

ORDINANCE NO. _____

1 AN ORDINANCE amending the Lincoln Municipal Code relating to the Land
2 Subdivision Ordinance (Title 26) and the Zoning Ordinance (Title 27) to (A) amend the Land
3 Subdivision Ordinance by amending Section 26.11.036 to modify the latest date the required
4 notice of a public hearing on a preliminary plat is to be printed in a daily newspaper from at least
5 8 days to 5 days prior to the date of the hearing; by amending Section 26.11.037 to provide that
6 notice of appeal from any action on a preliminary plat by the Planning Commission be filed with
7 the Planning Director rather than the City Clerk; by amending Sections 26.15.015 and 26.15.020
8 to delete obsolete provisions pertaining to information to be included in preliminary plats
9 submitted before March 1, 2000; by amending Section 26.19.020 to require a lien holder's
10 acknowledgement and consent to the owner's offer of dedication in a final plat; by amending
11 Section 26.19.041 to make references to a surveyor gender neutral; by amending Section
12 26.23.140 to delete the reference in Section 27.15.080 to a Table which no longer exists; and to
13 provide additional requirements regarding when residential lots may front upon a private
14 roadway or permanent public access easement; to (B) amend the Zoning Ordinance by amending
15 Section 27.06.020 to allow the use of private driveways or access easements in any zoning
16 district to provide ingress and egress to a premises located in a more restrictive zoning district,
17 except that such use may not be located in a residential district unless such use of the residential
18 district is approved through a community unit plan or planned unit development; by amending
19 Section 27.06.120 to designate all use types listed in the Office Use Group Table as a conditional
20 use in the I-3 zoning district; by amending Section 27.06.130 to designate retail sale in the Retail
21 Sales and Services Use Group Table as a conditional use in the I-3 zoning district; by amending
22 the Commercial Recreation and Entertainment Facilities Use Group Table in Section 27.06.150

1 to designate any use granted an amusement license as a conditional use in the AG Agricultural
2 District; by amending Section 27.07.030 relating to permitted conditional uses in the AG
3 Agricultural District to delete the provision that any use that the Lancaster County Board of
4 Commissioners has approved by the granting of an amusement license shall be allowed as a
5 permitted conditional use in the AG Agricultural District; by amending Section 27.51.030 by
6 amending the Specific Use Regulations in the I-3 district to delete conditions for retail and office
7 use more appropriately located in Chapter 27.62 – Conditional Uses; by amending Section
8 27.62.030 to provide that urban gardens as a conditional use in the Agricultural Use Group may
9 have plants and accessory items for cultivation located in the front yard, but not structures; by
10 amending Section 27.62.090 to provide that offices are a conditional use in the I-3 District and to
11 provide conditions for such office uses; by amending Section 27.62.100 to provide additional
12 conditions for retail use and office use in the I-3 district; by amending Section 27.62.120 to
13 designate any use that the Lancaster County Board of Commissioners has approved by the
14 granting of an amusement license as a permitted conditional use in the Commercial Recreation
15 and Entertainment Facilities Use Group Table; by amending Section 27.63.025 to provide that
16 notice of appeal from any action on a Special Permit by the Planning Commission be filed with
17 the Planning Director rather than the City Clerk; repealing Section 27.63.140 to delete outdoor
18 lighting for recreational facilities as a special permitted use; by amending Section 27.63.180 to
19 change the name of the term “motor fuel sales facilities” to “motorized vehicle fuel sales
20 facilities” and to change the name of the term “car washes” to “motorized vehicle wash
21 facilities”; by amending Section 27.63.500 to revise the geographical description of certain
22 entrance corridors from which salvage and recycling material kept outside of a building must
23 have a setback of 500 feet; by amending Section 27.63.510 to add mausoleums as a special
24 permitted use in the R-1 through R-8, H-1 through H-4, and B-1, B-2, and B-3 districts; by
25 amending Section 27.63.570 to change incorrect abbreviations of the Day Night Average Sound

1 Level (DNL) from Ldn to DNL; by amending Section 27.64.010 to provide that notice of appeal
2 from any action on a use permit by the Planning Commission be filed with the Planning Director
3 rather than the City Clerk; by amending Section 27.65.020 to provide that in a community unit
4 plan proposed in the BTA Overlay District with underlying AG zoning created lots that are less
5 than five acres in size shall comply with the maximum height and minimum lot requirements of
6 the AGR district and to delete the reduced maximum allowed density for community unit plans
7 on small tracts of land; by amending Section 27.67.040 to reduce the required parking for sale of
8 alcoholic beverages for consumption on the premises in the B-1 and B-3 districts from one space
9 per 100 square feet of floor area to one space per 200 square feet of floor area; by amending
10 Section 27.69.030 to allow more than one wall sign per architectural elevation per building and
11 to provide that the total square footage of all wall signs in the R-T, O-1, and O-2 districts per
12 architectural elevation shall not exceed 25% of the total square footage of said architectural
13 elevation; by amending Section 27.69.090 to clarify which street frontage the location of a wall
14 sign is measured from; by amending Section 27.72.010 to clarify minimum lot requirements for
15 nonstandard lots legally in existence as of May 9, 1979 and for small lots legally created
16 thereafter, to eliminate the doctrine of merger of nonstandard lots to create a more conforming
17 lot, and to allow certain uses of a lawful lot which is nonconforming with respect to frontage in
18 the AGR district; by amending Section 27.72.020 to eliminate the exceptions in Table
19 27.72.020(b) providing additional side and rear yards requirements in the R-7 district for
20 buildings over 35 feet in height and providing additional side yard requirements in the R-8
21 district for buildings over 45 feet in height; by amending Section 27.75.030 to increase the time
22 allowed to file a notice of appeal to the Board of Zoning Appeals from 60 to 90 days; by
23 amending Section 27.81.010 to add a reference in Subsection (e) to Chapter 27.06 and delete a
24 reference to a non-existent Chapter 27.71; by amending Section 27.81.050 to modify the latest
25 date required notice of a public hearing must be printed in a daily newspaper for public hearings

1 to be held by the City Council, Planning Commission, Historic Preservation Commission, or
2 Board of Zoning Appeals from at least 8 days to 5 days before the date of the hearing; and to
3 repeal Sections 26.11.036, 26.11.037, 26.15.015, 26.15.020, 26.19.020, 26.19.041, 27.06.020,
4 27.06.120, 27.06.130, 27.06.150, 27.07.030, 27.51.030, 27.62.030, 27.62.090, 27.62.100,
5 27.62.120, 27.63.025, 27.63.180, 27.63.500, 27.63.510, 27.63.570, 27.64.010, 27.65.020,
6 27.67.040, 27.69.030, 27.69.090, 27.72.010, 27.72.020, 27.75.030, 27.81.010, and 27.81.050 as
7 hitherto existing.

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

9 Section 1. That Section 26.11.036 of the Lincoln Municipal Code be amended to read as
10 follows:

11 **26.11.036 Hearing on Preliminary Plat.**

12 Hearing on the preliminary plat shall be held before the commission at a regular meeting
13 following completion by the subdivider of the procedures in Sections 26.11.030 and 26.11.032.

14 However, no hearing shall be held by the commission until:

15 (a) A notice of the time and place of the hearing is printed in a daily newspaper of
16 general circulation within the county at least ~~five~~^{eight} days prior to the date of the hearing;

17 (b) A notice shall be posted in a conspicuous place on or near the property being
18 subdivided, stating that the commission will hold a hearing on the proposal to subdivide the
19 property. Said notice shall be posted at least eight days in advance of the hearing. It shall be
20 unlawful for any person to remove, mutilate, destroy, or change the posted notice prior to the
21 hearing time; and

22 (c) The Planning Director shall cause notice of the preliminary plat to be sent to the
23 record owners of property located within 200 feet of the property upon which action is pending
24 when such owners' property is located within the corporate limits of the city and to the record
25 owners of property within one-fourth mile of the property upon which action is pending when

1 such owners' property is located outside the corporate limits of the city at the address as it
2 appears on the last equalized assessment roll of the county or as known to the Planning Director.
3 The notice shall be sent by regular United States mail, postage prepaid, at least ten days before
4 the Planning Commission's first public hearing; provided that no decision or recommendation
5 which the commission is required to make shall be void or invalidated or affected in any way, for
6 any irregularity, defect, error, or failure on the part of the Planning Director to cause notice to be
7 given to each owner of record.

8 Section 2. That Section 26.11.037 of the Lincoln Municipal Code be amended to read as
9 follows:

10 **26.11.037 Commission Action on Preliminary Plat.**

11 | If, after public hearing, the commission finds the proposed preliminary plat complies with
12 the requirements of this title, it shall approve the preliminary plat. The approval of the
13 preliminary plat shall not constitute authority for the subdivider to sell the individual lots.

14 If a governmental agency, other than the city, which is directly concerned with the
15 proposed subdivision with respect to schools, parks, playgrounds, fire stations, libraries, and
16 other common areas for public use, failed to file with the Planning Director its approval of or a
17 report on the preliminary plat, the commission may withhold its approval or disapproval of the
18 preliminary plat until such agency's approval or report is filed.

19 | If, after public hearing, the commission finds that the proposed preliminary plat does not
20 satisfy the requirements of this title, it shall specify in writing in the minutes of the hearing the
21 objections to the proposed preliminary plat. The commission may disapprove or approve the
22 proposed preliminary plat upon the condition that the subdivider makes specific changes in the
23 proposed preliminary plat which will remove the objections and bring the proposed preliminary
24 plat into compliance with this title.

1 The action and findings of the commission on the preliminary plat after public hearing
2 | shall be filed with the [Planning Director](#)~~City Clerk~~, and the person offering the proposed
3 preliminary plat within seven days from the action by the Planning Commission. One copy of
4 the proposed preliminary plat and findings shall be retained by the commission as part of its
5 official records.

6 The subdivider, any council member, the Planning Director, the Public Works and
7 Utilities Director, or any aggrieved person may appeal any action of the commission to the City
8 Council as provided in Section 26.31.010.

9 If any final plat on all or a portion of the approved preliminary plat is submitted five
10 years or more after the effective date of the preliminary plat, the city may require that a new
11 preliminary plat be submitted, pursuant to all the provisions of this chapter. A new preliminary
12 plat may be required if the subdivision ordinance, the design standards, or the required
13 improvements have been amended by the city; and as a result, the preliminary plat as originally
14 approved does not comply with the amended rules and regulations.

15 If any final plat on all or a portion of the approved preliminary plat is submitted five
16 years or more after the effective date of the preliminary plat, the city may require that a new
17 preliminary plat be submitted, pursuant to all the provisions of this chapter. A new preliminary
18 plat may be required if the subdivision ordinance, the design standards, or the required
19 improvements have been amended by the city; and as a result, the preliminary plat as originally
20 approved does not comply with the amended rules and regulations.

21 Section 3. That Section 26.15.015 of the Lincoln Municipal Code be amended to read as
22 follows:

23 **26.15.015 Information on a Preliminary Plat.**

24 The preliminary plat shall be accurately and legibly drawn to a scale that clearly shows
25 all pertinent information required in this chapter. The proposed layout and design of all the

1 features of the subdivision shall conform to this title and to the design standards adopted by the
2 city.

3 The following required information shall be identified and shown on the preliminary plat:

4 (a) Name of the subdivision. The name of the subdivision shall not duplicate or
5 approximate the name of an existing subdivision within Lancaster County unless the subdivision
6 is adjacent to that existing subdivision and is an expansion thereof. The distinction shall be
7 made by adding the suffix "1st addition" to the first duplication of the name, and then continuing
8 in sequence.

9 (b) North arrow, scale of drawing, date prepared, the sheet number, and total number
10 of sheets included within each set of the preliminary plat submittal.

11 (c) Contour lines based on NAVD 1988 and at sufficient intervals, not to exceed five
12 feet, to duplicate adequately the existing and proposed topography and land form within and
13 adjacent to the subdivision. The scaled distance between contour lines shall not exceed 200 feet.

14 ~~Notwithstanding the above, contour lines shown on preliminary plats submitted before March 1,~~
15 ~~2000 may be in either city datum or NAVD 1988.~~

16 (d) Existing and proposed streets and private roadways within and adjacent thereto.
17 This shall include the right-of-way and pavement width, tangent length, the centerline radius of
18 each curve and its interior angle, the angle of intersection with all other streets and private
19 roadways and the name or number of each.

20 Where the preliminary plat submitted covers only a portion of the subdivider's tract, a
21 sketch of the prospective future street system of the unsubmitted part of the tract shall be
22 furnished; and the street system of the part being platted shall be considered in connection with
23 the proper projection of streets into the portion of the tract not being presently platted.

24 (e) All lot lines and their dimensions. The dimensions along curvilinear lines shall be
25 noted as being either chord or arc length.

1 (f) Lot and block numbers and outlot letters with the total number of each. All lots
2 shall be numbered in sequence beginning with the number one and continuing consecutively
3 through each block with no omission or duplication. All blocks shall be numbered in the same
4 manner. Outlots shall be assigned an alphabetical letter beginning with the letter "A" and
5 continuing through the alphabet. The proposed use of the outlot shall be designated on the plat.
6 Areas, except streets, to be dedicated or reserved for public or private parks or other public areas
7 shall be outlots.

8 (g) Areas for schools, parks, playgrounds, fire stations, libraries, and other common
9 areas for public use, along with any requested consideration for such areas.

10 (h) The proposed method of providing wastewater collector service to each lot:

11 (1) If a public or community wastewater collector system is proposed, the
12 size, direction of flow, location of the wastewater collectors, manholes, necessary extensions of
13 the system within or beyond the limits of the subdivision to connect to the city's existing
14 wastewater collector system or to the community wastewater treatment facility, and the location
15 of the community wastewater treatment facility.

16 (2) If the use of individual wastewater systems is permitted, pursuant to
17 Section 26.27.040 of this title, and a septic tank system is proposed, soil and percolation data and
18 plans which show the location of one main subsurface disposal field for each lot which is
19 proposed to be served by a septic tank system, are required. Where the subdivider will permit
20 individual sewage lagoons and the lot area is three acres or more, percolation tests and the
21 location of the subsurface disposal field are not required.

22 (i) The proposed method of providing water supply to each lot:

23 (1) If a public or community water system or rural water district is proposed,
24 the location and size of all water mains, hydrants, and necessary extensions of the system within
25 or beyond the limits of the subdivision to connect to the existing water mains or to the

1 community well.

2 (2) If a community water system other than a rural water district is proposed,
3 data on the quantity and quality of the water shall be obtained from one or more test wells within
4 the immediate vicinity of the proposed water supply well.

5 (3) If an individual water well system for each lot is proposed, data on the
6 quantity and quality of the water shall be obtained from test wells which shall be drilled on the
7 ratio of one to each ten acres on a grid system. Where geological and hydrological data and
8 sodium and chloride tests are available and the results are satisfactory to the health department,
9 the test wells may be waived.

10 (4) The results of the preliminary tests required above shall in no way be con-
11 strued to constitute a guarantee by the city of the quantity or quality of water to individual lots in
12 the proposed subdivision, and the data obtained from these tests shall not be used to imply that
13 an adequate quantity or acceptable quality of water is available in the proposed subdivision.

14 (j) The location and size of all existing wastewater collectors and wastewater
15 treatment facilities, storm drains, culverts, water mains and fire hydrants, power lines, cables,
16 and other underground structures within or adjacent to the subdivision.

17 (k) The location, width, and purpose of all existing and proposed easements within or
18 adjacent to the subdivision.

19 (l) The location of all existing and proposed sidewalks, pedestrian ways, and bike-
20 ways with required easements and setbacks.

21 (m) The location of all existing structures and buildings within and adjacent to the
22 subdivision, their existing and proposed use.

23 (n) A certified accurate boundary survey showing sufficient linear, angular, and curve
24 data to determine the bearing and length of all boundary lines of the subdivision, a legal
25 description thereof, and the number of acres therein. (This survey shall be field measured and

1 shall mathematically close with an error of not more than one in twenty-five thousand
2 (1/25,000.) This survey shall also locate and identify all section corners and section lines.
3 Where the subdivision abuts on an existing plat or other surveyed tracts, the distances, angles,
4 and bearing of any common lines shall be shown; and any differences along common lines of the
5 original survey and the survey of this subdivision shall be noted.

6 (o) A certificate for the signature of the chairman of the Planning Commission in a
7 form approved by the Planning Director.

8 Section 4. That Section 26.15.020 of the Lincoln Municipal Code be amended to read as
9 follows:

10 **26.15.020 Information on or Accompanying a Preliminary Plat.**

11 The following required information shall be identified and shown on the preliminary plat
12 or on accompanying sheets:

13 (a) Centerline profiles in NAVD 1988 of all existing and proposed streets and private
14 roadways within and adjacent to the subdivision. The profile shall show points of intersection
15 with all other streets and private roadways, stationing, the existing ground surface elevations, the
16 proposed street grades, the length of vertical curves between changes in grade, and the profiles
17 and horizontal alignment of temporary dead-end streets extending 300 feet beyond the limits of
18 the subdivision.

19 (b) A drainage study in NAVD 1988 (when utilizing NGVD based flood elevations
20 from FEMA floodplain maps, 0.50 feet shall be added to NGVD 1929 to obtain NAVD 1988,
21 unless a more accurate conversion factor using an established conversion program is
22 demonstrated to the satisfaction of the Director of Public Works and Utilities) shall include the
23 following:

24 (1) A topographic map showing the drainage area and resulting runoff from
25 all land lying outside the limits of the preliminary plat which discharges storm water runoff into

1 or through the plat.

2 (2) A topographic map showing proposed contour lines and all sub-drainage
3 areas and resulting runoff within the limits of the preliminary plat.

4 (3) Directional flow arrows for surface drainage along all lot lines where:

5 (i) The flow from one acre or more discharges along a
6 common lot line; and

7 (ii) The finished grade of the lot is proposed to be two
8 percent or less.

9 The drainage study map shall provide sufficiently detailed information to determine the proposed
10 slope along all lot lines.

11 (4) The size and location of the pipes, ditch liners, and other drainage
12 facilities required to adequately drain the subdivision.

13 (5) A copy of the drainage computations.

14 (6) The elevation and limits of a flood from a 100-year storm along and
15 adjacent to all open drainage channels.

16 (7) The elevation and limits of flow routes necessary to provide overland
17 runoff capacity through and along the storm drain system for the 100-year storm without
18 flooding building areas.

19 (8) The elevations of any building or structure along flow routes indicating
20 that no opening in the building or structure is subject to flooding at the post development flow
21 route elevations.

22 (9) The location of easements for minimum flood corridors in the Existing
23 Urban Area delineated along all channels which do not have a delineated floodplain and which
24 drain an area equal to or greater than 150 acres or have a defined bed and bank. Minimum
25 corridor preservation and mitigation for allowed encroachments shall be in conformance with

1 Chapter 2.05 (Stormwater Drainage Design Standards) of the City of Lincoln Design Standards.
2 Easements shall be in conformance with Section 26.23.120, "Easements," of the development
3 standards for this title.

4 (10) The location of easements for minimum flood corridors in New Growth
5 Areas delineated along all channels which drain an area equal to or greater than 150 acres or
6 have a defined bed and bank. Minimum corridor preservation and mitigation for allowed
7 encroachments shall be in conformance with Chapter 2.05 (Stormwater Drainage Design
8 Standards) of the City of Lincoln Design Standards. If the minimum flood corridor is in the
9 floodplain or floodprone area, it shall be preserved in conformance with the Flood Design
10 Criteria. Easements shall be in conformance with Section 26.23.120, "Easements," of the
11 development standards for this title. Minimum flood corridors centered on the channel and
12 delineated along all channels which are outside the FEMA-delineated flood plain and drain an
13 area equal to or greater than 150 acres.

14 (11) The location of proposed stormwater detention/retention facilities.

15 (12) A copy of the supporting calculations for the provision to limit the peak
16 rate of storm water discharged.

17 (c) The location, size, and common name of all existing trees within and adjacent to
18 the subdivision. The location of the trees may be shown on an aerial photograph with the
19 proposed streets and lots accurately shown thereon. All existing trees which measure three
20 inches or more in caliper five feet above the ground shall be shown and each tree identified with
21 its common name. However, if five or more trees are located so that each is within
22 approximately ten feet of the edge of another tree, they may be considered a tree mass and the
23 outline of the tree mass shall be shown, with a list of the common name of the trees which are
24 within the tree mass and their general grouping. If this procedure is followed, the individual
25 location of each tree within the tree mass is not necessary. An indication shall be made on the

1 map showing which trees or tree masses are to remain and which trees or tree masses are to be
2 removed. Trees, shrubs, and other vegetation within minimum flood corridors shall be preserved
3 to the maximum extent possible. Those trees, shrubs, and other vegetation within minimum
4 flood corridors which cannot be preserved shall be shown on the plans to be mitigated at a
5 minimum 1.5-to-1 ratio in accordance with Chapter 2.05 (Stormwater Drainage Design
6 Standards) of the City of Lincoln Design Standards and Flood Design Criteria. Trees and shrubs
7 utilized for mitigation purposes shall meet the standards for planting size and method listed in
8 the City of Lincoln's Plant Material List of August, 1986.

9 (d) A vicinity sketch showing the general location of the preliminary plat in relation
10 to existing streets, section lines, and city limits.

11 ~~———— (e) ——— Notwithstanding (a) and (b) above, centerline profiles and the drainage study~~
12 ~~submitted before March 1, 2000 may be in either city datum or NAVD 1988.~~

13 Section 5. That Section 26.19.020 of the Lincoln Municipal Code be amended to read as
14 follows:

15 **26.19.020 Certificates and Acknowledgments on Final Plat.**

16 The final plat shall show the following:

- 17 (a) Owners' acknowledgment and offer of dedication, if any;
- 18 (b) Lien holder's acknowledgement and consent to owners' offer of dedication, if
19 any;
- 20 ~~(b)~~(c) Certificate of the surveyor;
- 21 ~~(c)~~(d) Certificate of approval by the Planning Director and acceptance of the offer of
22 dedication;
- 23 ~~(d)~~(e) All affidavits, certificates, acknowledgments, endorsements, dedications, and
24 notarial seals as are required by law and the provisions of this title, shall be as approved by the
25 City Attorney.

1 Section 6. That Section 26.19.041 of the Lincoln Municipal Code be amended to read as
2 follows:

3 **26.19.041 Survey Requirements.**

4 (a) A land survey is required to support data furnished on the final plat, and this
5 survey shall conform to all requirements set forth in this section. The survey shall tie into the
6 state plan coordinate system. All angles and dimensions shown on the plat shall be field
7 measured. The survey of the centerline of all streets within the plat and the periphery of the plat
8 shall mathematically close with an error of not more than one in twenty-five thousand
9 (1/25,000). The final plat shall include a certificate signed by a registered land surveyor
10 certifying that ~~he has~~the surveyor has accurately surveyed the subdivision and attesting to the
11 accuracy of the survey, the correct location of all permanent survey monuments shown, and that
12 the lots, block, streets, alleys, public ways, and grounds are staked and marked as herein
13 required. The surveyor's certificate shall include a metes and bounds traverse description of the
14 land being subdivided and the number of acres included. The surveyor's name, land surveying
15 registration number, address, and, if applicable, firm name shall appear below ~~his~~the surveyor's
16 signature; however, the letters of the firm name shall be no larger than those used within the
17 surveyor's certificate and shall not appear elsewhere on the final plat.

18 (b) The land surveyor who performs the survey and certifies the final plat shall be
19 obligated to place all of the following monuments and stakes in the subdivision and show the
20 same on the final plat:

21 (1) A permanent monument at each of the final plat corners of the periphery
22 of the subdivision.

23 (2) A permanent monument on the centerline of each street within the final
24 plat or abutting thereon, at each street intersection, at the intersection of each street and railroad
25 right-of-way, and at each point of tangency and curvature.

1 (3) A permanent metal stake shall be installed designating lot corners and
2 block corners within the subdivision. However, to facilitate grading and installation of utilities,
3 the surveyor may be relieved temporarily from placing permanent metal stakes designating lot
4 and block corners and may be allowed to initially place temporary metal stakes to designate all
5 block corners, points of tangency and curvature along the periphery of each block, and the
6 centerline of proposed water main, wastewater collector, and storm drain easements upon the
7 following terms and conditions:

8 (i) That the subdivider file a bond with the city in an amount and form
9 | approved by the ~~e~~City ~~a~~Attorney to ensure compliance with the permanent staking requirements
10 | of this section.

11 (ii) That the subdivider enter into an agreement with the city that all
12 the permanent staking requirements of this section shall be met prior to the construction on or the
13 conveyance of any lot shown on the final plat.

14 (4) Should conditions exist that prohibit the placing of monuments and stakes
15 | on the line or ~~if necessary~~ building construction would remove the monument or stake, off-set
16 | marking may be permitted; provided, however, that the exact off-set courses and distances are
17 shown on the final plat.

18 (c) The length, size, material, and approximate depth of all monuments and metal
19 stakes placed in making the survey shall be designated by the Department of Public Works and
20 Utilities.

21 Section 7. That Section 26.23.140 of the Lincoln Municipal Code be amended to read as
22 follows:

23 **26.23.140 Lot.**

24 (a) Minimum lot width and area requirements shall conform to the zoning ordinance,
25 Title 27 of this code. Double frontage residential lots permitted under subparagraph (e) below

1 which abut a major street with at least 60 feet of right-of-way from the centerline of the street
2 shall have a minimum depth of 110 feet. Double frontage residential lots permitted under
3 subparagraph (e) below which abut a major street with less than 60 feet of right-of-way from the
4 centerline of the street shall have a minimum lot depth of 120 feet. The minimum depth of all
5 other residential lots shall be ninety feet, except where the existing lot does not meet this
6 requirement and the lot depth is not further reduced. Any lot in the O-1, O-2, O-3, B-1, B-2, B-
7 3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 districts which has a minimum width of at least
8 100 feet shall have a maximum depth of five times its width. Any residential lot in the R-3
9 district which does not meet the required minimum lot area, average lot width, or yard
10 requirements ~~in Table 27.15.080(a)~~ shall have a maximum depth of four times its width. Any
11 other lot shall have a maximum depth of three times its width. However, the Planning Director
12 may modify this requirement where the lot is occupied or intended to be occupied by a portion of
13 a duplex or townhouse structure. An existing lot which does not comply with said lot width-to-
14 depth ratios may be subdivided so as to increase such lot's width, decrease such lot's depth, or
15 both, even though such lot does not thereafter fully comply with the lot width-to-depth ratio as
16 set forth above.

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

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

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

1 corner.

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

10 (f) A lot used for commercial, industrial, business, or nonresidential purposes with at
11 least 660 linear feet of frontage on a major street may have access to the major street only if a
12 safe access point is available and approved by the city. If a safe access point is not available, or
13 if said lot does not have the required linear feet of frontage, an access road abutting the major
14 street constructed to a width approved by the city shall be dedicated to provide access to said lot.

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

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

20 (1) Lots located in any zoning district may front upon and take access to a pri-
21 vate roadway if said private roadway has been approved either in connection with a use permit
22 under the provisions of Title 27 or with a subdivision of property in conformance with all the
23 requirements of this title;

24 (2) Lots shown within the boundaries of an approved community unit plan
25 under Chapter 27.65, an approved planned unit development under Chapter 27.60, an approved

1 special permit for Planned Service Commercial under Chapter 27.63, or an approved use permit
2 under any chapter of the Lincoln Municipal Code that requires a use permit may front upon and
3 take access to a private road or take access via a permanent access to and from a public street or
4 private roadway, provided such access is dedicated in the final plat creating said lots. Residential
5 lots shall be required to have a dedicated public access easement. Nonresidential lots may have
6 either a dedicated public or private access easement.

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

10 (4) Private roadways for residential lots: (i) shall be located in an outlot having a
11 minimum width of 60 feet, (ii) shall also be subject to an easement which provides the same
12 space and location for street trees, utilities, and sidewalks as a public street, and (iii) are not
13 encouraged where fewer than ten dwelling units are proposed unless sufficient justification is
14 provided to show future lot owners will have sufficient financial resources to privately maintain
15 said roadway.

16 (h) A corner lot abutting a temporary dead-end street may be required to relinquish
17 direct vehicular access to the temporary dead-end street when the lot is the only lot fronting on
18 the temporary dead-end street within the same block.

19 Section 8. That Section 27.06.020 of the Lincoln Municipal Code be amended to read as
20 follows:

21 **27.06.020 Classification of Use Types.**

22 (a) Considerations.

23 (1) Main uses of a building or premises (sometimes referred to in this Title as
24 “use types”) are assigned to the Use Group whose description most closely describes the nature
25 of the main use. The main use may have one or more accessory uses. The use of a building or

1 premises for more than one main use is addressed in subsection (b) below. Accessory uses are
2 addressed in subsection (c) below.

3 (2) The Building Official shall prepare and maintain an up-to-date list of
4 common uses included within each use group (“List of Use Group Types”). When any proposed
5 use is not listed on the List of Use Group Types, the Building Official shall make a determination
6 as to what Use Group the proposed use will be assigned to. If a building or premises is used for
7 two or more main uses, each use shall be classified in the Use Group whose description most
8 closely portrays the nature of such uses. The Building Official’s classification of a use is subject
9 to the right of appeal to the Board of Zoning Appeals pursuant to Section 27.75.030. The
10 following items shall be considered when determining what Use Group a main use is classified
11 in, and whether the activities associated with the main use constitute an accessory use:

12 (i) The description of the activity in relationship to the characteristics
13 of each use group;

14 (ii) The relative amount of site or floor space and equipment devoted
15 to the activity;

16 (iii) Relative amounts of sales from each activity;

17 (iv) The customer type for each activity;

18 (v) The relative number of employees in each activity;

19 (vi) Hours of operation;

20 (vii) Building and site arrangement;

21 (viii) Vehicles and/or machinery used with the activity;

22 (ix) The relative number of vehicle trips generated by the activity;

23 (x) Whether the activity would be likely to be found independent of
24 the other activities on the site;

25 (xi) Off-site impacts.

1 (b) More Than One Main Use.

2 (1) When a building or premises has more than one main use, each main use
3 shall comply with the regulations of the zoning district in which the use is located.

4 (2) More Than One Main Building or Use on a Lot or Tract in R-5, R-6, R-7,
5 R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 District. A
6 lot or tract located in the R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1,
7 H-2, H-3, H-4, I-1, I-2, or I-3 district may have more than one main building or use, but only
8 when such buildings or uses conform to all open space requirements for the district in which the
9 lot or tract is located. The exception is that no more than two single-family dwellings may be on
10 a lot or tract. In addition, in the R-5, R-6, R-7, and R-8 districts, the lot or tract must meet the
11 minimum lot requirements and conditions in said district for each main building or use.

12 (3) Two or More Buildings for Two-family Dwellings, Multiple-family, or
13 Institutional Purposes. In the event that a lot or tract located in the R-1 through R-4 zoning
14 district is to be occupied under a special permit or planned unit development by a group of two
15 or more buildings to be used as a unit for any combination of two-family dwellings, multiple-
16 family dwelling, or institutional purposes, there may be more than one main building on the lot;
17 provided, however, that the open space between buildings shall have a minimum dimension of
18 twenty feet, unless modified by the approval of a special permit or planned unit development. In
19 addition, the lot or tract must meet the height and area regulations in said district for each main
20 building or use except yards, average lot width, and height may be modified by ~~of~~ approval for
21 such use under the special permit or planned unit development.

22 (4) Multiple Dwelling Considered as One Building. For the purpose of the
23 side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one
24 building occupying one lot.

25 (c) Accessory Uses.

1 (1) Accessory uses permitted in each district are accessory buildings and uses
2 customarily incident to any of the permitted uses, permitted conditional uses, or permitted
3 special uses in the district unless stated otherwise in the regulations.

4 (2) Construction and Use of Accessory Buildings. No accessory buildings
5 shall be constructed upon a lot until the construction of the main building has been commenced,
6 and no accessory buildings shall be used for dwelling purposes, except that in the AG, AGR, and
7 R-1 zoning districts, an accessory building may be used for dwelling purposes by not more than
8 two domestic employees employed entirely on the premises if a special permit for such use has
9 been obtained in conformance with the requirements of Chapter 27.63.

10 (3) Unless otherwise stated, accessory uses are subject to all applicable
11 regulations of the main use.

12 (4) Production, manufacture, distribution, and storage of toxic, radioactive,
13 flammable, or explosive materials, including chemicals and gases, fireworks, and explosives,
14 except fireworks, shall be allowed in connection with a permitted commercial, business, or
15 industrial purpose as incidental to the referenced permitted use without the requirement of
16 obtaining a special permit.

17 (5) Early childhood care facilities and schools are not a permitted accessory
18 use to a place of religious assembly in the I-1 Industrial District.

19 (d) Occupancy of Basements and Cellars. No basement or cellar shall be occupied
20 for residential purposes until the remainder of the building has been substantially completed.

21 (e) Access for Uses. The means of access to any use may pass through land which is
22 in a different zoning district as long as that land has been approved for access via a public access
23 easement to and from a public street or private roadway.

24 Section 9. That Section 27.06.120 of the Lincoln Municipal Code be amended to read as
25 follows:

1 **27.06.120 Office Use Group.**

2 Characteristics: The Office Use Group is characterized by activities conducted in an
 3 office setting that focus on the provision of goods and services. Generally the uses are open
 4 during normal business hours and are not associated with late night activities. Individual uses
 5 generally do not require more than an acre of land. Such uses include but would not be limited
 6 to offices for doctors, therapists, architects, engineers, lawyers, accountants, banks, savings and
 7 loan associations, credit unions, finance companies, data centers, and insurance companies.
 8 Office use may include research and development activities as defined in technology transfer
 9 industries in Chapter 27.02.210.

10 Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Banks, savings and loan associations, credit unions, and finance companies											S	P	P	C	P	P	P	C	P		P	P	P	P	P	C P
Offices										S	P	P	P	P	P	P	P	P	P		P	P	P	P	P	C P
All other uses in this Use Group											P	P	P	P	P	P	P	P	P		P	P	P	P	P	C P

11 Section 10. That Section 27.06.130 of the Lincoln Municipal Code be amended to read
 12 as follows:

13 **27.06.130 Retail Sales and Services Use Group.**

14 Characteristics: The Retail Sales and Services Use Group is characterized by uses that
 15 are involved in the sale, lease, or rental of new or used products to the general public. They may
 16 also provide personal services, or provide product service or repair for consumer and business
 17 goods. Services and repairs are typically performed on site. Small-scale production, assembly, or
 18 manufacturing of retail goods and crafts primarily sold on the premises is permitted as accessory
 19 to business activity. A portion of the premise may be used for outdoor storage of products
 20 associated with the main use. These uses may be open 24 hours a day and may include drive up
 21 or drive thru facilities. These uses generally do not involve the use, storage, production, or

1 manufacturing of hazardous chemicals. Such uses include but are not limited to retail sales,
 2 personal services, service and repair facilities, motorized vehicle repair and sales, hotels and
 3 motels, ambulance services, motorized fuel sales facilities, parking lots, recycling drop-off
 4 facilities and off-sale of alcoholic beverages. Parking as a primary use is part of this use group.

5 Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Garden centers	S	S		S	S										P	P	P	P	P		P	P	P	P	P	P
Hotels and motels														P	P	P	P	P	P	P	P	P	P	P	P	C
Kennels	P	P													C	C	C	P			C	C	C	P	P	P
Mail order catalog sales											C	S	S		P	S	P	P			P	P	P	P	P	P
Marinas for sale, service, and storage of motorboats and related water craft															P			P	P					P	P	P
Motorized vehicle fuel sales facility															P	P	P	C	P	P	P	P	P	P	P	P
Motorized vehicle repair/service															C	P	C	C	P	P	P	P	P	P	P	P
Motorized vehicle sales																	C	C	P		C	C	P	P	P	P
Motorized vehicle wash facilities															C	C	C	C	P	P	C	C	S	P	P	P
Off-sale alcoholic beverages															S	C	S	P	C	S	S	S	S	S	P	S
Outdoor retail sales																		P	P			P	P	P	P	P
Outdoor seasonal sales	C	C	S	S	S	S	S	S	S	S	S	S	S		P	P	P	P	P		P	P	P	P	P	P
Parking garage as a primary use											S							C						P	P	P
Parking lots as a primary use			S	S	S	S	S	S	S	S		C			P		P	C			P	P		P	P	P
Parking lots, temporary			S	S	S	S	S	S	S	S								P						P	P	P
Parking lots, temporary commercial				S	S													P						P	P	P
Personal services											C	C	C	C	P	P	P	P	P		P	P	P	P	P	P
Retail sales											C		C		P	P	P	P	P		P	C	C	C	P	P
Service and repair facilities														C	C	P	C	P	P		C	P	P	P	P	P
Veterinary facilities	S	S									C	C	C	C	C	C	C	P			C	C	C	P	P	P
All other uses in this Use Group															P	P	P	P	P		P	P	P	P	P	P

6 Section 11. That Section 27.06.150 of the Lincoln Municipal Code be amended to read
 7 as follows:

8 **27.06.150 Commercial Recreation and Entertainment Facilities Use Group.**

9 Characteristics: The Commercial Recreation Facilities Use Group is characterized by
 10 uses that provide as its primary function events and activities for the entertainment and/or
 11 recreation of members, guests, or customers. Events or activities may be indoors or outdoors.

1 Such uses include but are not limited to outdoor recreational facilities, campgrounds, enclosed
 2 commercial recreational facilities, miniature golf courses, sexually oriented live entertainment
 3 establishments, social halls, community halls, theaters and picture arcades. This use group does
 4 not include facilities that are primarily used for instruction and are not open to the public.

5 Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Campgrounds	S	S																								
Community halls	S																									
Recreational facilities, enclosed commercial															P	P	P	P	P		P	P	P	P	P	P
Recreational uses, outdoor	S	S	S	S	S	S	S	S	S	S	S		S		S	S	S	P	P		P	P	P	P	P	P
Sexually oriented live entertainment establishments																				S	S	S	S	S	S	S
Social halls															C	C	C	P	C		C	C	C	P	P	
Theaters (indoor)																S	S	P	S							
Theaters (outdoor)																		P			S	P	P	S		
Amusement License	C																									
All other uses in this Use Group															P	P	P	P	P		P	P	P	P	P	P

6 Section 12. That Section 27.07.030 of the Lincoln Municipal Code be amended to read
 7 as follows:

8 **27.07.030 Permitted Conditional Uses.**

9 A building or premises is allowed to be used for those use types designated in the Use
 10 Group Tables in Chapter 27.06 as a permitted conditional use in the AG Agriculture District in
 11 conformance with the Chapter 27.62 conditions of approval for such use.

12 ~~Notwithstanding any provision to the contrary above, any use that the Lancaster County~~
 13 ~~Board of Commissioners has approved by the granting of an amusement license for such use~~
 14 ~~shall be allowed as a permitted conditional use in the AG Agriculture District, provided said~~
 15 ~~conditional use is limited to one event per calendar year.~~

16 Section 13. That Section 27.51.030 of the Lincoln Municipal Code be amended to read
 17 as follows:

18 **27.51.030 General Regulations.**

1 (a) I-3 Employment Center District Zoning. I-3 Employment Center District zoning
2 shall not be permitted or granted upon any property having a total area of less than fifty (50)
3 acres.

4 (b) General Use Regulations. Any development, including building and open land
5 uses, except farming and the sale of farm products, shall be prohibited in the I-3 Employment
6 Center District prior to the approval of a use permit in conformance with the requirements of this
7 chapter. No use permit shall be granted upon any property having a total area of less than fifty
8 acres, nor for any plan unless it is in conformance with all applicable city standards and with all
9 regulations of the applicable sections of this chapter.

10 (c) Specific Use Regulations.

11 ~~————— (1) — The aggregate retail use permitted in the I-3 Employment Center District~~
12 ~~shall not exceed twenty percent (20%) of the buildable square footage of the land included~~
13 ~~within the boundaries of the use permit assuming a floor-to-area ratio of one to four. Similarly,~~
14 ~~the aggregate office use permitted in the I-3 District shall not exceed thirty percent (30%) of the~~
15 ~~buildable square footage of the land included within the boundaries of the use permit assuming a~~
16 ~~floor-to-area ratio of one to four.~~

17 ~~————— (2) — The total of all retail, office, post-secondary education facilities, nonprofit~~
18 ~~religious, educational, and philanthropic institutions permitted in the I-3 District and early~~
19 ~~childhood care facilities specially permitted in Section 27.51.050 below shall not in the~~
20 ~~aggregate exceed fifty percent (50%) of the buildable square footage of the land included within~~
21 ~~the boundaries of the use permit assuming a floor-to-area ratio of one to four.~~

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

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

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

8 | (36) The City Council may modify these conditions, except for condition (14).
9 | Section 14. That Section 27.62.030 of the Lincoln Municipal Code be amended to read
10 | as follows:

11 | **27.62.030 Agricultural Use Group.**

12 | Upon issuance of a certificate of occupancy, a building or premises may be used for the
13 | following use types as a permitted conditional use in the designated zoning districts and in
14 | compliance with the conditions of approval applicable for that use type.

15 | (a) Agricultural Attraction is allowed in the AG zoning district under the following
16 | conditions:

17 | (1) The premises ~~is~~are located outside the city limits, contains twenty acres or
18 | more of land, and the majority of the premises is in agriculture use for the purpose of raising and
19 | harvesting crops.

20 | (2) The attraction has received an Amusement License from the Lancaster
21 | County Board.

22 | (b) Confined feeding facilities for livestock or poultry is allowed in the AG zoning
23 | district provided the confined feeding facility does not exceed a maximum area of 15,000 square
24 | feet. (NOTE: Facilities that exceed 15,000 square feet may be allowed upon approval of a
25 | special permit for said use pursuant to Chapter 27.63).

1 (c) Pet cemeteries are allowed in the AG and AGR zoning districts provided that the
2 use has a minimum lot area of five acres;

3 (d) Urban Gardens are permitted in all zoning districts except the AG zoning district
4 under the following conditions:

5 (1) There is no commodity sold upon the premises;

6 (2) Approval has been granted by the Lincoln Lancaster County Health
7 Department;

8 (3) Plants and accessory items for cultivation including trellises, fences, and
9 utilities, but not structures, are allowed in the front yard.

10 Section 15. That Section 27.62.090 of the Lincoln Municipal Code be amended to read
11 as follows:

12 **27.62.090 Office Use Group.**

13 A building or premises may be used for the following use types as a permitted
14 conditional use in the designated zoning districts and in compliance with the conditions of
15 approval applicable for that use type.

16 (a) Banks, savings and loan associations, credit unions, and finance companies are
17 allowed in the R-T zoning district and in that portion of the B-4 zoning district bounded by 10th
18 Street, 150 feet north of “P” Street, 14th Street, and N Street, provided that there are no drive-up
19 or drive-thru facilities or automatic teller machines.

20 (b) Office uses in the aggregate in the I-3 Employment Center District shall not
21 exceed thirty percent (30%) of the buildable square footage of the land included within the
22 boundaries of the use permit assuming a floor-to-area ratio of one to four. A user of 75,000
23 square feet or more of floor area shall not be subject to the thirty percent (30%) limitation.

1 Section 16. That Section 27.62.100 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **27.62.100 Retail Sales and Services Use Group.**

4 A building or premises may be used for the following use types as a permitted
5 conditional use in the designated zoning districts and in compliance with the conditions of
6 approval applicable for that use type.

7 (a) Hotels and motels are allowed in the I-3 zoning district under the following
8 conditions:

9 (1) The total square footage of such use shall not exceed ten percent (10%) of
10 the buildable square footage of the tract of land included within the boundaries of the use permit
11 assuming a floor-to-area ratio of one to four.

12 (2) Accessory uses operated by a concessionaire or lessee of an employer may
13 occupy no more than five percent (5%) of the total floor area of the hotel or motel.

14 (b) Kennels and/or Veterinary Facilities may be allowed in those zoning districts
15 where such use is designated as a permitted conditional use under a Use Group Table in Chapter
16 27.06, under the following conditions:

17 (1) Any associated outdoor area must be located no closer than 200 feet from
18 any R-1 through R-8 residential district.

19 (2) No more than 3 animals are permitted in the outdoor area at any one time.

20 (NOTE: If the above conditions cannot be met, the use may be allowed upon
21 approval of a special permit pursuant to Chapter 27.63).

22 (c) Motorized vehicle sales and/or repair/services facilities are permitted in the B-3,
23 B-4, H-2, and H-3 zoning districts and **M**motorized vehicle services is permitted in the B-1 under
24 the following conditions:

1 (1) In the B-1 and B-3 zoning districts:

2 (i) No facility shall be permitted to locate within 100 feet of any
3 residential use or district;

4 (ii) Any facility located within 100 feet of any residential use or
5 district which was lawfully established in the B-1 or B-3 zoning district on the effective date of
6 this ordinance, shall screen the facility from such residential use or district by the use of an
7 opaque fence six feet in height, constructed of wood, or of a substitute material ~~found~~-acceptable
8 to the Director of Building and Safety;

9 (iii) The locational or screening requirements of (i) and (ii) above shall
10 not apply when said residential use or district is across a public street from the motorized vehicle
11 sales and/or repair facility, but shall apply if said residential use or district is across an alley or
12 private drive from said facility;

13 (2) In the H-2 and H-3 zoning districts, the storage of vehicles for sale and
14 resale is permitted in the front yard except for the front twelve feet under the following
15 conditions:

16 (i) Parking barriers in accordance with parking lot design standards
17 must be provided around the storage/display area to prevent the vehicles stored/displayed for sale
18 or resale from overhanging the front twelve feet of the front yard.

19 (ii) No vehicle shall be stored/displayed for sale or resale in the front
20 yard upon a raised concrete island or on a raised display structure.

21 (iii) The hood or trunk or both of vehicles stored/displayed for sale or
22 resale in the front yard shall not be open except when being inspected by a customer or for
23 servicing.

24 (iv) The front twelve feet of the front yard shall be devoted to shrubs
25 and grasses.

1 (v) The front twelve feet of the front yard not permitted to be used for
2 the storage of vehicles for sale and resale shall be screened at least sixty percent from zero feet to
3 two feet above the surface of the lot. The design and construction of the landscaping shall be in
4 conformance with the Design Standards for Screening and Landscaping except that fences may
5 not be used to meet the above screening requirements. If plant material is used, the density
6 percentage is calculated using the design size found in the City of Lincoln’s plant material list
7 approved by the Planning Director. The landscape screen shall be located throughout the area but
8 far enough from the barrier so as to be protected from the bumpers of overhanging vehicles.
9 Entrance driveways shall be excluded from the required screen.

10 (vi) No fence shall be erected in the front yard.

11 (vii) Lighting in the front yard shall be in conformance with the Design
12 Standards for Outdoor Lighting.

13 (viii) Any existing motorized vehicle sales facility lawfully established
14 on the effective date of this ordinance which does not comply with conditions (i) through (vii)
15 above may be continued in accordance with the provisions of Chapter 27.61 for nonconforming
16 uses.

17 (3) In the area of the B-4 zoning district from 150 feet east of 17th Street to
18 the eastern edge of the B-4 zoning district, motorized vehicle sales and/or repair/service facilities
19 are prohibited;

20 (d) Motor fuel sales facilities are allowed in the B-4 zoning district under the
21 following condition: In the area of the B-4 zoning district from 150 feet east of 17th Street to the
22 eastern edge of the B-4 zoning district, fuel sales facilities are prohibited;

23 (e) Motorized vehicle wash facilities are allowed in the B-1, B-2, B-3, B-4, H-2, and
24 H-3 zoning districts under the following conditions:

1 | (1) In the B-1, B-2, and B-3 zoning districts, a self-service, coin-operated
2 | wash facility shall not exceed four wash bays.

3 | (2) In the H-2 and H-3 zoning districts, a self-service, coin-operated wash
4 | facility shall not exceed six wash bays.

5 | (3) In the B-2 and B-3 zoning districts, the stacking space shall not be located
6 | within the required front yard.

7 | (4) In the area of the B-4 zoning district from 150 feet east of 17th Street to
8 | the eastern edge of the B-4 zoning district and in the area bounded by 10th Street, 150 feet north
9 | of “P” Street, 14th Street, and “N” Street, motorized vehicle wash facilities are prohibited;

10 | (f) Outdoor seasonal sales, tents, and other temporary structures are allowed in the
11 | AG and AGR zoning districts under the following conditions:

12 | (1) In the AG and AGR zoning districts, roadside stands for the temporary or
13 | seasonal sale of produce shall:

14 | (i) Be located outside the city limits;

15 | (ii) Be allowed in addition to any other main use, regardless of lot size;

16 | (iii) Be allowed in a required yard, provided that such roadside stand
17 | shall be located no closer than thirty feet to the edge of a traveled roadway;

18 | (iv) Not be operated for more than 180 days in any one calendar year.

19 | (g) Parking as a primary use is allowed in the O-2 and B-4 zoning districts under the
20 | following conditions:

21 | (1) In the O-2 zoning district provided that no part of the street frontage
22 | within the block face on which a parking lot is proposed to be located may be zoned residential.

23 | (2) In the area of the B-4 zoning district bounded by 10th Street, 150 feet
24 | north of “P” Street, 14th Street, and “N” Street, parking as a primary use is prohibited;

1 (NOTE: If the above conditions cannot be met, the use may be allowed upon
2 approval of a special permit pursuant to Chapter 27.63).

3 (h) Personal Services are allowed uses in the O-1, O-2, O-3, and R-T zoning district
4 under the following conditions:

5 (1) In the O-1 and O-3 zoning districts:

6 (i) The services shall be located entirely within a building containing
7 office or residential uses.

8 (ii) The services shall not exceed twenty percent of the total square
9 feet of floor area in such building.

10 (2) In the O-2, and R-T zoning districts, the floor area of said use shall not
11 exceed 5,000 square feet.

12 (i) Retail sales including mail order catalog sales are allowed in the O-1, O-3, H-3,
13 H-4, and I-1 zoning districts under the following conditions:

14 (1) In the O-1 and O-3 zoning districts:

15 (i) The retail sales shall be located entirely within a building
16 containing office or residential uses.

17 (ii) Retail sales shall not exceed twenty percent of the total square feet
18 of floor area in such building.

19 (iii) Retail sales shall occupy no more than 10,000 square feet of floor
20 area per business.

21 (2) In the H-3 zoning district, retail sales shall occupy no more than 20,000
22 square feet of floor area per business.

23 (3) In the H-4 zoning district, retail sales shall occupy no more than 30,000
24 square feet of floor area per business.

1 (4) In the I-1 zoning district, retail sales and service shall occupy no more
2 than 20,000 square feet of floor area per business.

3 (NOTE: If conditions (2), (3), and (4) above cannot be met, the use may be
4 allowed if a special permit is approved pursuant to Chapter 27.63).

5 (5) In the I-3 Employment Center District:

6 (i) Retail uses in the aggregate shall not exceed twenty percent (20%)
7 of the buildable square footage of the land included within the boundaries of the use assuming a
8 floor-to-area ratio of one to four; and

9 (ii) The total of all retail, office, post-secondary education facilities,
10 nonprofit religious, educational, and philanthropic institutions permitted in the I-3 District and
11 early childhood care facilities specially permitted shall not in the aggregate exceed fifty percent
12 (50%) of the buildable square footage of the land included within the boundaries of the use
13 permit assuming a floor-to-area ratio of one to four. A user of 75,000 square feet or more of
14 floor area shall not be subject to the fifty percent (50%) limitation.

15 (j) Sale of alcoholic beverages for consumption off the premises is allowed in the B-
16 2 and B-5 zoning districts under the following conditions:

17 (1) Parking shall be in conformance with the provisions of Chapter 27.67;
18 provided that in the B-5 zoning district no parking spaces shall be located in that portion of any
19 required side yard or rear yard of the building containing the licensed premises that abuts a
20 residential district.

21 (2) Any exterior door opening must meet the following conditions:

22 (i) Be located at least 100 feet (as measured by the shortest, most
23 direct distance) from a day care facility, place of religious assembly, state mental health
24 institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided
25 that, if there is an intervening exterior wall of the building containing the licensed premises

1 between the exterior door opening and such day care facility, place of religious assembly, state
2 mental health institution, park (excluding golf courses and hiker/biker trails), or residential
3 district, then the 100 feet shall be measured from the exterior door opening, along the exterior
4 base of the building wall(s) to the point where there is no intervening exterior building wall, and
5 from that point the shortest, most direct distance to the day care facility, place of religious
6 assembly, state mental health institution, park (excluding golf courses and hiker/biker trails), or
7 residential district.

8 (ii) If the exterior door opening faces a residential district, then such
9 opening shall be at least 150 feet from a residential district as measured by the shortest, most
10 direct perpendicular distance. The exterior door shall not be kept or propped open during the
11 hours of operation. For purposes of this section, “exterior door opening” shall mean (A) that
12 portion of the exterior wall face of the building containing the licensed premises that contains a
13 break to accommodate the exterior building door, door frame, door vestibule, or door entryway
14 area; and (B) provides public or membership access to the licenses premises. “Exterior door
15 opening” shall not apply to openings for emergency exit doors required by building or safety
16 codes; or loading doors or unloading doors that are not available for public or membership access
17 in the ordinary course of business.

18 (3) Vehicle stacking for a drive-through window used as any part of the
19 permitted business operation shall not be located in any required building setback from a
20 residential district.

21 (4) The use shall not have any amplified outside sound or noise source,
22 including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential
23 district. This shall not apply to sound sources audible only to the individual to whom they are
24 directed, such as personal pagers, beepers, or telephones.

1 (5) Notwithstanding any contrary provision contained in Section
2 27.64.010(h), the yard requirements, the parking location requirements, and the exterior door
3 opening location requirements in this section shall not be adjusted by the City Council.

4 (6) In addition, in the B-2 zoning district, all exterior door openings of the
5 licensed premises shall be located more than 100 feet away from any parking spaces located in a
6 side or rear yard adjacent to a residential district. For the purpose of this measurement, the side
7 yard shall be 50 feet. In addition, if there is an intervening exterior wall of the building
8 containing the licensed premises between the exterior door opening and such residential district,
9 then the 100 feet shall be measured from the exterior door opening, along the exterior base of the
10 building wall(s) to the point where there is no intervening exterior building wall, and from that
11 point the shortest, most direct distance to any parking spaces located in a side or rear yard
12 adjacent to the residential district.

13 (7) In addition, in the B-5 zoning district when the building containing the
14 licensed premises abuts a residential district, the required yards shall be met.

15 (k) Service and repair facilities are allowed in the R-T, B-1, B-3, and
16 H-2 zoning districts under the following conditions:

17 (1) The floor area of said premises not devoted to sales or office space shall
18 not exceed 5,000 square feet; and

19 (2) All displays and merchandise shall be within the enclosure walls of the
20 buildings.

21 (3) In addition, in the B-3 zoning district, appliance service and repair shall
22 comply with the following additional conditions:

23 (i) No appliance sales and repair facility shall be permitted to locate
24 within 100 feet of any residential use or district;

1 (ii) Any appliance service and repair facility located within 100 feet of
2 any residential use or district which was lawfully established in this district on the effective date
3 of this ordinance, shall screen the facility from such residential use or district by the use of an
4 opaque fence six feet in height, constructed of wood, or of a substitute material ~~found~~ acceptable
5 to the Director of Building and Safety;

6 (iii) The locational or screening requirements of (i) and (ii) above shall
7 not apply when said residential use or district is across a public street from the appliance sales
8 and repair facility, but shall apply if said residential use or district is across an alley or private
9 drive from the appliance sales and repair facility.

10 Section 17. That Section 27.62.120 of the Lincoln Municipal Code be amended to read
11 as follows:

12 **27.62.120 Commercial Recreation and Entertainment Facilities Use Group.**

13 A building or premises may be used for the following use types as a permitted
14 conditional use in the designated zoning districts and in compliance with the conditions of
15 approval applicable for that use type.

16 (a) Social halls are allowed in the B-1, B-2, B-3, B-5, H-2, H-3, and H-4 under the following
17 conditions:

18 (1) There shall be no amplified sound or noise source of any kind outside of the
19 social hall;

20 (2) Except as provided in (ii) and (iii) below, any exterior door opening must meet
21 the following conditions:

22 (i) Either be located at least 100 feet (as measured by the shortest, most direct
23 distance) from a day care facility, place of religious assembly, state mental
24 health institution, park (excluding golf courses and hiker/biker trails), or a
25 residential district; provided that, if there is an intervening exterior wall of

1 the building containing the social hall between the exterior door opening
2 and such day care facility, place of religious assembly, state mental health
3 institution, park (excluding golf courses and hiker/biker trails), then the
4 100 feet shall be measured from the exterior door opening, along the
5 exterior base of the building wall(s) to the point where there is no
6 intervening exterior building wall, and from that point the shortest, most
7 direct distance to the day care facility, place of religious assembly, state
8 mental health institution, park (excluding golf courses and hiker/biker
9 trails), or residential district.

10 (ii) If the exterior door opening is less than 100 feet from a residential district,
11 it must face the opposite direction from that district.

12 (iii) If the exterior door opening faces a residential district, then such opening
13 shall be at least 150 feet from ~~at~~the residential district as measured by the
14 shortest, most direct perpendicular distance. The exterior door shall not be
15 kept or propped open during the hours of operation.

16 For purposes of this section, “exterior door opening” shall mean (a) that portion of
17 the exterior wall face of the building containing the social hall that contains a
18 break to accommodate the exterior building door, door frame, door vestibule, or
19 door entryway area; and (b) provides access to the social hall. “Exterior door
20 opening” shall not apply to openings for emergency exit doors required by
21 building or safety codes, ~~or~~ loading doors or unloading doors that are not
22 available for access in the ordinary course of business.

23 (b) Any use which has received an Amusement License from the Lancaster County
24 Board. Said conditional use is permitted on a premises for no more than one event per calendar
25 year, except for a place of religious assembly.

1 Section 18. That Section 27.63.025 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **27.63.025 Appeal of Planning Commission Action.**

4 (a) Any council member, the Mayor, ~~or~~ any aggrieved person, or any person or group
5 officially designated to participate in the administration of this title may appeal any action of the
6 Planning Commission to the City Council by filing notice of appeal with the [Planning](#)
7 [Department](#)~~City Clerk~~ within fourteen days following the action of the Planning Commission.

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

11 (c) In exercising its appellate jurisdiction, the action appealed from shall be deemed
12 advisory and the City Council may, after public hearing, in conformity with the provisions of this
13 title make such decision as ought to be made.

14 Section 19. That Section 27.63.140 of the Lincoln Municipal Code be and the same is
15 hereby repealed:

16 ~~**27.63.140 — Outdoor Lighting for Recreational Facilities.**~~
17 ~~— Outdoor lighting for recreational facilities may be allowed by special permit in the H-2~~
18 ~~and H-3 zoning districts.~~

19 Section 20. That Section 27.63.180 of the Lincoln Municipal Code be amended to read
20 as follows:

21 **27.63.180 B-4 District.**

22 (a) Parking lots, storage garages, and other off-street parking facilities may be allowed
23 by special permit in that portion of the B-4 zoning district bounded by 10th Street, “P” Street,
24 14th Street, and “N” Street, in conformance with the provisions of Chapter 27.67.

1 (b) Motorized vehicle fuel sales facilities or ~~car-washes~~motorized vehicle wash
2 facilities may be permitted in that portion of the B-4 zoning district bounded by 10th Street, 150
3 feet north of “P” Street, 14th Street, and “N” Street; provided that:

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

6 (2) Such use is so located that service and access are from within said storage
7 garage.

8 (c) Drive-in teller windows may be permitted in that portion of the B-4 zoning district
9 bounded by 10th Street, “P” Street, 14th Street, and “N” Street; provided, that such use is so
10 designed that all customers waiting to be served; and all auto-storage lanes; are wholly within a
11 parking lot or a storage garage.

12 (d) Motorized vehicle fuel sales facilities may be permitted in that portion of the B-4
13 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 Lincoln Center
14 Business District.

15 Section 21. That Section 27.63.500 of the Lincoln Municipal Code be amended to read
16 as follows:

17 **27.63.500 Salvage Yards.**

18 Salvage yards may be allowed by special permit in the I-1 zoning district under the
19 following conditions:

20 (a) Construction and operation shall comply with Chapters 5.41 and 8.26 of the
21 Lincoln Municipal Code and any other applicable codes or requirements;

22 (b) Receiving areas for salvage material shall be designed to avoid the depositing of
23 salvage material outside a building or outside screened storage areas;

24 (c) Salvage yards shall contain a minimum of two acres, except that the site may be
25 as small as 20,000 square feet where the site abuts one or more existing salvage yards that

1 exceed two acres in total, or where the site is located no closer than 100 feet to the boundary of
2 the I-1 zoning district except where said boundaries are common with H-3 zoning district;

3 (d) Salvage and/or recycling material kept outside a building or buildings shall not be
4 located closer than 500 feet from any of the following entrance corridors, except where existing
5 land forms completely obstruct the view by the traveling public of the salvage material:

6 (1) Interstate 80 and 180;

7 (2) ~~West Bypass~~ Rosa Parks Way and “K” and “L” Streets extension west of
8 S. 9th Street;

9 (3) U.S. 77 north of Morton Street;

10 (4) U.S. 77 and Nebraska Highway 2 south of High Street;

11 (5) Nebraska Highway 2 east of South 14th Street;

12 (6) U.S. 6 east of 56th Street ~~a point one fourth mile west of 70th Street~~;

13 (7) U.S. 6 (Sun Valley Blvd) from N. 10th Street to West O Street ~~west of Salt~~
14 ~~Creek~~;

15 (8) Cornhusker Highway west of Interstate 180;

16 (9) North 27th Street north of Leighton Street;

17 (10) West “O” Street and “O” Street west of 9th Street.

18 (e) Salvage/recyclable material kept outside a building or buildings shall not be
19 located in the required front yard;

20 (f) Salvage/recyclable material kept outside a building or buildings shall be located at
21 least 100 feet from the boundaries of the I-1 or I-2 zoning district except where said boundaries
22 are common with the H-3 zoning district and shall be at least 500 feet from any residential
23 zoning district;

24 (g) Salvage/recyclable materials may be stored in enclosed semi-trailers provided that
25 the semi-trailers are properly licensed and are operable to be drawn by a motor vehicle upon the

1 streets and highways of the City of Lincoln and the State of Nebraska and the semi-trailer shall
2 not be located in the required front yard. Where the side yard or rear yard of the salvage yard
3 abuts a residential district, the semi-trailers shall be located at least twenty feet from the
4 respective side lot line or rear lot line and the openings to the trailer shall not face the residential
5 district.

6 (h) The City Council may decrease the setback requirements in (c) and (f) above
7 upon finding that there is sufficient justification for such modification and that there will be no
8 significant adverse effect on the adjacent property.

9 Section 22. That Section 27.63.510 of the Lincoln Municipal Code be amended to read
10 as follows:

11 **27.63.510 Cemeteries and Mausoleums.**

12 Cemeteries or mausoleums may be allowed by special permit in any residential district
13 (R-1 through R-8), any highway district (H-1 through H-4), and the B-1, B-2, and B-3 districts.
14 All required setbacks shall be maintained as landscaped or open space areas. Additional setback
15 or screen requirements may be required to minimize impacts on adjacent properties.

16 Section 23. That Section 27.63.570 of the Lincoln Municipal Code be amended to read
17 as follows:

18 **27.63.570 Race Tracks For Motorized Vehicles.**

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

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

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

25 (2) Proposed water and sewer systems.

1 (3) Drainage and grading plan.

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

4 (5) Landscaping and screening plan.

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

7 (b) For sites located within the 65dB ~~DNL~~ contour north of U.S. Highway 34 and
8 any areas within the 70dB and 75dB ~~DNL~~ contours of the Airport Environs Noise District as
9 shown on the Airport Environs Noise District Map, the site shall contain at least twenty acres of
10 land in the I-1 district and thirty acres of land in the AG district. For all other sites located
11 within the city's zoning jurisdictions, except where race tracks are prohibited under Chapter
12 10.20, the site shall contain at least thirty-five acres of land in the I-1 district and fifty acres in
13 the AG district.

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

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

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

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

4 (g) The center of the race track shall be located at least one mile away from existing
5 hospitals, ~~and~~ places of religious assembly, ~~and~~ residential areas, rural use areas, and parks and
6 open space as designated by the Comprehensive Plan, provided that the Planning Commission
7 may adjust such distance criteria if the race track is located within the 65 dB ~~DNL~~ ~~Ln~~ contour in
8 the Airport Environs Noise District. Such an adjustment shall be granted only upon a deter-
9 mination by the Planning Commission that the proposed race track will not adversely affect
10 adjacent land uses.

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

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

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

20 Section 24. That Section 27.64.010 of the Lincoln Municipal Code be amended to read
21 as follows:

22 **27.64.010 Procedures and Requirements.**

23 (a) Application: Applications for a use permit under this chapter for development in
24 the O-3, R-T, B-2, B-5, and I-3 zoning districts shall be filed by the owner in writing with the
25 Planning Department on a form provided by the City. Upon filing the application, the City

1 Council shall refer the application to the Planning Commission for its consideration and final
2 action as provided in subsection (g) below.

3 (b) Preliminary plan: The Planning Director may require a preliminary plan that may
4 include the following information:

- 5 (1) Boundary survey and gross acreage;
- 6 (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
7 elevations on 100-foot grid shall be required to fully indicate the topography on
8 flat land;
- 9 (3) Street right of way;
- 10 (4) Utility easements;
- 11 (5) Adjacent land use and zoning classifications;
- 12 (6) Location of structures on property to be removed;
- 13 (7) Vicinity map;
- 14 (8) Date prepared, scale, and north point;
- 15 (9) Schematic and location of existing buildings;
- 16 (10) Parking areas and capacity;
- 17 (11) Open space for residential uses (except in the R-T District);
- 18 (12) Use of buildings, such as retail, service, restaurant, office, residential, and other
19 uses;
- 20 (13) Height of buildings;
- 21 (14) Location of existing trees and proposed landscape plan;
- 22 (15) Proposed vehicular and pedestrian circulation system including egress and
23 ingress;
- 24 (16) Building and parking setback lines;
- 25 (17) Grading plan;

- 1 (18) On-site and off-site water and sanitary sewer improvements;
- 2 (19) On-site and off-site drainage and storm sewer improvements;
- 3 (20) Location of proposed free-standing signs;
- 4 (21) Cross-section for paving of parking lots and sidewalks;
- 5 (22) In the B-2 and B-5 districts, proposed name of the shopping center;
- 6 (23) Name, address, and telephone number of developer; certified record owner or
- 7 owners and addresses; and legal description of the proposed use permit area,
- 8 including the number of acres.

9 (c) Environmental performance standards: Any applicant for a use permit under the
10 provisions of this section shall comply with environmental performance standards relating to
11 noise, emission, dust, odor, glare, and heat as shall be from time to time established by various
12 municipal departments and approved by resolution of the City Council.

13 (d) Environmental impact statement and market analysis: If any application for a
14 change of zone to the B-5 Planned Regional Business District or for a use permit in the B-5
15 district under the provisions of this section substantially deviates from the Comprehensive Plan
16 in terms of location or size, as determined by the Planning Director, the applicant shall submit an
17 environmental impact statement and a market analysis in accordance with Chapters 3.05 and
18 3.10 of the City of Lincoln Design Standards for Zoning Regulations which shall serve as a
19 guide to the Planning Commission for evaluation of such application in terms of need,
20 desirability, supportability, and its implications for the overall growth of the community.

21 (e) Planning Commission review: The Planning Commission shall hold a public
22 hearing upon such application and shall consider the effect of the proposed use upon the
23 surrounding neighborhood, the community as a whole, and other matters relating to public
24 health, safety, and general welfare.

1 (f) Planning Commission action: After holding at least one public hearing, the
2 Planning Commission shall proceed to give final consideration to the application. The Planning
3 Commission shall impose such conditions as are appropriate and necessary to ensure compliance
4 with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance
5 of any such use permits. Such conditions may include an increase in the minimum parking and
6 yard requirements and decrease in the maximum height restrictions set forth in this chapter. Lots
7 fronting on private roadways may be permitted. Unless expressly modified by the terms of the
8 use permit, all regulations of the applicable R-T, O-3, B-2, B-5, or I-3 District shall apply. The
9 Planning Commission may require that certain conditions be fulfilled by the applicant in
10 conjunction with approval of the use permit applied for which may include the requirement that
11 applicant grant additional right of way in accordance with the Comprehensive Plan. The
12 Planning Commission may also require the execution of a written agreement with the city
13 relating to the installation of public improvements by the applicant, together with the execution
14 of performance bonds or provision of other appropriate surety relating thereto. The installation of
15 all public improvements shall be accomplished in compliance with existing city standards as
16 provided by ordinance or by departmental publications approved by resolution of the City
17 Council. In the event the Planning Commission fails to act upon the application within ninety
18 days from the date of the Council's referral of the application to the Planning Commission, the
19 applicant may file a written request with the Planning Director requesting the Planning
20 Commission to take final action on the application. If the Planning Commission fails to take
21 such final action within thirty days following the Planning Director's receipt of the written
22 request, the Planning Director shall schedule the application on the City Council's agenda for
23 public hearing and final action.

24 (g) Appeal of Planning Commission action:

1 | (1) Any council member, the Mayor, ~~or~~ any aggrieved person, or any person
2 | or group officially designated to participate in the administration of this
3 | title may appeal any action of the Planning Commission to the City
4 | Council by filing notice of appeal with the Planning Director ~~City Clerk~~
5 | within fourteen days following the action of the Planning Commission.

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

9 | (3) In exercising its appellate jurisdiction, the action appealed from shall be
10 | deemed advisory and the City Council may, after public hearing, in
11 | conformity with the provisions of this title make such decision as ought to
12 | be made.

13 | (h) Adjustment: Upon request of the applicant, the City Council may, after report and
14 | recommendation of the Planning Commission, adjust the minimum subdivision requirements,
15 | minimum parking, height and lot requirements, sign regulations for location, height, and area of
16 | a sign, and specific I-3 use regulations set forth in Title 26 and Title 27 provided the public
17 | welfare and interest of the City and surrounding area are protected and the general interest and
18 | spirit of the regulations are preserved and provided further that in the R-T district, the maximum
19 | height of a building shall not exceed the height of the tallest residence on the same and facing
20 | block fronts. The Planning Commission shall hold a public hearing upon the requested
21 | adjustment at the same time that it hears the application for the use permit and shall make a
22 | report to the City Council regarding the effect the proposed use and adjustment has upon the
23 | surrounding neighborhood, the community as a whole, and other matters relating to public
24 | health, safety, and general welfare. Upon receiving a report from the Planning Commission, the
25 | City Council shall take final action upon the use permit and the adjustment.

1 | (i) Amendment: The Planning Director is authorized to approve amendments to the
2 use permit provided that:

3 (1) A request for amendment is filed with the Planning Director and, if appropriate,
4 accompanied by a plot plan showing all pertinent information;

5 (2) Minor increases in the number of dwelling units or total floor area originally
6 authorized by the Planning Commission or City Council may be approved if such
7 increases will not cause a significant adverse impact on the public infrastructure,
8 existing development within the use permit, and adjoining properties. Minor
9 increases shall not exceed more than fifteen percent (15%) cumulative additional
10 dwelling units or total floor area;

11 (3) Amendments shall preserve the intent and spirit of the approved development
12 plan;

13 (4) Amendments shall not violate any regulation set forth in this title;

14 (5) No change is made to the applicable setback, yard, or height requirements for lots
15 along the perimeter of the use permit;

16 (6) Minor internal changes to the applicable setback, yard, or height requirements
17 may be made within the use permit if they conform to the intent of the approved
18 use permit and do not adversely impact existing development within the use
19 permit;

20 (7) Any amendment not in conformance with this paragraph shall be submitted to the
21 Planning Commission in the same manner as a formal application for use permit.

22 | (jk) Building permits, certificates of occupancy, and certificates of compliance: Upon
23 the approval of a use permit as provided for under this section, building permits and certificates
24 of occupancy may be issued. Certificates of compliance shall not be issued until there has been

1 compliance with all conditions of a use permit and subsequent amendments within each phase of
2 development of a use permit.

3 | (k) Preexisting uses: An existing use of a type permitted in this chapter which was
4 | lawfully established in this district on the effective date of this title shall be deemed to have
5 | received a use permit as herein required and shall be provided with such permit by the Director
6 | of Building and Safety upon request, and it shall not be a nonconforming use; provided,
7 | however, for any enlargement, extension, or relocation of such existing use, an application in
8 | conformance with this section shall be required.

9 | (l) If an application for a use permit located within a flood plain is granted approval
10 | by the city, it shall not be necessary for the applicant to make an application for a special permit
11 | to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-
12 | 57540. It shall be presumed that the applicant has received all such approvals as may be required
13 | by the foregoing resolutions by virtue of the city granting approval to the use permit.

14 | (m) Expiration of Application. All applications for a use permit which have been
15 | placed on pending by an applicant shall automatically expire and become null and void one year
16 | thereafter. At least thirty days before the date of expiration, the Planning Director shall cause
17 | notice of expiration to be sent to the applicant by regular United States mail, postage prepaid.
18 | Said notice shall advise the applicant that the application shall automatically expire unless prior
19 | to the expiration date, the Planning Director receives a request from the applicant to remove the
20 | application from pending and reschedule the matter on the Planning Commission or City Council
21 | agenda as appropriate.

22 Section 25. That Section 27.65.020 of the Lincoln Municipal Code be amended to read
23 as follows:

24 **27.65.020 Requirements.**

1 (a) General Requirements. The owner or owners of any tract of land in the R-1, R-2,
2 R-3, R-4, R-5, R-6, R-7, or R-8 zoning district which is one acre or more in area; in the BTA
3 Overlay District with underlying AG zoning which is forty acres or more in area; or in the BTA
4 Overlay District with underlying AGR zoning which is ten acres or more in area, including and
5 up to the centerline of existing public rights-of-way abutting the tract of land may submit a plan
6 for the use and development thereof for residential purposes or for the repair and alteration of
7 any existing residential development. The plan may propose a modification of height and area
8 regulations of the district in which the community unit plan is located provided that a community
9 unit plan proposed in the BTA Overlay District with underlying AG zoning shall comply with
10 the maximum height and minimum lot requirements of the AGR district unless otherwise stated
11 in the community unit plan for lots created that are less than 5 acres in size.

12 (b) Specific Requirements.

13 (1) In the R-1, R-2, R-3, R-4, R-5, or R-6 zoning district:

14 ~~(i) A community unit plan may be permitted on a tract of land which~~
15 ~~is less than ten acres but more than five acres in area. The maximum permitted density on such a~~
16 ~~tract shall be calculated as provided in Section 27.65.080, and this maximum will be reduced by~~
17 ~~ten percent to accommodate the small size of the tract.~~

18 ~~(ii) A community unit plan may be permitted on a tract of land which~~
19 ~~is not more than five acres but more than one acre in area. The maximum permitted density shall~~
20 ~~be calculated as provided in Section 27.65.080, and this maximum will be reduced by twenty~~
21 ~~percent to accommodate the small size of the tract.~~

22 ~~(iii) A community unit plan may be permitted on a tract of land which~~
23 ~~is less than ten acres but more than one acre in area where such tract is bounded on at least two~~
24 ~~sides by one or more existing community unit plans. The maximum density of such a tract shall~~
25 ~~be calculated as in Section 27.65.080.~~

1 (iv) ~~A community unit plan may be permitted on a tract of land which~~
2 ~~is ten or more acres in area.~~ The maximum permitted density of the community unit plans~~such a~~
3 ~~tract~~ shall be calculated as in Section 27.65.080.

4 (ii) A community unit plan which complies with the energy conserva-
5 tion standards adopted by the City Council and on file with the City Clerk may receive a
6 dwelling unit bonus in accordance with the standards adopted by resolution of the City Council.

7 (iii) Additional dwelling units may be granted for each dwelling unit
8 subsidized by the state or federal government for low-income families or as a dwelling unit
9 bonus for the provision of barrier-free units; however, the number of additional dwelling units
10 shall not exceed those provided in the standards adopted by resolution of the City Council.

11 (2) In the R-7 or R-8 zoning district, a community unit plan may be permitted
12 on a tract of land which is more than one acre in area. The maximum permitted density will be
13 calculated as provided in Section 27.65.080.

14 (3) In the BTA Overlay District the land within the community unit plan shall
15 be divided into two components: an Acreage Development Component and an Urban Reserve
16 Component, except as provided in subsection (ii) below. The Acreage Development Component
17 may be subdivided in conformance with requirements of the City Land Subdivision Ordinance
18 into residential lots for single-family dwellings. The Urban Reserve Component may not be
19 subdivided or built upon but rather shall be reserved for future residential development until such
20 time as City sanitary sewer and water utilities are extended to the Urban Reserve Component and
21 the land within the community unit plan is annexed by the City of Lincoln.

22 (i) In the BTA Overlay District with underlying AG zoning, the
23 Acreage Development Component shall not exceed twenty-five percent (25%) of the total area of
24 the community unit plan.

1 (ii) In the BTA Overlay District with underlying AGR zoning, the
2 Urban Reserve Component is not required and the total area of the community unit plan may be
3 used for the Acreage Development Component if the single-family dwellings will utilize on-site
4 wastewater systems and in such case the minimum lot size shall be three acres. The Acreage
5 Development Component shall not exceed forty percent (40%) of the total area of the community
6 unit plan if the single-family dwellings will utilize a community wastewater system and in such
7 case the maximum lot size shall be one acre.

8 (c) A community unit plan located in the BTA Overlay District which will
9 substantially protect an open space area as designated on the future land use plans included in the
10 Lincoln City-Lancaster County Comprehensive Plan may receive a dwelling unit bonus provided
11 that:

12 (1) The request for a dwelling unit bonus shall be accompanied by a showing
13 of the need for protection of the open space, a description of the proposed use of the open space
14 and any limitations there on, and the proposed method of protecting the open space which may
15 include, but is not necessarily limited to, protective covenants, conservation or preservation
16 easements, or similar restrictions of record.

17 (2) The proposed method of protecting the open space shall expressly (i)
18 prohibit the construction or installation of any structures or other improvements in the open
19 space for a period of 99 years, except minimal above ground structures or improvements
20 reasonably necessary and incidental to the proposed use of the open space; and (ii) prohibit such
21 uses as shooting ranges, basketball courts, baseball fields, football and soccer fields, racetracks,
22 or other stadium uses, facilities for spectator sports, and any activities that would unreasonably
23 disturb the residents of the community unit plan or the surrounding neighborhoods.

24 (3) The open space shall be accessible to, and available for use by, the
25 residents of the community unit plan;

1 For the purposes of this subsection, “open space” shall mean land or water which
2 is undeveloped or which is set aside for public or private outdoor recreational uses, such as
3 parks, trail systems, golf courses, or bodies of water for swimming, fishing, or boating.

4 (d) A community unit plan located in the BTA Overlay District with underlying AG
5 zoning in consideration of providing for future subdivision of the lots within the Acreage
6 Development Component as well as the Urban Reserve Component shall receive a twenty
7 percent (20%) density bonus.

8 (e) A community unit plan located in the BTA Overlay District with underlying AGR
9 zoning in consideration of providing for future subdivision of the Urban Reserve Component
10 shall receive a twenty percent (20%) density bonus.

11 (f) A community unit plan located in either the AG Agriculture District or AGR
12 Agricultural Residential District which utilizes a community wastewater disposal system rather
13 than individual wastewater systems shall receive a twenty percent (20%) density bonus.

14 (g) A community unit plan located in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, or
15 BTA Overlay zoning districts which will substantially protect floodplain or floodprone areas
16 may receive a dwelling unit bonus if a permanent conservation easement or permanent deed
17 restriction is dedicated to preserve the floodplain or floodprone area. The bonus allotment will
18 be proportionally equal to the amount of floodplain preserved on the site and the size of the lot as
19 in conformance with the design standards.

20 (h) The dwelling unit bonuses permitted under subsections (c), (d), (e), and (g) of
21 this section shall not exceed a cumulative total of twenty percent (20%) in any community unit
22 plan.

23 Section 26. That Section 27.67.040 of the Lincoln Municipal Code be amended to read
24 as follows:

25 **27.67.040 Parking Requirements; Special Conditions.**

1 An alphabetical list of uses with special parking requirements for this title are set out in
2 Figure 27.67.040 at the end of this chapter. The following special parking requirements shall
3 apply to the listed uses in place of the general parking requirements found in Section 27.67.020:

4 (a) A fraternity or sorority shall provide 0.75 spaces per resident. Parking shall be
5 provided either onsite or within 600 feet of the premises. Notwithstanding the above, no parking
6 shall be required for a fraternity or sorority located within the boundaries of 14th Street to 17th
7 Street and Q Street to W Street.

8 (b) Group homes: One space per three client or employee residents, plus two spaces
9 per three nonresident employees on the largest shift; provided, however, that no spaces shall be
10 required for client residents who will not possess motor vehicle operator's licenses. Appropriate
11 documentation from the group home licensing agency shall be provided evidencing the non-
12 possession of motor vehicle operator's licenses by clients.

13 (c) Adult day service facilities: One space/employee on the largest shift, plus off-
14 street loading/unloading area for one automobile per ten care receivers. Joint parking with
15 another use is acceptable if the adult care center and the other use have nonconcurrent parking
16 demands.

17 (d) Elderly or retirement housing: One space/dwelling unit.

18 (e) Mini-warehouses:

19 (1) Two spaces for manager's quarters or office; and

20 (2) One space for every 60 storage cubicles; however, if access lanes and
21 roads to the storage area are twenty feet or greater in width, to allow vehicles to unload and pass,
22 no additional parking for the storage cubicles is required.

23 (f) Two-family or attached single-family dwellings, approved as part of a Special
24 Permit for a Community Unit Plan pursuant to Chapter 27.65 Community Unit Plan, a

1 development plan for a planned unit development pursuant to Chapter 27.60 Planned Unit
2 Development District, or a use permit pursuant to Chapter 27.64 Use Permits on lots having a
3 width of less than 35 feet and where garages take direct access from a public street or private
4 roadway are required to provide 1 off-premises guest parking stall per 2 dwelling units. On-
5 street parking may be counted if there is at least 22 contiguous feet of uninterrupted curb space
6 abutting each lot along the face of curb from the edge of the curb return to the lot line.

7 (g) Drive-in restaurants: One space/40 sq. ft. of floor area.

8 (h) Bowling alleys: 4 spaces/lane (plus required parking for affiliated uses.)

9 (i) Auditoriums, theaters, grandstands, stadia, amphitheaters, and other places of
10 public assembly: One space/50 sq. ft. of seating area plus parking for affiliated uses within 300
11 ft. of the main use.

12 (j) Recreational uses:

13 (1) Racquetball and other court games: Four spaces/court (plus required
14 spaces for affiliated uses);

15 (2) Swimming pools: One space/100 sq. ft. of water surface (plus parking for
16 affiliated uses) as determined by the city;

17 (3) Golf courses: Two spaces/hole of course, plus parking for affiliated uses.

18 (k) Hospitals: One space/2.5 beds, plus one space/employee on the largest shift.

19 (l) Places of religious assembly, chapels, public schools, private schools having a
20 curriculum equivalent to a public elementary or public high school, and private business or
21 commercial schools: One space/50 sq. ft. in largest assembly hall as determined by the City.

22 (m) Academies, such as gymnastic, karate, judo, dance, or music academies: One
23 space for every three students allowed per class session plus one space for every employee. In
24 those instances where two sessions of classes occur one after another, without at least one-half
25 hour separation between sessions, the maximum number of students allowed at both sessions

1 shall be combined in determining the amount of required parking per class session.

2 (n) Housing for the physically handicapped: (see also Section 27.63.215) One space/
3 dwelling unit.

4 (o) Domestic shelters: One space for every four residents and two spaces for every
5 three employees on the largest shift.

6 (p) Salvage yard: Six spaces, two spaces/acre of lot area or one space/1,000 square
7 feet of floor area, whichever is greater.

8 (q) Dwellings for members of a religious order: one space for every three residents.

9 (r) Warehouses:

10 (1) Warehouses with a floor area of 50,000 square feet or less: one space per
11 every 1,000 square feet of floor area or a minimum of one space per employee on the largest
12 shift. The floor area shall be calculated based on the total floor area of all structures on the lot.

13 (2) Warehouses with a floor area of more than 50,000 square feet: one space
14 per every 1,000 square feet of floor area for the first 50,000 square feet of floor area and one
15 additional space per 2,000 square feet of floor area in excess of 50,000 square feet, or a
16 minimum of one space per employee on the largest shift. The floor area shall be calculated based
17 on the total floor area of all structures on the lot.

18 (3) If the number of spaces required by the building ratio is greater than
19 required by the employee ratio in (1) or (2) above, the additional parking spaces need not be
20 provided physically, but sufficient areas shall be reserved ~~for~~ to accommodate construction of the
21 additional spaces. If the Building Official finds at any time that the character of the use of the
22 warehouse is such as to require the full provision of parking facilities to be constructed, the
23 Building Official shall report this fact to the City Council which may, after holding a hearing of
24 which the owner shall be notified, require such additional parking to be installed.

25 (s) Hotels and motels: one space per room and one space per 100 square feet of

1 accessory uses.

2 (t) Restaurants and Social Halls: one space per 100 square feet; one space per 200
3 square feet for restaurants located in the B-1 and B-3 zoning districts.

4 (u) Dwellings for caretakers employed and residing on the premises: one space per
5 dwelling unit.

6 (v) Early childhood care facilities: One space/ employee on the largest shift, plus off-
7 street loading/unloading area for one automobile per ten care receivers. Joint parking with
8 another use is acceptable if the early childhood care facility and the other use have
9 nonconcurrent parking demands.

10 (w) Residential Healthcare Facilities: One space for every four residents and two
11 spaces for every three employees on the largest shift.

12 (x) Sale of alcoholic beverages for consumption on the premises: One space per 100
13 square feet of floor area; one space per 200 square feet for premises for on-site alcohol
14 consumption located in the B-1 and B-3 zoning districts.

15 (y) Greenhouses and garden centers located in the AG or AGR zoning districts: For
16 greenhouses, one parking space shall be provided for each employee on the maximum shift.
17 Parking for greenhouses and garden centers in the AG zoning district may be provided on
18 unpaved areas, except for ADA accessible stalls.

19 (z) Heritage Centers and Agricultural Attractions located in the AG zoning district:
20 One space shall be provided for every 200 square feet of floor area devoted to permanent retail
21 and service use. In addition, an overflow parking area shall be provided with three stalls for
22 every acre included within the special permit area. Parking may be provided on unpaved areas,
23 except for ADA accessible stalls.

24 (aa) Community Halls, Farm Wineries, and Market Gardens located in the AG and
25 AGR zoning districts: There shall be adequate parking for vehicles compatible with the number

1 of people using the facility.

2 (bb) Off-street Freight Loading Requirements. At the time of construction, alteration,
3 or enlargement of any commercial or industrial building having a floor area of 10,000 square feet
4 or more, and containing a use or uses which requires off-street freight loading, off-street freight
5 loading areas shall be provided on the premises to serve the use and maintained as follows:

6 (1) Six hundred square feet for the first 10,000 square feet of floor area;

7 (2) An additional 600 square feet for each additional 20,000 square feet of
8 floor area.

9 (cc) Joint Parking. Uses that have nonconcurrent parking demand may join their
10 parking facilities so as to reduce aggregate parking requirements as follows:

11 (1) B-5 District. The uses shall be located in the B-5 District and may include
12 adjacent places of religious assembly or chapels located outside the B-5 District. Uses that have
13 nonconcurrent parking demand may join their parking facilities; however, the use having the
14 largest floor area shall provide 1 parking space for every 300 square feet of floor area, provided,
15 however, that the number of additional spaces that would be required in the absence of this
16 paragraph need not be provided physically, but sufficient land shall be reserved in the event that
17 future uses may not have nonconcurrent parking demand. For the purpose of determining the
18 adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a
19 written agreement between the city and all parties to such use.

20 (2) O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4 Zoning Districts. The uses
21 shall be located in the following zoning districts: O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4,
22 and may include uses in adjacent O-2 districts and adjacent places of religious assembly and
23 chapels outside the above districts. The aggregate parking requirement shall be computed on the
24 basis of providing the parking required for that use or those uses having concurrent parking
25 demand that have the largest parking demands as determined by the parking matrix (Section

1 27.67.020) and any additional conditions in this chapter; provided, however, that the number of
2 additional spaces that would be required in the absence of this paragraph need not be provided
3 physically, but sufficient land shall be reserved in the event that future uses may not have
4 nonconcurrent parking demand. For the purpose of determining the adequacy of the joint parking
5 arrangement, all such joint parking use shall be authorized by a written agreement between the
6 city and all parties to such use.

7 (3) O-1 District. The uses shall be located in the O-1 District and may include
8 adjacent places of religious assembly or chapels located outside the O-1 District. Uses that have
9 nonconcurrent parking demand may join their parking facilities. The aggregate parking
10 requirement shall be computed on the basis of providing the parking required for that use or
11 those uses having concurrent parking demands that have the largest parking demands as
12 determined by the parking matrix and any additional conditions in this chapter; provided,
13 however, that the number of additional spaces that would be required in the absence of this
14 paragraph need not be provided physically, but sufficient land shall be reserved in the event the
15 future uses may not have nonconcurrent parking demand. For the purpose of determining the
16 adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a
17 written agreement between the city and all parties to such use.

18 (dd) Data Center: Two (2) spaces per three (3) employees on largest shift, plus land
19 shall be reserved to provide required parking for office uses in the underlying zoning districts in
20 the event the Data Center is changed to another office use.

21 (ee) Urban Gardens greater than two acres in size shall provide three off-street parking
22 stalls per every acre or part thereof over two acres.

23 (ff) Joint parking is a permitted use in the O-3, R-T, B-2, B-5, and I-3 zoning districts
24 under the following conditions:

25 (1) The joint use of parking lots and garages shall be authorized by a cross

1 access easement or by other written agreement between the parties to such joint parking (“Joint
2 Use Agreement”).

3 (2) The minimum aggregate number of parking stalls provided under the Joint
4 Use Agreement shall be equal to the sum of the required parking for each use.

5 (3) The Joint Use Agreement shall be submitted to and approved by the City
6 Law Department.

7 (4) The Joint Use Agreement shall be filed of record with the Register of
8 Deeds for Lancaster County, Nebraska and indexed against the affected properties.

9 (gg) Dwellings for Nonrelated Persons, for four to six persons living as a single
10 housekeeping unit permitted under a community unit plan: One space per resident.

11 (hh) Parking for accessory buildings for retail sales, such as lumber storage areas, is
12 not required to be provided, when they are not fully enclosed or are left open during business
13 hours.

14 Section 27. That Section 27.69.030 of the Lincoln Municipal Code be amended to read
15 as follows:

16 **27.69.030 General Provisions.**

17 Except as otherwise provided in this chapter or in any other applicable ordinance or
18 regulation, no sign or part thereof shall be erected or maintained in any zoning district except in
19 conformance with these General Provisions. The General Provisions apply to both on-premises
20 and off-premises signs.

21 (a) Location, Height, Area, and Other General Requirements.

22 (1) No sign shall be erected or maintained in a required yard except as
23 otherwise provided in this chapter, or encroach upon or overhang any adjacent property or public
24 right-of-way.

25 (2) No sign shall be erected upon or against a roof or on top of or above the

1 parapet of a building, except for roof signs as permitted in Section 27.69.310.

2 (3) No sign shall exceed the maximum height permitted for buildings in the
3 zoning district in which the sign is located.

4 (4) Every sign shall be permanently attached to the ground, or to a building or
5 structure which is permanently attached to the ground, except for mobile signs and temporary
6 signs as provided in this chapter and in Title 22 of the Lincoln Municipal Code.

7 (5) No sign shall be painted on or attached to rocks, trees, or any other natural
8 object.

9 (6) No sign shall be erected, placed, or maintained in a location that violates
10 the site obstruction regulations of the Department of Public Works and Utilities for street
11 intersections or entrances or exits from private property.

12 (7) No sign or part thereof shall be erected in those zoning districts which are
13 adjacent to or within the area of the interstate and federal-aid primary road systems in contr-
14 avention of the advertising controls of the State of Nebraska.

15 (8) Every freestanding sign permitted on a "per frontage" basis shall be
16 allocated to and be located proximate to the specific frontage which would authorize such sign.

17 (9) The required space between the location of any sign and an abutting
18 residential premises in a residential district shall be as follows:

19 (i) 50 feet if non-illuminated,

20 (ii) 100 feet if illuminated;

21 (10) No sign shall move, rotate, revolve, or simulate animation by means of
22 spinning, fluttering, or reflective devices or lighting, except a sign may rotate or revolve at a rate
23 not to exceed six revolutions per minute.

24 (11) In the area of the B-4 zoning district beginning 150 feet east of 17th Street
25 and continuing to the western boundary of the B-4 District, on-premises signs may be animated,

1 blink, flash, or simulate animation.

2 | (12) The sign regulations for location, height, and area of a sign may be modified
3 | by the City Council in connection with the granting of a special sign district, planned unit
4 | development, use permit, special permit for a community unit plan, or special permit for a
5 | planned service commercial development, provided such modification is in conformance with all
6 | other requirements of Title 27.

7 (13) All freestanding signs must be spaced a minimum of 50 feet apart.

8 | (14) No sign shall be erected, placed, or maintained in any location in violation
9 | of the zoning regulations of the City of Lincoln.

10 (15) No person shall permit the placement, construction, or erection of a
11 swinging sign.

12 (16) No person shall place, construct, or erect any sign which, by reason of its
13 size, location, movement, content, coloring, or manner of illumination, may be confused with or
14 construed as a traffic control sign, signal, or device, or the light of an emergency or road
15 equipment vehicle.

16 | (17) No person shall place, construct, or erect any sign which hides from view
17 | any traffic control sign, ~~or~~ signal, or device.

18 (18) Minor reductions in the required setback and/or spacing requirements for a
19 sign not to exceed five feet may be approved upon a finding that (i) such reduction is the
20 minimum necessary to avoid interference with an existing utility line or to avoid a significant
21 obstruction from view by an existing building, sign, or landscape feature, and (ii) such reduction
22 will have no significant adverse effect on existing or reasonably anticipated future uses in the
23 surrounding area. Any requests for modifications from the setback and/or spacing requirements
24 for a sign shall be filed with the Planning Director. Such request shall set forth the specific
25 modification requested and all supporting reasons and documentation as to why the modification

1 should be granted, how the public welfare will be preserved, and why the modification will not
2 detract from the intent and spirit of these sign regulations. Within thirty days from the filing of
3 the request for modification, the Planning Director shall approve or deny the request and shall
4 notify the applicant in writing of the approval or denial of the request. Any council member, the
5 Mayor, ~~any or~~ any aggrieved person may appeal any approval or denial of the request for
6 modification by the Planning Director in accordance with the Request for Waiver Procedure
7 found in Chapter 1.00, Sections 2.1.1 and 2.1.2 of the City of Lincoln Design Standards.

8 (19) Frontage for every center sign permitted on a “per frontage” basis shall
9 mean only that frontage of the center adjacent to an arterial or collector street.

10 (20) Signs may be erected and maintained on an outlot.

11 (b) Freestanding Signs. See Section 27.69.040 (Tables 2 and 3).

12 (c) Wall Signs. Wall signs are allowed in the R-T and all O, B, H₁ and I zoning
13 districts, subject to the following restrictions:

14 (1) In the O-1, O-2, and R-T zoning districts: ~~one wall sign per architectural~~
15 ~~elevation per building is allowed. The~~

16 (i) Individual wall signs shall not exceed 25 square feet in sign area
17 per architectural elevation ~~nor~~

18 (ii) The total square footage of all wall signs on each architectural
19 elevation of the building shall not exceed 25% of the total square
20 footage of said architectural elevation.

21 (iii) No wall sign shall be located on the side of the building abutting a
22 residential district or facing a local or collector street when the
23 land across the street is zoned residential.

24 (2) In all other allowed zoning districts, more than one sign per architectural
25 elevation per building is allowed, provided that the total sign area of such wall signs shall not

1 exceed 30% per architectural elevation and no wall sign shall exceed 500 square feet in sign
2 area.

3 (3) In the R-T and all O, B, H, and I zoning districts:

4 (i) No wall sign or wall sign structure shall project more than two and
5 one-half inches into a public alley when installed below a height of
6 fourteen feet above grade of the public alley, nor more than
7 twenty-four inches into a public alley when installed at a height
8 fourteen feet or greater above grade of the public alley.

9 (ii) No wall sign or wall sign structure shall project more than two and
10 one-half inches over any sidewalk or parking lot when installed
11 below a height of seven feet six inches above grade.

12 (iii) All other wall signs shall have a maximum projection over public
13 property as set forth in Section 27.69.030 Table (1).

14 (iv) Wall signs shall comply with all applicable federal-aid project
15 requirements restricting signs on or over public right-of-way.

16 **27.69.030 Table (1) - Projection of Wall Signs**

<i>Clearance</i>	<i>Maximum Projections</i>
Less than 7'6" above grade	2 1/2 inches
Over 7'6" above grade	24 inches

17
18
19
20 (d) Projecting Signs. Projecting signs are allowed in the R-T and all O, B, H, and I
21 zoning districts, subject to the following restrictions:

22 (1) The projecting sign shall be in lieu of one freestanding sign.

23 (2) The projecting sign shall have a minimum ground clearance of eight feet
24 above the walk or grade below.

25 (3) The projecting sign shall not exceed 100 square feet in sign area.

26 (4) In the O-1, O-2, and R-T zoning districts, the projecting sign shall not

1 exceed 25 square feet in sign area and such sign shall not be located on the side of the building
2 abutting a residential district or facing a local or collector street when the land across the street is
3 zoned residential.

4 (5) The projecting sign may project from a building a maximum of six feet six
5 inches. The projecting sign may project over the public right-of-way when the building is
6 erected adjacent to the front property line, but shall not project above the roof line or top of a
7 cornice wall. Subject to the provisions of Title 10 and Title 22 of the Lincoln Municipal Code,
8 the projecting sign may project over public property as set forth in 27.69.030 Table (2). The
9 projecting sign shall comply with all applicable federal-aid project requirements restricting signs
10 and structures on or over the public right-of-way. No projecting sign shall project within two feet
11 of the curb line. No projecting sign or projecting sign structure shall project more than two and
12 one-half inches into a public alley when installed below a height of fourteen feet above grade of
13 the public alley, nor more than twenty-four inches when installed at a height of fourteen feet or
14 greater above said grade.

15 **27.69.030 Table (2) - Projection of Signs**

16	<i>Clearance</i>	<i>Maximum Projections</i>
17	Less than 8 feet above grade	NOT ALLOWED
18	Over 8 feet above grade	6 feet 6 inches
19	Over 8 feet above grade and at 45 degrees to a corner	9 feet

20 (e) Marquee Signs. Marquee signs are allowed in all O, B, H₂ and I zoning districts,
21 except the O-1, O-2₁ and R-T zoning districts subject to the following restrictions:

22 (1) The marquee sign shall be designed so that sign support braces are not
23 visible from street level.

24 (2) When a building is erected adjacent to the front property line, the marquee
25 sign may be attached to the marquee extending into or over the right-of-way.

26 (3) The marquee sign shall not exceed three feet in height or the height or

1 vertical thickness of the marquee, whichever is greater.

2 (4) The marquee sign shall have a minimum ground clearance of eight feet
3 above the walk or grade below.

4 (5) The sign area of a marquee sign shall be counted toward the total
5 allowable wall sign area of the parallel face to which the marquee is attached. If the marquee
6 sign is attached perpendicular to the wall, it shall be counted toward the allowed projecting sign
7 area.

8 (f) Electronic Changeable Copy Signs.

9 (1) Electronic Changeable Copy (On-Premises). In all nonresidential zoning
10 districts except in the O-1, O-2, and R-T zoning districts, on-premises electronic changeable
11 copy signs are allowed subject to the following restrictions:

12 (i) The sign area displaying electronic changeable messages shall not
13 exceed 80 square feet of sign area and such sign area shall be included as a part of the total
14 permitted signage for the premises on which it is located.

15 (ii) No message on an electronic changeable copy sign shall be
16 animated, except in the B-4 zoning district pursuant to Section 27.69.030(a)(11).

17 (iii) Transition between messages are permitted but such transitions
18 may only fade, scroll, travel, or reveal, and the transition shall not exceed a duration of one
19 second.

20 (2) Electronic Changeable Copy (Off-Premises). In all nonresidential zoning
21 districts, off-premises electronic changeable copy signs are allowed subject to the following
22 restrictions:

23 (i) If the off-premises sign area displaying electronic changeable
24 messages is greater than 80 square feet, the message shall hold for at least ten seconds. If said
25 sign area is 80 square feet or less, the message shall hold for at least one second.

1 (g) Illumination.

2 (1) In all nonresidential districts, signs may be illuminated, except that the
3 surface illumination of any sign shall not exceed the levels shown in Figure 6 below for different
4 conditions of ambient light.

5 (2) In all residential districts, signs shall be non-illuminated and nonreflecting;
6 except in the R-8 district, uses other than dwellings may be illuminated as otherwise stated in
7 this chapter.

8 (3) No sign shall blink or flash, display an animated message, nor be
9 illuminated by any device so as to appear to blink or flash or simulate animation, except for
10 mobile signs and B-4 zoning district signs permitted by Section 27.69.030.(a)(11).

11 (4) Lighted vending machines are not permitted in view from off the premises
12 in any residential zoning district.

13 (5) Fraternities and sororities within one-half mile of an educational campus
14 may have illuminated signs but neon or gas tubing shall be used only as back lighting.

15 (h) Mobile Signs. Mobile signs identifying special sales and openings shall be
16 permitted on the premises of a commercial establishment for no more than sixty days in any
17 calendar year in all B, H, and I zoning districts where commercial establishments are permitted
18 subject to the following restrictions:

19 (1) The mobile sign shall not exceed sixty square feet of sign area.

20 (2) The mobile sign may be located one-half the distance into the required
21 front yard.

22 (i) Historic Preservation. All signs for designated landmarks and signs located in
23 designated landmark districts must receive a certificate of appropriateness from the Historic
24 Preservation Commission.

1 (j) Capitol View Corridor. On-premises freestanding signs in the Capitol View
2 Corridor Overlay District shall be subject to the regulations of said district, notwithstanding the
3 otherwise applicable regulations of the underlying zoning district.

4 (k) Variance for Pre-existing Signs. All signs installed prior to the effective date of
5 Ordinance No. 18857 which do not qualify as a nonconforming use in subparagraph (m) below
6 may be continued for a period of ten years from the effective date of Ordinance No. 18857
7 provided that:

8 (1) The sign was installed pursuant to and in compliance with a permit issued
9 by the Department of Building and Safety; and

10 (2) The sign conforms with or is modified to conform with the illumination
11 requirements shown on Figure 6 of Section 27.69.030(h). Notwithstanding the above, such sign
12 shall be brought into compliance when one or more of the conditions listed in Section 27.69.320
13 occurs.

14 (l) Nonconforming Signs. Whenever the lawful use of a sign does not conform with
15 the provisions of any change in the zoning code or district boundaries, the use of such non-
16 conforming sign may be continued except as otherwise provided in Sections 27.69.035 and
17 27.69.320.

18 (m) Directional Signs. Directional signs are permitted in all districts subject to the
19 following restrictions:

20 (1) A directional sign located in the front yard shall not exceed a sign area of
21 two square feet.

22 (2) A directional sign located outside the front yard shall not exceed a sign
23 area of six square feet.

24 (n) Noncommercial Signs. Notwithstanding any other provision of this chapter, any
25 off-premises sign or on-premises sign permitted by this chapter may advertise, identify, attract

1 attention to, or convey information regarding any noncommercial message including, but not
2 limited to, political, religious, charitable, sociological, or ideological activities, issues, or beliefs.

3 (o) Banner Signs. Banner signs may extend up to six inches into the public right-of-
4 way when located eight feet or more above grade of said right-of-way. Banners may extend over
5 public property and may extend across a public street only by permission of the Mayor, and shall
6 be subject to all related laws and ordinances. Such signs, when extended over a public street,
7 shall maintain a minimum clearance of twenty feet.

8 Section 28. That Section 27.69.090 of the Lincoln Municipal Code be amended to read
9 as follows:

10 **27.69.090 Places of Religious Assembly, Schools, and Community Playhouses.**

11 In any residential zoning district, places of religious assembly, schools, and community
12 playhouses are permitted one on-premises internally illuminated freestanding sign on each street
13 frontage, not exceeding fifty square feet of area or six feet in height, for each bulletin board or
14 sign and its supporting structure, and one on-premises wall sign on each building facade, not
15 exceeding twenty square feet in sign area. When [the permitted wall sign on the building façade](#)
16 [of](#) a school, place of religious assembly, or community playhouse is located a minimum of 100
17 feet from any [abutting](#) street frontage, said wall sign shall be a maximum of 50 square feet in
18 area.

19 (a) A permitted freestanding sign may be located in the required front yard if it meets
20 the following conditions and requirements:

21 (1) Signs may contain a maximum of fifty square feet in sign area if non-
22 illuminated. If illuminated, such sign shall contain a maximum of thirty-two square feet in sign
23 area, and shall be internally illuminated only;

24 (2) Has a setback from the front lot line at least one-half the distance of the
25 required front yard;

1 (3) Has a setback from the side lot line at least 100 feet if abutting residential
2 lots; and

3 (4) One temporary sign of up to thirty-two square feet may be allowed on
4 premises for up to ten days.

5 (b) A permitted freestanding sign fronting on an arterial street may include electronic
6 changeable copy if it meets the following conditions and requirements:

7 (1) Total area of the electronic changeable copy sign shall not exceed 75% of
8 the total allowed freestanding sign area;

9 (2) The electronic changeable copy sign shall have a setback from the side
10 and rear lot lines of at least 150 feet if abutting residential lots and shall have a setback from a
11 front lot line of at least 150 feet if the sign copy is parallel to the front lot line;

12 (3) The electronic changeable copy sign message shall hold for at least three
13 seconds and transition to a new message shall not exceed a duration of one second; and

14 (4) The electronic changeable copy sign shall be turned off between 10:00
15 p.m. and 7:00 a.m.

16 Section 29. That Section 27.72.010 of the Lincoln Municipal Code be amended to read
17 as follows:

18 **27.72.010 Height and Lot Regulations AG and AGR Districts.**

19 The maximum height and minimum lot requirements within the AG and AGR Districts
20 shall be as follows:

1 (a) AG District General Requirements. See Table 27.72.010(a) below:

Table 27.72.010(a) Maximum Height and Minimum Lot Requirements for the AG District			
		AG	AG* (farmstead splits)
All Allowed Uses	Lot Area	20 acres	1 acre
	Avg. Lot Width	550'	150'
	Frontage	550'	120'
	Front Yard	50'	50'
	Side Yard	60'	15'
	Rear Yard	100'	Lesser of 50' or 20% of the depth
	Height	35'	35'

For purposes of this section, minimum lot area, county section, and one-half section line road right-of-way are included for the purpose of determining area.

[*Lots that were legally created and less than 20 acres as of May 9, 1979 or legally created in conformance with this Title.](#)

2 (b) AGR District General Requirements. See Table 27.72.010(b) below:

Table 27.72.010(b) Maximum Height and Minimum Lot Requirements for the AGR Districts		
All Allowed Uses	Lot Area	3 acres
	Avg. Lot Width	220'
	Frontage	175'
	Front Yard	50'
	Side Yard	15'
	Rear Yard	Lesser of 50' or 20% of the depth
	Height	35'

If such lot abuts a cul-de-sac, the above requirements for average lot width and frontage may be met by providing a frontage of 175 feet measured at the required front yard line.

3 (c) Exceptions to the Minimum Lot Requirements in the AG and AGR Districts.

4 (1) If a lot in the AG zoning district has less area, width, or frontage or any
 5 combination thereof than herein required, ~~and its entire boundary was under different ownership~~
 6 ~~on the effective date of this title and has not since been changed,~~ such lot or tract of land may be
 7 used for any of the uses listed in and in conformance with Table 27.72.010(c) below or for any
 8 permitted conditional use or permitted special use allowed on lots less than 20 acres in Chapters
 9 27.62 and 27.63, respectively.

(2) If a lot or tract of land in the AGR zoning district has less area, ~~width,~~ ~~or~~ frontage, or any combination thereof ~~both less area and width,~~ than herein required, and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such lot or tract of land may be used for any of the uses listed in and in conformance with Table 27.72.010(c) column (b) below or for any permitted conditional use or permitted special use allowed on lots less than 20 acres in Chapters 27.62 and 27.63, respectively.

(3) In the AGR zoning district, if a lot has less area, width, ~~or~~ frontage, or any combination thereof than herein required, and if on January 16, 1989, the area of the lot was one acre or more, and the average lot width ~~of the lot~~ was 150 feet or more and the frontage of the lot was 120 feet or more, such lot or tract of land may be used for any of the uses listed in and in conformance with Table 27.72.010(c) column (a) below or for any permitted conditional use or permitted special use allowed on lots less than 20 acres in Chapters 27.62 and 27.63, respectively.

Table 27.72.010(c) Exceptions to the Minimum Lot Requirements in the AG and AGR Districts		
Use Type	(a) 10 acres or more*	(b) Less than 10 acres
Agriculture, except commercial feedlots	P	P
Breeding, raising, management, and sale of fur-bearing animals and the produce thereof; Dog Breeding Establishment and Kennels	P	
Stables and riding academies	P	
Public use	P	P
Single-family dwelling	P	P
Places of Religious Assembly	P	P
* A lot which was 10 acres or more, but which has since been reduced in area by public acquisition for right-of-way purposes, may be devoted to any of the uses permitted for 10 acres or more if the remaining area of such lot is nine or more acres.		

1 (4) In the AG zoning district: if two or more abutting lots in common ownership exist
2 on the effective date of this title, each of such lots may be used for a single-family dwelling,
3 provided, that each such lot shall contain a minimum area of two acres and shall have an average
4 lot width of 150 feet. Abutting lots in common ownership which do not contain a minimum of
5 two acres and an average lot width of 150 feet may be combined to meet these requirements. If
6 any of the abutting lots in common ownership have less width or depth than herein required, the
7 required side and rear yard may be adjusted as provided in (c)(1) and (c)(2) above, respectively.

8 (5) In the AG zoning district, a lot or tract of land of one acre or more may be used
9 for a single-family dwelling or public utility and distribution system purposes provided that:

10 (i) For single-family dwelling use:

11 A. The dwelling has existed on such lot or tract of land for more than
12 five years.

13 B. The dwelling is or has been used on the primary residence
14 associated with a farm.

15 C. Such lot or tract of land and buildings shall be in conformance with
16 the following maximum height and minimum lot requirements: General Requirements -- See
17 Table 27.72.010(a) ~~(farmstead splits)~~.

18 D. However, if the lot or tract of land used for the dwelling do not
19 meet the requirements of item Table 27.72.010(a) ~~(farmstead splits)~~, the single family dwelling
20 shall be considered a non-standard use.

21 E. Such dwelling is in conformance with the other provisions of this title, the minimum
22 housing code, and the minimum standards for water and sewage facilities.

23 (ii) For public utility and distribution system purposes:

24 A. Such lot or tract of land shall not be used, by itself, for any other
25 purpose except agriculture

1 (6) In the AG zoning district, in all interior sections of a township, the minimum area
2 for a buildable lot shall be one-half of the total acreage contained in that quadrant of the quarter
3 section in which said lot is located. In all closing sections (any section of land bordering on the
4 north or west line of a township) except those which lie along the west line of Range 8 East, the
5 minimum area for a buildable lot shall be as follows:

6 (i) For those lots located within a Government Lot (a lot created by the
7 original government survey and recorded in the surveyor's records of Lancaster County), the
8 minimum required area shall be one-half of the total acreage contained in said Government Lot;

9 (ii) For those lots which are not located within a Government Lot, the
10 minimum required area shall be one-half of the total acreage contained in that quadrant of the
11 quarter section in which said lot is located.

12 (iii) In those closing sections which lie along the west line of Range 8 East, the
13 minimum area for a buildable lot shall be twenty acres, provided, however that the Board of
14 Zoning Appeals, in conformance with the terms of Chapter 27.75, may hear and decide upon
15 petitions to vary strict application of this requirement.

16 Section 30. That Section 27.72.020 of the Lincoln Municipal Code be amended to read
17 as follows:

18 **27.72.020 Height and Lot Regulations R-1 through R-8 Districts.**

19 The maximum height and minimum lot requirements within the R-1 through R-8 Districts
20 shall be as follows:

1 (a) R-1, R-2, R-3, and R-4 General Requirements. See Table 27.72.020(a) below:

Table 27.72.020 (a)					
Maximum Height and Minimum Lot Requirements for the R-1 through R-4 Districts					
		R-1	R-2	R-3	R-4
Single-family Dwelling	Lot Area (sq. ft.)	9,000	6,000	6,000	5,000
	Avg. Lot Width	60'	50'	50'	50'
	Front Yard	30'	25'	20'	25'
	Side Yard	10'	5'	5'	5'
	Rear Yard	Smaller of 20' or 20% of the lot depth			
	Height	35'	35'	35'	35'
Two-family Dwelling	Lot Area per Family (sq. ft.)	7,200	5,000	5,000	2,500
	Avg. Lot Width per Family	48'	40'	40'	25'
	Front Yard	30'	25'	20'	25'
	Side Yard (0' if party wall)	20'	10'	5'	5'
	Rear Yard	Smaller of 20' or 20% of the lot depth			
	Height	35'	35'	35'	35'
Other Allowed Uses	Lot Area (sq. ft.)	9,000	6,000	6,000	5,000
	Avg. Lot Width	60'	50'	50'	50'
	Front Yard	30'	25'	20'	25'
	Side Yard	10'	5'	5'	5'
	Rear Yard	Smaller of 30' or 20% of the lot depth			
	Height	35'	35'	35'	35'

1 (b) R-5, R-6, R-7, and R-8 General Requirements. See Table 27.72.020(b) below:

Table 27.72.020(b)					
Maximum Height and Minimum Lot Requirements for the R-5 through R-8 Districts					
		R-5	R-6	R-7	R-8
Single-family Dwelling	Lot Area (sq. ft.)	5,000	4,000	4,000	4,000
	Avg. Lot Width	50'	50'	50'	50'
	Front Yard	20'	20'	20'	10'
	Side Yard	5'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'
Two-family Dwelling	Lot Area per Family (sq. ft.)	2,500	2,500	2,000	2,000
	Avg. Lot Width per Family	25'	25'	25'	25'
	Front Yard	20'	20'	20'	10'
	Side Yard (0' if party wall)	5'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'
Townhouses	Lot Area per Family (sq. ft.)	2,500	2,500	2,000	2,000
	Avg. Lot Width per Family	20'	20'	20'	20'
	Front Yard	20'	20'	20'	10'
	Side Yard (0' if party wall)	10'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'

		R-5	R-6	R-7	R-8
Multiple-Family Dwellings and Apartment Hotels	Lot Area per Unit (sq. ft.)	1,500	1,100	700	550
	Avg. Lot Width	50'	50'	50'	50'
	Front Yard	20'	20'	20'	10'
	Side Yard (0' if party wall)	7' or 10' if over 20' in ht.		Total 15'; minimum 7' per side *	10'***
	Rear Yard	Smaller of 30' or 20% of the lot depth *			20'
	Height	35'	35'	45'*	75'***
Other Allowed Uses	Lot Area (sq. ft.)	5,000	4,000	4,000	4,000
	Avg. Lot Width	50'	50'	50'	50'
	Front Yard	20'	20'	20'	10'
	Side Yard	5'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'
<p>* In the R-7 zoning district for a building exceeding 35' in height, add one foot to the required side and rear yards for each additional two feet of height.</p> <p>** In the R-8 zoning district for a building exceeding 45' in height, the sum total of the two required side yards shall not be less than 30', and neither side yard shall be less than 10'.</p>					

1 (c) Exceptions to the Minimum Lot Requirements Residential.

2 (1) In the R-1 through R-4 zoning districts if a vacant lot or tract of land has less area
3 or width or both less area and width than herein required and its boundary lines along their entire
4 length abutted lands under other ownership on November 2, 1953, and have not since been
5 changed, such lot or tract of land may be used for a single-family dwelling provided that:

6 (i) A side yard of at least five feet shall be provided when located in the R-1
7 district.

8 (ii) If the vacant lot or tract of land has less width than herein required and its
9 boundary lines along their entire length abutted lands under other ownership on November 2,

1 1953, and have not since been changed, such lot or tract of land may be used for a two-family
2 dwelling in the R-4 district.

3 (2) In the R-5 through R-8 where a vacant lot or tract of land has less area or width or
4 both less area and width than herein required and its boundary lines along their entire length
5 abutted lands under other ownership on November 2, 1953, and have not since been changed, the
6 lot or tract of land may be used for a single-family dwelling, two-family dwelling, or for any
7 nondwelling use permitted in this chapter.

8 (3) If a vacant lot or tract of land under (c)(1) or (c)(2) above comes under common
9 ownership with an abutting lot or tract of land, such vacant lot or tract of land may be used for a
10 single-family dwelling provided said abutting lot or tract of land was occupied by a dwelling on
11 the date such contiguous properties came under common ownership.

12 (4) If a vacant lot or tract of land under (c)(1) or (c)(2) above comes under common
13 ownership with an abutting vacant lot or tract of land which has less area or width or both less
14 area and width than herein required, such lots and tracts of land shall be merged together and
15 constitute a single premises.

16 (5) If an existing lot or tract of land in a residential zoning district lawfully occupied
17 by a single-family or two-family dwelling on the effective date of this title or on the effective
18 date of a change in district boundaries from another zoning district to the existing residential
19 district has less area or width or both less area and width than herein required, such lot or tract of
20 land shall not be considered nonstandard due to this condition.

21 (6) In those locations in the R-1 and R-2 zoning districts where, on November 2,
22 1953, and continuing thereafter, forty percent or more of the frontage on the same side of a street
23 between two street intersections is lawfully occupied by two or more buildings consisting of two-
24 family dwellings or two-family and multiple-family dwellings, two-family dwellings may be

1 erected in conformance with the height, minimum lot requirements, and parking regulations of
2 the R-4 zoning district.

3 (7) In those locations in R-4 zoning district where, on November 2, 1953, and
4 continuing thereafter, forty percent or more of the frontage on the same side of a street between
5 two street intersections is lawfully occupied by two or more buildings consisting of multiple-
6 family dwellings, three- and four-family dwellings may be erected in conformance with the
7 height, minimum lot requirements, and parking regulations of the R-5 zoning district.

8 (8) If an existing lot or tract of land in the R-1 or R-2 zoning district is lawfully
9 occupied by a two-family dwelling which has a side yard setback of less than twenty feet in the
10 R-1 zoning district or ten feet in the R-2 zoning district and said use becomes nonstandard
11 through a change in district boundaries from another zoning district to this district, the two-
12 family dwelling may be enlarged, extended, or reconstructed as long as the greater of the
13 existing side yard or a ten-foot side yard for the R-1 and five foot side yard for the R-2, is
14 provided.

15 (9) If two or more abutting lots in the R-2 zoning district existing on or before
16 November 2, 1953, have an aggregate width of at least 75 feet, such lots may be used for a two-
17 family dwelling, notwithstanding the R-2 district average lot width requirements per family in
18 Table 27.72.020(a).

19 Section 31. That Section 27.75.030 of the Lincoln Municipal Code be amended to read
20 as follows:

21 **27.75.030 Appeals and Petitions Procedures.**

22 (a) Appeals to the Board of Zoning Appeals. Any aggrieved person or any office,
23 department or bureau of the City of Lincoln adversely affected by any final written order,
24 decision, or determination made by an administrative official in the enforcement of this title, may

1 appeal from such final order, decision, or determination to the Board of Zoning Appeals. The
2 appeal shall be taken by filing with the Planning Department, a notice of appeal specifying the
3 grounds therefor. Only those grounds listed in said notice shall be considered by the Board of
4 Zoning Appeals. The notice of appeal shall be filed within ~~90~~60 days from the date of such final
5 order, decision, or determination.

6 (b) Petitions to the Board of Zoning Appeals. The owner of any property may file a
7 petition requesting the Board of Zoning Appeals to grant a variance or an exception to the
8 Zoning Code under its jurisdiction without prior application to an administrative official charged
9 with enforcement of this title. The petition shall be submitted by the owner of the property
10 directly to the Planning Department. It shall be solely the responsibility of the property owner
11 seeking the variance to set forth any and all requested variances in his or her petition. Only those
12 variances requested in said petition may be considered by the Board.

13 (c) Hearing and Notice of Hearing. Upon receipt of an appeal or petition pursuant to
14 (a) or (b) above, the Planning Department shall schedule such appeal or petition upon the Board
15 of Zoning Appeals' calendar within 45 days from the date the notice of appeal or petition was
16 filed with the Department. For those hearings where the Board is exercising its appellate
17 jurisdiction, notice shall be (i) posted conspicuously at the property for at least eight consecutive
18 days immediately prior to the meeting of the Board, (ii) published in a newspaper of general
19 circulation at least eight days prior to the meeting of the Board, and (iii) mailed to appellant,
20 appellant's attorney, and to the Director of the Department whose decision is before the Board on
21 appeal at least eight days prior to the meeting. In all other matters brought before the Board,
22 notice of the date, time and place of such hearing shall be given as provided in Chapter 27.81.

23 (d) If, due to the absence of one or more of the members of the board, any motion,
24 resolution, or other proposition put to a vote shall fail to receive three or more votes either for or
25 against, said motion, resolution, or proposition shall be deemed to have received neither approval

1 nor disapproval and shall without further order of the Board of Zoning Appeals be continued
2 from regular meeting to regular meeting and voted on once at each such meeting until such time
3 as it shall receive three votes either for or against.

4 (e) Formal rules of evidence shall not be followed at hearings before the Board of
5 Zoning Appeals, but the chairperson may exercise discretion to exclude evidence where said
6 evidence is cumulative with other evidence in the record or where said evidence is immaterial to
7 the decision before the Board of Zoning Appeals in the matter before it.

8 Section 32. That Section 27.81.010 of the Lincoln Municipal Code be amended to read
9 as follows:

10 **27.81.010 General Regulations.**

11 The following general regulations shall apply to all zoning districts:

12 (a) Except as otherwise provided in this title, no building shall be erected, converted,
13 enlarged, reconstructed, or structurally altered, nor shall any structure or land be used:

14 (1) Except for a purpose permitted in the district in which the structure or land
15 is located;

16 (2) Except in conformance with the height and minimum lot requirements,
17 and the parking and sign regulations, and any other applicable requirements of the district in
18 which the structure or land is located;

19 (3) Except in conformance with the City of Lincoln Design Standards (but not
20 including Appendix A) for Zoning Regulations adopted by resolution of the City Council.

21 (b) The minimum yards and other open spaces, including lot area per family, required
22 by this title for each and every building at the time of passage of this title or for any building
23 hereafter erected shall not be encroached upon or considered as yard or open space requirements
24 for any other buildings, nor shall any lot area be reduced beyond the district requirements of this
25 title.

1 (c) No person shall engage in construction activity in the Construction Site
2 Discharges Overlay District without a permit in conformance with Chapter 28.01 setting forth
3 the requirements of the design standards applicable to stormwater management, erosion and
4 sedimentation control, including the preservation of minimum flood corridors; provided,
5 however, that the requirement to preserve a minimum flood corridor will not apply to property
6 within a subdivision approved prior to March 8, 2000. For the purpose of this section, the
7 Construction Site Discharges Overlay District is defined to mean the corporate limits of the City
8 of Lincoln and the land outside the corporate limits designated as Tier I.

9 (d) On or after May 1, 2006, no permit for the erection or construction of any new
10 building and no permit for the substantial enlargement of any existing building located in the O-
11 2, O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning district shall be
12 issued before the applicant has submitted a Pedestrian Circulation Plan to the City for review and
13 approval. In addition, on or after May 1, 2006, no permit for the erection or construction of any
14 club or health care facility pursuant to Sections 27.63.200 and 27.63.080, respectively, and no
15 permit for the substantial enlargement of any club or health care facility shall be issued before
16 the permittee has submitted a Pedestrian Circulation Plan to the City for review and approval.
17 The Pedestrian Circulation Plan shall conform to the City of Lincoln's Design Standards for
18 Pedestrian Circulation in Commercial and Industrial Areas. An on-site sidewalk system shall be
19 constructed for any new building and for any redevelopment of any existing building in
20 accordance with the approved Pedestrian Circulation Plan prior to the issuance of a certificate of
21 occupancy for the building. For the purpose of this section, substantial enlargement shall mean
22 any addition to an existing building the cost of which equals or exceeds fifty percent of the
23 County Assessor's assessed value of the property before the start of construction of the addition.

24 (e) Every building hereafter erected or structurally altered shall be located on a lot as
25 herein defined and in no case shall there be more than one main building on one lot except as

1 | otherwise provided in Chapters [27.06](#), [27.60](#), [27.63](#), [and 27.65](#), ~~and 27.71~~.

2 | (f) All inhabited or occupied mobile homes shall conform to one of the following:

3 | (1) Used as a dwelling and located in a mobile home court or mobile home
4 | subdivision operating under a valid special permit in conformance with Chapter 27.63;

5 | (2) Used as a dwelling associated with a farm;

6 | (3) Used as a temporary office or shelter incidental to construction or
7 | development on the premises on which the mobile home is located; or

8 | (4) One mobile home may be used as an office in any mobile home court or
9 | mobile home subdivision operating under a valid special permit in conformance with Chapter
10 | 27.63; provided, the mobile home used as an office is located on an approved mobile home space
11 | or lot and such office is used only for conducting the business of the mobile home court or
12 | subdivision in which the office is located. Said mobile home may also be used as a dwelling.

13 | (5) One mobile home may be used as an office in any campground operating
14 | under a valid special permit in conformance with Chapter 27.63; provided, the mobile home is
15 | used only for conducting the business of the campground. Said mobile home may also be used
16 | as a dwelling for the campground manager.

17 | A mobile home not in conformance with one of the above shall not be occupied or
18 | inhabited; nor shall it be connected to utilities, except when being displayed for sale by a dealer
19 | or manufacturer.

20 | (g) If a single building or lot is located in two or more zoning districts, each part of
21 | the building or lot shall comply with the regulations of the district in which it is located, except
22 | as provided in Chapter 27.05 or Chapter 27.75.

23 | Section 33. That Section 27.81.050 of the Lincoln Municipal Code be amended to read
24 | as follows:

25 | **27.81.050 Notice of Public Hearings.**

1 Public hearings required to be held by the City Council, Planning Commission, Historic
2 Preservation Commission, or Board of Zoning Appeals under this title shall not be held until
3 notice thereof has been given in compliance with the following provisions:

4 (a) A notice shall be posted in a conspicuous place on or near the property upon
5 which action is pending. The notice shall be posted upon or as near to the subject premises as
6 possible so that it is easily visible from the street, and such notice shall be so posted for at least
7 eight consecutive days before the date of such hearing. It shall be unlawful for any person to
8 remove, mutilate, destroy, or change the posted notice prior to the hearing.

9 (b) At least ~~five~~^{eight} days before the date of hearing, the City Clerk shall have
10 published in a daily newspaper having a general circulation in the City of Lincoln a notice of the
11 time, place, and subject matter of the public hearing.

12 (c) For public hearings required to be held by the Historic Preservation Commission
13 for an application for a designation as a landmark or landmark district or for a special permit, and
14 for public hearings required to be held by the Planning Commission and the Board of Zoning
15 Appeals, additional notice shall be given as follows: At least ten days before the date of hearing,
16 the Planning Director shall cause notice of the requested item to be sent (i) to the record owner or
17 owners of the property upon which action is pending when the petitioner for such request is other
18 than the owner or any person or group officially designated to participate in the administration of
19 this title and (ii) to the record owners of property located within 200 feet of the property upon
20 which action is pending when such owners' property is located within the corporate limits of the
21 city and to the record owners of property located within one-fourth mile of the property upon
22 which action is pending when such owners' property is located outside the corporate limits of the
23 city; provided, however, that subsections (i) and (ii) shall not apply when the petitioner for such
24 request is any person or group officially designated to participate in the administration of this
25 title. Such notice shall be sent by regular United States mail, postage prepaid, to each owner's

1 address as it appears on the last equalized assessment roll of the county or as known to the
2 Planning Director.

3 (d) No decision or recommendation which the Historic Preservation Commission, the
4 Planning Commission, or the Board of Zoning Appeals is required to make under this title shall
5 be void or invalidated or affected in any way, for any irregularity, defect, error, or failure on the
6 part of the Planning Director to cause notice to be given as required in subsection (c) above.

7 (e) It shall not be necessary to give further notice of adjourned or continued public
8 hearing.

9 (f) Other notice, as may be deemed appropriate by the public body conducting the
10 hearing, may be given in advance of public hearings. Such notice is not mandatory or required
11 as a condition precedent to any such public hearing.

12 Section 34. That Sections 26.11.036, 26.11.037, 26.15.015, 26.15.020, 26.19.020,
13 26.19.041, 26.23.140, 27.06.020, 27.06.120, 27.06.130, 27.06.150, 27.07.030, 27.51.030,
14 27.62.030, 27.62.090, 27.62.100, 27.62.120, 27.63.025, 27.63.180, 27.63.500, 27.63.510,
15 27.63.570, 27.64.010, 27.65.020, 27.67.040, 27.69.030, 27.69.090, 27.72.010, 27.72.020,
16 27.75.030, 27.81.010, and 27.81.050 of the Lincoln Municipal Code as hitherto existing be and
17 the same are hereby repealed.

18 Section 35. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall be
19 posted on the official bulletin board of the City, located on the wall across from the City Clerk's
20 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of
21 passage and such posting to be given by publication one time in the official newspaper by the
22 City Clerk. This ordinance shall take effect and be in force from and after its passage and
23 publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2017: _____ Mayor
