

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to
 2 zoning by amending Sections 27.63.180, 27.63.210 and 27.63.215 to correct a reference to City
 3 of Lincoln Design Standards; by amending Section 27.63.570 to correct a reference to the
 4 Airport Environs Noise District and the Airport Environs Noise District Map; and repealing
 5 Sections 27.63.180, 27.63.210, 27.63.215, and 27.63.570 of the Lincoln Municipal Code as
 6 hitherto existing.

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

8 Section 1. That Section 27.63.180 of the Lincoln Municipal Code be amended
 9 to read as follows:

10 **27.63.180 Permitted Special Use: B-4 District.**

11 (a) Parking lots, storage garages, and other off-street parking facilities may be allowed
 12 by special permit in that portion of the B-4 zoning district bounded by 10th Street, "P" Street,
 13 14th Street, and "N" Street, in conformance with the provisions of Chapter 27.67.

14 (b) Gas stations or car washes may be permitted in that portion of the B-4 zoning district
 15 bounded by 10th Street, "P" Street, 14th Street, and "N" Street; provided that:

16 (1) Such use is located wholly within and is accessory to a storage garage
 17 permitted under (a) above;

18 (2) Such use is so located that service and access are from within said storage
 19 garage;

20 (3) The length and location of vehicle stacking lane or lanes for the approach side
 21 or sides and the exit side or sides of the wash operation or gas station shall be in conformance

1 with the "Guidelines and Regulations for Driveway Design and Location" as adopted by the City
2 of Lincoln.

3 (c) Drive-in teller windows may be permitted in that portion of the B-4 zoning district
4 bounded by 10th Street, "P" Street, 14th Street, and "N" Street; provided, that such use is so
5 designed that all customers waiting to be served, and all auto-storage lanes, are wholly within
6 a parking lot or a storage garage. The length and location of vehicle stacking lane or lanes for
7 the approach side or sides and the exit side or sides of the drive-in teller window shall be in
8 conformance with the "~~Guidelines and Regulations for Driveway Design and Location~~" Driveway
9 Design Standards as adopted by the City of Lincoln.

10 Section 2. That Section 27.63.210 of the Lincoln Municipal Code be amended
11 to read as follows:

12 **27.63.210 Permitted Special Use: Elderly or Retirement Housing.**

13 Housing and related facilities for the elderly, either individually or in groups including
14 accessory uses, shall be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and
15 R-8 zoning districts under the following conditions:

16 (a) The height and yard requirements of the district in which the proposed use is located
17 may be adjusted to provide flexibility in the placement of buildings and to provide compatibility
18 with surrounding uses except that solar access to adjacent buildings or potential buildings on
19 lands under other ownership shall not be reduced by such adjustment.

20 (b) The minimum lot area of the district, or density requirement, shall not apply;
21 provided, however, that the maximum number of units allowed shall be the greater of those
22 permitted in the underlying zoning district or the community unit plan without bonuses, unless
23 modified by subsection (h) below.

1 (c) Parking areas or buildings that are of a substantially different character or size than
2 those normally found in that district or neighborhood shall be landscaped and screened in
3 conformance with the standards adopted by resolution of the City Council, and the requirements
4 of Chapter 27.67.

5 (d) The proposed use shall not have any adverse or detrimental effect upon the values
6 of the surrounding real property.

7 (e) One dwelling unit in an elderly housing project may be designated as a caretaker unit
8 and the occupants thereof shall not be subject to the age requirements otherwise applicable to
9 occupants of such a project.

10 (f) Ten percent of the dwelling units in an elderly or retirement housing project may be
11 designated as units for handicapped persons and the occupants thereof shall not be subject to
12 the age requirements otherwise applicable to occupants of such a project. All of the units desig-
13 nated as units for handicapped persons shall comply with the "Design Standards for Density
14 Bonuses" relating to housing for the handicapped as adopted by the City Council.

15 (g) Any individual under sixty years of age who resides with an elderly person sixty
16 years of age or more in an elderly or retirement housing project dwelling unit may continue to
17 reside in that dwelling unit after such elderly person has died or due to health reasons has been
18 relocated to a different residence.

19 (h) The City Council may grant, dependent upon the character of the development and
20 effect on adjacent land uses, a dwelling unit bonus. Such bonus shall be a percentage of units
21 allowed in (b) above.

22 (1) An increase of up to fifty percent in dwelling units over the maximum
23 number of units allowed in (b) above, provided that all of the elderly or retirement housing and

1 related facilities (including bonus units approved in this subsection (1)) comply with section ~~2-A~~
2 2.1 (general standards) of the "Design Standards for Density Bonuses" as adopted by the City
3 Council; or

4 (2) An increase of up to eighty percent in dwelling units over the maximum
5 number of units allowed in (b) above; provided:

6 (i) That all of the elderly or retirement housing and related facilities
7 (including bonus units approved in this subsection (2)) comply with section ~~2-A~~ 2.1 (general
8 standards) of the "Design Standards for Density Bonuses" as adopted by the City Council; and

9 (ii) All bonus units approved in excess of fifty percent in dwelling units
10 over the maximum number of units allowed in (b) above comply with section ~~2-B~~ 2.2 (individual
11 unit standards) of the "Design Standards for Density Bonuses" as adopted by the City Council.

12 (3) An increase of up to one hundred percent in dwelling units over the
13 maximum number of units allowed in (b) above, provided that all of the elderly or retirement
14 housing and related facilities (including bonus units approved in this subsection (3)) comply with
15 section ~~2-A~~ 2.1 (general standards) and section ~~2-B~~ 2.2 (individual unit standards) of the "Design
16 Standards for Density Bonuses" as adopted by the City Council. This bonus may be granted,
17 dependent upon the character of the development and effect on adjacent land uses, when the
18 dwelling unit bonuses provided for in subsections (1) and (2) above are not granted and the
19 proposed site meets all of the following criteria:

20 (i) the minimum lot area is at least two acres;

21 (ii) the lot is less than 2,640 feet from a designated community or
22 neighborhood center; and

23 (iii) the lot is contiguous with a designated arterial street.

1 (i) Parking shall be in compliance with Section 27.67.040(d)(2) unless modified
2 under Section 27.67.030(f) or under the conditions of the special permit. A parking stall with a
3 minimum width of twelve feet shall be required at the rate of one space for every ten stalls re-
4 quired. Parking may be deferred or reduced where the developer substantiates the decreased
5 need for parking. Plans shall show the location of deferred construction and shall meet city
6 requirements for parking lot design.

7 Section 3. That Section 27.63.215 of the Lincoln Municipal Code be
8 amended to read as follows:

9 **27.63.215 Permitted Special Use: Housing Facilities for the Physically**
10 **Handicapped.**

11 Housing and related facilities for the physically handicapped, either individually or in
12 groups, including accessory uses, shall be allowed by special permit in the R-1, R-2, R-3, R-4,
13 R-5, R-6, R-7 and R-8 zoning districts under the following conditions:

14 (a) Parking shall be in conformance with Section 27.67.040(d)(12) unless modified
15 under Section 27.67.030(f) or under the condition of the special permit.

16 (b) The height and yard requirements of the district in which the proposed use is
17 located shall apply; provided, however, that the height of the buildings may be increased above
18 the district requirements up to twenty percent if the allowable building coverage is reduced by
19 an equal percentage and solar access to adjacent buildings or potential buildings on land under
20 other ownership is not reduced by such increase.

21 (c) The minimum lot area of the district, or density requirements, shall not apply;
22 however, buildings shall not occupy more than thirty-five percent of the total area of the land

1 subject to the special permit or more than forty percent of said area where all buildings are
2 single story.

3 (d) Parking areas or buildings that are of a substantially different character or size
4 than those normally found in that district or neighborhood shall be landscaped and screened in
5 conformance with the standards adopted by resolution of the City Council, and the requirements
6 of Chapter 27.67.

7 (e) Each occupied dwelling unit shall be occupied by at least one person who is
8 physically handicapped. Such occupancy shall be certified annually.

9 (f) The design and development of all housing and related facilities for the physically
10 handicapped shall comply with the "~~Design Standards for Housing for the Handicapped~~"
11 ~~adopted in Resolution A-66456, as amended~~ Section 3 (Housing for the Handicapped) of the
12 Design Standards for Density Bonuses adopted by the City Council, as follows:

13 (1) All dwelling units shall meet the requirements of either Type "A" or Type
14 "B" dwelling units.

15 (2) A minimum of fifty percent of the dwelling units shall meet the re-
16 quirements of Type "B" dwelling units.

17 (3) The numbers or percentages of each type of dwelling unit as provided
18 above may be modified under condition of the special permit.

19 (g) Dwelling units for nonhandicapped live-in aides shall not be subject to occupancy
20 requirements and/or the "~~Design Standards for Housing for the Handicapped~~" adopted in
21 ~~Resolution A-66456, as amended~~ Section 3 (Housing for the Handicapped) of the Design
22 Standards for Density Bonuses. The units for live-in aides shall be subject to the terms and
23 conditions of the special permit.

1 Section 4. That Section 27.63.570 of the Lincoln Municipal Code be amended
2 to read as follows:

3 **27.63.570 Permitted Special Use: Race Tracks For Motorized Vehicles.**

4 Race tracks for motorized vehicles may be allowed by special permit in the AG and I-1
5 zoning districts in conformance with the following conditions:

6 (a) The application shall be accompanied by the following information:

7 (1) A plot plan drawn to an accurate scale showing the layout of the entire site
8 including the track, seating area, restrooms, parking lot, concession stands, lighting facilities,
9 and other pertinent information.

10 (2) Proposed water and sewer systems.

11 (3) Drainage and grading plan.

12 (4) Description of racing program including the type, number and average
13 speed of motorized vehicles and time and frequency of operations.

14 (5) Landscaping and screening plan.

15 (6) Proposed measures to mitigate potential adverse environmental impacts,
16 such as air quality, noise and glare.

17 (b) For sites located within the 65dB Ldn contour north of U.S. Highway 34 and any
18 areas within the 70dB and 75dB Ldn contours of the Airport Environs Noise District as shown
19 on the ~~Lincoln Municipal Airport Composite Noise Contours Map~~ shown on Figure 21 in the
20 ~~Lincoln-Lancaster County Comprehensive Plan~~ Airport Environs Noise District Map, the site
21 shall contain at least twenty acres of land in the I-1 district and thirty acres of land in the AG
22 district. For all other sites located within the city's zoning jurisdictions, except where race tracks

1 are prohibited under Chapter 10.20, the site shall contain at least thirty-five acres of land in the
2 I-1 district and fifty acres in the AG district.

3 (c) The proposed water, sewer and drainage facilities shall be reviewed and
4 approved by the Department of Public Works and Utilities and the Health Department.

5 (d) The operation of the race track shall not create an A-weighted sound level (dBA)
6 which exceeds 50 dBA, measured as a two minute equivalent A-weighted sound level (Leq) at
7 any point beyond one mile from the center of the track. Longer or shorter Leq periods may be
8 used that are appropriate to the type of racing event involved after consultation with the track
9 operator. This restriction shall not apply to any area within the 65, 70, and 75 dB Ldn contours
10 of the Airport Environs Noise District. To determine any noise level, a laboratory certified noise
11 level meter meeting American National Standards Institute (ANSI) standards shall be used.

12 (e) The site shall not be located within the inner areas of approach zones to the
13 runways at the Lincoln Municipal Airport as defined in Section 27.59.030 of this title.

14 (f) The site shall not be located in prime agricultural land and areas designated for
15 residential use, rural use, parks and open space, and the major ecological and environmental
16 protection areas in accordance with the Comprehensive Plan.

17 (g) The center of the race track shall be located at least one mile away from existing
18 hospitals and churches, and residential areas, rural use areas, and parks and open space as
19 designated by the Comprehensive Plan, provided that the City Council may adjust such distance
20 criteria if the race track is located within the 65 dB Ldn contour in the Airport Environs Noise
21 District. Such an adjustment shall be granted only upon a determination by the City Council that
22 the proposed race track will not adversely affect adjacent land uses.

1 (h) The site shall be readily accessible from a major street or paved road with
2 adequate access for law enforcement and emergency vehicles.

3 (i) The developer of a race track shall notify all residents within one mile of the
4 center of the track if located in the AG district or within one-half mile of the center of the track
5 if located in the I-1 district concerning the proposed race track. Receipts of such notice is
6 mandatory as a condition precedent to the Planning Commission's public hearing.

7 (j) The site shall be located within reasonable reach of existing fire protection
8 facilities. A report thereon shall be obtained from the fire protection district or authority in which
9 the site is located.

10 Section 5. That Sections 27.63.180, 27.63.210, 27.63.215, and 27.63.570 of the
11 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

12 Section 6. That this ordinance shall take effect and be in force from and after its
13 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