

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code (“Zoning
2 Code”) to reformat and streamline the Zoning Code to reduce the list of over 270 different land uses
3 down to 14 Use Groups, eliminate the possibility that a use type is not listed by making the use
4 groups all-encompassing, thereby increasing the emphasis on treating like uses in a similar manner;
5 by adding a new Chapter 27.02 to provide definitions and repealing Chapter 27.03, Definitions as
6 hitherto existing; by amending Section 27.05.060 to delete reference to the I-4 zoning district which
7 does not exist; by adding a new Chapter 27.06 titled “Use Groups” to classify and combine the main
8 uses of buildings and/or premises into 14 Use Groups based upon functional and physical use type
9 characteristics, to designate specific use types within each Use Group as permitted, permitted
10 conditional, and permitted special uses within each zoning district; by amending Chapter 27.07 (AG
11 District), Chapter 27.09 (AGR District), Chapter 27.11 (R-1 District), Chapter 27.13 (R-2 District),
12 Chapter 27.15 (R-3 District), Chapter 27.17 (R-4 District), Chapter 27.19 (R-5 District), Chapter
13 27.21 (R-6 District), Chapter 27.23 (R-7 District), Chapter 27.24 (R-8 District), Chapter 27.25 (O-1
14 District), Chapter 27.26 (O-2 District), Chapter 27.27 (O-3 District), Chapter 27.28 (R-T District),
15 Chapter 27.29 (B-1 District), Chapter 27.31 (B-2 District), Chapter 27.33 (B-3 District), Chapter
16 27.35 (B-4 District), Chapter 27.37 (B-5 District), Chapter 27.39 (H-1 District), Chapter 27.41 (H-2
17 District), Chapter 27.43 (H-3 District), Chapter 27.45 (H-4 District), Chapter 27.47 (I-1 District),
18 Chapter 27.49 (I-2 District), and Chapter 27.51 (I-3 District) to designate specific use types as
19 permitted uses, permitted conditional uses, and permitted special uses per the Use Group Tables in
20 Chapter 27.06 and to provide that the maximum height and minimum lot requirements within said
21 zoning districts shall be regulated in conformance with the requirements of Chapter 27.72; by
22 further amending Chapter 27.27 (O-3 District), Chapter 27.28 (R-T District), Chapter 27.31 (B-2
23 District), Chapter 27.37 (B-5), and Chapter 27.51 (I-3 District) to provide general regulations for
24 said districts; by adding a new Chapter 27.62 titled “Conditional Uses” to relocate and consolidate
25 all zoning district types which are allowed as permitted conditional uses in designated zoning
26 districts in conformance with the specific conditions of approval for such use types into a single
27 chapter; by amending Section 27.63.010 (Special Permit Procedures) to add a reference to use types;

1 by amending Section 27.63.075 to allow academies as a permitted special use (rather than private
2 schools) and to exclude certain uses as an academy; by amending Section 27.63.080 to allow non-
3 residential health care facilities as a permitted special use in the R-1 through R-8, O-1 through O-3,
4 R-T, B-1 through B-3, B-5 and H-2 through H-4 zoning districts; by amending Section 27.63.100
5 to also allow farm chemicals as a permitted special use in the I-1 zoning district in addition to the
6 AG, AGR, and H-4 districts; by amending Section 27.63.180 to allow motor fuel sales facilities as
7 a permitted special use (rather than service stations) in that portion of the B-4 zoning district
8 bounded by 10th Street, P Street, 14th Street and N Street and the B-4 zoning district from 150 feet
9 east of 17th Street to the eastern edge of the B-4 Lincoln Center Business district; by amending
10 Section 27.63.200 to remove clubs as a permitted special use in the O-3 zoning district; by amending
11 Section 27.63.210 to allow elderly retirement housing as a permitted special use in the O-1 through
12 O-3, R-T, B-1 through B-3, and B-5 zoning districts in addition to the R-1 through R-8 districts; by
13 amending Section 27.63.215 to allow housing facilities for the physically handicapped to be a
14 permitted special use in the O-1 through O-3, R-T, B-1 through B-3, and B-5 zoning districts in
15 addition to the R-1 through R-8 zoning districts; by amending Section 27.63.216 to allow the
16 connection of a single family dwelling to an accessory building for the physically handicapped to
17 be a permitted special use in the AG and AGR zoning districts in addition to the R-1 through R-8
18 zoning districts, and to provide height and yard requirements for such use by amending Section
19 27.63.290 to allow any use type listed as a permitted special use in the I-1 zoning district under
20 Chapter 27.06 and not separately listed as a special permitted use in the I-1 district under Chapter
21 27.63 to allowed by special permit in the I-1 zoning district; by repealing Section 27.63.330 to
22 remove veterinary facilities as a permitted special use in the AG and AGR zoning districts; by
23 amending Section 27.63.390 to remove motels and hotels as a permitted special use in the O-3
24 zoning district; by amending Section 27.63.420 to allow wind energy conversion systems over the
25 district height as a permitted special use in any zoning district except the AG and AGR and to add
26 a condition to limit unauthorized climbing on the WECS tower; by amending Section 27.63.470 to
27 add motor vehicle sales, veterinary facilities, contractor services, motor fuel service facilities,
28 outdoor and enclosed recreational commercial facilities, motor vehicle repair, academies, motorized
29 vehicle and/or truck wash facilities, non-residential health care facilities as additional authorized
30 uses within a planned service commercial development as a permitted special use in the H-4 zoning
31 district and eliminating the condition for hotels and motels that a distance of at least twenty feet shall

1 be maintained between buildings on the lot and each hotel or motel unit shall have a minimum
2 enclosed floor area of 200 square feet; by amending Section 27.63.500 to remove salvage yards as
3 a permitted special use in the I-2 zoning district and to remove enclosed disassembly facilities as a
4 permitted special use from the I-1 and I-2 zoning districts; by amending Section 27.63.530 to allow
5 residential health care facilities as a permitted special use in the O-1 through O-3, R-T, B-1 through
6 B-5 zoning districts in addition to the R-1 through R-8 zoning districts; by repealing Section
7 27.63.580 to remove non-profit, religious, educational and philanthropic institutions as a permitted
8 special use in the R-6 through R-8 zoning districts; by amending Section 27.63.610 to allow
9 neighborhood support services as a permitted special use in the R-6 through R-8 zoning districts in
10 addition to the R-1 through R-5 zoning districts and to provide parking requirements for such use
11 and to clarify that no such use shall be a store or shop for the sales of goods at retail; by amending
12 Section 27.63.630 to clarify that only indoor theaters may be allowed as a permitted special use in
13 the B-5 zoning district; by amending Section 27.63.740 to provide that adult day service facilities
14 may be allowed as a permitted special use in the R-2 through R-4 zoning districts; by amending
15 Section 27.63.780 to provide that an outdoor exercise area associated with a veterinary facility or
16 kennel may be allowed as a permitted special use in the H-3 and H-4 zoning districts; by amending
17 Section 27.63.790 to provide that an outdoor area for three or less animals associated with a
18 veterinary facility may be allowed as a permitted special use in the AG, AGR, B-1, B-2, B-3, H-2,
19 H-3, and H-4 zoning districts and further providing that outdoor areas for three or less animals
20 associated with a kennel may be as a permitted special use in the B-1 through B-3 and H-2 through
21 H-4 zoning districts; by adding a new Chapter 27.64 titled Use Permits to combine and consolidate
22 the process for obtaining a use permit in the O-3, R-T, B-2, B-5, and I-3 zoning districts into a single
23 chapter; by amending Section 27.67.040 to reflect a change in definition of a use type from adult
24 care center to adult day service facilities, to delete the required parking for nursing homes as nursing
25 home is no longer a separately regulated use type, to provide parking for academies, to eliminate
26 parking for scrap processing operations as such operation is no longer a separately regulated use
27 type, to provide parking for residential health care facilities, to eliminate parking for domiciliary
28 care as domiciliary care is no longer a defined use type, to provide parking requirements for urban
29 gardens in areas of two acres in size, to allow joint parking in the O-3, R-T, B-2, B-5, and I-3 zoning
30 districts under certain conditions; by amending Section 27.69.180 to authorize certain signs for
31 motorized vehicle fuel sales facilities; by amending Section 27.69.220 to provide certain signage

1 for residential health care facilities; by amending Section 27.69.260 to provide signage for non-
2 residential health care facilities; by adding a new Section 27.70.060 to regulate temporary buildings
3 and temporary fences; by adding a new Chapter 27.72 titled Height and Lot Requirements, to
4 relocate and consolidate height and lot regulations for all the zoning districts into a single chapter
5 and to incorporate additional height and area regulations from Chapter 27.71 into Chapter 27.72; and
6 repealing Chapter 27.71 (Additional Height and Area Regulations) in its entirety; and repealing the
7 above-referenced sections within Chapters 27.05, 27.07, 27.09, 27.11, 27.13, 27.15, 27.17, 27.19,
8 27.21, 27.23, 27.24, 27.25, 27.26, 27.27, 27.28, 27.29, 27.31, 27.33, 27.35, 27.37, 27.39, 27.41,
9 27.43, 27.45, 27.47, 27.49, 27.51, 27.62, 27.63, 27.64, 27.67, and 27.69, the Lincoln Municipal Code
10 as hitherto existing.

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

12 Section 1. That Lincoln Municipal Code Title 27 be amended by adding a new
13 Chapter 27.02 - Definitions, consisting of Sections 27.02.010 through 27.02.270, which shall read
14 as set forth in Attachment 1 which is attached and made a part hereof and incorporated herein by this
15 reference.

16 Section 2. That Lincoln Municipal Code Chapter 27.05, Districts and Boundaries,
17 be amended by amending Section 27.05.060 to read as set forth in Attachment 2 which is attached
18 and made a part hereof and incorporated herein by this reference.

19 Section 3. That Lincoln Municipal Code Title 27 be amended by adding a new
20 Chapter 27.06 - Use Groups, consisting of Sections 27.06.010 through 27.06.190, which shall read
21 as set forth in Attachment 3 which is attached and made a part hereof and incorporated herein by this
22 reference.

23 Section 4. That Lincoln Municipal Code Chapter 27.07, AG Agriculture District,
24 be amended by amending Sections 27.07.020, 27.07.030, 27.07.040, 27.07.050, and 27.07.080 to
25 read as set forth in Attachment 4 which is attached and made a part hereof and incorporated herein
26 by this reference.

27 Section 5. That Lincoln Municipal Code Chapter 27.09, AG Agricultural Residential
28 District, be amended by amending Sections 27.09.020, 27.09.030, 27.09.040, 27.09.050, and
29 27.09.080 to read as set forth in Attachment 5 which is attached and made a part hereof and
30 incorporated herein by this reference.

1 Section 6. That Lincoln Municipal Code Chapter 27.11, R-1 Residential District,
2 be amended by amending Sections 27.11.020, 27.11.030, 27.11.040, 27.11.050, and 27.11.080 to
3 read as set forth in Attachment 6 which is attached and made a part hereof and incorporated herein
4 by this reference.

5 Section 7. That Lincoln Municipal Code Chapter 27.13, R-2 Residential District,
6 be amended by amending Sections 27.13.020, 27.13.030, 27.13.040, 27.13.050, and 27.13.080 to
7 read as set forth in Attachment 7 which is attached and made a part hereof and incorporated herein
8 by this reference.

9 Section 8. That Lincoln Municipal Code Chapter 27.15, R-3 Residential District,
10 be amended by amending Sections 27.15.020, 27.15.030, 27.15.040, 27.15.050, and 27.15.080 to
11 read as set forth in Attachment 8 which is attached and made a part hereof and incorporated herein
12 by this reference.

13 Section 9. That Lincoln Municipal Code Chapter 27.17, R-4 Residential District,
14 be amended by amending Sections 27.17.020, 27.17.030, 27.17.040, 27.17.050, and 27.17.080 to
15 read as set forth in Attachment 9 which is attached and made a part hereof and incorporated herein
16 by this reference.

17 Section 10. That Lincoln Municipal Code Chapter 27.19, R-5 Residential District,
18 be amended by amending Sections 27.19.020, 27.19.030, 27.19.040, 27.19.050, and 27.19.080 to
19 read as set forth in Attachment 10 which is attached and made a part hereof and incorporated herein
20 by this reference.

21 Section 11. That Lincoln Municipal Code Chapter 27.21, R-6 Residential District,
22 be amended by amending Sections 27.21.020, 27.21.030, 27.21.040, 27.21.050, and 27.21.080 to
23 read as set forth in Attachment 11 which is attached and made a part hereof and incorporated herein
24 by this reference.

25 Section 12. That Lincoln Municipal Code Chapter 27.23, R-7 Residential District,
26 be amended by amending Sections 27.23.020, 27.23.030, 27.23.040, 27.23.050, and 27.23.080 to
27 read as set forth in Attachment 12 which is attached and made a part hereof and incorporated herein
28 by this reference.

29 Section 13. That Lincoln Municipal Code Chapter 27.24, R-8 Residential District,
30 be amended by amending Sections 27.24.020, 27.24.030, 27.24.040, 27.24.050, and 27.24.080 to

1 read as set forth in Attachment 13 which is attached and made a part hereof and incorporated herein
2 by this reference.

3 Section 14. That Lincoln Municipal Code Chapter 27.25, O-1 Office District, be
4 amended by amending Sections 27.25.020, 27.25.025, 27.25.030, 27.25.040, and 27.25.070 to read
5 as set forth in Attachment 14 which is attached and made a part hereof and incorporated herein by
6 this reference.

7 Section 15. That Lincoln Municipal Code Chapter 27.26, O-2 Suburban Office
8 District, be amended by amending Sections 27.26.020, 27.26.030, 27.26.040, 27.26.050, and
9 27.26.080 to read as set forth in Attachment 15 which is attached and made a part hereof and
10 incorporated herein by this reference.

11 Section 16. That Lincoln Municipal Code Chapter 27.27, O-3 Office Park District,
12 be amended by adding a new section numbered 27.27.015 and by amending Sections 27.27.020,
13 27.27.025, 27.27.030, 27.27.040, 27.27.070, and 27.27.080 to read as set forth in Attachment 16
14 which is attached and made a part hereof and incorporated herein by this reference.

15 Section 17. That Lincoln Municipal Code Chapter 27.28, R-T Residential
16 Transition District, be amended by adding a new section numbered 27.28.025 and by amending
17 Sections 27.28.020, 27.28.030, 27.28.040, 27.28.050, 27.28.080, and 27.28.090 to read as set forth
18 in Attachment 17 which is attached and made a part hereof and incorporated herein by this reference.

19 Section 18. That Lincoln Municipal Code Chapter 27.29, B-1 Local Business
20 District, be amended by amending Sections 27.29.020, 27.29.030, 27.29.040, 27.29.050, and
21 27.29.080 to read as set forth in Attachment 18 which is attached and made a part hereof and
22 incorporated herein by this reference.

23 Section 19. That Lincoln Municipal Code Chapter 27.31, B-2 Planned
24 Neighborhood Business District, be amended by adding a new section numbered 27.31.035 and by
25 amending Sections 27.31.030, 27.31.040, 27.31.050, 27.31.060, 27.31.090 and 27.31.100 to read
26 as set forth in Attachment 19 which is attached and made a part hereof and incorporated herein by
27 this reference.

28 Section 20. That Lincoln Municipal Code Chapter 27.33, B-3 Commercial
29 District, be amended by amending Sections 27.33.020, 27.33.030, 27.33.040, 27.33.050, and
30 27.33.080 to read as set forth in Attachment 20 which is attached and made a part hereof and
31 incorporated herein by this reference.

1 Section 21. That Lincoln Municipal Code Chapter 27.35, B-4 Lincoln Center
2 Business District, be amended by amending Sections 27.35.020, 27.35.025, 27.35.030, 27.35.040,
3 and 27.35.070 to read as set forth in Attachment 21 which is attached and made a part hereof and
4 incorporated herein by this reference.

5 Section 22. That Lincoln Municipal Code Chapter 27.37, B-5 Planned Regional
6 Business District, be amended by adding a new section numbered 27.31.015 and by amending
7 Sections 27.37.020, 27.37.025, 27.37.030, 27.37.033, 27.37.060, and 27.37.070 to read as set forth
8 in Attachment 22 which is attached and made a part hereof and incorporated herein by this reference.

9 Section 23. That Lincoln Municipal Code Chapter 27.39, H-1 Interstate Commercial
10 District, be amended by adding a new section numbered 27.39.025 and by amending Sections
11 27.39.020, 27.39.030, and 27.39.070 to read as set forth in Attachment 23 which is attached and
12 made a part hereof and incorporated herein by this reference.

13 Section 24. That Lincoln Municipal Code Chapter 27.41, H-2 Highway Business
14 District, be amended by amending Sections 27.41.020, 27.41.030, 27.41.040, 27.41.050, and
15 27.41.080 to read as set forth in Attachment 24 which is attached and made a part hereof and
16 incorporated herein by this reference.

17 Section 25. That Lincoln Municipal Code Chapter 27.43, H-3 Highway Commercial
18 District, be amended by amending Sections 27.43.020, 27.43.030, 27.43.040, 27.43.050, and
19 27.43.080 to read as set forth in Attachment 25 which is attached and made a part hereof and
20 incorporated herein by this reference.

21 Section 26. That Lincoln Municipal Code Chapter 27.45, H-4 General Commercial
22 District, be amended by adding a new section numbered 27.45.015 and by amending Sections
23 27.45.020, 27.45.025, 27.45.030, 27.45.040, and 27.45.070 to read as set forth in Attachment 26
24 which is attached and made a part hereof and incorporated herein by this reference.

25 Section 27. That Lincoln Municipal Code Chapter 27.47, I-1 Industrial District, be
26 amended by adding a new section numbered 27.47.025; by amending Sections 27.47.020, 27.47.030,
27 27.47.040, and 27.47.070; and by repealing Section 27.47.035 to read as set forth in Attachment 27
28 which is attached and made a part hereof and incorporated herein by this reference.

29 Section 28. That Lincoln Municipal Code Chapter 27.49, I-2 Industrial Park District,
30 be amended by adding a new section numbered 27.49.025 and by amending Sections 27.49.020,

1 27.49.030, 27.49.040, 27.49.050 and 27.49.080 to read as set forth in Attachment 28 which is
2 attached and made a part hereof and incorporated herein by this reference.

3 Section 29. That Lincoln Municipal Code Chapter 27.51, I-3 Employment Center
4 District, be amended by adding a new section numbered 27.51.035 and by amending Sections
5 27.51.030, 27.51.040, 27.51.050, 27.51.060, 27.51.090 and 27.51.100 to read as set forth in
6 Attachment 29 which is attached and made a part hereof and incorporated herein by this reference.

7 Section 30. That Lincoln Municipal Code Title 27 be amended by adding a new
8 Chapter 27.62 - Conditional Uses, consisting of Sections 27.62.010 through 27.62.160, which shall
9 read as set forth in Attachment 30 which is attached and made a part hereof and incorporated herein
10 by this reference.

11 Section 31. That Lincoln Municipal Code Chapter 27.63, Special Permits, be
12 amended by amending Sections 27.63.010, 27.63.075, 27.63.080, 27.63.100, 27.63.180, 27.63.200,
13 27.63.210, 27.63.215, 27.63.216, 27.63.290, 27.63.390, 27.63.420, 27.63.470, 27.63.500, 27.63.530,
14 27.63.610, 27.63.630, 27.63.740, 27.63.780, and 27.63.790 and by repealing Sections 27.63.330 and
15 27.63.580 to read as set forth in Attachment 31 which is attached and made a part hereof and
16 incorporated herein by this reference.

17 Section 32. That Lincoln Municipal Code Title 27 be amended by adding a new
18 Chapter 27.64 - Use Permits, consisting of Section 27.64.010, which shall read as set forth in
19 Attachment 32 which is attached and made a part hereof and incorporated herein by this reference.

20 Section 33. That Lincoln Municipal Code Chapter 27.67, Parking, be amended by
21 amending Section 27.67.040 to read as set forth in Attachment 33 which is attached and made a part
22 hereof and incorporated herein by this reference.

23 Section 34. That Lincoln Municipal Code Chapter 27.69, Signs, be amended by
24 amending Sections 27.69.180, 27.69.220, and 27.69.260 to read as set forth in Attachment 34 which
25 is attached and made a part hereof and incorporated herein by this reference.

26 Section 35. That Lincoln Municipal Code Chapter 27.70, Additional Use
27 Regulations, be amended by adding a new section numbered 27.70.060 to read as set forth in
28 Attachment 35 which is attached and made a part hereof and incorporated herein by this reference.

29 Section 36. That Lincoln Municipal Code Title 27 be amended by adding a new
30 Chapter 27.72 - Height and Lot Regulations, consisting of Sections 27.72.010 through 27.72.080,

1 which shall read as set forth in Attachment 36 which is attached and made a part hereof and
2 incorporated herein by this reference.

3 Section 37. That Lincoln Municipal Code Chapter 27.02, Definitions, be and the
4 same is hereby repealed in its entirety.

5 Section 38. That Lincoln Municipal Code Chapter 27.71, Additional Height and
6 Area Regulations, be and the same is hereby repealed in its entirety.

7 Section 39. That Sections 27.05.060, 27.07.020, 27.07.030, 27.07.040, 27.07.050,
8 27.07.080, 27.09.020, 27.09.030, 27.09.040, 27.09.050, 27.09.080, 27.11.020, 27.11.030, 27.11.040,
9 27.11.050, 27.11.080, 27.13.020, 27.13.030, 27.13.040, 27.13.050, 27.15.020, 27.15.030, 27.15.040,
10 27.15.050, 27.15.080, 27.17.020, 27.17.030, 27.17.040, 27.17.050, 27.17.080, 27.19.020, 27.19.030,
11 27.19.040, 27.19.050, 27.19.080, 27.21.020, 27.21.030, 27.21.040, 27.21.050, 27.21.080, 27.23.020,
12 27.23.030, 27.23.040, 27.23.050, 27.23.080, 27.24.020, 27.24.030, 27.24.040, 27.24.050, 27.24.080,
13 27.25.020, 27.25.025, 27.25.030, 27.25.040, 27.25.070, 27.26.020, 27.26.030, 27.26.040, 27.26.050,
14 27.26.080, 27.27.020, 27.27.025, 27.27.030, 27.27.040, 27.27.070, 27.27.080, 27.28.020, 27.28.030,
15 27.28.040, 27.28.050, 27.28.080, 27.28.090, 27.29.020, 27.29.030, 27.29.040, 27.29.050, 27.29.080,
16 27.31.030, 27.31.040, 27.31.050, 27.31.060, 27.31.090, 27.31.100, 27.33.020, 27.33.030, 27.33.040,
17 27.33.050, 27.33.080, 27.35.020, 27.35.025, 27.35.030, 27.35.040, 27.35.070, 27.37.020, 27.37.025,
18 27.37.030, 27.37.033, 27.37.060, 27.37.070, 27.39.020, 27.39.030, 27.39.070, 27.41.020, 27.41.030,
19 27.41.040, 27.41.050, 27.41.080, 27.43.020, 27.43.030, 27.43.040, 27.43.050, 27.43.080, 27.45.020,
20 27.45.025, 27.45.030, 27.45.040, 27.45.070, 27.47.020, 27.47.030, 27.47.040, 27.47.070, 27.49.020,
21 27.49.030, 27.49.040, 27.49.050, 27.49.080, 27.51.030, 27.51.040, 27.51.050, 27.51.060, 27.51.090,
22 27.51.100, 27.63.010, 27.63.075, 27.63.080, 27.63.100, 27.63.180, 27.63.200, 27.63.210, 27.63.215,
23 27.63.216, 27.63.290, 27.63.390, 27.63.420, 27.63.470, 27.63.500, 27.63.530, 27.63.610, 27.63.630,
24 27.63.740, 27.63.780, 27.63.790, 27.67.040, 27.69.180, 27.69.220, and 27.69.260 of the Lincoln
25 Municipal Code as hitherto existing be and the same are hereby repealed.

26 Section 40. Pursuant to Article VII, Section 7 of the City Charter, this ordinance
27 shall be posted on the official bulletin board of the City, located on the wall across from the City
28 Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of
29 passage and such posting to be given by publication one time in the official newspaper by the City

1 Clerk. This ordinance shall take effect and be in force from and after its passage and publication
2 as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2012:

Mayor