

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 27.72.110 of the Lincoln Municipal Code relating
2 to Exceptions to the Height Requirements by including an exception for Private Schools; and
3 repealing Section 27.72.110 of the Lincoln Municipal Code as hitherto existing.

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

5 Section 1. That Section 27.72.110 of the Lincoln Municipal Code be amended to read as
6 follows:

7 **27.72.110 Exceptions to the Height Requirements.**

8 (a) **Wind Energy Conversion Systems Over the District Height.** Wind energy conversion
9 systems over the district height are a permitted use in the AG and AGR zoning district,
10 provided they meet the following conditions:

11 (1) The distance from all lot lines to any tower support base of the WECS shall be
12 equal to the height of the tower plus the radius of the rotor. The City Council may
13 grant a reduction in the specific setback table distance when it finds that such
14 reduction shall not adversely affect surrounding property and is consistent with
15 the intent of this title to promote the public health, safety, and general welfare.

16 (2) The distance from any tower support base of a WECS to any tower support base
17 of another WECS under other ownership shall be a minimum of five rotor
18 distances figured by the size of the largest rotor. The City Council may grant a
19 reduction in this requirement if it finds that such reduction does not adversely
20 affect the operation of either WECS.

1 (3) The WECS operation shall not cause interference to the radio and television
2 reception on adjoining property.

3 (4) In the AGR district, in order to restrict climbing access in or to the WECS tower,
4 a fence six feet high with a locking portal shall be placed around the WECS tower
5 base, or the tower climbing apparatus shall be limited to no lower than twelve feet
6 from the ground, or the WECS tower may be mounted on a roof top.

7 (5) The WECS, if interconnected to a utility system, shall meet the requirements for
8 interconnection and operation as set forth in the electric utility's then current
9 service regulations applicable to WECS.

10 (b) **Necessary Mechanical Appurtenances.** All necessary mechanical appurtenances
11 located on top of a building are exempt from the height regulations contained in this title
12 as follows:

13 (1) No such appurtenances may exceed twenty feet in height above the maximum
14 permitted in the district in which they are located;

15 (2) All of said appurtenances must be set back a minimum of fifteen feet from all
16 faces of a building when said faces are adjacent to a street.

17 (c) **Chimneys, Antenna Towers, and Grain Elevators.** Chimneys, cooling towers, elev-
18 ator bulkheads, grain elevators, fire towers, stage towers or scenery lofts, amateur radio
19 antenna installations not exceeding sixty-five feet in height (which includes a tower not
20 exceeding fifty feet in height), noncommercial radio towers not exceeding fifty feet in
21 height, wind energy conversion systems over the height of the district authorized by
22 conditional use or special permit, or water towers are exempt from the height regulations
23 as contained herein.

1 (d) **Buildings, Places of Religious Assembly, Height of.** In all zoning districts where places
2 of religious assembly are allowed, the main place of religious assembly building
3 including place of religious assembly steeples, towers, and ornamental spires, used for
4 the conduct of worship or religious services, may exceed the district height limit by the
5 addition of one foot for each foot that such building is set back from all required yards.

6 (e) **Private Schools, Height of.**

7 In all zoning districts where private schools are allowed, private school buildings may
8 exceed the district height limit as follows:

9 (1) Private school buildings may exceed the district height by up to 10 feet where
10 that part of the building exceeding the district height is at least 50 feet from
11 any boundary line of the premises;

12 (2) Private school buildings may exceed the district height by up to 25 feet where
13 that part of the building exceeding the district height is at least 100 feet from
14 any boundary line of the premises;

15 **NOTE:** Additional provisions regarding waivers of height restrictions may be found under
16 Chapter 27.63 for the following uses:

- 17 (1) Amateur radio antennas exceeding 65 feet; see §27.63.670
- 18 (2) Wind Energy Conversion Systems over the district height; see §27.63.420
- 19 (3) Place of religious assembly steeples, towers, and ornamental spires; see
20 §27.63.220
- 21 (4) Permitted Use Exceeding the Maximum Height Permitted in the District; see
22 §27.63.250
- 23 (5) Expansion of Nonconforming and Nonstandard Uses; see §27.63.280

1 (6) Community Unit Plans; see §27.63.320

2 Section 2. That Section 27.72.110 of the Lincoln Municipal Code as hitherto existing be
3 and the same is hereby repealed.

4 Section 3. This ordinance shall be published, within fifteen days after the passage hereof,
5 in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the
6 official bulletin board of the City, located on the wall across from the City Clerk's office at 555
7 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of passage
8 and such posting to be given by publication one time in the official newspaper by the City Clerk.
9 This ordinance shall take effect and be in force from and after its passage and publication or after
10 its posting and notice of such posting given by publication as herein and in the City Charter
11 provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2018:

Mayor