

ORDINANCE NO. _____

1 AN ORDINANCE amending the Lincoln Zoning District Maps attached to and made a
2 part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln
3 Municipal Code, by changing the boundaries of the districts established and shown thereon.

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

5 Section 1. That the "Lincoln Zoning District Maps" attached to and made a part of Title
6 27 of the Lincoln Municipal Code be and they are hereby amended by changing the boundaries
7 of the districts established and shown on said Maps as follows:

8 Lot 42, Irregular Tract, located in the Northwest Quarter of Section
9 29, Township 9 North, Range 7 East of the 6th P.M., Lincoln,
10 Lancaster County, Nebraska; (1) be and it is hereby transferred from
11 the AG Agricultural District to the R-3 Residential District; (2)
12 designated as a Planned Unit Development District pursuant to and
13 in accordance with Chapter 27.60 of the Lincoln Municipal Code
14 entitled "Planned Unit Development District"; and (3) governed by all
15 the provisions and regulations pertaining to the R-3 Residential
16 District except as modified in Section 2 below.

17 Section 2. That the Eastmont at Yankee Hill Planned Unit Development Plan
18 ("Development Plan") submitted by Edward A. Thompson ("Permittee") along with the Permittee's
19 application and site plan, be and the same is hereby approved upon condition that the use and
20 operation of the property within the Planned Unit Development District under the Development Plan
21 by Permittee be in substantial compliance with the Permittee's application, the site plan, and the
22 following express terms and conditions:

1 1. This Ordinance permits the development of a Residential Healthcare Facility, and
2 a mix of residential and office uses, and approves the following waivers to Sections 26.15.020,
3 26.23.125, 26.23.130, 27.72.030, and 27.69.340 of the Land Subdivision Ordinance to allow
4 information on or accompanying a preliminary plat, final plat or building permit for a Planned Unit
5 Development to be submitted with future administrative amendments, to waive the requirement to
6 provide a pedestrian easement for a block length exceeding 1,000 feet, to allow a block length to
7 exceed 1,320 feet, to allow height limitations of buildings to increase from 35 feet to 50 feet, and
8 to allow for O-3 sign regulations rather than PUD sign regulations excluding signage in single and
9 two family development area.

10 2. Before receiving building permits or before a final plat is approved the Permittee shall
11 cause to be prepared and submitted to the Planning Department a revised and reproducible final
12 plot plan including **5** copies with all required revisions and documents as listed below.

- 13 a. Revise the Grading and Drainage Plan to the satisfaction of Watershed
14 Management.
- 15 b. Revise note 1 to show Areas 1, 2, 3 and 4 permit Residential Healthcare
16 Facility, Areas 1, 3 and 4 permit R-3 Residential Uses, and Areas 2 and 3
17 permit O-3 Office Park District Uses, Area 2 excludes early childhood care
18 facilities, dwellings, or K-12 schools.
- 19 c. Add under General Notes “ Any building in Area 1 that exceeds the height
20 of the district will generally have the same orientation and setback as shown
21 on the site plan.”
- 22 d. Remove the land use table and add a note that states setbacks will be per
23 the R-3 and O-3 zoning, as indicated in each area, except for the more
24 restrictive setbacks shown on this plan.
- 25 e. Revise note #19 to state S. 48th Street will be paved to the southern limits of
26 the adjacent paving shown on the adjacent preliminary plat.
- 27 f. Revise the note under the sign table to reference the title and chapter not
28 the section.
- 29 g. Revise note #18 to limit on-sale of alcohol only as an accessory to the
30 residential healthcare facility and only in Areas 1 and 2.

- 1 h. Revise note #17 to state “ Dwellings, schools, and childcare facilities are not
2 permitted in the Pipeline Planning Area”.
- 3 i. Delete notes 9 and 15 and provide a landscape plan that shows what trees
4 are to remain and shows screening along the south lot line that meets the
5 design standards for multifamily development.
- 6 j. Revise the note #13 to state that “Accessory structures not requiring an
7 occupancy permit are permitted out side the setback and need not be shown
8 on the site plan.”
- 9 k. Revise the site plan to conform to the Wilderness Heights Preliminary Plat
10 or amend the Wilderness Heights Preliminary Plat to meet this site plan.
- 11 3. Before receiving building permits, the Permittee shall provide verification from the
12 Register of Deeds that the letter of acceptance of the planned unit development has been recorded
13 with the Register of Deeds.
- 14 4. Prior to the issuance of a building permit the construction plans must substantially
15 comply with the approved plans.
- 16 5. Before issuance of building permits, final plat(s) shall be approved by the City.
- 17 6. If any final plat on all or a portion of the approved planned unit development is
18 submitted five (5) years or more after the approval of the planned unit development, the city may
19 require that a new planned unit development be submitted, pursuant to all the provisions of section
20 26.31.015. A new planned unit development may be required if the subdivision ordinance, the
21 design standards, or the required improvements have been amended by the city; and as a result,
22 the planned unit development as originally approved does not comply with the amended rules and
23 regulations.
- 24 7. Before the approval of a final plat, the public streets, private roadway improvements,
25 sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation
26 and grading, sediment and erosions control measures, storm water detention/retention facilities,
27 drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround
28 and barricades, and street name signs, must be completed or provisions (bond, escrow or security

1 agreement) to guarantee completion must be approved by the City Law Department. The
2 improvements must be completed in conformance with adopted design standards and within the
3 time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of
4 a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major
5 streets that have not been improved to an urban cross section. A cash contribution to the City in
6 lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with
7 10 or fewer lots.

8 8. Before a final plat may be approved, Permittee agrees that Permittee, as the
9 subdivider, must enter into an agreement with the City whereby Permittee agrees:

- 10 i. To complete the street paving of public streets, and temporary turnarounds
11 and barricades located at the temporary dead-end of the streets shown on
12 the final plat within two (2) years following the approval of the final plat.
- 13 ii. To complete the installation of sidewalks along Yankee Hill Road within two
14 (2) years following the approval of this final plat.
- 15 iii. To complete the public water distribution system within two (2) years
16 following the approval of the final plat.
- 17 iv. To complete the public wastewater collection system within two (2) years
18 following the approval of the final plat.
- 19 v. To complete the enclosed public drainage facilities shown on the approved
20 drainage study within two (2) years following the approval of the final plat.
- 21 vi. To complete the enclosed private drainage facilities shown on the approved
22 drainage study within two (2) years following the approval of the final plat.
- 23 vii. To complete land preparation including storm water detention/retention
24 facilities and open drainageway improvements to serve this plat prior to the
25 installation of utilities and improvements, but not more than two (2) years
26 following the approval of the final plat.
- 27 viii. To complete the installation of public street lights within two (2) years
28 following the approval of the final plat.
- 29 ix. To complete the planting of the street trees along S. 48th Street and S. 52nd
30 Street within six (6) years following the approval of the final plat.
- 31 x. To complete the planting of street trees along Yankee Hill Road within two
32 (2) years following the approval of the final plat.

- 1 xi. To complete the installation of the street name signs within two (2) years
2 following the approval of the final plat.
- 3 xii. To complete the installation of the permanent markers prior to construction
4 on or conveyance of any lot in the plat.
- 5 xiii. To timely complete any other public or private improvement or facility
6 required by the Land Subdivision Ordinance, which inadvertently may have
7 been omitted from the above list of required improvements.
- 8 xiv. To submit to the Director of Public Works a plan showing proposed
9 measures to control sedimentation and erosion and the proposed method
10 to temporarily stabilize all graded land for approval.
- 11 xv. To comply with the provisions of the Land Preparation and Grading
12 requirements of the Land Subdivision Ordinance.
- 13 xvi. To complete the public and private improvements shown on the Planned
14 Unit Development.
- 15 xvii. To keep taxes and special assessments on the outlots from becoming
16 delinquent.
- 17 xviii. To maintain the outlots on a permanent and continuous basis.
- 18 xix. To maintain the private improvements in good order and condition and state
19 of repair, including the routine and reasonable preventative maintenance of
20 the private improvements, on a permanent and continuous basis.
- 21 xx. To maintain the private facilities which have common use or benefit in good
22 order and condition and state of repair, including the routine and reasonable
23 preventative maintenance of the private improvements, on a permanent and
24 continuous basis.
- 25 xxi. To recognize that there may be additional maintenance issues or costs
26 associated with the proper functioning of storm water detention/retention
27 facilities as they were designed and constructed within the development and
28 that these additional maintenance issues or costs are the responsibility of
29 the developer.
- 30 xxii. To retain ownership of and the right of entry to the outlots in order to perform
31 the above-described maintenance of the outlots and private improvements
32 on a permanent and continuous basis. However, Permittee, as subdivider,
33 may be relieved and discharged of such maintenance obligations upon
34 creating in writing a permanent and continuous association of property
35 owners who would be responsible for said permanent and continuous
36 maintenance subject to the following conditions:

- 1 (1) Permittee shall not be relieved of Permittee's maintenance obligation
2 for each specific private improvement until a registered professional
3 engineer or nurseryman who supervised the installation of said
4 private improvement has certified to the City that the improvement
5 has been installed in accordance with approved plans.
- 6 (2) The maintenance agreements are incorporated into covenants and
7 restrictions in deeds to the subdivided property and the documents
8 creating the association and the restrictive covenants have been
9 reviewed and approved by the City Attorney and filed of record with
10 the Register of Deeds.
- 11 xxiii. To protect the trees that are indicated to remain during construction and
12 development.
- 13 xix. To relinquish the right of direct vehicular access to Yankee Hill Road.
- 14 9. Before occupying the buildings and dwelling units all development and construction
15 shall substantially comply with the approved plans.
- 16 10. All privately-owned improvements shall be permanently maintained by the Permittee
17 or an appropriately established homeowners association approved by the City Attorney.
- 18 11. The physical location of all setbacks and yards, buildings, parking and circulation
19 elements, and similar matters must be in substantial compliance with the location of said items as
20 shown on the approved site plan.
- 21 12. The terms, conditions, and requirements of the ordinance shall run with the land and
22 be binding upon the permittee, its successors and assigns.
- 23 13. The Permittee shall sign and return the letter of acceptance to the City Clerk. This
24 step should be completed within 60 days following the approval of the Ordinance. The City Clerk
25 shall file a copy of this Ordinance and the letter of acceptance with the Register of Deeds, filing fees
26 therefore to be paid in advance by the Permittee. Building permits will not be issued unless the
27 letter of acceptance has been filed.
- 28 14. The site plan as approved with this ordinance voids and supersedes Special Permit
29 No. 659, Special Permit No. 659A, and Special Permit No. 659B.

1 Section 3. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall be
2 posted on the official bulletin board of the City, located on the wall across from the City Clerk's
3 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage
4 and such posting to be given by publication one time in the official newspaper by the City Clerk.
5 This ordinance shall take effect and be in force from and after its passage and publication as herein
6 and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2015: _____ Mayor
