

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 27.58 of the Lincoln Municipal Code by  
2 repealing Section 27.58.040 and by amending Sections 27.58.050, 27.58.060, and 27,58.070  
3 regarding uses in the Airport Environs Noise District; and repealing Sections 27.58.050,  
4 27.58.060, and 27,58.070 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 27.58.040 of the Lincoln Municipal Code be and the  
7 same is hereby repealed.

8 ~~**27.58.040 Prohibited Uses, Airport Environs Noise District 1.**~~

9 ~~Within the Airport Environs Noise District 1 at Ldn 65 line and above, no building shall~~  
10 ~~be erected, converted, reconstructed, or structurally altered for use as a church, library, school,~~  
11 ~~health care facility, housing for the elderly, mobile home court, auditorium, concert hall, and~~  
12 ~~music shell.~~

13 Section 2. That Section 27.58.050 of the Lincoln Municipal Code be amended  
14 to read as follows:

15 **27.58.050 Permitted Uses in Relation to Noise Exposure Levels.**

16 (a) A use of a building or premises for the following purposes may be allowed in  
17 the Airport Environs Noise District 1 and Airport Environs Noise District 2 if it lies within the  
18 specified noise exposure levels shown below, ~~but outside of Airport Environs Noise District~~  
19 ~~2~~, conditioned upon compliance with Section 27.58.080 of this chapter.

1           (a~~1~~)    Mobile home courts, schools, libraries, churches, health care facilities,  
2           auditoriums, concert halls, housing for the elderly, and music shells, not to exceed Ldn 65  
3           line.

4           (b~~2~~)    ~~Residential uses which comply with Section 27.58.060, h~~Hotels and  
5           motels, playgrounds, neighborhood parks, noise-sensitive manufacturing, and noise-sensitive  
6           communication facilities, not to exceed Ldn 70 line.

7           (c~~3~~)    Cemeteries, mausoleums and undertaking establishments, riding, water  
8           sports, tennis courts, skating rinks, bowling alleys and other recreational facilities, theaters,  
9           spectator sports, and veterinary facilities and kennels, not to exceed Ldn 75 line.

10          (d~~4~~)    Office buildings, personal business, governmental services, com-  
11          munication facilities, extensive natural recreational areas, financial institutions, retail trade,  
12          restaurants, bars, amusements, sports arenas, golf courses and related support facilities, whole-  
13          sale, manufacturing, construction services, repair services, livestock farming, animal breeding,  
14          utilities, agriculture, mining, fishing, forestry, warehouses, storage facilities, historical  
15          preservation, wind energy conversion systems, transportation facilities, no noise-related  
16          restrictions.

17          (b)     Where property is undeveloped, only such portion of it as is actually within the  
18          Ldn lines shall be considered at or within that Ldn line.  However, at such time as said  
19          property shall be subdivided or platted, any platted buildable lots intersected by an Ldn line  
20          shall be deemed to be wholly within the highest Ldn line.

21                Section 3. That Section 27.58.060 of the Lincoln Municipal Code be amended  
22          to read as follows:

1       **27.58.060    Conditional Permitted Residential Uses in Relation to Noise Exposure Levels.**

2           (a)     A building or premises may be used for residential purposes ~~except mobile~~  
3 ~~home courts, health care facilities, and housing for the elderly,~~ in Airport Environs Noise  
4 District 1 in areas between Ldn 65 line and Ldn 70 line, ~~except within Airport Environs Noise~~  
5 ~~District 2,~~ in conformance with the requirements of Section 27.58.080 of this title and the  
6 conditions prescribed herein:

7           (a<sub>1</sub>)    Prior to applying for a building permit, an applicant shall prepare and  
8 submit to the Planning Director for his review and approval a site plan for the proposed  
9 building or buildings which shall be designed to minimize the impact of noise. This may  
10 include, but need not be limited to:

11                   (1i)    Placing as much distance as possible between the noise source  
12 and noise-sensitive activities;

13                   (2ii)   Placing noise-compatible activities, such as parking lots and open  
14 space, between the noise source and the sensitive activities;

15                   (3iii)   Using buildings as noise barriers;

16                   (4iv)   Orienting buildings so that nonhabitable space, such as utility  
17 rooms, laundry rooms and garages, are located between the noise source and the habitable  
18 space;

19                   (5v)    Utilizing the site's natural shape and contours or constructing  
20 noise barriers between noise sources and noise-sensitive areas. Such noise barriers may  
21 include but need not be limited to berms made of sloping mounds of earth, walls and fences  
22 constructed of a variety of material, dense plantings of trees and shrubs, e.g., 100-foot depth,  
23 and any of these combinations.

1                   (b~~2~~) The site plan submitted to the Planning Director shall be accompanied  
2 by the following information:

3                   (1i) An accurately drawn plan showing location of existing and  
4 proposed structures on the property, open space, parking areas, location of existing trees,  
5 proposed landscape plans, sidewalks, floor plan identifying bedrooms, kitchens, living rooms,  
6 garages, etc., lot lines and building setback lines;

7                   (2ii) Contour lines at intervals not to exceed five feet based on city  
8 data, if the site has not been platted;

9                   (3iii) Location of site with relation to specific Ldn lines;

10                  (4iv) Grading plan, if any;

11                  (5v) Discussion of additional steps to minimize the noise impact, if any;

12                  (6vi) Date prepared, scale, and north point;

13                  (7vii) Name, address and telephone number of applicant;

14                  (8viii) Other relevant information, if any, relating to noise attenuation.

15                  (e~~3~~) Within twenty days from the receipt of a site plan with the required  
16 information, the Planning Director shall notify the applicant and the Director of Building and  
17 Safety whether or not the site plan has been approved or disapproved. If the site plan is  
18 disapproved, the Planning Director shall specify the reasons for such disapproval. A site plan  
19 shall be approved if it reflects a reasonably effective method of minimizing the impact of the  
20 noise to which the proposed building or buildings would be subjected.

21                  (d~~4~~) If the site plan is approved by the Planning Director, a building permit  
22 may be issued by the Director of Building and Safety provided that the building plan shows

1 a design that incorporates acoustical features described below in addition to all other  
2 applicable requirements of the Lincoln Building Code as now existing or hereinafter amended:

3 (~~1~~i) All exterior doors shall be either:

4 (~~1~~)A. solid-core or metal-clad construction of at least 1 3/4  
5 inches thick, or

6 (~~1~~)B. separately equipped with wood or metal storm door.

7 (~~2~~)ii) Storm or multiple-glazed windows shall be provided for all  
8 habitable space.

9 (~~3~~)iii) Through-the-wall/door mailboxes, window or dome skylights,  
10 jalousie windows, or other direct openings from the interior to the exterior of the building  
11 shall be prohibited.

12 (~~4~~)iv) Mechanical ventilation shall be provided of a type and design to  
13 provide adequate environmental comfort with all doors and windows closed during all  
14 seasons. Window and through-the-wall ventilation units shall not be used.

15 (~~5~~)v) Workmanship on doors and windows must be such that they are  
16 as close-fitting as possible or weather-stripping seals shall be incorporated on all edges to  
17 eliminate gaps.

18 (~~e~~)5) In the event that the Planning Director disapproves the site plan, the  
19 applicant may, within ten days after notification of such disapproval, appeal the decision of  
20 the Planning Director to the City Council. The City Council shall, by resolution, affirm,  
21 reverse, or modify the decision of the Planning Director.

1           **(b)**    If the premises is located in both Airport Environs Noise District 1 and Airport  
2 Environs Noise District 2, the premises may be used for the above described uses in  
3 conformance with the requirements of paragraph (a) above and the following conditions:

4                   **(1)**    That portion of the premises located in Airport Environs Noise District  
5 1 shall comply with the minimum lot requirements including, but not limited to, lot area and  
6 required yards of the underlying zoning district for such use.

7                   **(2)**    No residential structure shall be located on that portion of the premises  
8 located in Airport Environs Noise District 2, except for (i) residential structures to be occupied  
9 by resident security guards, caretakers, or supervisory personnel employed and residing on the  
10 premises, (ii) private garages and storage buildings used exclusive for the storage of motor  
11 vehicles and storage of other items accessory to permitted residential uses, and (iii) pre-  
12 existing uses as provided in Section 27.58.090.

13                   Section 4. That Section 27.58.070 of the Lincoln Municipal be amended to read  
14 as follows:

15    **27.58.070    Prohibited Uses, Airport Environs Noise District 2.**

16                   **(a)**    All residential use is prohibited within Airport Environs Noise District 2, except  
17 (1) as provided in Section 27.58.060 for residential use of a premises located in both Airport  
18 Environs Noise District 1 and Airport Environs Noise District 2, (2) for resident security guards,  
19 caretakers or supervisory personnel employed and residing on the premises, and (3) pre-  
20 existing uses as provided in Section 27.58.090.

21                   **(b)**    All regulations contained herein with regard to uses within Airport Environs  
22 Noise District 1 shall be applicable to Airport Environs Noise District 2.

1                   Section 5. That Sections 27.58.050, 27.58.060, and 27.58.070 of the Lincoln  
2 Municipal Code as hitherto existing be and the same are hereby repealed.

3                   Section 6. That this ordinance shall take effect and be in force from and after  
4 its passage and publication according to law.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Staff Review Completed:

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Administrative Assistant