

City Council Introduction: **Monday**, January 26, 2004
Public Hearing: **Monday**, February 2, 2004, at **1:30 p.m.**

Bill No. 04R-11

FACTSHEET

TITLE: MISCELLANEOUS NO. 03013, a text amendment to the City of Lincoln Design Standards, requested by the Director of Planning, to make revisions to Section 3.75 (Neighborhood Design Standards) consistent with the text amendments to Title 27 contained in the associated Change of Zone No. 3428.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUEST: Change of Zone No. 3428 (04-12).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/07/04
Administrative Action: 01/07/04

RECOMMENDATION: Approval (9-0: Carlson, Krieser, Larson, Marvin, Sunderman, Pearson, Taylor, Carroll and Bills-Strand voting 'yes').

FINDINGS OF FACT:

1. This text amendment and the associated text amendment to Title 27 of the Lincoln Municipal Code (Change of Zone No. 3428) were heard at the same time before the Planning Commission. These amendments are consistent with Change of Zone No. 3428, which would extend special regulations that currently govern new residential construction in the R-4, R-5, R-6, R-7 and R-8 districts that are within the city's 1950 boundaries, to the R-1, R-2 and R-3 districts. Staff believes these design standards are easy to understand and administer, and they have protected older neighborhoods from insensitive new infill housing.
2. The staff recommendation to approve this proposed text amendment to the City of Lincoln Design Standards is based upon the "Analysis" as set forth on p.3, concluding that the proposed text changes are in conformance with the Comprehensive Plan and consistent with the text changes to the Zoning Ordinance proposed in Change of Zone No. 3428.
3. Carol Brown presented the application on behalf of the Lincoln Neighborhood Alliance. Her testimony is found on p.4-5 and p.7. The record also consists of seven letters in support, including various neighborhood association representatives and the Urban Development Department (p.20-26).
4. There was no testimony in direct opposition; however, Mark Hunzeker testified on behalf of the Home Builders Association and requested a four week deferral to allow the Home Builders the opportunity to further review the proposal and meet with the applicant (See Minutes p.5). The record also consists of an email message from Greg Schwinn requesting a four week deferral (p.19).
5. The Planning Commission discussion with staff is found on p.5-7. A motion to defer as requested by the Home Builders Association failed 3-6 (Larson, Sunderman and Bills-Strand voting 'yes'; Carlson, Krieser, Marvin, Pearson, Taylor and Carroll voting 'no'). The majority of the Commission believed that there would be opportunity for the Home Builders to meet with the applicant between their meeting and the time this legislation is scheduled on the City Council agenda. (See Minutes p.7).
6. On January 7, 2004, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval (See Minutes p.7-8).
7. After the Planning Commission hearing, Planning staff and neighborhood leaders met with representatives of the Home Builders Association to explain the purpose and scope of the amendments and answer questions. After that meeting, the Planning Director received a call from one of the representatives, who indicated that the Home Builders Association would not take a position in opposition to the request.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2004\MISC.03013

DATE: January 20, 2004

DATE: January 20, 2004

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 7, 2004 PLANNING COMMISSION MEETING

P.A.S.: Miscellaneous #03013

PROPOSAL: Revise the City of Lincoln Design Standards Section 3.75 Neighborhood Design Standards consistent with changes proposed in Change of Zone #3428.

CONCLUSION: These text changes to the City of Lincoln Design Standards are in conformance with the Comprehensive Plan and consistent with changes proposed in Change of Zone #3428.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

HISTORY:

May 2000 Change of Zone #3237 repealed the R-C Residential Conservation Overlay District, and adopted changes to the Neighborhood Design Standards and Zoning Ordinance requiring applications for building permits for new construction of principal buildings within the R-4, 5, 6, 7, and 8 Residential Districts to comply with the Neighborhood Design Standards.

Jan 1989 Change of Zone #2421 adopted the R-C Residential Conservation Overlay District, which applied only to the R-5, 6, and 7 Residential Districts to foster compatible new construction through design standards and height/area incentives.

COMPREHENSIVE PLAN SPECIFICATIONS:

One *Quality of Life Asset* from the *Guiding Principles from the Comprehensive Plan Vision* states:

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. (F 15)

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods. (F 17)

The *Guiding Principles for the Urban Environment: Residential Neighborhoods* include:

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F 18)

The *Overall Guiding Principles* for future residential planning include:

One of Lincoln's most valuable community assets is the supply of good, safe, and decent single family homes that are available at very affordable costs when compared to many other communities across the country. Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership. (F 65)

The **Guiding Principles for Existing Neighborhoods** include:

Preserve, protect, and promote city and county historic resources. Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements. (F 68)

ANALYSIS:

1. This is a request by the Planning Director to revise Lincoln Design Standards Section 3.75 Neighborhood Design Standards consistent with changes proposed in Change of Zone #3428.
2. Change of Zone #3428 is an application by the Lincoln Neighborhood Alliance, with the support of a coalition of neighborhoods, to add new sections to the Zoning Ordinance to require applications for building permits for new construction of principal buildings within the R-1, 2, and 3 Residential Districts to comply with the Neighborhood Design Standards.
3. The purpose of the Neighborhood Design Standards is to encourage rehabilitation of existing housing in certain enumerated areas, while allowing necessary new construction that is compatible with the surrounding development. The Neighborhood Design Standards focus on a limited number of design elements such as the orientation of windows and entrances to the street, height and massing, rhythm, and location of parking. A copy of the current Neighborhood Design Standards is attached for reference.
4. The standards currently apply to new construction of principal buildings within the R-4, 5, 6, 7, and 8 districts located within the city limits as of December 31, 1949.
5. This proposal is to make revisions to the Neighborhood Design Standards consistent with Change of Zone #3428. These revisions generally include adding R-1, R-2, and R-3 districts to the standards where applicable, and updating some language to apply more broadly to all areas that fall under these Design Standards. Under this proposal, application of these standards to the R-1, 2, and 3 districts will continue to be limited to those areas located within the city limits as of December 31, 1949. A copy of the proposed changes is attached.
6. These changes are consistent with those proposed in Change of Zone #3428.

Prepared by:

Greg Czaplewski
Planner

Date: December 22, 2003

Applicant: Director, Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Contact: Lincoln/Lancaster County Planning Department
Planner Greg Czaplewski
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Lincoln, NE 68508
441.7620

**CHANGE OF ZONE NO. 3428
and
MISCELLANEOUS NO. 03013**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 7, 2004

Members present: Carlson, Krieser, Larson, Marvin, Sunderman, Pearson, Taylor, Carroll and Bills-Strand.

Staff recommendation: Approval.

Ex Parte Communications: None.

Greg Czaplewski of Planning staff submitted additional information for the record including six letters in support from various neighborhood associations, and an email request for a four week deferral until February 4, 2003.

Proponents

1. Carol Brown, 2201 Elba Circle, testified as board member of **Lincoln Neighborhood Alliance** and 17 co-sponsoring neighborhood associations in support of this change of zone. The Neighborhood Design Standards were created in 1989 to protect the positive residential character of our older established neighborhoods. These design standards currently apply to the R-4, R-5, R-6, R-7 and R-8 zoning districts, within a perimeter marked by the City Limits as of 1950. This proposed change of zone adds the protection of the neighborhood design standards to the R-1, R-2 and R-3 zoning districts within the same 1950 boundary. This perimeter was chosen to address these changes to infill development in the city's center. New development outside this area will continue to be unaffected. The 17 neighborhood associations make up a majority of the 1950 boundary. Brown further pointed out that this application is supported by the Urban Development Department and the Preservation Association of Lincoln.

Brown submitted that this proposal does not represent a drastic overhauling of the zoning code, but instead a few small changes that can produce a much larger community benefit. For the last 14 years, the neighborhood design standards have encouraged rehabilitation of existing houses with construction compatible to surrounding residential buildings. This change has created a very positive result in the R-4 through R-8 districts. Infill buildings have been designed to blend with the surrounding neighborhood character. Design elements include orientation of windows and entrances towards the street, height, roof lines, matching of buildings similar to the existing houses and parking in the rear of the building. Brown displayed photographs of examples of what the design standards would put into place. The parking is placed in the rear. The design standards provide for a building similar to the surrounding homes in height, mass and roof line, and the building is oriented outwards toward the rest of the neighborhood. Adding these design standards to the R-1, R-2 and R-3 districts within the 1950 boundary is a logical step to give these neighborhoods the benefits and protections that have been proven to work just a few blocks away. The design standards are about quality, not quantity. The

review process is not very time consuming. Most builders know the rules. These would relate to infill projects and almost the entire city within the 1950 boundary is already built. These standards are both efficient and effective. "For strong neighborhoods, this change helps preserve their strength. For weaker neighborhoods, this change provides assistance." It protects the neighborhood character and encourages compatibility for new development. It represents a vision of Lincoln as a city where people continue to care about not just where they live, but how they live.

Opposition

1. **Mark Hunzeker** appeared on behalf of the **Home Builders Association**, but not necessarily in opposition. Hunzeker requested a deferral until February 4, 2004. The Home Builders Association includes some people that are very interested in how this is going to be applied, the purpose, etc. The Home Builders would like to meet with the people promoting this idea to get a better understanding of the problem being addressed. These design standards were originally put in place in the multi-family districts for the purpose of addressing problems, such as blank walls, side entrances, balconies in side yards, multiple air conditioning units, etc. He does not dispute the fact that it serves a purpose in those districts, but he is not clear on the problem being addressed by expanding the application into single family zoning districts. Frankly, there are some real concerns about putting people trying to build single family homes in older areas of town through an additional architectural review as opposed to those literally on the opposite side of the street not having to go through those kinds of reviews.

Staff questions

Carlson presumes that what is being addressed by this legislation is the potential of duplexes in the R-1, R-2 and R-3 zoning districts, and he presumes that there are duplexes being built with the same orientation and parking difficulties that we are seeing with the multi-family buildings. Ed Zimmer of Planning staff agreed that there are some examples that fit that description.

Carlson believes that it would be almost impossible to build a single family house that would fail these design standards. They seem to be fairly specific. Zimmer suggested that a neighborhood design standard that we might see violated on a single family residence could be a residence that places the large garage in front of the house—the standards allow a garage on the front facade with 2 stalls and no more than 40% of the length of the facade. We tend to see that in these districts with a duplex and two-stall garage or three-stall garage. The standards allow no more than two stalls. You would have a very tall single family house before you would violate the height standards. And it would be unusual to see a single family house with more than 50' of frontage. It is also very unusual to see a single family house that does not put a window and door on the street side so that would not tend to be an issue.

Carlson noted the staff report mentioned that there have been 89 infill applications in the last three years. Greg Czaplewski of Planning staff corrected the record. The map initially created included some area outside of the 1950 boundary. The correct number of infill projects would be closer to 58 within the last three years within the 1950 city limit line. And approximately 14-15 of those were issued for townhouse development. Olympic Heights should not be referenced as it is outside the boundary.

Carlson suggested that those that have some substantial acreage associated tend to be a little different than an infill. Zimmer agreed. In our experience to date, these neighborhood design standards have not been applied to a community unit plan, so we will have to see how we would look at that design depending on the character of the land.

Carlson asked staff to discuss the review time. Zimmer stated that an attempt is made to fold it into the building permit process--that was the original concept, i.e. doing an administrative review rather than referring it to a citizen committee. Carlson also suggests that some of these projects come in meeting the standard because the builders know the rules. Zimmer concurred.

Bills-Strand inquired whether it is permissible to have administrative action. Zimmer advised that to be the only way it is done now. The project is only taken forward on appeal.

Bills-Strand discussed the driveways, noting that a lot of these older areas don't have active or well-kept alleys making it difficult to put a garage off of an alley. How much are you going to limit the driveways? What about a 45' lot with a 2-stall driveway along with their 2-stall garage? Zimmer advised that if it is a 40' lot, they are on a narrow lot. Most often we see 45-50'. He reviewed one last year that came in with two 2-stall garages in the front. They divided the garages, keeping one on the front and put a driveway to the back and a detached garage for the second unit. They could have brought the garage to attach on an interior position rather than in front, but they opted for one free-standing garage in the back and a front garage.

Marvin inquired as to the square footage in R-3. Zimmer believes there is 50' frontage requirement for a full-size lot, and 100+ feet deep (120 x 50). Bills-Strand commented that a lot of houses that were in older areas were smaller but because of the depth it multiplied out okay. Zimmer concurred that there are areas that have narrower lots. Many of those lots of record are buildable lots.

Carlson confirmed that this only applies to new construction. Zimmer agreed. It applies to the new principal building or subsequent modification of that new building--not an existing building or accessory building.

Pearson wondered about an appeal process for someone with a narrow, long lot. Zimmer stated that because the action is administrative, there is not a great deal of discretion for staff. However, there is an appeal process to the Historic Preservation Commission. If the answer there is not acceptable, they can then appeal to the City Council. In our experience to date (15 years), Zimmer does not believe there has been an appeal to the City Council, and maybe just one to the Historic Preservation Commission.

Bills-Strand referred to the Mayor's streamline committee and inquired whether this will slow down the process at all. Marvin Krout, Director of Planning, does not anticipate that it will slow the process down because it hasn't in the other districts. With regard to the request for deferral, Krout suggested that anytime someone is claiming that they are not sure they understand the ordinance amendment and they would like more time, he does not have a problem stopping and explaining the process and bringing the applicant and the others together to talk about it. Generally, the Planning Commission has been willing to give neighbors who request some extra time to meet with the developer that opportunity, and he believes it would be fine in this case as well.

Carlson pointed out that alternatively, the Planning Commission has also encouraged that dialogue to occur between the time the Planning Commission takes action and the hearing before the City Council.

Response by the Applicant

Carol Brown reiterated that these standards have been in place for several years. They are not new but just being applied to other districts. These standards were given to the Home Builders in early December. They never got back to anyone to discuss them so she did not realize there was an issue. There was also a representative from the Realtors Association in attendance at the Mayor's Neighborhood Roundtable last month when this was discussed among the neighborhoods. The Neighborhood Alliance is more than open to meeting with anyone that would like to know more about this process, which has been in place in other districts. However, she would prefer to do that between now and the City Council hearing. Maybe there will be the need to request a delay before it gets scheduled at City Council.

Rick Peo, City Law Department, advised that the application could be delayed from introduction on the City Council agenda, or, if introduced, a request could be submitted to the City Council to delay public hearing.

Larson moved to defer, seconded by Sunderman.

Marvin stated that he wants to vote on the issue today.

Bills-Strand stated that she will vote to support the motion to delay so that once we are done it can go quickly to the City Council. She would like to see the groups get together. Even though it was given to the Home Builders, she just wants to see the communication.

Motion to defer failed 3-6: Larson, Sunderman and Bills-Strand voting 'yes'; Carlson, Krieser, Marvin, Pearson, Taylor and Carroll voting 'no'.

CHANGE OF ZONE NO. 3428

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 7, 2004

Carlson moved approval, seconded by Marvin.

Carlson is confident that the applicant and the Home Builders will get together and he is sure they will find that the standards that have worked so well in the other districts will work just as efficiently and well in the R-1, R-2 and R-3 districts. Builders that do infill projects will be able to share with their colleagues that it is not going to be that much of a burden. The focus is to blend in. These design standards focus on specific things and they have done a good job in an efficient way and they provide protection to the neighbors.

Marvin indicated that he might feel differently if we were doing lots and lots of these projects. The land area that has been under the current design standards is larger than the new area being proposed. He does not believe there is going to be that many. This is not something that is onerous or difficult.

Larson stated that he is in favor. He had moved to defer because he believes it to be an odd arrangement to approve here and then defer at City Council.

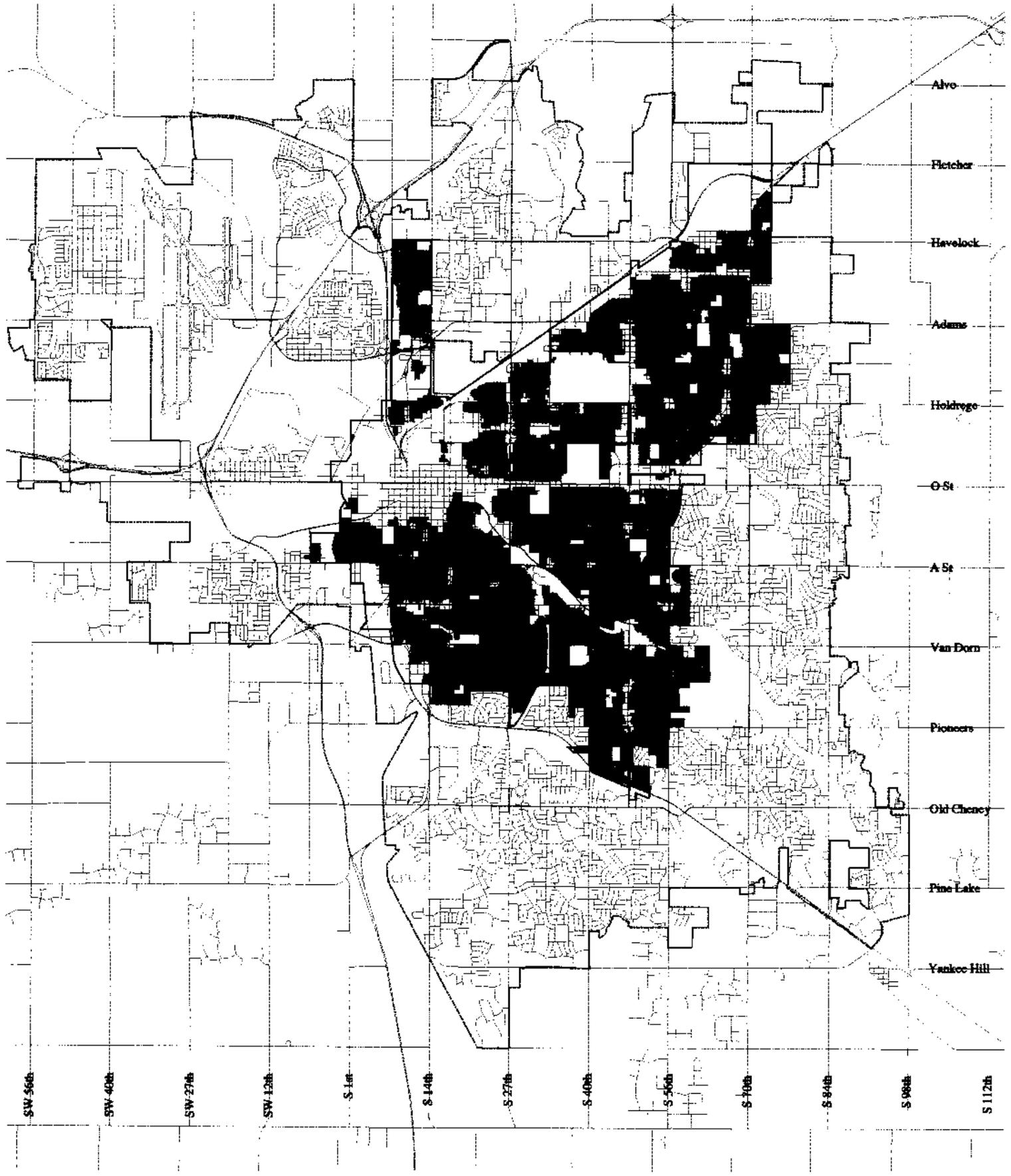
Motion for approval carried 9-0: Carlson, Krieser, Larson, Marvin, Sunderman, Pearson, Taylor, Carroll and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

MISCELLANEOUS NO. 03013

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 7, 2004

Marvin moved approval, seconded by Taylor and carried 9-0: Carlson, Krieser, Larson, Marvin, Sunderman, Pearson, Taylor, Carroll and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

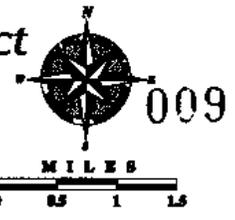


Alvo
 Fletcher
 Havelock
 Adams
 Holdrege
 G St
 A St
 Van Dorn
 Pioneers
 Old Cheney
 Pine Lake
 Yankee Hill

SW 56th SW 40th SW 27th SW 12th S 1st S 14th S 27th S 40th S 56th S 70th S 84th S 98th S 112th

Residential Zoning Inside Neighborhood Design District

-  R - 1 thru R - 3 Zoning inside Jan 1, 1950 City Limits
-  R - 4 thru R - 8 Zoning inside Jan 1, 1950 City Limits
-  Jan 1, 1950 City Limits
-  2003 City Limits



009

LINCOLN NEIGHBORHOOD ALLIANCE



ADD NEIGHBORHOOD DESIGN STANDARDS INTO R1, R2, & R3

Proposed Text Change to the Zoning Ordinance:

Adding the "Neighborhood Design Standards" for construction of new buildings (already in effect for R4 through R8) to R1, R2, & R3.

Proposed text addition to R1, R2, & R3:

"Each application for a building permit for new construction of a principal building within this district shall comply with the neighborhood design standards."

(Exact language as currently in R4 through R8)

The purpose of the Neighborhood design standards is to encourage rehabilitation of existing houses, and promote compatibility in the design of new construction. The standards focus on basic design elements such as orientation of windows and doors to the street, height and massing, roof pitch, yards and open space, and location and quantity of parking. The standards are intended to encourage neighborhood associations, developers, and builders to look closely at the existing features of older areas. New construction should not detract from the existing character of neighborhoods, but should create residences that harmonize with the original architectural design elements.

Basic design elements that have a significant effect on compatibility:

Orientation of windows and entrances towards the street.

Older residential structures within established neighborhoods share a common orientation to the street. New buildings shall provide windows oriented to the street and shall provide an entrance to a dwelling unit or to a hallway leading to a dwelling unit. Use of front porches is strongly encouraged.

Height, rooflines, and massing of buildings.

The rhythm of 35'-40' houses on 50' lots does much to establish the character of Lincoln's established residential areas. Large new buildings disrupt this character, unless design measures are employed to reduce their impact. Height of new buildings should be similar to that of older residences on the same and facing block fronts. New buildings shall utilize a roof type and pitch commonly found within the area.

Parking

Parking has become a major issue in established neighborhoods. Design standards placing parking in the rear of buildings-off the street, promote a greener, more open environment, and encourage a more walker/biker friendly community. For new construction, no parking space shall be allowed between the building and the front property line. Garage doors for not more than two stalls are permitted on a portion of the main building facing the front lot line.

LINCOLN NEIGHBORHOOD ALLIANCE



Mr. Marvin Krout Planning Director
Lincoln / Lancaster County Planning Department
October 28, 2003

Dear Mr. Krout,

Please find enclosed our application to revise the text of the zoning code pertaining to the Neighborhood Design Standards. The changes continue the important revisions started with the Neighborhood Character Preservation Initiative.

This application is endorsed by the following neighborhood associations:

1. Near South
2. University Place
3. Country Club
4. Everett
5. North Bottoms
6. East Campus
7. Hartley
8. Landon's
9. Antelope Park
10. Witherbee
11. Arnold Heights
12. Hawley
13. Irvingdale
14. Hawthorne
15. 40th & A

These neighborhoods comprise the vast majority of the area that would be affected by this change. Their endorsement and financial contribution towards the application fee is indicative of the broad support for this important change.

Please contact LNA if you have questions or need further information.

Sincerely,

A handwritten signature in cursive script that reads "Carol Brown".

Carol Brown – Lincoln Neighborhood Alliance Board Member
2201 Elba Circle
Lincoln, NE 68521
(402)435-8932

lincolnna@hotmail.com

**Proposed Text Amendment
Miscellaneous #03013**

Revisions to Neighborhood Design Standards:

Section 1. INTRODUCTION

Certain areas of Lincoln within the well-established neighborhoods have evolved into relatively dense residential sections, ~~(typically zoned R-4, R-5, R-6, R-7, or R-8). Portions of those areas, despite their higher density use, which~~ retain much of the traditional physical character of their original lower density development. *These are areas of the City that were annexed prior to December 31, 1949, and are potentially eligible for the National Register of Historic Places.* The purpose of the Neighborhood Design Standards is to encourage rehabilitation of existing housing in such areas, while allowing necessary new construction that is compatible with the surrounding development.

The standards focus on a limited number of basic design elements which have significant effect on compatibility, such as orientation of windows and entrances toward the street, height and massing, and location of parking. The written standards are accompanied by a sketchbook which both illustrates the basic requirements and makes suggestions of additional means and ideas to achieve greater compatibility of multi-family construction. Together, the design standards and the sketchbook are intended to encourage neighborhood associations, developers, and builders to look closely at the existing features of older areas and to think about the effect new building design has in those neighborhoods. These standards and suggestions cannot guarantee good design—only the talents and efforts of owners, designers, and builders do that—but they hopefully will eliminate certain design features that most negatively impact the character of older neighborhoods.

Section 2. WORK REQUIRING REVIEW

The design standards apply within the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts located within areas of the City that were annexed prior to December 31, 1949, to new construction of principal buildings ~~within the R-4, R-5, R-6, R-7 and R-8 districts~~ and subsequent modifications to those buildings. The following categories of work do not require review under the Neighborhood Design Standard (although other building and zoning codes may apply):

1. Alterations to buildings existing at the date of enactment of these standards (date);
2. Landscape changes to existing developed sites;
3. Construction of accessory buildings on existing developed lots;
4. Any interior aspects of new or existing construction.

Section 3. APPLICATION AND REVIEW PROCESS

The review process in the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts is designed to parallel the current building permit review process. That is, review for compliance with the Neighborhood Design Standards will take place at the same time that other components of the building permit are examined. In doing so, all attempts are made to avoid increased time for review and approval. To facilitate this administrative review process, the applicant will be

requested to submit certain additional items with the normal building permit application. Those items are as follows:

1. At least one black or blue line print showing the principal street facade, the side facades, and the site plan of the proposed building.
2. A photograph or photographs showing the site and adjacent buildings.

Section 4. GENERAL REQUIREMENTS

4.1 Building Elements

1. New buildings shall utilize a roof type and pitch commonly found within the same and facing block front. Hipped or gable roofs with pitch of at least 22.5 degrees (6/12 pitch) are acceptable in any district. Roofs of lower pitch and other types may be compatible in specific districts, and can be proposed and approved on an individual basis. In such cases, the applicant should cite specific examples within the district comparable to the proposed building in height and to the proposed roof in type and pitch.
2. Older Existing residential structures within established neighborhoods typically share similar design features, such as a common orientation to the street, seen in the location of entrances, windows, and porches. New buildings shall provide windows oriented to the street and shall provide an entrance to a dwelling unit or to a hallway leading to a dwelling unit. Use of front porches is strongly encouraged on new construction. Garage doors for not more than two stalls are permitted on a portion of the main building facing a front lot line, provided such doors shall not occupy more than 40% of the length of the principal street facade.
3. Height of new buildings should be similar to that of older existing residences on the same and facing block fronts. New buildings shall be acceptable that are not taller than the tallest residential structure, nor shorter than the shortest residential structure, built prior to December 31, 1949 on the contiguous blockface, provided that:
 - a. the maximum allowable height shall not be reduced to less than twenty-eight (28) feet, and
 - b. if the height permitted under this section would exceed that permitted in the underlying district, the new building shall be no taller than an existing, adjacent building. Taller structures may be approved on a case-by-case basis, when a steeper roof would increase compatibility between the new building and adjacent older residences.
4. In order to encourage variation of the front elevation, up to twenty-five percent (25%) of the length of the principal street facade may be constructed up to two feet (2') into the required front yard. Use of this provision, however, cannot increase the extension of porches into a required front yard beyond that otherwise allowed in Sections 27.71.100 and 27.71.110 of the Zoning Ordinance.

5. The rhythm of ~~30-40'~~ wide similar width houses on ~~50'~~ similar width lots does much to establish the character of Lincoln's older established residential areas. Large new buildings disrupt this character, unless design measures are employed to reduce their apparent scale. New buildings over fifty feet (50') in length on the principal street facade should be designed to maintain the rhythm of the smaller existing adjacent buildings. Designs will be bound to meet this standard which offset the principal street facade and roof at intervals of fifty feet (50') or less. These offsets shall be at least six feet (6') in depth, and the portions of the facade offset shall equal at least 10% of the length of the facade. Alternate designs that maintain the rhythm of the block face by such means as shifts in materials with in the facade, use of multiple porches and/or dormers, and grouping of windows and entrances, may also be approved on a case-by-case basis.

Chapter 3.75

NEIGHBORHOOD DESIGN STANDARDS

*The Planning Department is assigned responsibility
for administration of these design standards.*

Section 1. INTRODUCTION

Certain areas of Lincoln within the well-established neighborhoods have evolved into relatively dense residential sections (typically zoned R-4, R-5, R-6, R-7, or R-8). Portions of those areas, despite their higher density use, retain much of the traditional physical character of their original lower density development. *These are areas of the City that were annexed prior to December 31, 1949, and are potentially eligible for the National Register of Historic Places.* The purpose of the Neighborhood Design Standards is to encourage rehabilitation of existing housing in such areas, while allowing necessary new construction that is compatible with the surrounding development.

The standards focus on a limited number of basic design elements which have significant effect on compatibility, such as orientation of windows and entrances toward the street, height and massing, and location of parking. The written standards are accompanied by a sketchbook which both illustrates the basic requirements and makes suggestions of additional means and ideas to achieve greater compatibility of multi-family construction. Together, the design standards and the sketchbook are intended to encourage neighborhood associations, developers, and builders to look closely at the existing features of older areas and to think about the effect new building design has in those neighborhoods. These standards and suggestions cannot guarantee good design—only the talents and efforts of owners, designers, and builders do that—but they hopefully will eliminate certain design features that most negatively impact the character of older neighborhoods.

Section 2. WORK REQUIRING REVIEW

The design standards apply to new construction of principal buildings within the R-4, R-5, R-6, R-7 and R-8 districts, and subsequent modifications to those buildings.

The following categories of work do not require review under the Neighborhood Design Standards (although other building and zoning codes may apply):

1. Alterations to buildings existing at the date of enactment of these standards (date);
2. Landscape changes to existing developed sites;
3. Construction of accessory buildings on existing developed lots;
4. Any interior aspects of new or existing construction.

Section 3. APPLICATION AND REVIEW PROCESS

The review process in the R-4, R-5, R-6, R-7 and R-8 districts is designed to parallel the current building permit review process. That is, review for compliance with the Neighborhood Design Standards will take place at the same time that other components of the building permit are examined. In doing so, all attempts are made to avoid increased time for review and approval. To facilitate this administrative review process, the applicant will be requested to submit certain additional items with the normal building permit application. Those items are as follows:

1. At least one black or blue line print showing the principal street facade, the side facades, and the site plan of the proposed building.
2. A photograph or photographs showing the site and adjacent buildings.

Section 4. GENERAL REQUIREMENTS

4.1 Building Elements

1. New buildings shall utilize a roof type and pitch commonly found within the same and facing block front. Hipped or gable roofs with pitch of at least 22.5 degrees (6/12 pitch) are acceptable in any district. Roofs of lower pitch and other types may be compatible in specific districts, and can be proposed and approved on an individual basis. In such cases, the applicant should cite specific examples within the district comparable to the proposed building in height and to the proposed roof in type and pitch.
2. Older residential structures within established neighborhoods share a common orientation to the street, seen in the location of entrances, windows, and porches. New buildings shall provide windows oriented to the street and shall provide an entrance to a dwelling unit or to a hallway leading to a dwelling unit. Use of front porches is strongly encouraged on new construction.

Garage doors for not more than two stalls are permitted on a portion of the main building facing a front lot line, provided such doors shall not occupy more than 40% of the length of the principal street facade.

3. Height of new buildings should be similar to that of older residences on the same and facing block fronts. New buildings shall be acceptable that are not taller than the tallest residential structure, nor shorter than the shortest residential structure, built prior to December 31, 1949 on the contiguous blockface, provided that:
 - a. the maximum allowable height shall not be reduced to less than twenty-eight (28) feet, and

- b. if the height permitted under this section would exceed that permitted in the underlying district, the new building shall be no taller than an existing, adjacent building. Taller structures may be approved on a case-by-case basis, when a steeper roof would increase compatibility between the new building and adjacent older residences.
4. In order to encourage variation of the front elevation, up to twenty-five percent (25%) of the length of the principal street facade may be constructed up to two feet (2') into the required front yard. Use of this provision, however, cannot increase the extension of porches into a required front yard beyond that otherwise allowed in Sections 27.71.100 and 27.71.110 of the Zoning Ordinance.
5. The rhythm of 30-40' wide houses on 50' lots does much to establish the character of Lincoln's older residential areas. Large new buildings disrupt this character, unless design measures are employed to reduce their apparent scale. New buildings over fifty feet (50') in length on the principal street facade should be designed to maintain the rhythm of the smaller adjacent buildings. Designs will be bound to meet this standard which offset the principal street facade and roof at intervals of fifty feet (50') or less. These offsets shall be at least six feet (6') in depth, and the portions of the facade offset shall equal at least 10% of the length of the facade. Alternate designs that maintain the rhythm of the blockface by such means as shifts in materials within the facade, use of multiple porches and/or dormers, and grouping of windows and entrances, may also be approved on a case-by-case basis.

4.2 Yards and Open Space

1. Walkways, or balconies serving more than one unit shall not be located on a portion of the building facing a front or side yard, nor shall open space credit be given for any walkways or balconies.
2. Entrances to the building shall not be located on a portion of the building facing a side lot line unless the entire building is at least ten feet (10') from that side lot line.
3. No more than one mechanical unit, such as air conditioning units, shall be located within each required front or side yard. Such accessory structures will be screened from adjacent properties if located within a required front yard or within ten feet (10') of a side lot line.
4. Care should be taken to preserve existing street trees. Any trees removed shall be replaced in accord with the city's Master Street Tree Plan, and additional trees shall be planted as necessary to reach a standard of one street tree per fifty feet (50') of street frontage.

4.3 Parking

1. No parking space shall be allowed between the building and the front property line in the R-5, R-6, R-7 and R-8 districts.
2. Trees in addition to any others required elsewhere shall be planted within five (5) feet of a parking area at the rate of one tree for every six (6) parking spaces.

Section 5. APPEAL

If the proposed building plan is found to be not in compliance with Neighborhood Design Standards, the applicant may appeal that finding to the Historic Preservation Commission. The applicant should provide the Commission with any information that demonstrates the proposed design is compatible with the affected underlying zoning district and meets the intent of the Neighborhood Design Standards.

The Historic Preservation Commission shall review the proposed design and any additional information, and shall make a written finding upholding or reversing the administrative decision. The Commission may find a design compatible that varies from specific design standards, but meets the overall intent of the Neighborhood Design Standards. If the Commission upholds an administrative finding that a design is not compatible, the Commission may recommend changes to the proposed building permit application in order to meet the intent and purpose of the Neighborhood Design Standards.

If the Historic Preservation Commission upholds a finding of non-compatibility, the applicant may appeal this finding to the City Council. The City Council shall review the Commission's recommendations in considering the applicant's request to modify or waive any of the Neighborhood Design Standards. If the Council approves a waiver(s) to these standards, the applicant may resubmit the building plans for building permit review. Should Council affirm the recommended changes by staff or Historic Preservation Commission, the applicant shall make such changes prior to resubmitting the building permit application.



"schwinn.hm"
<schwinn.hm@prodigy
.net>

To: "Marvin Krout" <MKrout@ci.lincoln.ne.us>
cc: "Jean Walker" <JWalker@ci.lincoln.ne.us>
Subject: CZ 3428 & MISC 03013

01/06/2004 02:11 PM
Please respond to
"schwinn.hm"

Marvin,

I have concerns that while we have a group working to streamline the development process the Planning Commission is considering amendments that may make redevelopment in the built environment more difficult.

I think this proposal needs to be presented to and discussed by the working group. I would ask that the Planning Department request a 4 week delay as I will be out of the city on January 21st.

Thanks,
Greg

IN SUPPORT

ITEM NO. 3.1a&b: CHANGE OF Zone No. 3428

~~FISCAL YEAR NO.~~ 03013

(p.97 - Public Hearing - 01/07/04)

Wynn S Hjermstad
01/07/2004 11:53 AM

To: Jean L Walker/Notes@Notes
cc: Marc Wullschleger/Notes@Notes, Marvin S Krout/Notes@Notes
Subject: PC meeting today

Jean,

I apologize for this coming so late. If it isn't too late, please relay to the Planning Commissioners that Urban Development is very supportive of extending the Neighborhood Design Standards into the R1, R2, and R3 zoning districts. Our thought is that these Standards provide additional protection to the character and liveability of Lincoln's existing neighborhoods. Due to meeting conflicts and staff illnesses, we are unable to attend the meeting today but would like the Planning Commission to be aware that we are supportive of this proposal. Thank you.

Wynn Hjermstad
Community Development Manager
Urban Development Dept.

IN SUPPORT

(p.97 - Public Hearing - 1/07/04)

Irvingdale Neighborhood Association

P. O. Box 22824
Lincoln, NE 68542-2824



December 26, 2003

Lincoln Lancaster Planning Commission
555 South 10th Street
Lincoln, NE 68508

Dear Commissioners,

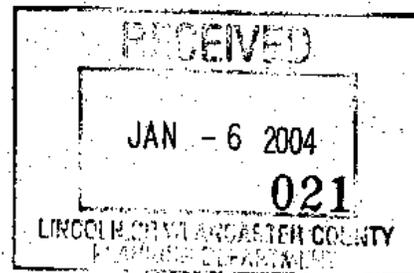
I am writing on behalf of the Irvingdale Neighborhood Association Board to urge you to extend the city's existing Neighborhood Design Standards to include areas zoned R1, R2, and R3 within the 1950 Lincoln City Limit Boundary. Irvingdale lies within this boundary.

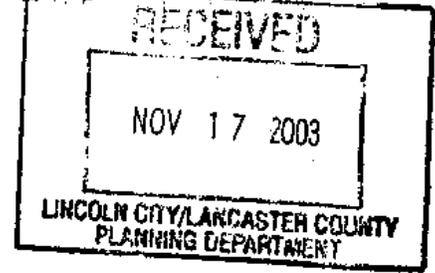
Compatibility of building design to the existing neighborhood has consistently been one of the concerns of our neighbors here in Irvingdale. Higher density housing is a welcome change to keep our neighborhood vital; however it also comes with its challenges. Two major challenges are residential parking and the aesthetics of new construction. We believe that design standard and well-enforced housing codes can help to overcome these challenges.

We hope that you will vote to extend the Design Standards to R1, R2 and R3. This change will go a long way to keeping Irvingdale the lovely place the its residents love so much.

Best Regards,

Kitty Fynbu, President,
Irvingdale Neighborhood Association





November 12, 2003

Lincoln-Lancaster County Planning Commission
Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

Dear Members of the Planning Commission:

On behalf of the East Campus Community Organization Board of Directors, I am writing to express our support for Change of Zone 3428, which would expand the application of neighborhood design standards to R1, R2 and R3 zoning. The Board voted unanimously to support this concept at our September 11, 2003 meeting.

The East Campus neighborhood will benefit directly from the application of existing design standards on new construction within the R1, R2 and R3 zoning districts. Although we have several pockets of R4 zoning to accommodate apartment dwellings and significant commercial zoning on our edges, most of the neighborhood is made up of single or two-family dwellings. We believe the application of design standards to all residential zoning will enhance our ability to preserve the unique character of our neighborhood.

I urge your support for Change of Zone 3428. Thank you for your consideration.

Sincerely,

Jennifer J. Brinkman
President

p.s. Please forward a copy of this letter to all members of the Planning Commission. Thank you.

IN SUPPORT

ITEM NO. 3.1a&b: CHANGE OF ZONE NO. 3428
MISCELLANEOUS NO. 03013

(p.97 - Public Hearing - 1/07/04)

Marvin S Krout
01/06/2004 09:56 AM

To: "Hoffman, Ed" <Ed@cadalaw.com>
cc: "seven_f_ranch@juno.com" <seven_f_ranch@juno.com>, jwalker@ci.lincoln.ne.us
Subject: Re: Change of Zone No. 3428

Dear Mr. Hoffman: your comments are appreciated, and I hope that you will not mind our forwarding them on to the Planning Commission in advance of their hearing tomorrow -- despite the confidentiality paragraph below!

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
tel 402.441.6366/fax 402.441.6377

"Hoffman, Ed" <Ed@cadalaw.com>



"Hoffman, Ed"
<Ed@cadalaw.com>
01/06/2004 09:28 AM

To: "mkrou@ci.lincoln.ne.us" <mkrou@ci.lincoln.ne.us>
cc: "seven_f_ranch@juno.com" <seven_f_ranch@juno.com>
Subject: Change of Zone No. 3428

Dear Mr. Krout,
I am a member of the Witherbee Neighborhood Association and would ask that you allow this email correspondence to serve as my written endorsement of Change of Zone request No. 3428. It is my understanding that No. 3428 will revise City of Lincoln design standards to encourage rehabilitation of existing homes and promote compatibility in the design of new construction in our existing neighborhoods. I am encouraged by this proposal and the obvious benefits it will provide our neighborhoods and City as a whole and again would voice my support of same. Thank you for your time and attention to this matter.

Sincerely,

Edward F. Hoffman
Cada, Froscheiser, Cada & Hoffman
1024 K Street
Lincoln, NE 68508
(402) 477-2233
(402) 477-2286 Fax

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IN SUPPORT

ITEM NO. 3.1a&b: CHANGE OF ZONE NO. 3428

MISCELLANEOUS NO. 03013

(p.97 - Public Hearing - 1/07/04)



Jean L Walker
01/06/2004 08:12 AM

To: Gregory S Czaplowski/Notes,
cc:
Subject: Re: Change of Zone 3428

RE: Change of Zone No. 3428 and Miscellaneous No. 03013.

--Jean Walker, Administrative Officer
City-County Planning Department
441-6365

----- Forwarded by Jean L Walker/Notes on 01/06/2004 08:13 AM -----

Marvin S Krout
01/06/2004 07:03 AM

To: Ohair42@aol.com
cc: jwalker@ci.lincoln.ne.us
Subject: Re: Change of Zone 3428

Dear Mr. Schwab: thank you for your comments, and we will be forwarding your comments on to the Planning Commission before their hearing tomorrow.

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
tel 402.441.6366/fax 402.441.6377

Ohair42@aol.com



Ohair42@aol.com
01/06/2004 06:39 AM

To: mkrou@ci.lincoln.ne.us
cc:
Subject: Change of Zone 3428

Dear Mr Krout:

As a homeowner and member who resides in the Witherbee Neighborhood Association area, I support the Planning Department's recommendation to approve this change of zone which helps to retain the residential character and qualities of older established neighborhoods such as Witherbee. This proposed change of zone also helps better define the objectives of the current Comprehensive Plan for the City of Lincoln. I ask that you please forward my comments along with others to the Planning Commission so they be submitted for the record for the January 7, 2004 Planning Commission meeting.

Thank you.

Steve Schwab
3510 Woods Ave
Lincoln, NE 68510



Jean L Walker
01/07/2004 10:44 AM

To: Jean L Walker/Notes@Notes
cc:
Subject: Design standards



"Mike Fitzgerald"
<mfitzgerald@necattle
men.org>
01/07/2004 10:19 AM

To: <mkroust@ci.lincoln.ne.us>
cc: <GCzaplewski@ci.lincoln.ne.us>
Subject: Design standards

Dear Mr. Krout:

As a homeowner and President of the Witherbee Neighborhood Association (33rd to 56th, O to Randolph), I support the Change of Zone No. 3428. I may be unable to attend and testify at today's hearing, so I respectfully request that you forward my comments to each of the Planning Commissioners before the hearing.

There is much that needs to be done to protect individual neighborhoods and Lincoln in general against detrimental in-fill developments, which are perhaps best illustrated throughout much of the Near South Neighborhood. Unfortunately, such cancerous out-of-character in-fill properties are found in many of our neighborhoods, including Witherbee. Such short-sighted, quick-profit investments allowed in the name of market economics benefit the investor at the expense of nearby residents, as well as all other Lincolmites. The proposed ordinance revision is a much-needed and common sense action.

I welcome investments and recognize their importance, but it is reasonable that developers should rehab or build structures to match or enhance the character of surrounding properties. To do otherwise contributes to a downward spiral of properties that are neither aesthetically pleasing or economically beneficial to the surrounding neighborhood or to Lincoln. Builders do not repair their own homes or automobiles with materials and parts from different style homes or other models of cars, yet the current zoning allows, if not encourages, them to do so to our neighborhoods.

I applaud your department's report, including the statement: "The standards are intended to encourage neighborhood associations, developers, and builders to look closely at the existing features of older areas. New construction should not detract from the existing character of neighborhoods, but should create residences that harmonize with the original architectural design elements."

I support the Planning Department's recommendation to approve this change of zone which helps to retain the residential character and qualities of older established neighborhoods such as Witherbee. This proposed change of zone also helps better define the objectives of the current Comprehensive Plan for the City of Lincoln.

Sincerely,
Mike Fitzgerald

3794 H St.

Lincoln, NE 68510

Marvin S Krout
01/07/2004 11:21 AM

To: Fred Freytag <fmlawncare@binary.net>
cc: jwalker@ci.lincoln.ne.us
Subject: Re: Change of Zone No. 3428

Thank you for your comments, Mr. Freytag; we will provide copies to the Planning Commission at their hearing on this item today.

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
tel 402.441.6366/fax 402.441.6377

Fred Freytag <fmlawncare@binary.net>



Fred Freytag
<fmlawncare@binary.net>
et>

01/07/2004 10:19 AM

To: mkrou@ci.lincoln.ne.us
cc:
Subject: Change of Zone No. 3428

Dear Mr. Marvin Krout just writing to you in support of the change of Zone No 3428. Uniform Design Standards from R-1 through R-8 will help keep our older neighborhoods intact. This is a step in the right direction!

Thank you.

--

Fred Freytag :-)
530 So 38th Street
Lincoln, Ne