

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 26.23.140 of the Lincoln Municipal Code to
2 expand the exceptions to the requirement that every lot shall front upon and take access to a public
3 street; and repealing Section 26.23.140 of the Lincoln Municipal Code as hitherto existing.

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

5 Section 1. That Section 26.23.140 of the Lincoln Municipal Code be amended to
6 read as follows:

7 **26.23.140 Lot.**

8 (a) Minimum lot width and area requirements shall conform to the zoning ordinance,
9 Title 27 of this code. Double frontage residential lots permitted under subparagraph (e) below which
10 abut a major street with at least 60 feet of right-of-way from the centerline of the street shall have
11 a minimum depth of 110 feet. Double frontage residential lots permitted under subparagraph (e)
12 below which abut a major street with less than 60 feet of right-of-way from the centerline of the
13 street shall have a minimum lot depth of 120 feet. The minimum depth of all other residential lots
14 shall be ninety feet, except where the existing lot does not meet this requirement and the lot depth
15 is not further reduced. Any lot in the O-1, O-2, O-3, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4,
16 I-1, I-2, or I-3 districts which has a minimum width of at least 100 feet shall have a maximum depth
17 of five times its width. Any other lot shall have a maximum depth of three times its width.
18 However, the Planning Director may modify this requirement where the lot is occupied or intended
19 to be occupied by a portion of a duplex or townhouse structure. An existing lot which does not
20 comply with said lot width-to-depth ratios may be subdivided so as to increase such lot's width,

1 decrease such lot's depth, or both, even though such lot does not thereafter fully comply with the
2 lot width-to-depth ratio as set forth above.

3 (b) The lot arrangement and design of the subdivision shall be such that all lots shall
4 provide satisfactory and desirable building sites, properly related to topography and the character
5 of the surrounding development.

6 (c) The side lines of any lot shall be at right angles to the street or radial, if the street is
7 curved, except where a variation will provide a better street and lot layout.

8 (d) Residential corner lots shall be wider than other residential lots to the extent
9 necessary to permit the establishment of front yards along both of the abutting streets. Corner lots
10 fronting on major street intersections and other acute angle intersections which are likely to be
11 dangerous to traffic movement shall have a curved line radius of twenty (20) feet at the street corner.

12 (e) The residential lot arrangement of a subdivision shall be accomplished in such a
13 manner that there will be no lots with a double frontage; i.e., a lot fronting on two non-intersecting
14 public streets. However, in circumstances where the subdivision abuts a major street, double
15 frontage lots may be permitted when no frontage road exists adjacent to or abutting on the major
16 street and access from the lot is only to the local street. Where double frontage lots are allowed, the
17 subdivider, the subdivider's successors and assigns shall relinquish the right of access from the lot
18 to the major street and place covenants and restrictions upon the land to run with the land
19 relinquishing said access as approved by the City Attorney's office.

20 (f) A lot used for commercial, industrial, business, or nonresidential purposes with at
21 least 660 linear feet of frontage on a major street may have access to the major street only if a safe
22 access point is available and approved by the city. If a safe access point is not available, or if said

1 lot does not have the required linear feet of frontage, an access road abutting the major street
2 constructed to a width approved by the city shall be dedicated to provide access to said lot.

3 An exception to the foregoing front foot requirements shall be permitted in the case of a
4 replat or resubdivision of a lot where either the lot does not have 660 linear feet of frontage, or the
5 distance between cross-streets is less than 660 linear feet. In such event, if safe access to the major
6 street can be provided, the access road requirement may be waived.

7 (g) Every lot shall front upon and have access to a public street, except:

8 ~~(1) Lots located in the AG, AGR, R-1, R-2, R-3, R-4, R-5, and R-6 zoning districts~~
9 ~~may front upon and take access to a private roadway if said lots are located within an approved~~
10 ~~community unit plan under Chapter 27.65 or a planned unit development under Chapter 27.60 of the~~
11 ~~Lincoln Municipal Code;~~

12 (2) Lots located in other zoning districts may front upon and take access to a private
13 roadway if said private roadway has been approved either in connection with a use permit under the
14 provisions of Title 27 or with a subdivision of property in conformance with all the requirements
15 of this title;

16 (3) Lots shown within the boundaries of an approved community unit plan under
17 Chapter 27.65, an approved planned unit development under Chapter 27.60, an approved special
18 permit for Planned Service Commercial under Chapter 27.63, or an approved use permit under any
19 Chapter for a zoning district of the Lincoln Municipal Code that requires a use permit ~~provided~~
20 may front upon and take access to a private road or take access via a permanent access to and from
21 a public street or private roadway, provided such access is dedicated in the final plat creating said
22 lots. Residential lots shall be required to have a dedicated public access easement. Nonresidential
23 lots may have either a dedicated public or private access easement.

1 (4 3) Lots which front upon a major street may be required to take access to said major
2 street through an access road to be dedicated in the final plat creating said lots. In such event, direct
3 access to the major street shall be relinquished.

4 (h) Residential lots proposed to be made servient to pedestrian way easements and adjacent
5 residential lots shall be of sufficient width to provide the additional required setback between the
6 residence and the pedestrian way, plus the five foot wide pedestrian way easement.

7 (i) A corner lot abutting a temporary dead-end street may be required to relinquish direct
8 vehicular access to the temporary dead-end street when the lot is the only lot fronting on the
9 temporary dead-end street within the same block.

10 Section 2. That Section 26.23.140 of the Lincoln Municipal Code as hitherto existing
11 be and the same is hereby repealed.

12 Section 3. That this ordinance shall take effect and be in force from and after its passage
13 and publication in one issue of a daily or weekly newspaper of general circulation in the City
14 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2009: _____ Mayor
