

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

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code (“Zoning Code”)  
2 by amending Section 27.02.040 to delete the definition of Commercial Solar Energy Conversion  
3 System; by amending Section 27.02.200 to add definitions for Solar Energy Conversion System  
4 Large and Solar Energy Conversion System Small; by amending Section 27.06.090 to amend the  
5 Utility Use Group Table to strike Commercial Solar Energy Conversion System as a listed use  
6 type, to add Solar Energy Conversion System (Large) as a listed use type allowed by Special  
7 Permit in the AG District and as a permitted use in the H-2 through H-4 and I-1 through I-3  
8 districts, and to add Solar Energy Conversion System (Small) as a listed use type allowed by  
9 Special Permit in the AGR, R-1 through R-8, O-1 through O-3, and RT districts and as a  
10 permitted use in all other districts; by amending Section 27.63.830 to allow Large Solar Energy  
11 Conversion System as a permitted special use in the AG district and to allow Small Solar Energy  
12 Conversion System as a special permitted use in the AGR, R-1 through R-8, O-1 through O-3,  
13 and RT districts and to provide conditions for such uses; and repealing Sections 27.02.040,  
14 27.02.200, 27.06.090, and 27.63.830 as hitherto existing.

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

16 Section 1. That Section 27.02.040 of the Lincoln Municipal Code be amended to read as  
17 follows:

18 **27.02.040 C.**

19 **Campground.** Campground shall mean a parcel of land intended for temporary  
20 occupancy by any of the following: tent, tent trailer, or recreational vehicle.

21 **Care.** Care shall mean the exercise of concern or responsibility for the comfort, welfare,  
22 and habilitation of persons, including a minimum amount of supervision and assistance with or

1 the provision of personal care, activities of daily living, health maintenance activities, or other  
2 supportive services.

3 For purposes of this definition:

4 **Activities of daily living** shall mean transfer, ambulation, exercise, toileting,  
5 eating, self administered medication, and similar activities;

6 **Health maintenance activities** shall mean noncomplex interventions which can  
7 safely be performed according to exact directions, which do not require alteration of the  
8 standard procedure, and for which the results and resident responses are predictable; and

9 **Personal care** shall mean bathing, hair care, nail care, shaving, dressing, oral  
10 care, and similar activities.

11 **Center for the Developmentally Disabled.** Center for the developmentally disabled  
12 shall mean a facility where shelter, food, and care, advice, counseling, diagnosis, treatment, or  
13 related services are provided for a period of more than twenty four consecutive hours to sixteen  
14 or more persons residing at such facility who have developmental disabilities.

15 **Change of Use.** Change of use shall mean the replacement of an existing use by a new  
16 use, or a change in the nature of an existing use, but not including a change of ownership,  
17 tenancy, or management where the previous nature of the use, line of business, or other function  
18 is substantially unchanged.

19 **Childhood Care Facility.** See Early Childhood Care Facility.

20 **Children's Home.** Children's home shall mean a facility engaged in the service of  
21 exercising 24-hour daily care, supervision, custody, or control over sixteen or more children for  
22 compensation or hire in lieu of the care or supervision normally exercised by parents in their own  
23 home.

24 **Church.** See definition for Place of Religious Assembly.

1           **Club.** Club shall mean a building or facility owned or operated by persons associated for  
2 a social, educational, civic, cultural, labor, or professional or recreational purpose, not operated  
3 primarily for profit nor to render a service which is customarily carried on as a business, and  
4 which is generally restricted to members and their guests using the facility for the purpose for  
5 which they have associated; this shall not include a building of religious assembly, ~~or~~ social hall,  
6 or the occasional accessory use of a private residence as a meeting place.

7           **Commercial Feed Lot.** See Confined Feeding Facility.

8           ~~**Commercial Solar Energy Conversion System.** Commercial Solar Energy Conversion  
9 System shall mean a commercial grade solar energy conversion system (CSECS) intended to be  
10 used primarily to provide off-site power.~~

11           **Commercial Wind Energy Conversion System/ Turbine (CWECS).** Commercial  
12 Wind Energy Conversion System/Turbine shall mean a commercial grade wind energy  
13 conversion system (WECS) of over 100 Kilowatt (~~K~~kW) plate rated capacity and intended to be  
14 used primarily to provide off-site power.

15           **Confined Feeding Facility.** Confined feeding facility shall mean a facility where the  
16 principal business is the feeding of livestock or poultry, also called a commercial feedlot.

17           **Contractor Services.** Contractor services shall mean a business which provides a  
18 service which is primarily performed off-site. Few customers visit the site. Common examples  
19 of contractor services include plumbing, heating, electrical, and air conditioning service,  
20 exterminator service, lawn and garden service, and construction services. Contractor services  
21 shall not include garbage or recycling hauling services or tree service. Outdoor storage,  
22 machinery, trucks, and service vehicle fleets are common accessory uses.

23           Section 2. That Section 27.02.200 of the Lincoln Municipal Code be amended to read as  
24 follows:

1   **27.02.200**    **S.**

2           **Salvage Material.** See definition in Chapter 5.41.

3           **Salvage Operation and Salvage Material.** See definition in Chapter 5.41.

4           **Salvage Yard.** Salvage yard shall mean any salvage operation, recycling center, or  
5 recycling processing center where any wrecking, dismantling, or holding of salvage material or  
6 recycling of recyclables as defined in Chapter 5.41 is wholly or partially outside a building for  
7 more than 30 days.

8           **Satellite College.** Satellite college shall mean a post-secondary educational institution  
9 whose main campus is located on another premises or in another city. Uses consist primarily of  
10 classrooms and offices. Student housing is not considered customary or accessory.

11          **School.** School shall mean an institution where instruction is given and shall include the  
12 following institutions: Academies, Private College, Private School, Satellite College, Vocational  
13 Schools.

14          **Service and Repair Facility.** Service and/or Repair Facility shall mean a facility that  
15 performs routine maintenance or repair work. Such facilities would include but not be limited to  
16 repair and maintenance of home and office equipment, electrical appliances, radios, televisions,  
17 lawn and garden equipment repair, appliance, bicycle, electrical, furnace shops, and rental  
18 equipment. Service and repair facility does not include the service or repair of motorized  
19 vehicles.

20          **Sexually Oriented Live Entertainment Establishment.** Sexually oriented live  
21 entertainment establishment shall mean any commercial establishment that as a substantial or  
22 significant portion of its business features or provides any of the following:

23           (a) Persons who appear showing specified anatomical areas.

1 (b) Live performances that are distinguished or characterized by an emphasis on the  
2 exposure, depiction, or description of specific anatomical areas or the conduct or  
3 simulation of specified sexual activities.

4 Sexually oriented live entertainment establishment shall not include any theater, concert hall, art  
5 center, museum, or similar establishment which is primarily devoted to the arts or theatrical  
6 performances and in which any of the circumstances contained in this section were permitted or  
7 allowed as part of such art exhibits or performances.

8 **Sign.** (See definition of Sign in 27.69.020).

9 **Small Batch Concrete Dispensing Unit.** Small batch concrete dispensing unit shall  
10 mean a machine or device with a mixing chamber with a capacity no greater than one-fourth of a  
11 cubic yard and mixing materials are totally enclosed.

12 **Social Hall.** Social hall shall mean a building or premises available for rent on a daily  
13 basis to be used for social, educational, or civic gatherings, including, but not limited to,  
14 charitable fund raising events, wedding receptions, family reunions, educational seminars,  
15 neighborhood meetings, or similar events.

16 **Solar Energy Conversion System (Large).** Large Solar Energy Conversion System  
17 shall mean a solar energy conversion system intended to be used primarily to provide off-site  
18 power, with a rated capacity over 100 kilowatts (kW), and is the primary use on a lot or  
19 premises.

20 **Solar Energy Conversion System (Small).** Small Solar Energy Conversion System  
21 shall mean a solar energy conversion system intended to be used primarily to provide off-site  
22 power, with a maximum rated capacity of 100 kilowatts (kW), and is the primary use on a lot or  
23 premises.

1           **Solar Screen.** Solar screen shall mean a device attached to a building to provide shading  
2 for glazed areas thereof.

3           **Specified Anatomical Areas.** Specified Anatomical Areas shall mean:

4           (a) Less than completely and opaquely covered human genitals; pubic region; anus; or  
5 female breast below a point immediately above the top of the areolae, but not  
6 including any portion of the cleavage of the female breast exhibited by a dress,  
7 blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is  
8 not exposed.

9           (b) Human male genitals in a discernibly turgid state, even if completely and opaquely  
10 covered, or any device covering that, when worn, simulates male genitals in a  
11 discernibly turgid state.

12           **Specified Sexual Activities.** Specified Sexual Activities shall mean any of the following:

13           (a) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus,  
14 or female breasts.

15           (b) Sex acts normal or perverted, actual or simulated, including intercourse, oral  
16 copulation, or sodomy.

17           (c) Masturbation, actual or simulated.

18           (d) Human genitals in a state of sexual stimulations, arousal, or tumescence.

19           (e) Excretory functions as part of or in connection with any of the activities set forth in  
20 (a), (b), (c), or (d) above.

21           **Story.** Story shall mean that portion of a building included between the upper surface of  
22 any floor and the upper surface of the floor next above, except that the top-most story shall be  
23 that portion of the building included between the upper surface of the topmost floor and the  
24 ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused

1 under-floor space is more than six feet above grade as defined herein for more than fifty percent  
2 of the total perimeter, or is more than twelve feet above the ground elevation at any point, such  
3 basement, cellar, or unused underfloor space shall be considered as a story.

4 **Street.** Street shall mean all property acquired or dedicated to the public and accepted by  
5 the appropriate governmental agencies for street purposes, and property that has been commonly  
6 used or dedicated to be used for street purposes prior to November 2, 1953.

7 **Street Centerline.** Street centerline shall mean a line midway between street lines  
8 except under conditions specified in Section 27.72.170.

9 **Street Line.** Street line shall mean a dividing line between a lot, tract, or parcel of land  
10 and a contiguous street.

11 **Structure.** Structure shall mean anything constructed or erected, the use of which  
12 requires permanent location on the ground or attachment to something having a permanent  
13 location on the ground. Poles used for the support of wires and appurtenant equipment for  
14 supplying public utility services shall not be considered as buildings or structures under this title.

15 **Structural Alteration.** Structural alteration shall mean any change in the supporting  
16 members of a building, such as bearing walls, columns, beams, or girders, or any complete  
17 rebuilding of the roof or the exterior walls.

18 Section 3. That Section 27.06.090 of the Lincoln Municipal Code be amended to read as  
19 follows:

20 **27.06.090 Utilities Use Group.**

21 Characteristics: The Utilities Use Group is characterized by the use of equipment for the  
22 purposes of distribution of basic utilities which provide service for, but is not limited to  
23 electricity, gas, phones, cable, and fiber optics. In addition, such uses include but are not limited  
24 | to broadcast stations and towers, commercial wind energy conversion system, ~~commercial~~ solar

1 energy conversion system, personal wireless services facilities, and alternative and renewable  
 2 energy generation systems.

3 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
Broadcast stations										S	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
Broadcast towers	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
<del>Commercial Solar Energy Conversion System (CSECS)</del>	<del>S</del>																							<del>P</del>	<del>P</del>	<del>P</del>
Commercial Wind Energy Conversion System	S																									
Personal wireless services facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Public utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
<del>Solar Energy Conversion System (Large)</del>	<del>S</del>																									
<del>Solar Energy Conversion System (Small)</del>	<del>P</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
Utility and cable television purposes	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S	S	S	P	P	P
Wind Energy Conversion System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
All other uses in this Use Group																								P	P	P

4 Section 4. That Section 27.63.830 of the Lincoln Municipal Code be amended to read as  
 5 follows:

6 **27.63.830 ~~Commercial Solar Energy Conversion System (CSECS).~~**

7        (a) A ~~Commercial Large~~ Solar Energy Conversion System ~~(CSECS)~~ may be allowed  
 8 in the AG District by special permit under the following conditions:

9        (i~~a~~) The system uses photovoltaics to convert solar energy into electricity.

10        (i~~ib~~) On-site transmission lines shall, to the maximum extent practicable, be  
 11 placed underground.

12        (iii~~e~~) Where said use is adjacent to residential zoned land, park land, school  
 13 property, or major entryways or corridors into the city, town, or village, visual  
 14 screening through setbacks, berming, and other techniques may be required by the  
 15 Planning Commission as appropriate and necessary to address the site-related



1 | impacts of the ~~CSECS~~ Solar Energy Conversion System on adjacent property and  
2 | major entryways or corridors.

3 | (iv) Each ~~CSECS~~ Solar Energy Conversion System facility shall have a  
4 | decommissioning plan outlining the means, procedure, and costs of removing the  
5 | machines and all related supporting infrastructure and a bond or equivalent  
6 | enforcement resource to guarantee removal and restoration upon discontinuance,  
7 | decommissioning, or abandonment.

8 | (v) Must meet setback requirements of the district unless adjusted by the  
9 | Planning Commission.

10 | (b) A Small Solar Energy Conversion System may be allowed in the AGR, R-1  
11 | through R-8, O-1 through O-3, and RT districts by special permit under the following conditions:

12 | (i) The system is in conformance with subsections (a)(i), (ii), (iii), (iv), and  
13 | (v) above.

14 | (ii) In Residential districts, the system should be owned primarily by residents  
15 | in the surrounding neighborhood.

16 | (iii) The system should be located on an outlot or lot otherwise not intended  
17 | for residential development.

18 | (iv) The height of the solar collector and any mounts shall not exceed 20 feet  
19 | when oriented at maximum tilt.

20 | Section 5. That Sections 27.02.040, 27.02.200, 27.06.090, and 27.63.830 of the Lincoln  
21 | Municipal Code as hitherto existing be and the same are hereby repealed.

22 | Section 6. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall be  
23 | posted on the official bulletin board of the City, located on the wall across from the City Clerk's  
24 | office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of

1 passage and such posting to be given by publication one time in the official newspaper by the  
2 City Clerk. This ordinance shall take effect and be in force from and after its passage and  
3 publication as herein and in the City Charter provided.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2017:

\_\_\_\_\_  
Mayor