FACTSHEET

TITLE: Text Amendment No. 17019 - Amend Chapter 27.02.240 definitions to combine warehouses, Wholesale and distribution centers into one definition.

BOARD/COMMITTEE: Planning Commission

APPLICANT: David Cary, Planning Director


STAFF RECOMMENDATION: Approval.

OTHER DEPARTMENTS AFFECTED:

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:

A text amendment is proposed to update the definition of warehouses to combine storage, wholesale and distribution into one use and to remove a separate undefined wholesale and distribution center use from the Zoning Ordinance. Warehouses will be permitted in the same zoning districts as presently permitted with condition for screening of outdoor items in the H3 and H4 Districts.

DISCUSSION / FINDINGS OF FACT:

1. The proposed text amendment had public hearing before the Planning Commission on December 6, 2017.

2. The staff recommendation of approval of this text amendment is based upon the “Analysis” as set forth on p.2, concluding that this text amendment will clarify the definition of warehouses and also include wholesale and distribution which currently is a separate undefined use in the Zoning Ordinance. This clarification supports existing businesses which are storage, wholesale and distribution by removing ambiguity and providing predictability in interpretation of the Zoning Ordinance. The staff (applicant) presentation is found on p.21.

3. There was no testimony in support or in opposition to this amendment.

4. On December 6, 2017, the Planning Commission voted 8-0 to recommend approval of this text amendment.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer DATE: December 11, 2017

REVIEWED BY: David R. Cary, Director of Planning DATE: December 11, 2017

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COMPATIBILITY WITH THE COMPREHENSIVE PLAN
The 2040 Comprehensive Plan supports retention of existing businesses while striving for predictability for existing residential uses and neighborhoods. This request is compatible with the Comprehensive Plan because it removes uncertainty and adds clarity for warehouse, wholesale and distribution businesses.

JUSTIFICATION FOR RECOMMENDATION
The text amendment will clarify the definition of warehouses and also include wholesale and distribution which currently is a separate undefined use in the Zoning Ordinance. This clarification supports existing businesses which are storage, wholesale and distribution by removing ambiguity and providing predictability in interpretation of the Zoning Ordinance.

APPLICATION/STAFF CONTACT
George Wesselhoft, (402) 441-6366 or gwesselhoft@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN
The 2040 Comprehensive Plan supports retention of existing businesses while striving for predictability for existing residential uses and neighborhoods. This request is compatible with the Comprehensive Plan because it removes uncertainty and adds clarity for warehouse, wholesale and distribution businesses.
KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.

ANALYSIS

1. This request is for a text amendment to amend the Zoning Ordinance for warehouses, wholesale and distribution uses. The intent of this proposal is to remove ambiguity in the existing Ordinance by consolidating storage, wholesale and distribution under a single use definition and amend other related provisions.

2. Currently, the Zoning Ordinance (27.06.180) Use Group Table includes Warehouses as a separate use from Wholesale and distribution centers but only Warehouses is defined under the Definitions (27.02.240). Warehouses are presently permitted in the B4, H3, H4, I1, I2, and I3 Zoning Districts, permitted conditionally in the B-4, whereas Wholesale and distribution centers are permitted in the B4, H4, I1, I2 and I3 Districts, but by special permit in the H4 District.

3. Related Change of Zone 17028 is a request for a change of zone affecting approximately 30.71 acres for properties generally located in the vicinity of the former Missouri Pacific Railroad corridor between North 22nd and North 35th Streets. The proposed change of zone includes H-3 Highway Commercial areas for which the proposed text amendment will clarify existing warehouse and distribution uses under the same category.

4. Proposed modifications to the text are as follows:

27.02.240: W. Warehouses. The proposed modification to this section includes adding wholesale and distribution, and dispatching of tangible products to the warehouse use. The definition proposed keeps the same 50% threshold from existing Ordinance where at least 50% of the floor area must be for storing goods or materials or for distributing good or materials in order to be considered a warehouse.

27.06.180: Manufacturing, Processing, Storage and Distribution Use Group, Use Group Table. The proposed changes to this section include deleting Wholesale and distribution centers and modifying Warehouses Uses to be permitted conditionally in the H3 and H4 Districts.

27.62.150 Manufacturing, Processing, Storage and Distribution Use Group. The proposed modifications to this section include a condition in the H3 and H4 zoning districts, warehouses are permitted provided outside storage is enclosed with an opaque fence, or wall, and opaque gates six feet in height and the stored materials are less than the height of the fence or wall. Outside storage areas associated with pre-existing warehouses which are not enclosed may remain until such time the building is demolished.

27.63.470 Planned Service Commercial. Modifications proposed include deleting the text pertaining to Wholesale and distribution centers including outside storage which will be included in 27.62.150 proposed modifications.

5. The proposed text amendment is to clarify for existing businesses and new businesses by consolidating uses into one warehouse definition and provide predictability for them and nearby neighborhoods. Zoning ordinances from other cities were reviewed and substantial land use differences could not be found between warehouse and wholesale uses.

Prepared by

George Wesselhoft, Planner
Applicant/Contact: George Wesselhoft, Planner
Date: November 22, 2017
555 S. 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-6366 or gwesselhoft@lincoln.ne.gov

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ORDINANCE NO. ________________

AN ORDINANCE amending Title 27 of the Lincoln Municipal Code (the "Zoning Ordinance") by amending Section 27.02.240 to revise the definition for Warehouse by including wholesale and distribution centers in said definition; by amending the Manufacturing, Processing, Storage and Distribution Use Group described in Section 27.06.180 to allow warehouses as a conditional use in the H3 and H4 zoning districts and to strike the Wholesale and Distribution Centers as a use; by amending Section 27.62.150 relating to Manufacturing, Processing, Storage and Distribution Use Group to describe the conditions required for warehouses located in the H3 and H4 zoning districts; by repealing paragraph (4) of Section 27.63.470 relating to wholesale and distribution centers; and repealing Sections 27.02.240, 27.06.180, 27.62.150, and 27.63.470 as hitherto existing.

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

Section 1. That Section 27.02.240 of the Lincoln Municipal Code be amended to read as follows:

27.02.240 W.

W. Warehouses. Warehouses shall include the storage, wholesale and distribution, and dispatching of tangible products within an enclosed structure and may include incidental outside storage. Such use of buildings, portions of buildings, or accessory uses to such buildings shall not be deemed a warehouse when direct retail sales to the public is the primary use or where less than 50% of the floor area is for storing tangible products for distribution to retailers, industrial, commercial, institutional or other businesses, or to other wholesalers.

mean any commercial use of a building, or a portion of a building, that devotes at least 50% of the floor area for storing goods or materials or for distributing goods or materials to local or long
distance carriers for transportation or delivery purposes. Floor area devoted to storing goods or
materials or distributing goods or materials may be combined to calculate the required floor area.
Such use of buildings, portions of buildings, or accessory uses to such buildings shall not be
deemed a warehouse when direct retail sales to the public is the primary use.

Wind Energy Conversion System (WECS). Wind energy conversion system
shall mean any device, such as a wind charger, windmill, or wind turbine, which converts wind
energy to a form of usable energy.

Section 2. That Section 27.06.180 of the Lincoln Municipal Code be amended to
read as follows:

27.06.180 Manufacturing, Processing, Storage and Distribution Use Group.

Characteristics: The Manufacturing, Processing, Storage, and Distribution Use Group is
characterized by uses that are involved in the manufacturing, processing, fabrication, packaging, assembly
of goods, and/or storage or movement of goods. Goods are generally not displayed or sold on site, but if
so, they are a subordinate part of sales. Relatively few customers come to the site. Goods are generally
delivered to other firms or the final consumer, except for some will-call pickups. Activities commonly use
trains or heavy trucks to ship and receive goods. Access to or near a highway is preferred. There is little
on-site sales activity with the customer present. Such uses include but are not limited to assembly facilities,
concrete dispensing units, salvage yards, grain elevators and mills, warehouses, and outdoor motorized
vehicle storage.

Use Group Table:

<p>| 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 |
|-------------------------------------------|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| Assembly Facilities                       |    |     |    |    |    |    |    |    |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Bag cleaning works                        |    |     |    |    |    |    |    |    |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Bakeries (wholesale)                      |    | P   |    |    |    |    |    |    |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Blast furnaces, coke ovens, smelting, or ore reduction works |    | P   |    |    |    |    |    |    |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Boiler works or forge                     |    |     |    |    |    |    |    |    |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Bottling works                            |    | P   |    |    |    |    |    |    |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Brewery (over 20,000 barrels)             |    |     |    |    |    |    |    |    |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |</p>
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Refining: The refining, distillation, or manufacture of: Acids or alcohols; Ammonia, bleach, or chlorine; Asphalt, tar, or products made therewith, including roofing or waterproofing; Cement, lime, gypsum, or plaster of paris; Disinfectants; Dyestuffs; Fertilizer; Glue, sizing, or gelatin; Oilcloth, linoleum, oiled rubber goods; Paint, shellac, turpentine, or oils; Paper or pulp; Rubber, gutta-percha, balata, creosote, or products treated therewith; Shoe polish

Rendering fat

| Uses                              | AG | AGR | R1 | R2 | R3 | R4 | R5 | R6 | R7 | R8 | O1 | O2 | O3 | RT | B1 | B2 | B3 | B4 | B5 | B6 | H1 | H2 | H3 | H4 | H5 | H6 | H7 | H8 | H9 | H10 | H11 | H12 | H13 |
|-----------------------------------|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| Rock crusher                      | S  | P   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Rolling mill (a steel mill where metal is rolled into sheets or bars) | S  | P   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Salvage yards                     | S  | P   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Stock yards or slaughter of animals or fowl | S  | P   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Storage of explosives             | S  | P   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Tanning, curing, or storage of raw hides or skins | S  | P   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| The milling, processing, refining, or distillation of agricultural crops. | S  | P   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Transportation of toxic, radioactive, flammable, or explosive materials | S  | P   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Warehouses                        | C  | CP  | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP | CP |
| Yeast plant                       | S  | P   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

Section 3. That Section 27.62.150 of the Lincoln Municipal Code be amended to read as follows:

3 **27.62.150 Manufacturing, Processing, Storage and Distribution Use Group.**

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.
(a) Assembly facilities, including but not limited to the assembly of equipment, instruments and appliances such as computers and musical instruments are allowed in the H-2, H-3, and H-4 zoning districts under the following condition: All storage and display of merchandise, and any parts used in the assembly process, shall be screened from public view by a fence, walls, shrubs, or all such storage and display shall be within the enclosure walls of a building.

(b) Liquefied petroleum gas and similar gas used for fuel stored above ground is allowed in the I-2 and I-3 zoning districts under the following conditions:

(1) Tanks may not exceed 30,000 gallon capacity;

(2) The storage of gas shall be for use on the premises, and not for resale;

(3) All other combustible material shall be stored in such a way as to permit free access of fire-fighting equipment.

(4) Open storage of any other material is allowed only in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six feet in height.

(5) In the I-2 zoning district tanks shall be adequately screened from public view by a fire-resistant ventilated barrier which shall be at least six feet in height;

(c) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable liquids and chemicals are allowed in the I-2 and I-3 zoning districts under the following conditions:

(1) Such use shall be adequately screened from public view;

(2) Storage of such materials shall be for use on the premises and not for resale, except that resale of such stored material at retail only is allowed in conjunction with the operation of a fuel sales facility or similar retail outlet.
(d) Outdoor motorized vehicle storage is allowed in the H-3, H-4 and I-2 zoning districts under the following conditions:

(1) The outdoor storage shall be screened in conformance with the requirements for screening open storage in Chapter 3.50 of the City of Lincoln Design Standards.

(2) There shall be no dismantling, wrecking, or disassembling of any vehicles.

(3) Vehicles may not be stacked upon each other.

(4) Parking shall be in conformance with Section 27.67.066(a).

(e)(1) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, warehouses are prohibited except that pre-existing warehouses in said area may remain, regardless of time unoccupied, but must cease once the building is demolished.

(2) In the H3 and H4 zoning districts, warehouses are permitted provided outside storage is enclosed with an opaque fence or wall, that gates in said fence or wall are opaque and no less than six feet in height, and the stored materials are less than the height of the fence, wall, and gates enclosing the outside storage area. Outside storage areas associated with pre-existing warehouses which are not enclosed may remain until such time the building is demolished.

(f) Temporary paving plants used for the paving of federal or state highways or county roads are allowed in any zoning district during the project construction period under the following conditions:

(1) The plant shall be located outside the city limits on premises abutting the specific construction project and having access to a paved road.
(2) The boundaries of the property used for the plant shall be located no closer than 300 feet from an occupied dwelling or from any school, place of religious assembly, library, early childhood care facility, hospital, motel, or park.

(3) The operator shall require its suppliers to use paved roads or other designated truck routes approved by the County Engineer for the delivery of supplies to the paving plant.

(4) Paving material prepared at the plant shall not be transported to any location other than the abutting project.

(5) The plant shall be removed upon substantial completion of the construction project.

(g) Temporary concrete paving plants. Temporary concrete paving plants are permitted in any zoning district by administrative permit issued by the Planning Director. The Planning Director shall not issue a permit or renew a permit without written approval by the Director of the Lincoln- Lancaster County Health Department and the Director of the Public Works and Utilities Department.

(1) Applications for an administrative permit shall include:

(i) A site plan showing the entire limits of the permit area including the plant location, material storage areas, and the ingress/egress;

(ii) A dust control and suppression plan including the plant operations and haul roads to and from plant to project;

(iii) A description or manufacturer’s specification regarding particulate control equipment;

(iv) A copy of a signed contract or other verification that the applicant is under contract to supply concrete for a city arterial street paving project;
(v) A noise control plan that will allow the operation to comply with Chapter 8.24 of the Lincoln Municipal Code;

(vi) A copy of a signed lease or other verification that the applicant has permission of the owner of the land upon which the plant shall be located to locate the plant thereon.

(2) The administrative permit shall be issued under the following conditions:

(i) The plant site shall be approved by the City Engineer or if outside the city limits by the County Engineer and shall be located in the general vicinity of the specific arterial street paving project or projects and have access to a paved road;

(ii) The boundaries of the property used for the plant shall be located no closer than 300 feet from an occupied dwelling or from any school, place of religious assembly, library, early childhood care facility, hospital, motel, or park;

(iii) The permittee shall require its suppliers to use only paved roads approved by the Director of Public Works or the County Engineer as the case may be, for the delivery of supplies to the plant. The permittee shall further require that the drivers of concrete trucks leaving the plant also use said paved roads.

EXCEPTION: The use of nonpaved roads may be approved on a case-by-case basis by the Director of Public Works or the County Engineer;

(iv) The permit site shall be cleaned up and restored to its pre-permit condition within thirty days following the completion of the project. Restoration includes replanting of vegetation and maintenance of erosion and sediment control until the site is reestablished. Any paved or unpaved road damaged by the permittee’s
use of such road, including permittee’s suppliers and concrete trucks entering
and/or leaving the plant, shall be repaired at permittee’s cost and expense;

(v) All concrete produced by this plant shall be used to complete the project. The
concrete shall not be provided for concrete work to be performed by persons
other than the permittee;

(vi) The anticipated set up and removal dates shall be identified on the application.
Amendments to these dates must be requested to the Planning Director in
writing;

(vii) The applicant shall submit a performance bond satisfactory to the City Attorney
in the minimum amount of $5,000, or an amount determined by the City to be
sufficient, to guarantee performance and clean up of the permit site and to pay
for repairs to paved and unpaved roads damaged by permittee’s use of such
roads.

(3) Permits issued pursuant to this section shall expire on the completion date of the
project as set forth in the permit application. The Planning Director may extend the
expiration date by administrative amendment upon a showing that the project
completion is delayed or that the permittee has contracted for another project in
conformance with subparagraph (a) above.

(h) Temporary concrete batch plants. Temporary concrete batch plants are permitted in any
zoning district by administrative permit issued by the Planning Director. The Planning
Director shall not issue a permit or renew a permit without written approval by the Director
of the Lincoln- Lancaster County Health Department.

(1) Applications for the administrative permit shall include:
(i) A site plan showing the entire limits of the permit area including the plant location, material storage areas, and the ingress/egress;

(ii) A dust control and suppression plan including the plant operations and haul roads to and from plant to project;

(iii) A statement indicating the typical hours of operation. The plant may operate no more than fourteen hours per day, except on New Year Day, Memorial Day, the 4th of July, Labor Day, Thanksgiving Day, and Christmas when the operation shall not begin before noon;

(iv) A description or manufacturer’s specification regarding particulate control equipment;

(v) A copy of a signed contract or other verification that the applicant is under contract to supply concrete for a project requiring at least 3,000 yards of concrete located within the same section or one mile of the permitted plant. The contract or other verification shall include the commencement and ending dates of the project. The Planning Director may increase the one-mile distance limit to no more than two miles if necessary to avoid routing trucks through local streets or inadequate county roads, or locations near occupied dwellings, schools, libraries, places of religious assembly, or other noise or dust sensitive uses; and

(vi) A noise control plan that will allow the operation to comply with Chapter 8.24 of the Lincoln Municipal Code.

(vii) A copy of a signed lease or other verification that the applicant has permission of the owner of the land upon which the plant shall be located to locate the plant thereon.
The administrative permit shall be issued under the following conditions:

(i) The plant shall be located on premises in the same section or within one mile of the project identified on the application or as authorized under subparagraph (d)(1)(v) above;

(ii) The silo, batch plant, and aggregate storage shall be located no closer than 300 feet from an occupied dwelling or from any school, place of religious assembly, library, early childhood care facility, hospital, motel, or park;

(iii) The permittee shall require its suppliers to use only paved roads approved by the Director of Public Works or the County Engineer as the case may be, for the delivery of supplies to the concrete batch plant. The permittee shall further require that the drivers of concrete trucks leaving the plant also use said paved roads. EXCEPTION: The use of nonpaved roads may be approved on a case-by-case basis by the Director of Public Works or County Engineer. Additional bonding may be required to pay for repairs of damage to such nonpaved roads;

(iv) The plant shall be removed upon completion of the project identified in the application; or upon construction and occupancy resulting in a violation of subparagraph (d)(2)(ii) above. The permit site shall be cleaned up and restored to its pre-permit condition within thirty days following the completion of the project;

(v) All concrete produced by this plant shall be used to complete the project, except that the permittee may use the concrete product for sidewalks, driveways, foundations, parking lots, and other small concrete work to be performed by the permittee. The concrete shall not be provided for concrete work to be performed
by persons other than the permittee. The amount of concrete produced for small
concrete work shall not exceed fifty percent of that produced for the project;
(vi) The plant shall be recalibrated to the satisfaction of the Public Works and
Utilities Department prior to construction of any public improvement using
concrete produced by this plant;
(vii) The anticipated set up and removal dates shall be identified on the application.
Amendments to these dates must be requested to the Planning Director in
writing;
(viii) The applicant shall submit a performance bond satisfactory to the City Attorney
in the amount of $5,000 to guarantee performance and clean up of the permit
site.
(3) Permits issued pursuant to this section shall expire on December 31 of the year of
issuance or the completion date of the project as set forth in the permit application,
whichever is earlier. The Planning Director may extend the expiration date by an
administrative amendment upon a showing that the project completion date is delayed
by weather or other causes beyond control of the permittee, or that the permittee has
contracted for another project in conformance with subparagraph (a) above; provided,
however, no extension of the expiration date may extend the permit beyond December
31 of the year of issuance. Renewal of a previously issued permit shall be by
application in the same form as the original permit.
(4) The Planning Director may revoke the temporary permit for any one or more of the
following violations:
(i) Failure to operate the facility in accordance with the provisions of this section
or with the approved application;
(ii) A violation of any city, county, state, or federal law;

(iii) Denial of access to the site to determine compliance with this section;

(iv) Unreasonable noise or disturbance to the surrounding neighborhood;

(i) Appeal. The action of the Planning Director in approving, denying, refusing to renew, or revoking an administrative permit for a temporary concrete paving plant or temporary concrete batch plant pursuant to subsections (g) or (h) above may be appealed by any council member, the Mayor, or any aggrieved person to the Planning Commission by filing notice of appeal with the Planning Director within fourteen days following the decision of the Planning Director. Final action by the Planning Commission may be appealed to the City Council by any council member, the Mayor, or any aggrieved person by filing notice of appeal with the City Clerk within fourteen days following the action by the Planning Commission.

Section 4. That Section 27.63.470 of the Lincoln Municipal Code be amended to read as follows:

27.63.470 Planned Service Commercial.

Planned service commercial development may be allowed by special permit in the H-4 General Commercial District under the following conditions:

(a) The uses approved within a planned service commercial development shall be limited to:

(1) Motor vehicle sales;

(2) Warehouses;

(3) Mini-warehouses;

(4) Wholesale and distribution centers not exceeding 30,000 square feet in floor area per building, provided outside storage is permitted only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the stored
material and equipment is less than the height of the fence, wall, and gates enclosing the storage area. The fence, wall, and gates shall be located where buildings are permitted;

45 Service centers for the repair of household appliances and lawn and garden equipment, provided outdoor storage of items to be repaired are permitted only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the items to be repaired are less than the height of the fence, wall, and gates enclosing the storage area and no salvage or scrap processing operation shall be permitted. The fence, wall, and gates shall be located where buildings are permitted;

56 Dwellings for caretakers employed and required to reside on the premises;

67 Ambulance services;

78 Veterinary facilities;

89 Contractors’ services, provided outdoor storage of equipment and materials shall be permitted only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the stored equipment and material are less than the height of the fence, wall, and gates enclosing the storage area. The fence, wall, and gates shall be located where buildings are permitted;

910 Restaurants;

101 Motor fuel service facilities;

112 Stores or shops for retail sales and services not exceeding 30,000 square feet in floor area per building; provided, there is at least four and one-half square feet of land area excluding other uses and their accessory uses within the approved special permit area per one square foot of floor area;
(123) Food storage lockers;

(134) Clubs, provided the activities are located no less than 150 feet from an abutting residential district;

(145) Outdoor and enclosed commercial recreational facilities; provided that outdoor recreational facilities are no less than 150 feet from an abutting residential district;

(156) Offices not exceeding 15,000 square feet of floor area per building; provided that there is at least four and one-half square feet of land area excluding other uses and their accessory uses within the approved special permit area per one square foot of floor area;

(167) Early childhood care facilities, provided that such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities. In addition, such facilities shall comply with all applicable state and local early childhood care requirements and all applicable building and life safety code requirements;

(178) Cabinet shops and stores; provided that the total floor area of the operation does not exceed 5,000 square feet and that all materials, both raw and finished, be stored inside;

(189) Places of Religious Assembly;

(1920) Motor vehicle repair, including vehicle body repair shops, provided that all disabled vehicles and all new and used parts are stored inside the building only;

(204) Academies;

(212) Banks, savings and loan associations, credit unions, and finance companies;

(223) Broadcast towers;
(234) Indoor kennels;

(245) Outdoor exercise area associated with an indoor animal hospital or indoor kennel; provided that such facilities comply with the requirements of Section 27.63.780.

(256) Motor vehicle and/or truck wash facility:

(i) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the Guidelines and Regulations for Driveway Design and Location as adopted by the City of Lincoln.

(ii) Self-service, coin-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the Guidelines and Regulations for Driveway Design and Location as adopted by the City of Lincoln.

(267) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes.

(278) Motels and hotels.

(289) Sale of alcohol for uses that meet the conditions of Sections 27.63.680 and 27.63.685.

(2930) Non-residential healthcare facilities per the conditions of Section 27.63.080.
(30+) Assembly facilities; provided that such facilities comply with the conditions of
Section 27.62.150(a).

(b) An applicant for a special permit under the provisions of this section shall comply with
environmental performance standards relating to noise, emission, dust, odor, glare, and heat as
shall be from time to time established for those districts requiring use permits.

(c) Each application for a special permit under this section shall include a landscape plan
which shall show proposed plantings in conformance with city standards in all required yard areas,
open space areas, malls, parking areas, and around proposed buildings. The applicable standards
shall be those adopted by resolution of the City Council for those districts requiring use permits.

(d) The City Council may increase or decrease the height and area regulations and the
floor area to land area ratios otherwise applicable in the H-4 General Commercial District,
consistent with adequate protection of the environments of adjacent land uses;

(e) That the land surrounding the tracts for the proposed planned service commercial
development will not be adversely affected;

(f) That upon approval of a planned service commercial development, the land pro-
posed to be included within such development shall not be developed for or devoted to any other
permitted use or specially permitted use of the H-4 General Commercial District, except those
specifically approved in the special permit authorizing the planned service commercial
development, unless an amendment thereto has been approved in accordance with the procedures
set forth for approving special permits generally.

Section 5. That Sections 27.02.240, 27.06.180, 27.62.150, and 27.63.470 of the
Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 6. 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:


Approved as to Form & Legality:


City Attorney

Approved this ___ day of ____________, 2017:

________________________________________
Mayor
TEXT AMENDMENT NO. 17019

TEXT AMENDMENT NO. 17019, AMENDING DEFINITIONS TO COMBINE WAREHOUSES, WHOLESALE AND DISTRIBUTION CENTERS INTO ONE USE DEFINITION, AND AMENDING RELATED REQUIREMENTS: December 6, 2017


Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff Presentation: George Wesselhoft of the Planning Department stated this amendment is simply to provide more clarity to language and definitions in the ordinance related to warehouses and wholesale and distribution centers. Under the current ordinance, wholesale distribution was considered a specially permitted use in certain zoning districts, but only warehouses were defined. The definitions keep the same 50% threshold for floor area for storing goods and material. The text change will provide greater predictability and will clarify and consolidate these uses under the definition of warehouses.

There was no public testimony on this item.

TEXT AMENDMENT NO. 17019
ACTION BY PLANNING COMMISSION: December 6, 2017

Beckius moved for approval, seconded by Hove.

Beckius stated these are reasonable changes to accommodate these similar uses in the zoning.

Motion carried, 8-0: Beckius, Corr, Edgerton, Finnegan, Hove, Joy, Washington, and Scheer voting ‘yes’; Harris absent.

Note: This is a recommendation to the City Council.