

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to
2 Zoning by amending Chapter 27.03 to add definitions for “animal hospital,” “animal hospital,
3 indoor,” “boarding,” “kennel,” “kennel, indoor,” “indoors,” and “outdoor exercise area” associated
4 with an indoor hospital or indoor kennel; amending Sections 27.29.020, 27.31.030, 27.33.020,
5 27.41.020, 27.43.020, and 27.45.020, to add indoor animal hospitals and indoor kennels as a
6 permitted use; amending Sections 27.43.040 and 27.45.030 to add outdoor exercise area associated
7 with an indoor animal hospital or indoor kennel as a permitted special use; amending Section
8 27.63.470 to add indoor animal hospitals, indoor kennels, and outdoor exercise areas associated with
9 an indoor animal hospital or indoor kennel as an allowed used under a special permit for planned
10 service commercial development; adding a new section numbered 27.63.780 to create a special
11 permit for outdoor exercise areas associated with an indoor animal hospital or indoor kennel; and
12 repealing Sections 27.29.020, 27.31.030, 27.33.020, 27.41.020, 27.43.020, 27.43.040, 27.45.020,
13 27.45.030 and 27.63.470 of the Lincoln Municipal Code as hitherto existing.

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

15 Section 1. That Chapter 27.03 of the Lincoln Municipal Code be amended by adding
16 a new section numbered 27.03.056 to read as follows:

17 **27.03.056 Animal Hospital.**

18 Animal hospital shall mean any establishment or business maintained and operated by a
19 veterinarian or veterinarians for examination, prophylaxis, surgery, diagnosis and treatment of
20 diseases or injuries of animals including indoor or outdoor boarding of animals under treatment or

1 benefit of the client; provided, said veterinarian or veterinarians are duly licensed under the laws of
2 the State of Nebraska.

3 Section 2. That Chapter 27.03 of the Lincoln Municipal Code be amended by adding
4 a new section numbered 27.03.057 to read as follows:

5 **27.03.057 Animal Hospital, Indoor.**

6 Indoor animal hospital shall mean any establishment or business maintained and operated
7 by a veterinarian or veterinarians for examination, prophylaxis, surgery, diagnosis and treatment of
8 diseases or injuries of animals including indoor but not outdoor boarding of animals under treatment
9 or benefit of the client; provided, said veterinarian or veterinarians are duly licensed under the laws
10 of the State of Nebraska, and provided that the indoor animal hospital shall be limited to no more
11 than three animals outside at any one time.

12 Section 3. That Chapter 27.03 of the Lincoln Municipal Code be amended by adding
13 a new section numbered 27.03.098 to read as follows:

14 **27.03.098 Boarding.**

15 Boarding shall mean caring for, feeding, watering, or sheltering a pet animal belonging to
16 another by any person or business for pay, trade, barter, commission, or remuneration of any sort.

17 Section 4. That Chapter 27.03 of the Lincoln Municipal Code be amended by adding
18 a new section numbered 27.03.336:

19 **27.03.336 Indoors.**

20 Indoors shall mean an area enclosed by a floor, ceiling, and floor-to-ceiling walls on all sides
21 that are continuous and solid except for closeable entry/exit doors and windows.

22 Section 5. That Chapter 27.03 of the Lincoln Municipal Code be amended by adding
23 a new section 27.03.337 to read as follows:

1 **27.03.337** **Kennel.**

2 Kennel shall mean any building, yard, enclosure or place where pet animals as defined by
3 Lincoln Municipal Code Section 6.02.420 owned by another person are temporarily boarded,
4 indoors or outdoors, for pay, trade, barter, commission, or remuneration of any sort; provided,
5 however, this definition shall not apply to zoos or to animal hospitals and indoor animal hospitals
6 operated by veterinarians duly licensed under the laws of the State of Nebraska.

7 Section 6. That Chapter 27.03 of the Lincoln Municipal Code be amended by adding
8 a new section numbered 27.03.338 to read as follows:

9 **27.03.338** **Kennel, Indoor.**

10 Indoor kennel shall mean any building, enclosure, or place where pet animals as defined by
11 Lincoln Municipal Code Section 6.02.420 owned by another person are temporarily boarded,
12 indoors but not outdoors, for pay, trade, barter, commission, or remuneration of any sort; provided,
13 however, this definition shall not apply to zoos or to animal hospitals and indoor animal hospitals
14 operated by veterinarians duly licensed under the laws of the State of Nebraska, and provided that
15 the indoor kennel shall be limited to no more than three animals outside at any one time.

16 Section 7. That Chapter 27.03 of the Lincoln Municipal Code be amended by adding
17 a new section numbered 27.03.472 to read as follows:

18 **27.03.472** **Outdoor Exercise Area.**

19 Outdoor exercise area shall mean an animal exercise area utilized by an indoor animal
20 hospital or indoor kennel for the purpose of exercising more than three animals outside, at any one
21 time, but shall not include outdoor boarding of animals.

22 Section 8. That Section 27.29.020 of the Lincoln Municipal Code be amended to
23 read as follows:

1 **27.29.020 Permitted Uses.**

2 A building or premises shall be permitted to be used for the following purposes in the B-1
3 Local Business District:

- 4 (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- 5 (b) Public libraries;
- 6 (c) Public elementary and high schools, or private schools having a curriculum
7 equivalent to a public elementary or public high school, and having no rooms regularly used for
8 housing or sleeping purposes;
- 9 (d) Churches;
- 10 (e) Nonprofit religious, educational, and philanthropic institutions;
- 11 (f) Banks, savings and loan associations, credit unions, and finance companies;
- 12 (g) Barber shops, beauty parlors, and shoeshine shops;
- 13 (h) Private schools, including but not limited to business or commercial schools, dance
14 or music academies, and nursery schools;
- 15 (i) Adult care centers;
- 16 (j) Service stations;
- 17 (k) Indoor animal hospitals and clinics for animals, but not open kennels;
- 18 (l) Self-service laundromats;
- 19 (m) Messenger and telegraph stations;
- 20 (n) Office buildings;
- 21 (o) Parking lots and storage garages;
- 22 (p) Restaurants;
- 23 (q) Stores or shops for the sale of goods at retail, but not including
24 motor vehicles;
- 25 (r) Undertaking establishments;
- 26 (s) Photography studios;
- 27 (t) Bicycle sales and repair shops;
- 28 (u) Key shops;
- 29 (v) Ambulance services;
- 30 (w) Garden centers;

- 1 (x) Clubs;
- 2 (y) Marinas, for sale, service, and storage of motor boats and other related water craft;
- 3 (z) Receiving store for dry or steam cleaning which shall be done elsewhere;
- 4 (aa) Dry cleaning or laundry establishments, provided that the floor area does not exceed
- 5 2,000 square feet exclusive of office and pickup space;
- 6 (bb) Enclosed commercial recreational facilities;
- 7 (cc) Mail order catalog sales;
- 8 (dd) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops,
- 9 or other, similar business establishments;
- 10 (ee) Indoor kennels.

11 Section 9. That Section 27.31.030 of the Lincoln Municipal Code be amended to
12 read as follows:

13 **27.31.030 Permitted Uses.**

14 Any development, including building and open land uses, except farming and the sale of
15 farm produce, shall be prohibited in the B-2 Planned Neighborhood Business District prior to the
16 approval of a use permit in conformance with the requirements of this chapter. B-2 Planned
17 Neighborhood Business District zoning shall not be permitted or granted upon any property having
18 a total area of less than five acres. A building or premises shall be used only for the following
19 purposes in the B-2 Planned Neighborhood Business District:

- 20 (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- 21 (b) Public libraries;
- 22 (c) Public elementary and high schools, or private schools having a curriculum equi-
- 23 valent to a public elementary or public high school, and having no rooms regularly used for housing
- 24 or sleeping purposes;
- 25 (d) Churches;
- 26 (e) Nonprofit religious, educational, and philanthropic institutions;
- 27 (f) Banks, savings and loan associations, credit unions, and finance companies;
- 28 (g) Garden centers;
- 29 (h) Barber shops, beauty parlors, and shoeshine shops;

- 1 (i) Private schools, including but not limited to business or commercial schools, dance
2 or music academies, and nursery schools;
- 3 (j) Service stations;
- 4 (k) Indoor animal ~~Hospitals and clinics for animals, but not open kennels;~~
- 5 (l) Self-service laundromats;
- 6 (m) Receiving stores for dry cleaning or laundry;
- 7 (n) Dry cleaning or laundry establishments, provided that the floor area does not exceed
8 2,000 square feet exclusive of office and pickup space.
- 9 (o) Messenger and telegraph stations;
- 10 (p) Office buildings;
- 11 (q) Restaurants;
- 12 (r) Stores or shops for the sale of goods at retail, but not including motor vehicles;
- 13 (s) Undertaking establishments;
- 14 (t) Photography studios;
- 15 (u) Bicycle sales and repair shops;
- 16 (v) Key shops;
- 17 (w) Ambulance services;
- 18 (x) Clubs;
- 19 (y) Enclosed commercial recreational facilities;
- 20 (z) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops,
21 or other, similar business establishments;
- 22 (aa) Indoor kennels.

23 Section 10. That Section 27.33.020 of the Lincoln Municipal Code be amended to
24 read as follows:

25 **27.33.020 Permitted Uses.**

26 A building or premises shall be permitted to be used for the following purposes in the B-3
27 Commercial District:

- 28 (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- 29 (b) Public libraries;

- 1 (c) Public elementary and high schools, or private schools having a curriculum
2 equivalent to a public elementary or public high school, and having no rooms regularly used for
3 housing or sleeping purposes;
- 4 (d) Churches;
- 5 (e) Nonprofit religious, educational, and philanthropic institutions;
- 6 (f) Banks, savings and loan associations, credit unions, and finance companies;
- 7 (g) Barber shops, beauty parlors, and shoeshine shops;
- 8 (h) Private schools, including but not limited to, business or commercial schools, dance
9 or music academies, and nursery schools;
- 10 (i) Adult care centers;
- 11 (j) Indoor animal ~~Hospitals and clinics for animals, but not open kennels;~~
- 12 (k) Self-service laundromats, and laundrettes;
- 13 (l) Receiving stores for dry cleaning or laundry;
- 14 (m) Messenger and telegraph stations;
- 15 (n) Office buildings;
- 16 (o) Restaurants;
- 17 (p) Stores or shops for the sale of goods at retail;
- 18 (q) Undertaking establishments;
- 19 (r) Photography studios;
- 20 (s) Key shops;
- 21 (t) Ambulance services;
- 22 (u) Retail bakery;
- 23 (v) Sales and showrooms, including service facilities and rental of equipment, provided
24 all displays and merchandise are within the enclosure walls of the buildings;
- 25 (w) Milk distribution stations, but not involving any bottling on the premises;
- 26 (x) Food storage lockers;
- 27 (y) Optical lens grinding and finishing;
- 28 (z) Clubs;
- 29 (aa) Parking lots and storage garages;
- 30 (bb) Enclosed commercial recreational facilities;

- 1 (cc) Motorcycle, bicycle, and home and office equipment, but not including vehicle body
- 2 repair shops
- 3 (dd) Mail order catalog sales;
- 4 (ee) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops,
- 5 or other, similar business establishments;
- 6 (ff) Indoor kennels.

7 Section 11. That Section 27.41.020 of the Lincoln Municipal Code be amended to
8 read as follows:

9 **27.41.020 Permitted Uses.**

10 A building or premises shall be permitted to be used for the following purposes in the H-2
11 Highway Business District:

- 12 (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- 13 (b) Public libraries;
- 14 (c) Public elementary and high schools, or private schools having a curriculum equi-
- 15 valent to a public elementary or public high school, and having no rooms regularly used for housing
- 16 or sleeping purposes;
- 17 (d) Churches;
- 18 (e) Banks, savings and loan associations, credit unions, and finance companies;
- 19 (f) Barber shops, beauty parlors, and shoeshine shops;
- 20 (g) Private schools;
- 21 (h) Dwelling for a caretaker employed and residing on the premises;
- 22 (i) Indoor animal ~~hospitals and clinics for animals, but not open kennels;~~
- 23 (j) Messenger and telegraph stations;
- 24 (k) Office buildings;
- 25 (l) Restaurants;
- 26 (m) Undertaking establishments;
- 27 (n) Photography studios;
- 28 (o) Key shops;
- 29 (p) Ambulance services;
- 30 (q) Recreational facilities;

- 1 (r) Food storage lockers;
- 2 (s) Bakeries;
- 3 (t) Bottling works;
- 4 (u) Laundry, and drycleaning establishments, including laundromats, and receiving stores
- 5 for drycleaning or laundry;
- 6 (v) Printing shops;
- 7 (w) Mini-warehouses;
- 8 (x) Optical lens grinding and finishing;
- 9 (y) Parking lots;
- 10 (z) Clubs;
- 11 (aa) Stores or shops for the sale of goods at retail, not otherwise permitted in this chapter,
- 12 of no more than 20,000 square feet of floor area;
- 13 (bb) Enclosed commercial recreational facilities;
- 14 (cc) Service stations and automobile, motorcycle, bicycle, and home and office equip-
- 15 ment, and appliance sales and repair, but not including vehicle body repair shops;
- 16 (dd) Mail order catalog sales;
- 17 (ee) Warehouses, provided that no storage bay shall exceed 600 square feet;
- 18 (ff) Indoor kennels.

19 Section 12. That Section 27.43.020 of the Lincoln Municipal Code be amended to
 20 read as follows:

21 **27.43.020 Permitted Uses.**

22 A building or premises shall be permitted to be used for the following purposes in the H-3
 23 Highway Commercial District:

- 24 (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- 25 (b) Public libraries;
- 26 (c) Public elementary and high schools, or private schools having a curriculum equi-
- 27 valent to a public elementary or public high school, and having no rooms regularly used for housing
- 28 or sleeping purposes;
- 29 (d) Churches;
- 30 (e) Nonprofit religious, educational, and philanthropic institutions;

- 1 (f) Banks, savings and loan associations, credit unions and finance companies;
2 (g) Barber shops, beauty parlors, and shoeshine shops;
3 (h) Private schools;
4 (i) Dwelling for a caretaker employed and residing on the premises;
5 (j) Indoor animal ~~Hospitals and clinics for animals, but not open kennels;~~
6 (k) Messenger and telegraph stations;
7 (l) Office buildings;
8 (m) Restaurants;
9 (n) Undertaking establishments;
10 (o) Photography studios;
11 (p) Key shops;
12 (q) Ambulance services;
13 (r) Recreational uses;
14 (s) Food storage lockers;
15 (t) Bakeries;
16 (u) Bottling works;
17 (v) Printing shops and photocopy centers;
18 (w) Mini-warehouses;
19 (x) Optical lens grinding and finishing;
20 (y) Laundries, dyeing, and drycleaning establishments, including launderettes, laund-
21 romats, and receiving stores for drycleaning or laundry;
22 (z) Creameries;
23 (aa) Sale barns;
24 (bb) Warehouses;
25 (cc) Outdoor theaters;
26 (dd) Parking lots;
27 (ee) Clubs;
28 (ff) Service facilities, including but not limited to repair and maintenance of home and
29 office equipment and appliances;
30 (gg) Contractors' offices and storage yards, and lumber and coal yards;

1 (hh) Stores or shops for the sale of goods at retail, not otherwise permitted in this chapter,
2 of no more than 20,000 square feet of floor area;

3 (ii) Enclosed commercial recreational facilities;

4 (jj) Service stations and motorcycle, bicycle, home and office equipment, and appliance
5 sales and repair but not including vehicle body repair shops;

6 (kk) Mail order catalog sales;

7 (ll) Indoor kennels.

8 Section 13. That Section 27.43.040 of the Lincoln Municipal Code be amended to
9 read as follows:

10 **27.43.040 Permitted Special Uses.**

11 A building or premises may be used for the following purposes in the H-3 Highway
12 Commercial District if a special permit for such use has been obtained in conformance with the
13 requirements of Chapter 27.63:

14 (a) Extraction of sand, gravel, and soil;

15 (b) Bulk storage of petroleum products;

16 (c) Broadcast towers;

17 (d) Church steeples, towers, and ornamental spires exceeding the maximum permitted
18 height in the H-3 Highway Commercial District;

19 (e) Outdoor lighting for recreational facilities;

20 (f) Expansion of nonconforming use;

21 (g) Historic preservation;

22 (h) Stores and shops for retail sales and service which exceed 20,000 square feet of floor
23 area;

24 (i) Public utility purposes;

25 (j) Wind energy conversion systems;

26 (k) Small batch concrete dispensing units;

27 (l) Health care facilities;

28 (m) Cemeteries;

29 (n) Sale of alcoholic beverages for consumption on the premises;

30 (o) Sale of alcoholic beverages for consumption off the premises;

- 1 (p) Limited landfills;
- 2 (q) Sexually oriented live entertainment establishments;
- 3 (r) Outdoor exercise area associated with an indoor animal hospital or indoor kennel.

4 Section 13. That Section 27.45.020 of the Lincoln Municipal Code be amended to
5 read as follows:

6 **27.45.020 Permitted Uses.**

7 H-4 General Commercial District zoning shall not be permitted or granted upon any property
8 having a total area of less than five acres. A building or premises shall be permitted to be used for
9 the following purposes in the H-4 General Commercial District:

- 10 (a) Automobile, motorcycle, truck, and heavy equipment sales;
- 11 (b) Commercial storage or sale of farm implements and products used for agriculture,
12 but not including fertilizer, or toxic or flammable agricultural chemicals;
- 13 (c) Lumber yards;
- 14 (d) Warehouses;
- 15 (e) Mini-warehouses;
- 16 (f) Service centers for the repair of machinery and equipment, but not including salvage
17 or scrap processing operations;
- 18 (g) Truck terminals;
- 19 (h) Dwellings for caretakers employed and required to reside on the premises;
- 20 (i) Ambulance service;
- 21 (j) Outdoor theaters;
- 22 (k) Indoor animal hospitals and clinics for animals, but not open kennels;
- 23 (l) Sale barns;
- 24 (m) Contractors' offices and storage, including electrical, plumbing, heating, and air
25 conditioning contractors;
- 26 (n) Restaurants;
- 27 (o) Service stations;
- 28 (p) Truck stops;
- 29 (q) Mobile home sales;

- 1 (r) Auctions;
- 2 (s) Stores or shops for retail sales and service, not to exceed 30,000 square feet of floor
- 3 area;
- 4 (t) Food storage lockers;
- 5 (u) Enclosed commercial recreational facilities;
- 6 (v) Banks, savings and loan associations, credit unions, and finance companies;
- 7 (w) Mail order catalog sales;
- 8 (x) Indoor kennels.

9 Section 14. That Section 27.45.030 of the Lincoln Municipal Code be amended to
 10 read as follows:

11 **27.45.030 Permitted Special Uses.**

12 A building or premises may be used for the following purposes in the H-4 General
 13 Commercial District if a special permit for such use has been obtained in conformance with the re-
 14 quirements of Chapter 27.63:

- 15 (a) Extraction of sand, gravel, and soil;
- 16 (b) Bulk storage of petroleum products;
- 17 (c) Stores and shops for retail sales and service of more than 30,000 but less than
- 18 100,000 square feet in floor area;
- 19 (d) Any permitted use which exceeds the maximum height permitted in the district;
- 20 (e) Facilities for the commercial storage or sale of fertilizer, or toxic or flammable
- 21 agricultural chemicals;
- 22 (f) Broadcast towers;
- 23 (g) Expansion of nonconforming use;
- 24 (h) Historic preservation;
- 25 (i) Public utility purposes;
- 26 (j) Wind energy conversion systems;
- 27 (k) Planned service commercial development;
- 28 (l) Small batch concrete dispensing units;
- 29 (m) Cemeteries;
- 30 (n) Sale of alcoholic beverages for consumption on the premises;

- 1 (o) Sale of alcoholic beverages for consumption off the premises;
- 2 (p) Early childhood care facilities;
- 3 (q) Sexually oriented live entertainment establishments;
- 4 (r) Outdoor exercise area associated with an indoor animal hospital or indoor kennel.

5 Section 15. That Section 27.63.470 of the Lincoln Municipal Code be amended to
6 read as follows:

7 **27.63.470 Permitted Special Use: Planned Service Commercial.**

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

- 10 (a) The uses approved within a planned service commercial development shall be limited
11 to:
 - 12 (1) Automobile, motorcycle, and four-wheel truck sales;
 - 13 (2) Warehouses;
 - 14 (3) Mini-warehouses;
 - 15 (4) Wholesale and distribution centers not exceeding 30,000 square feet in floor
16 area per building, provided outside storage is permitted only when the storage area is enclosed with
17 a solid fence, wall, and gates eight feet in height and the stored material and equipment is less than
18 the height of the fence, wall, and gates enclosing the storage area. The fence, wall, and gates shall
19 be located where buildings are permitted;
 - 20 (5) Service centers for the repair of household appliances and lawn and garden
21 equipment, provided outdoor storage of items to be repaired are permitted only when the storage
22 area is enclosed with a solid fence, wall, and gates eight feet in height and the items to be repaired
23 are less than the height of the fence, wall, and gates enclosing the storage area and no salvage or
24 scrap processing operation shall be permitted. The fence, wall, and gates shall be located where
25 buildings are permitted;
 - 26 (6) Dwellings for caretakers employed and required to reside on the premises;
 - 27 (7) Ambulance services;
 - 28 (8) Indoor animal hospitals and clinics for animals, but not open kennels;

1 (9) Contractors' office and storage, including electrical, plumbing, heating, and
2 air-conditioning contractors, provided outdoor storage of equipment and materials shall be permitted
3 only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the
4 stored equipment and material are less than the height of the fence, wall, and gates enclosing the
5 storage area. The fence, wall, and gates shall be located where buildings are permitted;

6 (10) Restaurants;

7 (11) Service stations;

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

12 (13) Food storage lockers;

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

15 (15) Private recreational facilities; provided they are located within the building
16 and no less than 150 feet from an abutting residential district;

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

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

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

26 (19) Churches;

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

29 (21) Private schools;

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

1 (23) Broadcast towers;

2 (24) Indoor kennels;

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

5 (~~24~~ 26) Automobile/truck wash facility:

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

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

14 (~~25~~ 27) Public elementary and high schools, or private schools having a curriculum
15 equivalent to a public elementary or public high school, and having no rooms regularly used for
16 housing or sleeping purposes.

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

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

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

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

29 (f) That upon approval of a planned service commercial development, the land proposed
30 to be included within such development shall not be developed for or devoted to any other permitted

1 use or specially permitted use of the H-4 General Commercial District, except those specifically
2 approved in the special permit authorizing the planned service commercial development, unless an
3 amendment thereto has been approved in accordance with the procedures set forth for approving
4 special permits generally.

5 Section 16. That Chapter 27.63 of the Lincoln Municipal Code be amended by
6 adding a new section numbered 27.63.780 to read as follows:

7 **27.63.780 Outdoor Exercise Area Associated with an Indoor Animal Hospital or Indoor**
8 **Kennel.**

9 Outdoor exercise areas associated with an indoor animal hospital or indoor kennel may be
10 allowed by special permit in the H-3 and H-4 zoning districts under the following conditions:

11 (a) All outdoor exercise areas and fences surrounding outdoor exercise areas shall meet
12 the setbacks of the zoning district, except the outdoor exercise area must be at least 100 feet from
13 any R-1 through R-8 zoning district as measured to the closest point of the outdoor exercise area.

14 (b) All outdoor exercise areas shall be screened 100% from the ground to six feet in
15 height with an opaque fence or wall. Slats in chain link fence are not acceptable.

16 (c) Use of outdoor exercise areas between the hours of 10:00 p.m. and 7:00 a.m. is
17 prohibited.

18 (d) An outdoor exercise area associated with an indoor animal hospital or indoor kennel
19 is only allowed in conjunction with such indoor animal hospital or indoor kennel.

20 (e) The Planning Commission may limit the number of animals allowed in the outdoor
21 exercise area at any one time.

22 (f) The Planning Commission may increase these requirements dependent upon the
23 character of the facilities and the effect on adjacent land uses.

24 (g) Animals in the outdoor exercise area shall be under the supervision of handlers at all
25 times.

26 Section 17. That Sections 27.29.020, 27.31.030, 27.33.020, 27.41.020, 27.43.020,
27 27.43.040, 27.45.020, 27.45.030 and 27.63.470 of the Lincoln Municipal Code as hitherto existing
28 be and the same are hereby repealed.

1 Section 18. That this ordinance shall take effect and be in force from and after its
2 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2007:

Mayor