;
- 18 (2) Contour lines at intervals not to exceed five feet based on NAVD 1988.  
19 Spot elevations on one hundred foot grid shall be required to fully indicate the topography of  
20 flat land.
- 21 (3) Street right-of-way;
- 22 (4) Utility easements;
- 23 (5) Adjacent land use and zoning classifications;
- 24 (6) The amount of traffic to be generated and the street facilities required to  
25 accommodate said traffic;
- 26 (7) Location of building envelopes within which structures may be located;
- 27 (8) Vicinity map;
- 28 (9) Date prepared, scale and north point;
- 29 (10) Location of parking envelopes within which parking lots shall be located  
30 and stating the required number of parking stalls;
- 31 (11) Proposed use and total square feet of buildings to be located within the  
32 proposed I-3 employment center in accordance with Section 27.51.030(b);
- 33 (12) Acreage and percentage of total developed building area, parking lot,  
34 open space, and similar uses;
- 35 (13) Location of existing tree masses;
- 36 (14) Identify vehicular ingress and egress points;
- 37 (15) Building and parking set-back lines;
- 38 (16) Generalized grading plan;
- 39 (17) On-site and off-site water and sanitary sewer improvements;
- 40 (18) On-site and off-site drainage and storm sewer improvements;
- 41 (19) Proposed name of the project;

1 (20) Name, address, and telephone number of developer, certified record  
2 owner or owners, and their addresses; and legal description of the proposed use permit area  
3 including the number of acres.

4 (e) Planning Commission Review. Upon the filing of an application together with  
5 all maps, data, and information required by this section, the City Council shall refer the  
6 application to the Planning Commission. The Planning Commission shall hold a public  
7 hearing upon such application and shall consider the effect of the proposed use upon the  
8 surrounding neighborhood, the community as a whole, and other matters relating to public  
9 health, safety, and general welfare.

10 (f) Planning Commission Action. After holding at least one public hearing, the  
11 Planning Commission shall proceed to give final consideration to the application and may  
12 require that certain conditions be fulfilled by the applicant in conjunction with approval of the  
13 use permit applied for, and may include the requirement that applicant grant additional right  
14 of way in accordance with the Comprehensive Plan. The Planning Commission may require  
15 the execution of a written agreement with the city relating to the installation of public  
16 improvements by the applicant, together with the execution of performance bonds or  
17 provision of other appropriate surety relating thereto. The installation of all public  
18 improvements shall be accomplished in compliance with existing city standards as provided  
19 by ordinance or by departmental publications approved by resolution of the City Council. In  
20 the event the Planning Commission fails to act upon the application within sixty days from the  
21 date of referral, the applicant may appeal to the City Council requesting final action. If the  
22 City Council determines that the delay of the Planning Commission is unjustified, it shall  
23 direct the commission to act upon the application no later than the commission's next  
24 regularly scheduled meeting.

25 (g) Appeal of Planning Commission Action.

26 (1) Any aggrieved person or any person or group officially designated to  
27 participate in the administration of this title may appeal any action of the Planning  
28 Commission to the City Council by filing notice of appeal with the City Clerk within fourteen  
29 days following the action of the Planning Commission.

30 (2) Upon receipt of the appeal by the City Council, the council shall hold  
31 a public hearing thereon within thirty days from the date of appeal. Notice of the public  
32 hearing shall be given as provided in Chapter 27.81.

33 (3) The City Council may, after public hearing, in conformity with the  
34 provisions of this title reverse or affirm, wholly or partially, or may modify the action of the  
35 Planning Commission appealed from.

36 (h) Adjustment of Yard Requirements and Height Restrictions. Upon request of the  
37 applicant, the City Council may, after report and recommendation of the Planning  
38 Commission, decrease the minimum yard requirements and increase the maximum height  
39 restrictions and may adjust the requirements relative to the location of buildings and required  
40 parking spaces and lot frontage set forth in this chapter consistent with adequate protection  
41 of the environment of adjacent land uses. The Planning Commission shall hold a public  
42 hearing upon the requested adjustment at the same time that it hears the application for the  
43 use permit and shall make a report to the City Council regarding the effect the proposed use  
44 and adjustment has upon the surrounding neighborhood, the community as a whole, and

1 other matters relating to public health, safety, and general welfare. Upon receiving a report  
2 from the Planning Commission, the City Council shall take final action upon the application  
3 for the use permit and the requested adjustment.

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

7 (1) A request for amendment is filed with the Planning Director, together  
8 with any of the information specified in paragraph (d) above which is pertinent to the propos-  
9 ed amendment;

10 (2) Such amendment shall not violate any regulations set forth in this title;

11 (3) Such amendment may provide for up to ten percent (10%) increase in  
12 total floor area of the project over the total floor area originally permitted;

13 (4) No reduction is made to the applicable setback or yard requirements;

14 (5) No public land is accepted;

15 (6) Such amendment shall not be contrary to the general purposes of this  
16 chapter as set forth in paragraph (a) above;

17 (7) Any amendment not in conformance with this paragraph shall be  
18 submitted to the Planning Commission in the same manner as an original use permit.

19 (j) Building Permits, Certificates of Occupancy, and Certificates of Compliance.  
20 Upon the approval of a use permit as provided for under this section, building permits and  
21 certificates of occupancy may be issued. Certificates of compliance shall not be issued until  
22 there has been compliance with all conditions of a use permit and subsequent amendments  
23 within each phase of development of a use permit.

24 (k) Preexisting uses.

25 (1) An existing use of a type permitted in this chapter which was lawfully  
26 established in this district on the effective date of this chapter shall be deemed to have  
27 received a use permit as herein required and shall be provided with such permit by the  
28 Director of Building and Safety upon request, and it shall not be a nonconforming use;  
29 provided, however, for any enlargement, extension, or relocation of such existing use, an  
30 application in conformance with this section shall be required.

31 (2) If an application for a use permit located within a flood plain is granted  
32 approval by the city, it shall not be necessary for the applicant to make an application for a  
33 special permit to be approved by the City Council as required by Resolution Nos. A-55150,  
34 A-56382, and A-57540. It shall be presumed that the applicant has received all such  
35 approvals as may be required by the foregoing resolutions by virtue of the city granting  
36 approval to the use permit.

37 Section 4. That Sections 27.51.030, 27.51.090, and 27.51.100 of the Lincoln  
38 Municipal Code as hitherto existing be and the same are hereby repealed.

1 Section 5. That this ordinance shall take effect and be in force from and after  
2 its passage and publication according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_ day of \_\_\_\_\_, 2001:

\_\_\_\_\_  
Mayor