FACTSHEET

TITLE: TEXT AMENDMENT NO. 17017 - Amend Lincoln Municipal Code Section 27.59.070 relating to the references of the Building Official and the Division of Aeronautics of the State of Nebraska Department of Transportation based on a recent merger, and adopting a revised Lincoln Airport Zoning Map.

BOARD/COMMITTEE: Planning Commission

APPLICANT: Lincoln-Lancaster County Planning Director


STAFF RECOMMENDATION: Approval.

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:

This is a set of minor corrections to Chapter 27.59 of the City Zoning Ordinance on Airport Zoning Regulations, and the Airport Zoning Map. The text changes involve two minor wording updates. The map changes include updating the runway end elevations in accordance with the approved Airport Layout Plan and resulting changes in the Shaded Area and airport zone boundaries.

DISCUSSION/FINDINGS OF FACT:

1. This text amendment request appeared on the Consent Agenda of the Planning Commission on December 6, 2017.

2. The staff recommendation of approval is based upon the “Analysis” as set forth on pp.2-3, concluding that these changes are necessary updates and corrections to the airport zoning and should be approved.

3. On December 6, 2017, the Planning Commission voted 8-0 (Scheer absent) to recommend approval of this text amendment.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer DATE: December 7, 2017

REVIEWED BY: David R. Cary, Planning Director DATE: December 7, 2017
COMPATIBILITY WITH THE COMPREHENSIVE PLAN
The proposed amendments are required for proper implementation of the airport zoning restrictions for building and structure height as noted in the Comprehensive Plan.
KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.19 - Existing Airports and Airfields

The Lincoln Airport is the major air facility servicing Lincoln, Lancaster County and the region. It provides an important transportation link to national and international markets. It is located in the northwestern part of Lincoln, with access provided by Interstate and State highways. The City of Lincoln’s Airport Environ Noise District and Airport Zoning Regulations have been established to ensure a balance between airport operations and the surrounding land uses. These regulations govern uses and structural characteristics compatible to the airport operations and minimize negative impacts on surrounding residents.

P. 10.39 - Airport and Airfields - 2040 Needs

The Lincoln Airport will continue to be the principal airport facility serving the Lincoln Metropolitan Area, Lancaster County, and a significant portion of the region in the southeast area of the State.

P. 10.71 - Airports and Airfields

Lincoln Municipal Airport is governed by the Lincoln Airport Authority (LAA). The LAA is part of the MPO and participates in its activities; however, planning for airport facilities is done in a separate process.

Strategies:

- Maintain compatible land uses and zoning within the 60 DNL and 75 DNL noise contour lines.
- Continue to enforce zoning restrictions for building and structure height in the approach and turning zones.

ANALYSIS

1. Revisions to the City airport zoning height permit regulations and accompanying changes to the Airport Zoning Map were approved in June 2017 with Text Amendment #17004.
2. The proposed text changes to the City airport zoning regulations include removing a gender specific reference and reflecting the consolidation of the former Nebraska Department of Aeronautics as a division within the new Nebraska Department of Transportation effective July 1, 2017.
3. The same text changes are proposed with the related Text Amendment #17018 to Article 18 of the County Zoning Resolution.
4. The proposed Airport Zoning Map changes include:
   - Changes to runway end locations and elevations in accordance with the approved Airport Layout Plan for the Lincoln Airport. All runway end locations changed. Based on revised locations, three runways had a change in elevation (Runways 14, 32 and 35). The primary reason for runway end changes has been relocation of runway thresholds over the years. The changes in runway elevation range from decimals of a foot to a maximum of 3 feet.
   - The runway end changes necessitated corresponding changes to the boundaries and elevations of the Shaded Area, Turning Zones, and Approach Zones for the three runways as well as corrections to the elevation markings.
   - Correct lengths of several 50:1 Slope Approach Zones. All of said zones that climb off the end of the runways should be 7,500 feet in length but some were too long.
   - Correct the look of the 150’ Maximum Height Approach Zone segments to end at three miles from the end of the operation zone as described in the regulations, rather than continuing them out to the turning zone boundary. This change is most clearly seen on the Runway 32 and 35 approaches.
5. These changes should have no significant effect on development. The elevations for Runways 14 and 32 slightly increased and therefore raised the maximum heights for structures. The elevation for Runway 35 was the only runway end elevation that decreased (by 3 feet) resulting in a lowering of the maximum structure heights by 3 feet. Any existing structures affected by this change would be considered legal nonconforming and could be continued and reconstructed so long as the height of the structure is not increased over its preexisting height, as
described in the regulations on nonconforming airport zoning height, Section 27.59.080 of the City Zoning Ordinance and Article 18.008 of the County Zoning Ordinance. The changes are unlikely to affect any but the tallest structures such as cellular and broadcast towers.

Prepared by

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Rachel Jones, Planner

Date: November 26, 2017

Applicant/Contact: Lincoln-Lancaster County Planning Department
Rachel Jones
555 S. 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-7603 or rjones@lincoln.ne.gov

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ORDINANCE NO. ________________

AN ORDINANCE amending Chapter 27.59 of the Lincoln Municipal Code relating to Airport Zoning Regulations by amending Section 27.59.070 to change the reference to the State Department of Aeronautics to the Division of Aeronautics of the State of Nebraska Department of Transportation based on a merger of the departments effective July 1, 2017; adopting a revised Lincoln Airport Zoning Map; and repealing Section 27.59.070 as hitherto existing.

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

Section 1. That Section 27.59.070 of the Lincoln Municipal Code be amended to read as follows:

27.59.070 Airport Hazards.

(a) The Building Official shall examine or cause to be examined any structures or trees reported to the Building Official as an airport hazard within the airport hazard area, and if such is found to be an airport hazard as defined in Section 27.59.010, and is not otherwise approved or authorized by this Chapter, it shall be the duty of the Building Official to give the owner of the property where such airport hazard exists written notice thereof, and to take such measures as are necessary and authorized by law to eliminate or alleviate said airport hazard. For the purpose of aiding the Building Official to determine whether the existence of any such reported structures or trees constitute an airport hazard, the Building Official may in each case request a written report from the Division of Aeronautics of the State of Nebraska Department of Transportation under the provisions of Neb. Rev. Stat. §§ 3-108 and 3-113 (Reissue 2012) to advise whether or not an airport hazard, as defined in this chapter, exists.
(b) Notwithstanding any other provisions of this title, no use may be made of land within any zone established by this ordinance in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, take-off, or maneuvering of aircraft.

Section 2. That the Lincoln Airport Zoning Map dated February 15, 2017, as most recently amended by Section 5 of Ordinance No. 20509 be superseded and the Lincoln Airport Zoning Map dated August 11, 2017, a copy of which is attached hereto, is hereby adopted by reference into Chapter 27 and shall constitute the Lincoln Airport Zoning Map referred to in Chapter 27 and in Section 27.050.020 of the Lincoln Municipal Code.

Section 3. That Section 27.59.070 of the Lincoln Municipal Code as hitherto existing be and the same is hereby repealed.

Section 4. This ordinance shall be published, within fifteen days after the passage hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the official bulletin board of the City, located on the wall across from the City Clerk’s office at 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of passage and such posting to be given by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its passage and publication or after its posting and notice of such posting given by publication as herein and in the City Charter provided.
Introduced by:

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Approved as to Form & Legality: Approved this ___ day of ____________, 2017:

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City Attorney

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Mayor
TEXT AMENDMENT NO. 17017

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:   December 6, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, and Washington; Commissioner Scheer absent.

The Consent Agenda consisted of the following items: TEXT AMENDMENT NO. 17013, COUNTY TEXT AMENDMENT NO. 17014, TEXT AMENDMENT NO. 17017, COUNTY TEXT AMENDMENT NO. 17018, ANNEXATION NO. 17023, CHANGE OF ZONE NO. 07063B, CHANGE OF ZONE 17033, PRELIMINARY PLAT NO. 17005, SPECIAL PERMIT NO. 17041, AND USE PERMIT NO. 140F.

The following applications were removed from the Consent Agenda for separate public hearings: Text Amendment No. 17013, County Text Amendment No. 17014, Text Amendment No. 17020, Special Permit No. 1219N, and County Special Permit No. 17043.

Scheer declared a Conflict of Interest on Change of Zone No. 17033 and Preliminary Plat No. 17005 and, therefore, recused himself from voting on the Consent Agenda.

There were no ex parte communications disclosed.

Vice-Chair Corr called for a motion on the Consent Agenda.

Hove moved approval of the Consent Agenda, seconded by Beckius and carried, 8-0: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Corr voting ‘yes’; Scheer absent.

Note: This is a recommendation to the City Council on all items.

Commissioner Scheer returned to the chambers at 1:15 P.M.