

Change of Zone No. 3322

ORDINANCE NO. _____

1 AN ORDINANCE amending Sections 27.27.080, 27.28.090, 27.31.100,
 2 27.37.070, 27.51.100, 27.58.060, 27.60.035, 27.65.070 and 27.70.050 of the Lincoln
 3 Municipal Code to change "city data" and "city datum" to "NAVD 1988" and to make the
 4 Zoning Ordinance consistent with Title 26, the Land Subdivision Ordinance; and repealing
 5 Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.58.060, 27.60.035,
 6 27.65.070, and 27.70.050 of the Lincoln Municipal Code as hitherto existing.

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

8 Section 1. That Section 27.27.080 of the Lincoln Municipal Code be amended
 9 to read as follows:

10 **27.27.080 Use Permit; Procedures and Requirements.**

11 (a) Minimum requirements: No use permit shall be granted upon any property
 12 having a total area of less than two acres, except as otherwise provided herein, nor for any
 13 plan unless it is in conformance with all applicable city standards and with all regulations of
 14 the applicable sections of this chapter. The Planning Commission shall impose such con-
 15 ditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan
 16 and protect the health, safety, and general welfare in the issuance of any such use permits.
 17 Such conditions may include an increase in the minimum yard requirements and decrease in
 18 the maximum height restrictions set forth in this chapter. Lots fronting on private roadways
 19 may be permitted. Unless expressly modified by the terms of the use permit, all regulations
 20 of the O-3 Office Park District shall apply.

21 (b) Application requirements: Applications for a use permit under this section shall
 22 be filed in writing by the owner on a form provided by the city with the Planning Department.
 23 Where any portion of the land area of a use permit for technology transfer industries or
 24 applications is proposed to be adjacent to the perimeter of the O-3 zoning district and such
 25 use is not permitted in the adjacent zoning district, then the applicant must provide
 26 information demonstrating how the proposal will mitigate any negative impacts on the
 27 adjacent zoning district. The Planning Commission may impose such other standards and
 28 requirements for perimeter treatment as are appropriate and necessary to protect adjoining
 29 properties from adverse effects and to achieve an appropriate transition of land uses and

1 densities. A preliminary plan shall accompany each application and shall include the
2 following information:

3 (1) Boundary survey and gross acreage;

4 (2) Contour lines at intervals not to exceed five feet based on ~~city data~~

5 NAVD 1988. Spot elevations on 100-foot grid shall be required to fully indicate the
6 topography on flat land;

7 (3) Street right-of-way;

8 (4) Utility easements;

9 (5) Adjacent land use and zoning classifications;

10 (6) Location of structures on property;

11 (7) Vicinity map;

12 (8) Date prepared, scale, and north point;

13 (9) Schematic and location of buildings;

14 (10) Parking areas and capacity;

15 (11) Open space for residential uses;

16 (12) Use of buildings, such as retail, service, restaurant, office, residential, and

17 other uses;

18 (13) Height of buildings;

19 (14) Location of existing trees and proposed landscape plan;

20 (15) Proposed vehicular and pedestrian circulation system including egress

21 and ingress;

22 (16) Building and parking setback lines;

23 (17) Grading plan;

24 (18) On-site and off-site water and sanitary sewer improvements;

25 (19) On-site and off-site drainage and storm sewer improvements;

26 (20) Location of proposed free-standing signs;

27 (21) Cross-section for paving of parking lots and sidewalks;

28 (22) Proposed name of the shopping center;

29 (23) Name, address, and telephone number of developer; certified record

30 owner or owners and addresses; and legal description of the proposed use permit area,
31 including the number of acres.

32 (c) Environmental performance standards: Any applicant for a use permit under the
33 provisions of this section shall comply with environmental performance standards relating to
34 noise, emission, dust, odor, glare, and heat as shall be from time to time established by
35 various municipal departments and approved by resolution of the City Council.

36 (d) Landscape plan: Each application for a use permit under this section shall
37 include a landscape plan which shall show proposed plantings in conformance with city stan-
38 dards in all required yard areas, open space areas, malls, parking areas, and around proposed
39 buildings. The Planning Director shall develop appropriate written standards for such
40 landscape plans, which standards shall be approved by resolution of the City Council.

1 (e) Planning Commission review: Upon the filing of an application together with
2 all maps, data, and information required by this section, the City Council shall refer the
3 application to the Planning Commission. The Planning Commission shall hold a public
4 hearing upon such application and shall consider the effect of the proposed use upon the sur-
5 rounding neighborhood, the community as a whole, and other matters relating to public
6 health, safety, and general welfare.

7 (f) Planning Commission action: After holding at least one public hearing, the
8 Planning Commission shall proceed to give final consideration to the application and may
9 require that certain conditions be fulfilled by the applicant in conjunction with approval of the
10 use permit applied for, and may include the requirement that applicant grant additional right-
11 of-way in accordance with the Comprehensive Plan. The Planning Commission may require
12 the execution of a written agreement with the city relating to the installation of public
13 improvements by the applicant, together with the execution of performance bonds or pro-
14 vision of other appropriate surety relating thereto. The installation of all public improvements
15 shall be accomplished in compliance with existing city standards as provided by ordinance
16 or by departmental publications approved by resolution of the City Council. In the event the
17 Planning Commission fails to act upon the application within sixty days from the date of
18 referral, the applicant may appeal to the City Council requesting final action. If the City
19 Council determines that the delay of the Planning Commission is unjustified, it shall direct the
20 commission to act upon the application no later than the commission's next regularly
21 scheduled meeting.

22 (g) Appeal of Planning Commission action:

23 (1) Any aggrieved person or any person or group officially designated to
24 participate in the administration of this title may appeal any action of the Planning
25 Commission to the City Council by filing notice of appeal with the City Clerk within fourteen
26 days following the action of the Planning Commission.

27 (2) Upon receipt of the appeal by the City Council, the council shall hold
28 a public hearing thereon within thirty days from the date of appeal. Notice of the public
29 hearing shall be given as provided in Chapter 27.81.

30 (3) The City Council may, after public hearing, in conformity with the
31 provisions of this title reverse or affirm, wholly or partially, or may modify the action of the
32 Planning Commission appealed from.

33 (h) Adjustment: Upon request of the applicant, the City Council may, after report
34 and recommendation of the Planning Commission, decrease the minimum yard requirements
35 and increase the maximum height restrictions set forth in this chapter at the periphery of the
36 use permit area consistent with adequate protection of the environment of the use permit area
37 and adjacent areas. Upon the request of the applicant, the City Council may, after report and
38 recommendation of the Planning Commission, decrease the minimum yard requirements and
39 increase the maximum height restrictions and may adjust the requirements relative to the
40 location of buildings, required parking spaces, and lot frontage set forth in this chapter in the
41 interior of the use permit area consistent with the adequate protection of the environment of
42 the use permit area. The Planning Commission shall hold a public hearing upon the requested
43 adjustment at the same time that it hears the application for the use permit and shall make a
44 report to the City Council regarding the effect the proposed use and adjustment has upon the

1 surrounding neighborhood, the community as a whole, and other matters relating to public
2 health, safety, and general welfare. Upon receiving a report from the Planning Commission,
3 the City Council shall take final action upon the application for the use permit and the request-
4 ed adjustment.

5 (i) Amendment: The Planning Director is authorized to approve amendments to
6 any use permit granted under this section, provided that:

7 (1) A request for amendment is filed with the Planning Director, together
8 with any of the information specified in paragraph (b) above which is pertinent to the propos-
9 ed amendment;

10 (2) Such amendment shall not violate any provisions of this title;

11 (3) Such amendment may provide for minor increases in total floor area and
12 storage space originally permitted;

13 (4) There is no increase in the number of dwelling units;

14 (5) No reduction is made to the applicable setback or yard requirements;

15 (6) No public land is accepted;

16 (7) Such amendment shall not be contrary to the general purpose of this
17 chapter;

18 (8) Any amendment not in conformance with this paragraph shall be
19 submitted to the Planning Commission in the same manner as an original application for a use
20 permit.

21 (j) Building permits, certificates of occupancy, and certificates of compliance: Upon
22 the approval of a use permit as provided for under this section, building permits and
23 certificates of occupancy may be issued. Certificates of compliance shall not be issued until
24 there has been compliance with all conditions of a use permit and subsequent amendments
25 within each phase of development of a use permit.

26 (k) Preexisting uses: An existing use of a type permitted in this chapter which was
27 lawfully established in this district on the effective date of this title shall be deemed to have
28 received a use permit as herein required and shall be provided with such permit by the
29 Director of Building and Safety upon request, and it shall not be a nonconforming use;
30 provided, however, for any enlargement, extension, or relocation of such existing use, an
31 application in conformance with this section shall be required.

32 (l) If an application for a use permit located within a flood plain is granted approval
33 by the city, it shall not be necessary for the applicant to make an application for a special
34 permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382,
35 and A-57540. It shall be presumed that the applicant has received all such approvals as may
36 be required by the foregoing resolutions by virtue of the city granting approval to the use
37 permit.

38 (m) A use permit may be granted for a lot of less than two acres, provided:

39 (1) The lot was legally created prior to the effective date of this ordinance;
40 and

41 (2) The lot has remained under separate ownership from adjoining properties
42 in the O-3 district.

43 The Planning Commission may, under the above conditions, adjust the requirements
44 under paragraph (a) to permit the applicant a reasonable use of his property.

1 Section 2. That Section 27.28.090 of the Lincoln Municipal Code be amended
2 to read as follows:

3 **27.28.090 Use Permit; Procedures and Requirements.**

4 (a) Minimum requirements: The Planning Commission shall impose such conditions
5 as are appropriate and necessary to ensure compliance with the Comprehensive Plan and
6 protect the health, safety, and general welfare in the issuance of any such use permit. Such
7 conditions may include an increase in the minimum yard requirements and decrease in the
8 maximum height restrictions set forth in this chapter. Lots fronting on private roadways may
9 be permitted. Unless expressly modified by the terms of the use permit, all regulations of the
10 R-T Residential Transition District shall apply.

11 (b) Application requirements: Applications for a use permit under this section shall
12 be filed by the owner in writing on a form provided by the city with the Planning Department.
13 Plans shall accompany each application and shall include the following information:

14 (1) Boundary survey and gross acreage;

15 (2) Contour lines at intervals not to exceed five feet based on ~~city data~~

16 NAVD 1988. Spot elevations on 100-foot grid shall be required to fully indicate the
17 topography on flat land;

18 (3) Street right-of-way;

19 (4) Utility easements;

20 (5) Adjacent land use and zoning classifications;

21 (6) Location of structures on property;

22 (7) Vicinity map;

23 (8) Date prepared, scale, and north point;

24 (9) Schematic and location of buildings;

25 (10) Parking areas and capacity;

26 (11) Use of buildings, such as retail, service, restaurant, office, residential, and
27 other uses;

28 (12) Height of buildings;

29 (13) Location of existing trees and proposed landscape plan;

30 (14) Proposed vehicular and pedestrian circulation system including egress
31 and ingress;

32 (15) Building and parking setback lines;

33 (16) Grading plan;

34 (17) On-site and off-site water and sanitary sewer improvements;

35 (18) On-site and off-site drainage and storm sewer improvements;

36 (19) Location of proposed free-standing signs;

37 (20) Cross-section for paving of parking lots and sidewalks;

1 (21) Name, address, and telephone number of developer; certified record
2 owner or owners and addresses; and legal description of the proposed use permit area,
3 including the number of acres.

4 (c) Environmental performance standards: Any applicant for a use permit under the
5 provisions of this section shall comply with environmental performance standards relating to
6 noise, emission, dust, odor, glare, and heat as shall be from time to time established by
7 various municipal departments and approved by resolution of the City Council.

8 (d) Landscape plan: Each application for a use permit under this section shall
9 include a landscape plan which shall show proposed plantings in conformance with city stan-
10 dards in all required yard areas, open space areas, malls, parking areas, and around proposed
11 buildings. The Planning Director shall develop appropriate written standards for such
12 landscape plans, which standards shall be approved by resolution of the City Council.

13 (e) Planning Commission review: Upon the filing of an application together with
14 all maps, data, and information required by this section, the City Council shall refer the
15 application to the Planning Commission. The Planning Commission shall hold a public
16 hearing upon such application and shall consider the effect of the proposed use upon the sur-
17 rounding neighborhood, the community as a whole, and other matters relating to public
18 health, safety, and general welfare.

19 (f) Planning Commission action: After holding at least one public hearing, the
20 Planning Commission shall proceed to give final consideration to the application and may
21 require that certain conditions be fulfilled by the applicant in conjunction with approval of the
22 use permit applied for, and may include the requirement that applicant grant additional right-
23 of-way in accordance with the comprehensive plan. The Planning Commission may require
24 the execution of a written agreement with the city relating to the installation of public
25 improvements by the applicant, together with the execution of performance bonds or pro-
26 vision of other appropriate surety relating thereto. The installation of all public improvements
27 shall be accomplished in compliance with existing city standards as provided by ordinance
28 or by departmental publications approved by resolution of the City Council. In the event the
29 Planning Commission fails to act upon the application within sixty days from the date of
30 referral, the applicant may appeal to the City Council requesting final action. If the City
31 Council determines that the delay of the Planning Commission is unjustified, it shall direct the
32 commission to act upon the application no later than the Commission's next regularly
33 scheduled meeting.

34 (g) Appeal of Planning Commission action:

35 (1) Any aggrieved person or any person or group officially designated to
36 participate in the administration of this title may appeal any action of the Planning
37 Commission to the City Council by filing notice of appeal with the City Clerk within fourteen
38 days following the action of the Planning Commission.

39 (2) Upon receipt of the appeal by the City Council, the council shall hold
40 a public hearing thereon within thirty days from the date of appeal. Notice of the public
41 hearing shall be given as provided in Chapter 27.81.

42 (3) The City Council may, after public hearing, in conformity with the
43 provisions of this title reverse or affirm, wholly or partially, or may modify the action of the
44 Planning Commission appealed from.

1 (h) Adjustment: Upon request of the applicant, the City Council may, after report
2 and recommendation of the Planning Commission, decrease the minimum yard requirements
3 and increase the maximum height restrictions and may adjust the requirements relative to the
4 location of buildings and required parking spaces and lot frontage set forth in this chapter
5 consistent with adequate protection of the environment of the use permit area and adjacent
6 areas provided the building shall not exceed the height of the tallest residence on the same
7 and facing block fronts. The Planning Commission shall hold a public hearing upon the
8 requested adjustment at the same time that it hears the application for the use permit and shall
9 make a report to the City Council regarding the effect the proposed use and adjustment has
10 upon the surrounding neighborhood, the community as a whole, and other matters relating
11 to public health, safety, and general welfare. Upon receiving a report from the Planning
12 Commission, the City Council shall take final action upon the application for the use permit
13 and the requested adjustment.

14 (i) Amendment: The Planning Director is authorized to approve amendments to
15 any use permit granted under this section, provided that:

16 (1) A request for amendment is filed with the Planning Director, together
17 with any of the information specified in paragraph (b) above which is pertinent to the propos-
18 ed amendment;

19 (2) Such amendment shall not violate any provisions of this title;

20 (3) Such amendment may provide for minor increases in total floor area and
21 storage space originally permitted;

22 (4) There is no increase in the number of dwelling units;

23 (5) No reduction is made to the applicable setback or yard requirements;

24 (6) No public land is accepted;

25 (7) Such amendment shall not be contrary to the general purpose of this
26 chapter;

27 (8) Any amendment not in conformance with this paragraph shall be
28 submitted to the Planning Commission in the same manner as an original application for a use
29 permit.

30 (j) Building permits, certificates of occupancy, and certificates of compliance:
31 Upon the approval of a use permit as provided for under this section, building permits and
32 certificates of occupancy may be issued. Certificates of compliance shall not be issued until
33 there has been compliance with all conditions of a use permit and subsequent amendments
34 within each phase of development of a use permit.

35 (k) Preexisting uses: An existing use of a type permitted in this chapter which was
36 lawfully established in this district on the effective date of this title shall be deemed to have
37 received a use permit as herein required and shall be provided with such permit by the
38 Director of Building and Safety upon request, and it shall not be a nonconforming use;
39 provided, however, for any enlargement, extension, or relocation of such existing use, an
40 application in conformance with this section shall be required.

41 (l) If an application for a use permit located within a flood plain is granted approval
42 by the city, it shall not be necessary for the applicant to make an application for a special
43 permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382,
44 and A-57540. It shall be presumed that the applicant has received all such approvals as may

1 be required by the foregoing resolutions by virtue of the city granting approval to the use
2 permit.

3 Section 3. That Section 27.31.100 of the Lincoln Municipal Code be amended
4 to read as follows:

5 **27.31.100 Use Permit; Procedures and Requirements.**

6 (a) Minimum requirements: No use permit shall be granted upon any property hav-
7 ing a total area of less than five acres, except as provided under Section 27.31.100(k), nor for
8 any plan unless it is in conformance with all applicable city standards and with all regulations
9 of the applicable sections of this chapter. The Planning Commission shall impose such
10 conditions as are appropriate and necessary to ensure compliance with the Comprehensive
11 Plan and protect the health, safety, and general welfare in the issuance of any such use
12 permits. Such conditions may include an increase in the minimum yard requirements and
13 decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private
14 roadways may be permitted. Unless expressly modified by the terms of the use permit, all
15 regulations of the B-2 Planned Neighborhood Business District shall apply.

16 (b) Application requirements: Applications for a use permit under this section shall
17 be filed by the owner in writing on a form provided by the city with the Planning Department.
18 A preliminary plan shall accompany each application and shall include the following
19 information:

20 (1) Boundary survey and gross acreage;

21 (2) Contour lines at intervals not to exceed five feet based on ~~city data~~

22 NAVD 1988. Spot elevations on 100-foot grid shall be required to fully indicate the

23 topography on flat land;

24 (3) Street right of way;

25 (4) Utility easements;

26 (5) Adjacent land use and zoning classifications;

27 (6) Location of structures on property;

28 (7) Vicinity map;

29 (8) Date prepared, scale and north point;

30 (9) Schematic and location of buildings;

31 (10) Parking areas and capacity;

32 (11) Open space for residential uses;

33 (12) Use of buildings, such as retail, service, restaurant, office, residential and

34 other uses;

35 (13) Height of buildings;

36 (14) Location of existing trees and proposed landscape plan;

37 (15) Proposed vehicular and pedestrian circulation system including egress

38 and ingress;

1 (16) Building and parking setback lines;
2 (17) Grading plan;
3 (18) On-site and off-site water and sanitary sewer improvements;
4 (19) On-site and off-site drainage and storm sewer improvements;
5 (20) Location of proposed free-standing signs;
6 (21) Cross-section for paving of parking lots and sidewalks;
7 (22) Proposed name of the shopping center;
8 (23) Name, address, and telephone number of developer; certified record
9 owner or owners and addresses; and legal description of the proposed use permit area,
10 including the number of acres.

11 (c) Environmental performance standards: Any applicant for a use permit under the
12 provisions of this section shall comply with environmental performance standards relating to
13 noise, emission, dust, odor, glare, and heat as shall be from time to time established by
14 various municipal departments and approved by resolution of the City Council.

15 (d) Landscape plan: Each application for a use permit under this section shall
16 include a landscape plan which shall show proposed plantings in conformance with city
17 standards in all required yard areas, open space areas, malls, parking areas and around
18 proposed buildings. The Planning Director shall develop appropriate written standards for
19 such landscape plans, which standards shall be approved by resolution of the City Council.

20 (e) Planning Commission review: Upon the filing of an application together with
21 all maps, data, and information required by this section, the City Council shall refer the
22 application to the Planning Commission. The Planning Commission shall hold a public
23 hearing upon such application and shall consider the effect of the proposed use upon the sur-
24 rounding neighborhood, the community as a whole, and other matters relating to public
25 health, safety, and general welfare.

26 (f) Planning Commission action: After holding at least one public hearing, the
27 Planning Commission shall proceed to give final consideration to the application and may
28 require that certain conditions be fulfilled by the applicant in conjunction with approval of the
29 use permit applied for, and may include the requirement that applicant grant additional right
30 of way in accordance with the Comprehensive Plan. The Planning Commission may require
31 the execution of a written agreement with the city relating to the installation of public
32 improvements by the applicant, together with the execution of performance bonds or
33 provision of other appropriate surety relating thereto. The installation of all public
34 improvements shall be accomplished in compliance with existing city standards as provided
35 by ordinance or by departmental publications approved by resolution of the City Council. In
36 the event the Planning Commission fails to act upon the application within sixty days from the
37 date of referral, the applicant may appeal to the City Council requesting final action. If the
38 City Council determines that the delay of the Planning Commission is unjustified, it shall
39 direct the commission to act upon the application no later than the commission's next
40 regularly scheduled meeting.

41 (g) Appeal of Planning Commission action:

42 (1) Any aggrieved person or any person or group officially designated to
43 participate in the administration of this title may appeal any action of the Planning

1 Commission to the City Council by filing notice of appeal with the City Clerk within fourteen
2 days following the action of the Planning Commission.

3 (2) Upon receipt of the appeal by the City Council, the council shall hold
4 a public hearing thereon within thirty days from the date of appeal. Notice of the public
5 hearing shall be given as provided in Chapter 27.81.

6 (3) The City Council may, after public hearing, in conformity with the
7 provisions of this title reverse or affirm, wholly or partially, or may modify the action of the
8 Planning Commission appealed from.

9 (h) Adjustment of yard requirements and height restrictions: Upon request of the
10 applicant, the City Council may, after report and recommendation of the Planning
11 Commission, decrease the minimum yard requirements and increase the maximum height
12 restrictions and may adjust the requirements relative to the location of buildings and required
13 parking spaces and lot frontage set forth in this chapter consistent with adequate protection
14 of the environment of adjacent land uses. The Planning Commission shall hold a public
15 hearing upon the requested adjustment at the same time that it hears the application for the
16 use permit and shall make a report to the City Council regarding the effect the proposed use
17 and adjustment has upon the surrounding neighborhood, the community as a whole, and
18 other matters relating to public health, safety, and general welfare. Upon receiving a report
19 from the Planning Commission, the City Council shall take final action upon the use permit
20 and the adjustment.

21 (i) Amendment: The Planning Director is authorized to approve amendments to
22 any use permit granted under this section, provided that:

23 (1) A request for amendment is filed with the Planning Director, together
24 with any of the information specified in paragraph (b) above which is pertinent to the
25 proposed amendment;

26 (2) Such amendment shall not violate any provisions of this
27 title;

28 (3) Such amendment may provide for minor increases in total floor area and
29 storage space originally permitted;

30 (4) There is no increase in the number of dwelling units;

31 (5) No reduction is made to the applicable setback or yard requirements;

32 (6) No public land is accepted;

33 (7) Such amendment shall not be contrary to the general purpose of this
34 section as specified in Section 27.31.020;

35 (8) Any amendment not in conformance with this paragraph shall be
36 submitted to the Planning Commission in the same manner as an original application for a use
37 permit.

38 (j) Building permits, certificates of occupancy, and certificates of compliance: Upon
39 the approval of a use permit as provided for under this section, building permits and
40 certificates of occupancy may be issued. Certificates of compliance shall not be issued until
41 there has been compliance with all conditions of a use permit and subsequent amendments
42 within each phase of development of a use permit.

43 (k) Preexisting uses: An existing use of a type permitted in this chapter which was
44 lawfully established in this district on the effective date of this title shall be deemed to have

1 received a use permit as herein required and shall be provided with such permit by the
2 Director of Building and Safety upon request, and it shall not be a nonconforming use;
3 provided, however, for any enlargement, extension, or relocation of such existing use, an
4 application in conformance with this section shall be required.

5 (l) A use permit may be granted for a lot of less than five acres, provided:

6 (1) The lot was legally created prior to the effective date of this ordinance;

7 (2) The lot has remained under separate ownership from adjoining properties
8 in the B-2 district.

9 The Planning Commission may, under the above conditions, adjust the requirements
10 under paragraph (b) to permit the applicant a reasonable use of his property.

11 (m) If an application for a use permit located within a flood plain is granted approval
12 by the city, it shall not be necessary for the applicant to make an application for a special
13 permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382,
14 and A-57540. It shall be presumed that the applicant has received all such approvals as may
15 be required by the foregoing resolutions by virtue of the city granting approval to the use
16 permit.

17 Section 4. That Section 27.37.070 of the Lincoln Municipal Code be amended
18 to read as follows:

19 **27.37.070 Use Permits; Procedures and Requirements.**

20 (a) Minimum requirements. No use permit shall be granted upon any property
21 having a total area of less than thirty acres, nor for any plan unless it is in conformance with
22 all applicable city standards and with all regulations of the applicable sections of this chapter.
23 The Planning Commission shall impose such conditions as are appropriate and necessary to
24 ensure compliance with the Comprehensive Plan and protect the health, safety, and general
25 welfare in the issuance of any use permits. Such conditions may include an increase in the
26 minimum yard requirements and a decrease in the maximum height restrictions set forth in
27 this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified
28 by the terms of the use permit, all regulations of the B-5 Planned Regional Business District
29 shall apply.

30 (b) Environmental performance standards. Any applicant for a use permit under the
31 provisions of this section shall comply with such environmental performance standards
32 relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established
33 by various municipal departments and approved by resolution of the City Council.

34 (c) Environmental impact statement and market analysis. If any application for a
35 change of zone to the B-5 Planned Regional Business District or for a use permit under the
36 provisions of this section substantially deviates from the Comprehensive Plan in terms of
37 location or size, as determined by the Planning Director, the applicant shall submit an
38 environmental impact statement and a market analysis which shall serve as a guide to the
39 Planning Commission for evaluation of such application in terms of need, desirability,
40 supportability, and its implications for the overall growth of the community. The Planning
41 Director shall develop appropriate written standards and forms for such environmental impact

1 statement and market analysis, which shall be approved by the City Council after report and
2 recommendation of the Planning Commission.

3 (d) Landscape plan. Each application for a use permit under this section shall
4 include a landscape plan which shall show proposed plantings in conformance with city
5 standards in all required yard areas, open space areas, malls, parking areas and around
6 proposed buildings. The Planning Director shall develop appropriate written standards for
7 such landscape plans, which standards shall be approved by resolution of the City Council.

8 (e) Application requirements. Applications for a use permit under this section shall
9 be filed by the owner in writing with the Planning Department on a form provided by the city.
10 A preliminary plan shall accompany each application and shall include the following in-
11 formation:

12 (1) Boundary survey and gross acreage;

13 (2) Contour lines at intervals not to exceed five feet based on ~~city data~~

14 NAVD 1988. Spot elevations on one hundred foot grids shall be required to fully indicate the
15 topography on flat land;

16 (3) Street right of way;

17 (4) Utility easements;

18 (5) Adjacent land use and zoning classifications;

19 (6) Location of structures on property;

20 (7) Vicinity map;

21 (8) Date prepared, scale and north point;

22 (9) Schematic building layout;

23 (10) Parking areas and capacity;

24 (11) Open space for residential uses;

25 (12) Use of buildings, such as retail, service, restaurant, office, residential, and
26 other uses. Buildings to be included in the first phase construction shall include tenant
27 occupancies where known. A clear demonstration shall be made that the residential use will
28 be protected from adverse effects, such as traffic, air pollution, noise, and glare; and the
29 mixing of residential and commercial uses on the ground level shall be discouraged;

30 (13) Acreage and percentage of total developed building area, parking lots,
31 open space, malls, and other features;

32 (14) Height of buildings;

33 (15) Location of existing trees and proposed landscape plan;

34 (16) Proposed vehicular and pedestrian circulation system, including ingress
35 and egress;

36 (17) Building and parking setback lines;

37 (18) Grading plan;

38 (19) Phase of development and proposed starting dates;

39 (20) Discussion of adverse environmental effects of the project and proposed
40 steps to minimize these effects;

1 (21) On-site and off-site water and sanitary sewer improvements;
2 (22) On-site and off-site drainage and storm sewer improvements;
3 (23) Location of proposed free-standing signs;
4 (24) Cross-section for paving of parking lots and sidewalks;
5 (25) Proposed name, if any, of the shopping center;
6 (26) Name, address, and telephone number of developer, certified record
7 owner, or owners, and addresses; legal description of the proposed use permit area, including
8 the number of acres.

9 (f) Planning Commission review. Upon the filing of an application together with
10 all maps, data, and information required by this section, the City Council shall refer the
11 application to the Planning Commission. The Planning Commission shall hold a public
12 hearing upon such application and shall consider the effect of the proposed use upon the
13 surrounding neighborhood, the community as a whole, and other matters relating to public
14 health, safety, and general welfare.

15 (g) Planning Commission action. After holding at least one public hearing, the
16 Planning Commission shall proceed to give final consideration to the application and may
17 require that certain conditions be fulfilled by the applicant in conjunction with approval of the
18 use permit applied for, and may include the requirement that applicant grant additional right
19 of way in accordance with the Comprehensive Plan. The Planning Commission may require
20 the execution of a written agreement with the city relating to the installation of public
21 improvements by the applicant, together with the execution of performance bonds or
22 provision of other appropriate surety relating thereto. The installation of all public
23 improvements shall be accomplished in compliance with existing city standards as provided
24 by ordinance or by departmental publications approved by resolution of the City Council. In
25 the event the Planning Commission fails to act upon the application within sixty days from the
26 date of referral, the applicant may appeal to the City Council requesting final action. If the
27 City Council determines that the delay of the Planning Commission is unjustified, it shall
28 direct the commission to act upon the application no later than the commission's next
29 regularly scheduled meeting.

30 (h) Appeal of Planning Commission action. (1) Any aggrieved person or any
31 person or group officially designated to participate in the administration of this title may
32 appeal any action of the Planning Commission to the City Council by filing notice of appeal
33 with the City Clerk within fourteen days following the action of the Planning Commission.

34 (2) Upon receipt of the appeal by the City Council, the council shall hold
35 a public hearing thereon within thirty days from the date of appeal. Notice of the public
36 hearing shall be given as provided in Chapter 27.81.

37 (3) The City Council may, after public hearing, in conformity with the
38 provisions of this title reverse or affirm, wholly or partially, or may modify the action of the
39 Planning Commission appealed from.

40 (i) Adjustment of yard requirements, height restrictions, and parking.

41 (1) Upon request of the applicant, the City Council may, after report and
42 recommendation of the Planning Commission, decrease the minimum yard requirements and
43 increase the maximum height restrictions and may adjust the requirements relative to the

1 location of buildings and required parking spaces and lot frontage set forth in this chapter
2 consistent with adequate protection of the environment of adjacent land uses.

3 (2) Upon request of the applicant, the City Council may, after report and
4 recommendation of the Planning Commission, decrease the required parking set forth in this
5 chapter and Chapter 27.67 if it is determined that the mix of uses or ownership patterns create
6 situations where the applicability of a particular standard is not feasible.

7 (3) The Planning Commission shall hold a public hearing upon the requested
8 adjustment at the same time that it hears the application for the use permit and shall make a
9 report to the City Council regarding the effect the proposed use and adjustment has upon the
10 surrounding neighborhood, the community as a whole, and other matters relating to public
11 health, safety, and general welfare. Upon receiving a report from the Planning Commission,
12 the City Council shall take final action upon the application for the use permit and the request-
13 ed adjustment.

14 (j) Amendment. The Planning Director is authorized to approve amendments to
15 any use permit granted under this section, including square footage of floor area and storage
16 space in phases of development; provided, that:

17 (1) A request for amendment is filed with the Planning Director, together
18 with any of the information specified in paragraph (f) above which is pertinent to the proposed
19 amendment;

20 (2) Such amendment shall not violate any provisions of this title;

21 (3) Such amendment may provide for minor increases in total floor area and
22 storage space originally permitted;

23 (4) There is no increase in the number of dwelling units;

24 (5) No reduction is made to the applicable setback or yard requirements;

25 (6) No public land is accepted;

26 (7) Such amendment shall not be contrary to the general purpose section as
27 specified in paragraph (a) above;

28 (8) Any amendment not in conformance with this paragraph shall be
29 submitted to the Planning Commission in the same manner as an original use permit.

30 (k) Building permits, certificates of occupancy and certificates of compliance. Upon
31 the approval of a use permit as provided for under this section, building permits and
32 certificates of occupancy may be issued. Certificates of compliance shall not be issued until
33 there has been compliance with all conditions and subsequent amendments within each phase
34 of development of a use permit.

35 (l) Preexisting uses. An existing use of a type permitted in this chapter which was
36 lawfully established in this district on the effective date of this title, and any enlargement or
37 extension as permitted in this section, shall be deemed to have received a use permit as herein
38 required and shall be provided with such permit by the Director of Building and Safety upon
39 request, and shall not be a nonconforming use.

40 (m) If an application for a use permit located within a flood plain is granted approval
41 by the city, it shall not be necessary for the applicant to make an application for a special
42 permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382,
43 and A-57540. It shall be presumed that the applicant has received all such approvals as may

1 be required by the foregoing resolutions by virtue of the city granting approval to the use
2 permit.

3 Section 5. That Section 27.51.100 of the Lincoln Municipal be amended to read
4 as follows:

5 **27.51.100 Use Permit Section.**

6 (a) Minimum Requirements. No use permit shall be granted upon any property
7 having a total area of less than seventy-five acres, nor for any plan unless it is in conformance
8 with all applicable city standards and with all regulations of the applicable sections of this
9 chapter. The Planning Commission shall impose such conditions as are appropriate and
10 necessary to ensure compliance with the comprehensive plan and protect the health, safety,
11 and general welfare in the issuance of any use permits. Such conditions may include an
12 increase in the minimum yard requirements and decrease in the maximum height restrictions
13 set forth in this chapter. Lots fronting on private roadways may be permitted. Unless
14 expressly modified by the terms of the use permit, all regulations of the I-3 Employment Center
15 District shall apply.

16 (b) Environmental Performance Standards. Any applicant for a use permit under the
17 provisions of this section shall comply with environmental performance standards relating to
18 noise, emission, dust, odor, glare, and heat as shall be approved by resolution of the City
19 Council.

20 (c) Landscape Plan. Before building permit approval, each application for a use
21 permit under this section shall include a landscape plan which shall show proposed plantings
22 in conformance with city standards in all required yard areas, open space areas, parking areas,
23 and around proposed buildings. The Planning Director shall develop appropriate written
24 standards for such landscape plans, which standards shall be approved by resolution of the
25 City Council.

26 (d) Application Requirements. Applications for a use permit under this section shall
27 be filed in writing on a form provided by the city with the Planning Department. A
28 preliminary plan shall accompany each application and shall include the following
29 information:

30 (1) Boundary survey and gross acreage;

31 (2) Contour lines at intervals not to exceed five feet based on ~~city data~~

32 NAVD 1988. Spot elevations on one hundred foot grid shall be required to fully indicate the
33 topography of flat land.

34 (3) Street right-of-way;

35 (4) Utility easements;

36 (5) Adjacent land use and zoning classifications;

37 (6) The amount of traffic to be generated and the street facilities required to
38 accommodate said traffic;

- 1 (7) Location of building envelopes within which structures may be located;
- 2 (8) Vicinity map;
- 3 (9) Date prepared, scale and north point;
- 4 (10) Location of parking envelopes within which parking lots shall be located
- 5 and stating the required number of parking stalls;
- 6 (11) Proposed use and total square feet of buildings to be located within the
- 7 proposed I-3 employment center in accordance with Section 27.51.030(b);
- 8 (12) Acreage and percentage of total developed building area, parking lot,
- 9 open space, and similar uses;
- 10 (13) Location of existing tree masses;
- 11 (14) Identify vehicular ingress and egress points;
- 12 (15) Building and parking set-back lines;
- 13 (16) Generalized grading plan;
- 14 (17) On-site and off-site water and sanitary sewer improvements;
- 15 (18) On-site and off-site drainage and storm sewer improvements;
- 16 (19) Proposed name of the project;
- 17 (20) Name, address, and telephone number of developer, certified record
- 18 owner or owners, and their addresses; and legal description of the proposed use permit area
- 19 including the number of acres.

20 (e) Planning Commission Review. Upon the filing of an application together with
21 all maps, data, and information required by this section, the City Council shall refer the
22 application to the Planning Commission. The Planning Commission shall hold a public
23 hearing upon such application and shall consider the effect of the proposed use upon the
24 surrounding neighborhood, the community as a whole, and other matters relating to public
25 health, safety, and general welfare.

26 (f) Planning Commission Action. After holding at least one public hearing, the
27 Planning Commission shall proceed to give final consideration to the application and may
28 require that certain conditions be fulfilled by the applicant in conjunction with approval of the
29 use permit applied for, and may include the requirement that applicant grant additional right
30 of way in accordance with the Comprehensive Plan. The Planning Commission may require
31 the execution of a written agreement with the city relating to the installation of public
32 improvements by the applicant, together with the execution of performance bonds or
33 provision of other appropriate surety relating thereto. The installation of all public
34 improvements shall be accomplished in compliance with existing city standards as provided
35 by ordinance or by departmental publications approved by resolution of the City Council. In
36 the event the Planning Commission fails to act upon the application within sixty days from the
37 date of referral, the applicant may appeal to the City Council requesting final action. If the
38 City Council determines that the delay of the Planning Commission is unjustified, it shall
39 direct the commission to act upon the application no later than the commission's next
40 regularly scheduled meeting.

41 (g) Appeal of Planning Commission Action.

42 (1) Any aggrieved person or any person or group officially designated to
43 participate in the administration of this title may appeal any action of the Planning

1 Commission to the City Council by filing notice of appeal with the City Clerk within fourteen
2 days following the action of the Planning Commission.

3 (2) Upon receipt of the appeal by the City Council, the council shall hold
4 a public hearing thereon within thirty days from the date of appeal. Notice of the public
5 hearing shall be given as provided in Chapter 27.81.

6 (3) The City Council may, after public hearing, in conformity with the
7 provisions of this title reverse or affirm, wholly or partially, or may modify the action of the
8 Planning Commission appealed from.

9 (h) Adjustment of Yard Requirements and Height Restrictions. Upon request of the
10 applicant, the City Council may, after report and recommendation of the Planning
11 Commission, decrease the minimum yard requirements and increase the maximum height
12 restrictions and may adjust the requirements relative to the location of buildings and required
13 parking spaces and lot frontage set forth in this chapter consistent with adequate protection
14 of the environment of adjacent land uses. The Planning Commission shall hold a public
15 hearing upon the requested adjustment at the same time that it hears the application for the
16 use permit and shall make a report to the City Council regarding the effect the proposed use
17 and adjustment has upon the surrounding neighborhood, the community as a whole, and
18 other matters relating to public health, safety, and general welfare. Upon receiving a report
19 from the Planning Commission, the City Council shall take final action upon the application
20 for the use permit and the requested adjustment.

21 (i) Amendment. The Planning Director is authorized to approve amendments to
22 any use permit granted under this section, including square footage of floor area and storage
23 space in phases of development; provided that:

24 (1) A request for amendment is filed with the Planning Director, together
25 with any of the information specified in paragraph (d) above which is pertinent to the propos-
26 ed amendment;

27 (2) Such amendment shall not violate any regulations set forth in this title;

28 (3) Such amendment may provide for up to ten percent (10%) increase in
29 total floor area of the project over the total floor area originally permitted;

30 (4) No reduction is made to the applicable setback or yard requirements;

31 (5) No public land is accepted;

32 (6) Such amendment shall not be contrary to the general purposes of this
33 chapter as set forth in paragraph (a) above;

34 (7) Any amendment not in conformance with this paragraph shall be
35 submitted to the Planning Commission in the same manner as an original use permit.

36 (j) Building Permits, Certificates of Occupancy, and Certificates of Compliance.
37 Upon the approval of a use permit as provided for under this section, building permits and
38 certificates of occupancy may be issued. Certificates of compliance shall not be issued until
39 there has been compliance with all conditions of a use permit and subsequent amendments
40 within each phase of development of a use permit.

41 (k) Preexisting uses.

42 (1) An existing use of a type permitted in this chapter which was lawfully
43 established in this district on the effective date of this chapter shall be deemed to have
44 received a use permit as herein required and shall be provided with such permit by the

1 Director of Building and Safety upon request, and it shall not be a nonconforming use;
2 provided, however, for any enlargement, extension, or relocation of such existing use, an
3 application in conformance with this section shall be required.

4 (2) If an application for a use permit located within a flood plain is granted
5 approval by the city, it shall not be necessary for the applicant to make an application for a
6 special permit to be approved by the City Council as required by Resolution Nos. A-55150,
7 A-56382, and A-57540. It shall be presumed that the applicant has received all such
8 approvals as may be required by the foregoing resolutions by virtue of the city granting
9 approval to the use permit.

10 Section 6. That Section 27.58.060 of the Lincoln Municipal Code be amended
11 to read as follows:

12 **27.58.060 Conditional Permitted Residential Uses in Relation to Noise Exposure Levels.**

13 (a) A building or premises may be used for residential purposes in Airport Environs
14 Noise District 1 in areas between Ldn 65 line and Ldn 70 line, in conformance with the re-
15 quirements of Section 27.58.080 of this title and the conditions prescribed herein:

16 (1) Prior to applying for a building permit, an applicant shall prepare and
17 submit to the Planning Director for his review and approval a site plan for the proposed
18 building or buildings which shall be designed to minimize the impact of noise. This may
19 include, but need not be limited to:

20 (i) Placing as much distance as possible between the noise source
21 and noise-sensitive activities;

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

24 (iii) Using buildings as noise barriers;

25 (iv) Orienting buildings so that nonhabitable space, such as utility
26 rooms, laundry rooms and garages, are located between the noise source and the habitable
27 space;

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

33 (2) The site plan submitted to the Planning Director shall be accompanied
34 by the following information:

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

39 (ii) Contour lines at intervals not to exceed five feet based on city data

40 NAVD 1988, if the site has not been platted;

- 1 (iii) Location of site with relation to specific Ldn lines;
- 2 (iv) Grading plan, if any;
- 3 (v) Discussion of additional steps to minimize the noise impact, if
- 4 any;
- 5 (vi) Date prepared, scale, and north point;
- 6 (vii) Name, address and telephone number of applicant;
- 7 (viii) Other relevant information, if any, relating to noise attenuation.

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

14 (4) If the site plan is approved by the Planning Director, a building permit
15 may be issued by the Director of Building and Safety provided that the building plan shows
16 a design that incorporates acoustical features described below in addition to all other
17 applicable requirements of the Lincoln Building Code as now existing or hereinafter amended:

- 18 (i) All exterior doors shall be either:
 - 19 A. solid-core or metal-clad construction of at least 1 3/4 inches
 - 20 thick, or
 - 21 B. separately equipped with wood or metal storm door.
- 22 (ii) Storm or multiple-glazed windows shall be provided for all
- 23 habitable space.
- 24 (iii) Through-the-wall/door mailboxes, window or dome skylights,
25 jalousie windows, or other direct openings from the interior to the exterior of the building
26 shall be prohibited.
- 27 (iv) Mechanical ventilation shall be provided of a type and design to
28 provide adequate environmental comfort with all doors and windows closed during all
29 seasons. Window and through-the-wall ventilation units shall not be used.
- 30 (v) Workmanship on doors and windows must be such that they are
31 as close-fitting as possible or weather-stripping seals shall be incorporated on all edges to
32 eliminate gaps.

33 (5) In the event that the Planning Director disapproves the site plan, the
34 applicant may, within ten days after notification of such disapproval, appeal the decision of
35 the Planning Director to the City Council. The City Council shall, by resolution, affirm,
36 reverse, or modify the decision of the Planning Director.

37 Section 7. That Section 27.60.035 of the Lincoln Municipal Code be amended
38 to read as follows:

39 **27.60.035 Preliminary Plan; Form.**

40 The preliminary plan for a general or corporate office park planned unit development
41 shall be in the following form and contain the following information:

1 (a) A statement in narrative form generally describing the proposed development
2 and its location, statement of the present zoning of the property and the zoning of the property
3 surrounding the tract to be included within the planned unit development, a brief discussion
4 of the consistency or inconsistency of the proposed development with the comprehensive
5 plan, how the development will potentially impact the land surrounding the tracts included
6 in the proposed development and the community generally; a discussion of adverse
7 environmental effects of the project and proposed steps to minimize these effects and indicate
8 where any portion of the proposal differs from regulatory or design requirements; and
9 statements in support of deviations from regulations otherwise applicable to uses proposed
10 within the development.

11 (b) A plot plan which shall be accurately, clearly, and legibly drawn in sufficient
12 size and scale to show the details of the plan clearly, and which shall contain the following:

13 (1) A certificate for showing the Planning Commission's approval or
14 disapproval, and a certificate for the City Clerk to show the approval by City Council;

15 (2) Existing and proposed contour lines at intervals not to exceed five feet
16 based on ~~city data~~ NAVD 1988. Spot elevations on a 100-foot grid shall be required to fully
17 indicate the topography on flat land;

18 (3) Location, name, tangent length, centerline radius of each curve and its
19 interior angle and right-of-way and pavement width of all proposed and existing streets,
20 highways, private roadways, and other public ways within and adjacent to the development;

21 (4) Location and width of all existing and proposed easements for drainage,
22 sewers, and other public utilities and, if appropriate, pedestrian and vehicular access ease-
23 ments;

24 (5) Location, width, and direction of flow of all watercourses in and adjacent
25 to the planned unit development, including the limits of the flood plain and floodway as
26 defined in Chapter 27.55;

27 (6) Location and size of all existing and proposed sanitary and storm sewers,
28 culverts, watermains, fire hydrants, and existing power lines and other underground structures
29 or cables within the tract of land and adjacent streets;

30 (7) All lot lines, building setback lines and dimensions of all lot lines,
31 setbacks, and building envelope lines. Chord distances shall be shown for lot lines abutting
32 curvilinear streets;

33 (8) Lot numbers shall begin with the number one and shall continue
34 consecutively through a block with no omission or duplication. Blocks shall be numbered in
35 the same manner. Letters shall be used to designate outlots in alphabetical order;

36 (9) Proposed areas for parks and playgrounds. Any parcels other than streets
37 which are dedicated or reserved for public use shall be clearly shown, and said parcels shall
38 be designated as outlots and assigned an alphabetical designation;

39 (10) The location of all proposed and existing sidewalks, walkways, and other
40 pedestrian ways;

1 (11) The location, floor area, number of dwelling units, and height of
2 proposed and existing buildings with an indication as to whether an existing building is to be
3 removed or to be retained;

4 (12) Vicinity map;

5 (13) Parking areas and capacity;

6 (14) Open space for residential uses and for required landscaping and
7 screening;

8 (15) Use of buildings, such as retail, service, restaurant, office, residential,
9 industrial, and other uses;

10 (16) Conceptual landscape plan;

11 (17) Location of proposed free-standing signs.

12 (c) The following data shall be shown on each sheet of the planned unit
13 development plot plan:

14 (1) The name of the planned unit development;

15 (2) The name, address, and telephone number of the person or company
16 responsible for preparation of the plan;

17 (3) North arrow, scale, date prepared, and location of section lines and
18 section corners;

19 (4) Sheet number and the total number of sheets comprising the planned unit
20 development plot plan.

21 (d) Accompanying the plans, the following information shall be submitted to the
22 Planning Department:

23 (1) Name, address, and telephone number of developer;

24 (2) Certified record owner or owners and their address;

25 (3) Legal description of the proposed planned unit development, including
26 the number of acres.

27 (e) Profiles along the centerline of the proposed streets and private roadways which
28 show the existing ground surface elevations and the proposed street grades, including the
29 length of vertical curves between changes in grade with the profiles for stub streets ending at
30 the boundary of the planned unit development to be extended 300 feet beyond the limits of
31 the planned unit development.

32 (f) A drainage study prepared in accordance with the current storm sewer design
33 standards of the city on file with the City Clerk. The following items must be included in the
34 drainage study:

35 (1) A map showing the drainage area and resulting runoff from any land
36 lying outside the limits of the planned unit development which discharges stormwater runoff
37 to or through the planned unit development;

38 (2) A map showing all internal drainage areas and resulting runoff;

39 (3) Proposals as to how the computed quantities of runoff will be handled;

40 (4) A copy of the drainage computations.

41 (g) A map or an aerial photograph showing the proposed streets, private roadways,
42 driveways, parking areas, buildings, and lots which includes the location and identifies, by
43 common name, all existing trees within the area of the planned unit development. Single
44 trees which are three inches in caliper or larger measured five feet above the ground must be

1 shown. However, if five or more trees are located so that each is within ten feet of the edge
2 of another tree, they will be considered a tree mass and the outline of the tree mass may be
3 shown, with a list of the common names of the trees which are within the tree mass. If the
4 above-stated procedure is followed, the individual location of each tree within the tree mass
5 is not necessary. An indication shall be made on the map showing which trees or tree masses
6 are to remain and which trees or tree masses are to be removed.

7 (h) Environmental impact statement and market analysis. If any application for a
8 planned unit development under the provisions of this chapter substantially deviates from the
9 comprehensive plan in terms of location or size, as determined by the Planning Director, the
10 applicant shall submit an environmental impact statement and a market analysis, which shall
11 serve as a guide to the City Council and Planning Commission for evaluation of such
12 application in terms of need, desirability, supportability, and its implications for the overall
13 growth of the community.

14 (i) All deviations shall be fully set forth and reasons given for said deviations.

15 (j) Phased development plans. Each application for a planned unit development
16 district shall include a phasing plan. Phasing is the development time schedule which
17 specifies the order and timing of improvements and construction for specific portions of the
18 project and the project as a whole.

19 Where an application proposes uses which are not contained in the use regulations of
20 the underlying zoning district, the planned unit development shall contain phasing which
21 ensures compatibility of the development with surrounding properties by constructing uses
22 permitted in the underlying zoning district in not less than equal proportion to those uses not
23 otherwise permitted.

24 (k) Additional information for corporate office park planned unit developments.
25 Each application for a corporate office park planned unit development shall include in
26 addition to the above required information:

27 (1) A recreational plan for corporate office park planned unit developments
28 in conformance with city design standards.

29 (2) A site plan traffic impact analysis identifying any deficiencies in the
30 existing street network that will arise from the proposed development.

31 (3) Calculation of the building floor area ratio in conformance with city
32 design standards.

33 (4) Calculation of the landscaped open space ratio.

34 Section 8. That Section 27.65.070 of the Lincoln Municipal Code be amended
35 to read as follows:

36 **27.65.070 Form of Community Unit Plan.**

37 A plot plan shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in
38 a sufficient size and scale to show the details of the plan clearly and shall contain the fol-
39 lowing information:

40 (a) A surveyor's certificate certifying to the accuracy of the boundary survey shown
41 thereon, and a certificate for showing the Planning Commission's approval or disapproval, and

1 a certificate for the City Clerk to show the approval or disapproval by City Council, including
2 the date and resolution number;

3 (b) Date prepared, north point, scale of plot plan, and location of section lines and
4 section corners;

5 (c) Contour lines at intervals not to exceed five feet based on ~~city data~~ NAVD 1988.

6 Spot elevations on a 100-foot grid shall be required to fully indicate the topography on flat
7 land;

8 (d) Locations, name, tangent lengths, centerline radius of each curve and its interior
9 angle and width of all proposed and existing streets, highways, private roadways, and other
10 public ways within and adjacent to the development;

11 (e) Locations and widths of all existing and proposed easements for drainage,
12 sewers, and other public utilities and, if appropriate, access easements;

13 (f) Location, width, and direction of flow of all watercourses in and adjacent to the
14 community unit plan, including the limits of the flood plain and floodway as defined in
15 Chapter 27.55;

16 (g) The location and size of all existing and proposed sanitary and storm sewers,
17 culverts, watermains, fire hydrants, and existing power lines and other underground structures
18 or cables within the tract of land and adjacent streets;

19 (h) All lot lines, building setback lines for all lots, dimensions of all lot lines and
20 building envelope lines. Chord distances shall be shown for lot lines abutting curvilinear
21 streets;

22 (i) Lot numbers shall begin with the number (1) and shall continue consecutively
23 through a block with no omission or duplication. Blocks shall be numbered in the same
24 manner. Letters shall be used to designate outlots in alphabetical order;

25 (j) Proposed areas for parks and playgrounds. Any parcels other than streets which
26 are to be dedicated or reserved for public use shall be clearly shown and said parcels shall be
27 designated as outlots and assigned an alphabetical designation;

28 (k) The location of all proposed and existing sidewalks, walkways, and other pedes-
29 trian ways;

30 (l) Location, height, and use of proposed and existing buildings with an indication
31 as to whether an existing building is to be removed or to remain, and signs, if any, in
32 accordance with the provisions of Chapter 27.69;

33 (m) A certified accurate boundary survey showing sufficient linear, angular, and
34 curve data to determine the bearing and length of all boundary lines of the community unit
35 plan. Where the tract of land abuts on an existing plat, the distances, angles, and bearing of
36 any common lines shall be shown and any differences in measurement noted. The total
37 calculated acres within the boundaries of the community unit plan shall be shown;

38 (n) The following data shall be shown on each sheet of the community unit plan:

39 (1) The name of the community unit plan;

1 (2) The name, address, and telephone number of the person or company
2 responsible for preparation of the community unit plan;

3 (3) North arrow, scale, date;

4 (4) Sheet number and the total number of sheets comprising the community
5 unit plan.

6 (o) Accompanying the community unit plan, the following information shall be sub-
7 mitted to the Planning Department with the number of copies requested by the Planning
8 Director:

9 (1) Name, address, and telephone number of developer;

10 (2) Certified record owner or owners and their address;

11 (3) Legal description of the proposed community unit plan, including the
12 number of acres;

13 (4) Statement of present zoning and proposed use or uses of the property;

14 (5) Profiles along the centerline of the proposed streets and private roadways
15 which show the existing ground surface elevations and the proposed street grades including
16 the length of vertical curves between changes in grade with the profiles for stub streets ending
17 at the boundary of the community unit plan to be extended 300 feet beyond the limits of the
18 community unit plan into subdivided and unsubdivided land;

19 (6) The proposed method of providing sanitary sewer service to the area;

20 (i) If a public or community sewage system is established, the size
21 and location of all proposed sanitary sewers, the proposed manhole locations, any necessary
22 extension to the existing public system or to the proposed community sewage treatment
23 facility, and the location of the proposed community sewage treatment facility;

24 (ii) If the use of individual sewage disposal systems is permitted,
25 pursuant to Section 26.27.040 of the Lincoln Municipal Code, plans for the proposed disposal
26 system and its location on each lot must be shown. If a septic tank system is proposed, soil
27 and percolation data and plans which show the location of one main subsurface disposal field
28 for each lot which is proposed to be served by a septic tank system shall be shown.

29 (7) The proposed method of providing an adequate potable water supply;

30 (i) If a public, or community water system, or rural water district is
31 used, the location and size of all proposed water mains, the proposed hydrant locations, and
32 any necessary extension of the proposed system to existing water mains or to a proposed
33 community well, the location of the proposed community well, and the type of water
34 treatment to be used;

35 (ii) If a community water system other than a rural water district is
36 proposed, data on the quantity and quality of the water shall be obtained from a test well
37 within the immediate vicinity of the proposed water supply well. If an individual water well
38 system for each lot is proposed, data on the quantity and quality of the water shall be obtained
39 from test wells which shall be drilled on the ratio of one to each ten acres on a grid system.
40 The results of these preliminary tests shall in no way be construed to guarantee the quantity
41 or quality of water to individual lots in the proposed community unit plan and the data
42 obtained from these tests shall not be used to imply that an adequate quantity or acceptable
43 quality of water is available in the proposed community unit plan.

1 (8) A drainage study prepared in accordance with the current storm sewer
2 design standards of the city on file with the City Clerk. The following items must be included
3 in the drainage study:

4 (i) A map showing the drainage area and resulting runoff from any
5 land lying outside the limits of the community unit plan which discharges storm water runoff
6 into or through the community unit plan;

7 (ii) A map showing all internal drainage areas and resulting runoff;

8 (iii) Proposals as to how the computed quantities of runoff will be
9 handled;

10 (iv) A copy of the drainage computations.

11 (9) A map or an aerial photograph showing the proposed streets, private
12 roadways, driveways, parking areas, buildings and lots which includes the location, and
13 identifies, by common name, all existing trees within the area of the community unit plan.
14 Single trees which are three inches in caliper or larger measured five feet above the ground
15 must be shown. However, if five or more trees are located so that each is within
16 approximately ten feet of the edge of another tree, they will be considered a tree mass and the
17 outline of the tree mass may be shown with a list of the common names of the trees which are
18 within the tree mass. If the above-stated procedure is followed, the individual location of each
19 tree within the tree mass is not necessary. An indication shall be made on the map showing
20 which trees or tree masses are to remain and which trees or tree masses are to be removed;

21 (10) A vicinity sketch showing the general location of the community unit
22 plan in relation to existing streets, section lines, and city limits;

23 (11) Site grading plan showing existing and proposed contour lines with
24 intervals at no greater distance than five feet, and if necessary, spot elevations showing com-
25 plete proposed grading of the community unit plan. Also, cross-sections may be required
26 showing existing and proposed ground lines and buildings. Information as to where fill will
27 be obtained and the amount of the fill shall be included if all or part of the property is located
28 within the flood plain as defined in Chapter 27.55. If the proposed location from which said
29 fill is obtained is later to be changed, the developer shall inform the Public Works and Utilities
30 Department of the location of the proposed new borrow area and obtain approval thereof from
31 the Director of Public Works and Utilities;

32 (12) All deviations from the provisions of this chapter shall be fully set forth
33 and reasons given for said deviations;

34 (13) In the event that said real property is located within a flood plain, the
35 developer shall comply with all requirements pertaining to flood plains contained in the
36 Lincoln Municipal Code and applicable state statutes.

37 Section 9. That Section 27.70.050 of the Lincoln Municipal Code be amended
38 to read as follows:

39 **27.70.050 Requirements After Approval.**

40 Upon approval of a use permit pursuant to Chapters 27.27, 27.28, 27.31, 27.37, or
41 27.51, the developer shall cause to be prepared and submitted to the Planning Department
42 a revised and reproducible final plot plan with all required amendments and revisions.

1 Thereafter, building permits, certificates of occupancy and subdivisions of the property shall
2 be issued or approved only upon strict compliance with the plot plan as approved, or as
3 amended, regardless of any regulations to the contrary with regard to the height and location
4 of buildings, yard requirements, open space requirements, type of dwelling unit, accessory
5 uses, lot frontage requirements, and the location of required parking set forth elsewhere in this
6 title and applying to the zoning district or districts in which the use permit is located.

7 The final plot plan shall contain the following information:

8 (a) A certified boundary survey and legal description showing sufficient linear,
9 angular, and curve data to determine the bearing and length of all boundary lines of the use
10 permit, location of section lines and section corners, and gross acreage. If the use permit abuts
11 an existing plat, the distances, angles, and bearing of any common lines shall be shown and
12 any differences in measurement shown.

13 (b) A certificate for showing the final action of the Planning Commission or City
14 Council including the date and resolution number.

15 (c) Locations, name, tangent lengths, centerline radius of each curve and its interior
16 angle, and width of all proposed and existing streets, highways, private roadways, and other
17 public ways within and adjacent to the development;

18 (d) Location, width, and direction of flow of all water courses in and adjacent to the
19 use permit area, including the limits of the flood plain and floodway as defined in Chapter
20 27.55;

21 (e) The location and size of all existing and proposed sanitary and storm sewers,
22 drainage ways, culverts, watermains, fire hydrants, and existing power lines and other
23 underground structures, cables, or other public utilities within the tract of land and adjacent
24 streets, together with the location and width of existing and proposed easements, and, if
25 appropriate, access easements;

26 (f) All lot lines, building setback lines for all lots, dimensions of all lot lines and
27 building envelope lines. Chord distances shall be shown for lot lines abutting curvilinear
28 streets;

29 (g) Lot numbers shall begin with the number (1) and shall continue consecutively
30 through a block with no omission or duplication. Blocks shall be numbered in the same
31 manner. Letters shall be used to designate outlots in alphabetical order;

32 (h) Proposed areas for parks and playgrounds. Any parcels other than streets which
33 are to be dedicated or reserved for public use shall be clearly shown and said parcels shall be
34 designated as outlots and assigned an alphabetical designation;

35 (i) The location of all proposed and existing sidewalks, walkways, and other
36 pedestrian ways;

37 (j) Location, height, and use of proposed and existing buildings and structures with
38 an indication as to whether an existing building or structure is to be removed or to remain, and
39 free standing signs, if any, in accordance with the provisions of Chapter 27.69;

40 (k) The following data shall be shown on each sheet of the plot plan:

41 (1) The name, address, and telephone number of the person or company
42 responsible for preparation of the plot plan;

43 (2) North arrow, scale, date;

44 (3) Sheet number and the total number of sheets comprising the plot plan;

1 (l) The following information shall accompany the plot plan:

2 (1) Name, address, and telephone number of developer;

3 (2) Certified record owner or owners and their address;

4 (3) Statement of present zoning and proposed use or uses of the property;

5 (4) Profiles along the centerline of the proposed streets and private roadways

6 which show the existing ground surface elevations and the proposed street grades including
7 the length of vertical curves between changes in grade with the profiles for stub streets ending
8 at the boundary of the use permit to be extended 300 feet beyond the limits of the use permit
9 into subdivided and unsubdivided land;

10 (5) The approved method of providing sanitary sewer service to the area;

11 (6) The approved method of providing an adequate potable water supply;

12 (7) The approved drainage study;

13 (8) A map or an aerial photograph showing the proposed streets, private
14 roadways, driveways, parking areas, buildings and lots which includes the locating, and
15 identifies, by common name, all existing trees within the area of the use permit. Single trees
16 which are three inches in caliper or larger measured five feet above the ground must be
17 shown. However, if five or more trees are located so that each is within approximately ten
18 feet of the edge of another tree, they will be considered a tree mass and the outline of the tree
19 mass may be shown with a list of the common names of the trees which are within the tree
20 mass. If the above-stated procedure is followed, the individual location of each tree within
21 the tree mass is not necessary. An indication shall be made on the map showing which trees
22 or tree masses are to remain and which trees or tree masses are to be removed;

23 (9) A vicinity sketch showing the general location of the use permit in
24 relation to existing streets, section lines, and city limits;

25 (10) The approved site grading plan showing existing and proposed contour
26 lines with intervals at no greater distance than five feet based on ~~city data~~ NAVD 1988, and
27 if necessary, spot elevations showing complete proposed grading of the use permit, including
28 any cross-sections required as conditions of approval showing existing and proposed ground
29 lines and buildings. Information as to where fill will be obtained and the amount of the fill
30 shall be included if all or part of the property is located within the flood plain as defined in
31 Chapter 27.55. If the proposed location from which said fill is obtained is later to be changed,
32 the developer shall inform the Public Works and Utilities Department of the location of the
33 proposed new borrow area and obtain approval thereof from the Director of Public Works and
34 Utilities;

35 (11) The approved landscape plan.

36 Section 10. That Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070,
37 27.51.100, 27.58.060, 27.60.035, 27.65.070, and 27.70.050 of the Lincoln Municipal Code
38 as hitherto existing be and the same are hereby repealed.

1 Section 11. That this ordinance shall take effect and be in force from and after
2 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ___ day of _____, 2001:

Mayor