

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to
2 Zoning by amending Sections 27.43.030, 27.45.025, and 27.49.030 to add outdoor vehicle storage
3 as a permitted conditional use in the H-3, H-4, and I-2 zoning districts, respectively; and repealing
4 Sections 27.43.030, 27.45.025, and 27.49.030 of the Lincoln Municipal Code as hitherto existing.

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

6 Section 1. That Section 27.43.030 of the Lincoln Municipal Code be amended to
7 read as follows:

8 **27.43.030 Permitted Conditional Uses.**

9 A building or premises may be used for the following purposes in the H-3 Highway
10 Commercial District in conformance with the conditions prescribed herein:

11 (a) Automobile/truck wash facility:

12 (1) Automatic, conveyor-operated: The length and location of vehicle stacking
13 lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be
14 in conformance with the "guidelines and regulations for driveway design and location" as adopted
15 by the City of Lincoln.

16 (2) Self-service, coin-operated: The length and location of vehicle stacking lane
17 or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in
18 conformance with the "guidelines and regulations for driveway design and location" as adopted by
19 the City of Lincoln.

20 (b) Motels and hotels: A distance of at least twenty feet shall be maintained between
21 buildings on the lot and each hotel or motel unit shall have a minimum enclosed floor area of 200
22 square feet.

23 (c) Early childhood care facilities:

24 (1) Such facilities shall comply with all applicable state and local early childhood
25 care and building requirements;

26 (2) Such facilities shall comply with all applicable building and life safety code
27 requirements;

28 (3) Such facilities shall be fenced and have play areas that comply with the design
29 standards for early childhood care facilities;

30 (4) Such facilities must receive a conditional use permit from the Department of
31 Building and Safety.

32 (d) Recycling center:

33 (1) Building area of such center shall not exceed 8,000 square feet;

- 1 (2) Adequate traffic stacking shall be provided on site as determined by the city;
- 2 (3) All required parking shall be provided on site;
- 3 (4) The facility shall not be designed to receive nor shall it accept shipments by
- 4 semi-trailer trucks;
- 5 (5) Construction and operation of such center shall comply with all applicable
- 6 health and fire codes.
- 7 (e) Vehicle body repair shop:
- 8 (1) All salvage material including vehicles being salvaged shall be inside a
- 9 building;
- 10 (2) All vehicles stored outside shall be repaired to an operating state within thirty
- 11 days;
- 12 (3) All vehicles stored outside waiting repair shall be screened in accordance with
- 13 the screening requirements for salvage and scrap processing operations;
- 14 (4) Construction and operation of such shop shall comply with all applicable
- 15 health and fire codes;
- 16 (5) Vehicle body repair shops lawfully existing on the effective date of this
- 17 ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2),
- 18 (3), and (4) above.
- 19 (6) Parking shall be provided in accordance with Section 27.67.066.
- 20 (7) Vehicle body repair shops shall not be converted to a permitted use unless all
- 21 the parking requirements of Section 27.67.020 for such use are met.
- 22 (f) Truck and heavy equipment sales:
- 23 (1) Parking shall be provided in accordance with Section 27.67.066.
- 24 (2) Truck and heavy equipment sales shall not be converted to a permitted use
- 25 unless all the parking requirements of Section 27.67.020 for such use are met.
- 26 (g) Farm machinery sales establishments:
- 27 (1) Parking shall be provided in accordance with Section 27.67.066.
- 28 (2) Farm machinery sales establishments shall not be converted to a permitted
- 29 unless all the parking requirements of Section 27.67.020 for such use are met.
- 30 (h) Motor truck terminals:
- 31 (1) Parking shall be provided in accordance with Section 27.67.066.
- 32 (2) Motor truck terminals shall not be converted to a permitted use unless all the
- 33 parking requirements of Section 27.67.020 for such use are met.
- 34 (i) Mobile home sales:
- 35 (1) Parking shall be provided in accordance with Section 27.67.066.
- 36 (2) Mobile home sales shall not be converted to a permitted use unless all the
- 37 parking requirements of Section 27.67.020 for such use are met.
- 38 (j) Places of business of plumbing contractors, heating and air conditioning contractors,
- 39 and cabinet shops:
- 40 (1) Parking shall be provided in accordance with Section 27.67.066.
- 41 (2) Said places of business shall not be converted to a permitted unless all the
- 42 parking requirements of Section 27.67.020 for such use are met.
- 43 (k) Automobile sales and repair, but not including vehicle body repair shops:
- 44 (1) Parking shall be provided in accordance with Section 27.67.066.

1 (2) The storage of vehicles for sale and resale is permitted in the front yard under
2 the following conditions:

3 (i) The storage of vehicles for sale and resale is permitted in the front
4 yard except for the front twelve feet.

5 (ii) Parking barriers in accordance with parking lot design standards must
6 be provided around the storage/display area to prevent the vehicles stored/displayed for sale or resale
7 from overhanging the front twelve feet of the front yard where vehicles are not permitted to be
8 stored/displayed for sale or resale.

9 (iii) No vehicle shall be stored/displayed for sale or resale in the front yard
10 upon a raised concrete island or on a raised display structure.

11 (iv) The hood or trunk or both of vehicles stored/displayed for sale or
12 resale in the front yard shall not be open except when inspected by a customer or for servicing.

13 (3) The front twelve feet of the front yard not permitted to be used for the storage
14 of vehicles for sale and resale shall not be used for customer or employee parking but shall be
15 devoted to shrubs and grasses.

16 (4) The front twelve feet of the front yard not permitted to be used for the storage
17 of vehicles for sale and resale shall be screened at least sixty percent from zero feet to two feet above
18 the surface of the lot. The design and construction of the landscaping shall be in conformance with
19 the Design Standards for Screening and Landscaping except that fences may not be used to meet the
20 above screening requirements. If plant material is used, the density percentage is calculated using
21 the design size found in the City of Lincoln's plant material list approved by the Planning Director.
22 The screen shall be located throughout the area but far enough from the barrier so as to be protected
23 from the bumpers of overhanging vehicles. Entrance driveways shall be excluded from the required
24 screen.

25 (5) No fence shall be erected in the front yard. Lighting in the front yard shall
26 be in conformance with the Design Standards for Outdoor Lighting.

27 (6) Any existing automobile sales facility lawfully established on the effective
28 date of this ordinance which does not comply with conditions (1) through (5) above may be
29 continued in accordance with the provisions of Chapter 27.61 for nonconforming uses.

30 (7) Automobile sales and repair shops shall not be converted to a permitted use
31 unless all the parking requirements of Section 27.67.020 for such use are met.

32 (1) Assembly facilities, including but not limited to the assembly of equipment,
33 instruments and appliances such as computers and musical instruments.

34 (1) Assembly facilities may include limited fabrication of finished parts to be
35 used in such assembly.

36 (2) The floor area of such facilities shall not exceed 50,000 square feet.

37 (3) Parking shall be provided in accordance with Section 27.67.066.

38 (4) Assembly facilities shall not be converted to a permitted use unless all the
39 parking requirements of Section 27.67.020 for such use are met.

40 (m) Indoor animal hospitals. Any building approved for such use must be located no
41 closer than 200 feet from any residential district.

42 (n) Indoor kennel. Any building approved for such use must be located no closer than
43 200 feet from any residential district.

44 (o) Social halls:

1 (1) There shall be no amplified sound or noise source of any kind outside of the
2 social hall;

3 (2) Except as provided in (ii) and (iii) below, any exterior door opening must
4 meet the following conditions:

5 (i) Either be located at least 100 feet (as measured by the shortest, most
6 direct distance) from a day care facility, church, state mental health institution, park (excluding golf
7 courses and hiker/biker trails), or a residential district; provided that, if there is an intervening
8 exterior wall of the building containing the social hall between the exterior door opening and such
9 day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
10 trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base
11 of the building wall(s) to the point where there is no intervening exterior building wall, and from that
12 point the shortest, most direct distance to the day care facility, church, state mental health institution,
13 park (excluding golf courses and hiker/biker trails), or residential district.

14 (ii) If the exterior door opening is less than 100 feet from a residential
15 district, it must face the opposite direction from that district.

16 (iii) If the exterior door opening faces a residential district, then such
17 opening shall be at least 150 feet from a residential district as measured by the shortest, most direct
18 perpendicular distance. The exterior door shall not be kept or propped open during the hours of
19 operation.

20 For purposes of this section, “exterior door opening” shall mean (a) that portion of
21 the exterior wall face of the building containing the social hall that contains a break to accommodate
22 the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides
23 access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit
24 doors required by building or safety codes, loading doors or unloading doors that are not available
25 for access in the ordinary course of business.

26 (p) Outdoor vehicle storage:

27 (1) Screening shall be in conformance with the requirements for screening open
28 storage in Chapter 3.50 of the City of Lincoln Design Standards.

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

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

31 (4) Parking shall be provided in accordance with Section 26.67.066(a).

32 Section 2. That Section 27.45.025 of the Lincoln Municipal Code be amended to
33 read as follows:

34 **27.45.025 Permitted Conditional Uses.**

35 A building or premises may be used for the following purposes in the H-4 General
36 Commercial District in conformance with the conditions prescribed herein:

1 (a) Indoor animal hospitals. Any building approved for such use must be located no
2 closer than 200 feet from any residential district.

3 (b) Indoor kennel. Any building approved for such use must be located no closer than
4 200 feet from any residential district.

5 (c) Social halls:

6 (1) There shall be no amplified sound or noise source of any kind outside of the
7 social hall;

8 (2) Except as provided in (ii) and (iii) below, any exterior door opening must
9 meet the following conditions:

10 (i) Either be located at least 100 feet (as measured by the shortest, most
11 direct distance) from a day care facility, church, state mental health institution, park (excluding golf
12 courses and hiker/biker trails), or a residential district; provided that, if there is an intervening
13 exterior wall of the building containing the social hall between the exterior door opening and such
14 day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
15 trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base
16 of the building wall(s) to the point where there is no intervening exterior building wall, and from that
17 point the shortest, most direct distance to the day care facility, church, state mental health institution,
18 park (excluding golf courses and hiker/biker trails), or residential district.

19 (ii) If the exterior door opening is less than 100 feet from a residential
20 district, it must face the opposite direction from that district.

21 (iii) If the exterior door opening faces a residential district, then such
22 opening shall be at least 150 feet from a residential district as measured by the shortest, most direct
23 perpendicular distance. The exterior door shall not be kept or propped open during the hours of
24 operation.

25 For purposes of this section, “exterior door opening” shall mean (a) that portion of
26 the exterior wall face of the building containing the social hall that contains a break to accommodate
27 the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides
28 access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit
29 doors required by building or safety codes, loading doors or unloading doors that are not available
30 for access in the ordinary course of business.

31 (d) Outdoor vehicle storage:

32 (1) Screening shall be in conformance with the requirements for screening open
33 storage in Chapter 3.50 of the City of Lincoln Design Standards.

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

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

36 (4) Parking shall be provided in accordance with Section 26.67.066(a).

1 Section 3. That Section 27.49.030 of the Lincoln Municipal Code be amended to

2 read as follows:

3 **27.49.030 Permitted Conditional Uses.**

4 A building or premises may be used for the following purposes in the I-2 Industrial Park
5 District in conformance with the conditions prescribed herein:

6 (a) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable
7 liquids and chemicals:

8 (1) Shall be adequately screened from public view;

9 (2) Shall be for storage of such materials for use on the premises and not for
10 resale, except that resale of such stored material at retail only shall be permitted in conjunction with
11 the operation of a service station or similar retail outlet;

12 (3) Shall be located, constructed, maintained, and operated in compliance with
13 all codes and regulations of the City of Lincoln.

14 (b) Liquefied petroleum gas and similar gas used for fuel stored above ground:

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

16 (2) Such gas shall be for use on the premises, and not for resale;

17 (3) Such tanks shall be adequately screened from public view by a fire-resistant
18 ventilated barrier which shall be at least six feet in height;

19 (4) Must be in full compliance with all codes and regulations of the City of
20 Lincoln;

21 (c) All other combustible material: To be stored in such a way as to permit free access
22 of fire-fighting equipment.

23 (d) Open storage of any other material: Only in areas enclosed or otherwise adequately
24 screened from public view with an enclosure or screen at least six feet in height.

25 (e) Neighborhood recycling center:

26 (1) Building area of such center shall not exceed 8,000 square feet;

27 (2) There shall be no outdoor storage of materials or equipment;

28 (3) The operation of such center shall not include dismantling or disassembling
29 of vehicles or major appliances;

30 (4) No hazardous or explosive materials shall be accepted at such center;

31 (5) Adequate traffic stacking shall be provided on site as determined by the city;

32 (6) All required parking shall be provided on site;

33 (7) There shall be no processing of materials by heat, including, but not limited
34 to, melting, smelting, or burning;

35 (8) The facility shall not be designed to receive nor shall it accept shipments by
36 semi-trailer trucks;

37 (9) Construction and operation of such center shall comply with all applicable
38 health and fire codes.

39 (f) Vehicle body repair shop:

40 (1) All salvage material, including vehicles being salvaged, shall be inside a
41 building;

42 (2) All vehicles stored outside shall be repaired to an operating state within thirty
43 days;

1 (3) All vehicles stored outside waiting repair shall be screened in accordance with
2 the screening requirements for salvage and scrap processing operations;

3 (4) Construction and operation of such shop shall comply with all applicable
4 health and fire codes;

5 (5) Vehicle body repair shops lawfully existing on the effective date of this ordi-
6 nance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3),
7 and (4) above.

8 (g) Church:

9 (1) The church shall develop an emergency response plan to the satisfaction of
10 the Health Department, both written and drawn, including a house-in-place scenario and an off-site
11 evacuation. The Health Department may provide technical assistance in this matter.

12 (2) The church shall, within 48 hours of becoming aware that quantities of
13 hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are
14 being stored, transported, dispensed, used, or handled on property within 300 feet of the building
15 area being used for the church, notify the Health Department of such condition. Following such
16 notification, the church shall, in cooperation and consultation with the Health Department, attempt
17 to work with the owner of property upon which such hazardous materials are being stored,
18 transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare
19 of persons using the church's property. The church shall further cooperate with the Health
20 Department in determining measures which may be taken on the church's property to protect the
21 health safety, and welfare of persons using the church's property, including, but not limited to,
22 establishment of training programs for employees to assure detection of hazardous materials and
23 evacuation of the premises, installation of filtration systems in the HVAC system of the building,
24 or other precautionary measures.

25 (3) The electrical breaker switch of the heating, ventilation and air conditioning
26 (HVAC) system shall be clearly marked and readily accessible at all times to the church's staff or
27 the church shall equip the building with not more than two emergency shut-off switches so the
28 HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area
29 to the satisfaction of the Health Department. The shut-off switch shall be located so that it is easily
30 accessible at all times to the church's staff. The church's staff shall be trained on how to locate and
31 operate the electrical breaker switch or the emergency shut-off switch.

32 (h) Outdoor vehicle storage:

33 (1) Screening shall be in conformance with the requirements for screening open
34 storage in Chapter 3.50 of the City of Lincoln Design Standards.

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

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

37 (4) Parking shall be provided in accordance with Section 26.67.066(a).

1 Section 4. That Sections 27.43.030, 27.45.025, and 27.49.030 of the Lincoln
2 Municipal Code as hitherto existing be and the same are hereby repealed.

3 Section 5. That this ordinance shall take effect and be in force from and after passage
4 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
5 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2010:

Mayor