

Change of Zone 3328

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

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code, the Zoning  
 2 Ordinance, by amending Sections 27.65.030, 27.67.065, and 27.70.020 to authorize the use of  
 3 dwellings for four to six non-related persons as part of a community unit plan which is larger  
 4 than ten acres and to provide parking requirements; and repealing Section 27.65.030,  
 5 27.67.065, and 27.70.020 of the Lincoln Municipal Code as hitherto existing.

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

7 Section 1. That Section 27.65.030 of the Lincoln Municipal Code be amended  
 8 to read as follows:

9 **27.65.030 Procedures.**

10 An application and plot plan and plans for development of a community unit plan under  
 11 this chapter shall be filed in writing with the department of building and safety. Upon the filing  
 12 of an application, together with all information required by this chapter, the City Council will refer  
 13 the application to the Planning Commission. The Planning Commission shall hold a public  
 14 hearing upon such application and make a report to the City Council regarding the effect of the  
 15 proposed use upon the surrounding neighborhood, the community as a whole, and other mat-  
 16 ters relating to the public health, safety, and general welfare. The City Council shall take no final  
 17 action upon any application for a community unit plan filed under this chapter until a report from  
 18 the Planning Commission has been filed with the City Clerk; provided, that in the event there  
 19 is a delay in excess of sixty days from the date of referral on the part of the Planning  
 20 Commission in reporting its recommendations to the City Council, the applicant may appeal to

1 the City Council requesting final action. If the City Council determines that the delay of the  
2 Planning Commission is unjustified, it shall direct the commission to submit a report no later  
3 than immediately after the commission's next regularly scheduled meeting.

4 The report of the Planning Commission to the City Council shall include reasons for  
5 recommending approval or denial of any application and if approval is recommended, shall  
6 further include specific evidence and facts showing that the proposed community unit plan  
7 meets the following conditions:

8 (a) That the land surrounding the tracts for the proposed community unit plan will not  
9 be adversely affected;

10 (b) That the proposed community unit plan is consistent with the intent and purpose  
11 of this title to promote the public health, safety, and general welfare;

12 (c) That the buildings and land in the proposed community unit plan shall be used  
13 only for single-family dwellings, two-family dwellings, townhouses, ~~or~~ multiple dwellings, or  
14 dwellings for non-related persons and accessory uses and any other uses permitted in the  
15 zoning district in which the land is located;

16 (d) That the average lot area per family within the proposed community unit plan will  
17 not be less than the lot area per family required in the zoning district or districts in which the  
18 tracts of the proposed community unit plan is located, except as otherwise provided in this  
19 chapter. The lot area per dwelling for non-related persons shall not be less than the lot area  
20 required under Section 27.70.020 for the zoning district in which the use is proposed to be  
21 located.

22 (e) If an application for the community unit plan located within a flood plain is granted  
23 approval by the city, it shall not be necessary for the applicant to make an application for a

1 special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-  
2 56382, and A-57540. It shall be presumed that the applicant has received all such approvals  
3 as may be required by the foregoing resolutions by virtue of the city granting approval to the  
4 community unit plan.

5 Section 2. That Section 27.67.065 of the Lincoln Municipal Code be amended  
6 to read as follows:

7 **27.67.065 Special Conditions; Community Unit Plan and O-3 Zoning District.**

8 (a) In a community unit plan ~~and in the O-3 zoning district~~, the following parking  
9 regulations shall apply:

10 (a 1) Two parking spaces per dwelling unit, ~~however, except that dwellings for~~  
11 nonrelated persons shall have one space for each resident. ~~†~~The City Council may reduce the  
12 community unit plan parking requirement to no less than one and one-half parking spaces per  
13 dwelling unit, except for dwellings for nonrelated persons, when the application includes  
14 information justifying the reduction;

15 (b 2) The location of required parking as set forth elsewhere in this chapter may  
16 be adjusted by the City Council;

17 (e 3) All other parking requirements ~~in the O-3 zoning district~~ or in the district  
18 or districts in which a community unit plan is located shall apply.

19 (b) In the O-3 zoning district, the following parking regulations shall apply:

20 (1) Two parking spaces per dwelling unit, however, the City Council may  
21 reduce the parking requirement to no less than one and one-half parking spaces per dwelling  
22 unit when the application includes information justifying the reduction;

1                   (2)    The location of required parking as set forth elsewhere in this chapter may  
2 be adjusted by the City Council;

3                   (3)    All other parking requirements in the O-3 zoning district shall apply.

4                   Section 3. That Section 27.70.020 of the Lincoln Municipal Code be amended  
5 to read as follows:

6    **27.70.020    Dwellings for Nonrelated Persons.**

7                   Dwellings for four to six persons not immediately related by blood, marriage, or adoption  
8 and living as a single housekeeping unit on lots of one acre or more in area shall be permitted  
9 under a community unit plan which is larger than ten acres, provided that one off-street parking  
10 space is supplied for each person in the housekeeping unit the maximum number of persons  
11 occupying each dwelling and the total number of occupants shall not exceed the following lot  
12 area ratios:

13                  (a)    R-1, 1 occupant/3,000 square feet of lot area;

14                  (b)    R-2 and R-3, 1 occupant/2,000 square feet of lot area;

15                  (c)    R-4, 1 occupant/1,000 square feet of lot area;

16                  (d)    R-5, 1 occupant/750 square feet of lot area.

17                  Notwithstanding the above, the maximum density of dwellings for nonrelated persons  
18 shall be subject to the overall maximum number of permitted dwelling units within the  
19 boundaries of the community unit plan as calculated in accordance with Section 27.65.020,  
20 including any reduction of density due to the size of the tract of land.

21                  Section 4. That Sections 27.65.030, 27.67.065, and 27.70.020 of the Lincoln  
22 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 its  
2 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**