

City Council Introduction: **Monday**, November 26, 2001
Public Hearing: **Monday**, December 3, 2001, at **1:30 p.m.**

Bill No. 01-179

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3344**, a text amendment to the Lincoln Municipal Code, requested by the Director of Planning, to amend §§ 27.63.180, 27.63.215 and 27.63.570 of the Zoning Ordinance to update references to the City of Lincoln Design Standards and the Airport Environs Noise District.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 11/14/01
Administrative Action: 11/14/01

RECOMMENDATION: Approval (9-0: Krieser, Newman, Steward, Bills, Taylor, Duvall, Carlson, Hunter and Schwinn voting 'yes').

FINDINGS OF FACT:

1. The staff recommends approval of this proposed text amendment. When the City of Lincoln Design Standards were redeveloped, some of the numbering and wording was changed. This text change amends the zoning ordinance to make it consistent with the City of Lincoln Design Standards.
2. This application was placed on the Consent Agenda of the Planning Commission on November 14, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 19, 2001

REVIEWED BY: _____

DATE: November 19, 2001

REFERENCE NUMBER: FS\CC\FSCZ3344

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3344

DATE: October 23, 2001

PROPOSAL: This is a request to amend sections 27.63.180, 27.63.210, 37.63.215 and 27.63.570 of the City Zoning Ordinance to update references to the City of Lincoln Design Standards and the Airport Environs Noise District.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

APPLICANT: Kathleen Sellman
Director of Planning

CONTACT: Becky Horner
Planning Department
555 S. 10th Street, Room 213
(402)441-6373

LEGAL DESCRIPTION: Sections 27.63.180, 27.63.210, 37.63.215 and 27.63.570 of the City Zoning Ordinance.

PROPOSED TEXT CHANGES: Attached.

ANALYSIS:

1. When the City of Lincoln Design Standards were redeveloped, some of the numbering and wording was changed. This text change amends the zoning ordinance to make it consistent with the City of Lincoln Design Standards.

Prepared by:

Becky Horner
Planner

CHANGE OF ZONE NO. 3344

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

November 14, 2001

Members present: Bills, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3344; CHANGE OF ZONE NO. 3345; SPECIAL PERMIT NO. 1942; SPECIAL PERMIT NO. 1944; FINAL PLAT NO. 00035, FINIGAN RIDGE ADDITION; FINAL PLAT NO. 01012, WILMER'S 2ND ADDITION; FINAL PLAT NO. 01020, NORTH CREEK BUSINESS PARK ADDITION; COUNTY FINAL PLAT NO. 01029, POST ROCK PINES; STREET AND ALLEY VACATION NO. 01020; WAIVER OF DESIGN STANDARDS NO. 01019; and MISCELLANEOUS NO. 01011.**

Item No. 1.2, Change of Zone No. 3345; Item No. 1.4, Special Permit No. 1944; and Item No. 1.11, Miscellaneous No. 01011 were removed from the Consent Agenda and scheduled for separate public hearing.

Newman moved to approve the remaining Consent Agenda, seconded by Steward and carried 9-0: Bills, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 1944; Finigan Ridge Addition Final Plat No. 00035; Wilmer's 2nd Addition Final Plat No. 01012; and North Creek Business Park Addition Final Plat No. 01020, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by Planning Commission.

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to
 2 zoning by amending Sections 27.63.180, 27.63.210 and 27.63.215 to correct a reference to
 3 City of Lincoln Design Standards; by amending Section 27.63.570 to correct a reference to the
 4 Airport Environs Noise District and the Airport Environs Noise District Map; and repealing
 5 Sections 27.63.180, 27.63.210, 27.63.215, and 27.63.570 of the Lincoln Municipal Code as
 6 hitherto existing.

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

8 Section 1. That Section 27.63.180 of the Lincoln Municipal Code be amended
 9 to read as follows:

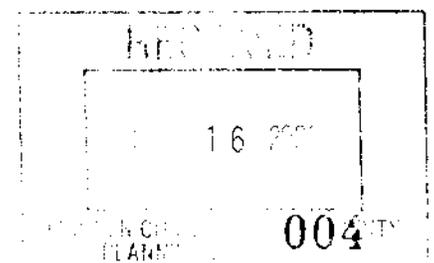
10 **27.63.180 Permitted Special Use: B-4 District.**

11 (a) Parking lots, storage garages, and other off-street parking facilities may be allowed
 12 by special permit in that portion of the B-4 zoning district bounded by 10th Street, "P" Street,
 13 14th Street, and "N" Street, in conformance with the provisions of Chapter 27.67.

14 (b) Gas stations or car washes may be permitted in that portion of the B-4 zoning
 15 district bounded by 10th Street, "P" Street, 14th Street, and "N" Street; provided that:

16 (1) Such use is located wholly within and is accessory to a storage garage
 17 permitted under (a) above;

18 (2) Such use is so located that service and access are from within said storage
 19 garage;



1 (3) The length and location of vehicle stacking lane or lanes for the approach
2 side or sides and the exit side or sides of the wash operation or gas station shall be in con-
3 formance with the "Guidelines and Regulations for Driveway Design and Location" as adopted
4 by the City of Lincoln.

5 (c) Drive-in teller windows may be permitted in that portion of the B-4 zoning district
6 bounded by 10th Street, "P" Street, 14th Street, and "N" Street; provided, that such use is so
7 designed that all customers waiting to be served, and all auto-storage lanes, are wholly within
8 a parking lot or a storage garage. The length and location of vehicle stacking lane or lanes for
9 the approach side or sides and the exit side or sides of the drive-in teller window shall be in
10 conformance with the ~~"Guidelines and Regulations for Driveway Design and Location"~~
11 Driveway Design Standards as adopted by the City of Lincoln.

12 Section 2. That Section 27.63.210 of the Lincoln Municipal Code be amended
13 to read as follows:

14 **27.63.210 Permitted Special Use: Elderly or Retirement Housing.**

15 Housing and related facilities for the elderly, either individually or in groups including
16 accessory uses, shall be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and
17 R-8 zoning districts under the following conditions:

18 (a) The height and yard requirements of the district in which the proposed use is
19 located may be adjusted to provide flexibility in the placement of buildings and to provide
20 compatibility with surrounding uses except that solar access to adjacent buildings or potential
21 buildings on lands under other ownership shall not be reduced by such adjustment.

1 (b) The minimum lot area of the district, or density requirement, shall not apply;
2 provided, however, that the maximum number of units allowed shall be the greater of those
3 permitted in the underlying zoning district or the community unit plan without bonuses,
4 unless modified by subsection (h) below.

5 (c) Parking areas or buildings that are of a substantially different character or size than
6 those normally found in that district or neighborhood shall be landscaped and screened in
7 conformance with the standards adopted by resolution of the City Council, and the
8 requirements of Chapter 27.67.

9 (d) The proposed use shall not have any adverse or detrimental effect upon the values
10 of the surrounding real property.

11 (e) One dwelling unit in an elderly housing project may be designated as a caretaker
12 unit and the occupants thereof shall not be subject to the age requirements otherwise applic-
13 able to occupants of such a project.

14 (f) Ten percent of the dwelling units in an elderly or retirement housing project may
15 be designated as units for handicapped persons and the occupants thereof shall not be subject
16 to the age requirements otherwise applicable to occupants of such a project. All of the units
17 designated as units for handicapped persons shall comply with the "Design Standards for
18 Density Bonuses" relating to housing for the handicapped as adopted by the City Council.

19 (g) Any individual under sixty years of age who resides with an elderly person sixty
20 years of age or more in an elderly or retirement housing project dwelling unit may continue
21 to reside in that dwelling unit after such elderly person has died or due to health reasons has
22 been relocated to a different residence.

1 (h) The City Council may grant, dependent upon the character of the development and
2 effect on adjacent land uses, a dwelling unit bonus. Such bonus shall be a percentage of units
3 allowed in (b) above.

4 (1) An increase of up to fifty percent in dwelling units over the maximum
5 number of units allowed in (b) above, provided that all of the elderly or retirement housing
6 and related facilities (including bonus units approved in this subsection (1)) comply with
7 section ~~2-A~~ 2.1 (general standards) of the "Design Standards for Density Bonuses" as adopted
8 by the City Council; or

9 (2) An increase of up to eighty percent in dwelling units over the maximum
10 number of units allowed in (b) above; provided:

11 (i) That all of the elderly or retirement housing and related facilities
12 (including bonus units approved in this subsection (2)) comply with section ~~2-A~~ 2.1 (general
13 standards) of the "Design Standards for Density Bonuses" as adopted by the City Council; and

14 (ii) All bonus units approved in excess of fifty percent in dwelling units
15 over the maximum number of units allowed in (b) above comply with section ~~2-B~~ 2.2
16 (individual unit standards) of the "Design Standards for Density Bonuses" as adopted by the
17 City Council.

18 (3) An increase of up to one hundred percent in dwelling units over the
19 maximum number of units allowed in (b) above, provided that all of the elderly or retirement
20 housing and related facilities (including bonus units approved in this subsection (3)) comply
21 with section ~~2-A~~ 2.1 (general standards) and section ~~2-B~~ 2.2 (individual unit standards) of the
22 "Design Standards for Density Bonuses" as adopted by the City Council. This bonus may be

1 granted, dependent upon the character of the development and effect on adjacent land uses,
2 when the dwelling unit bonuses provided for in subsections (1) and (2) above are not granted
3 and the proposed site meets all of the following criteria:

4 (i) the minimum lot area is at least two acres;

5 (ii) the lot is less than 2,640 feet from a designated community or
6 neighborhood center; and

7 (iii) the lot is contiguous with a designated arterial street.

8 (i) Parking shall be in compliance with Section 27.67.040(d)(2) unless modified
9 under Section 27.67.030(f) or under the conditions of the special permit. A parking stall with
10 a minimum width of twelve feet shall be required at the rate of one space for every ten stalls
11 required. Parking may be deferred or reduced where the developer substantiates the
12 decreased need for parking. Plans shall show the location of deferred construction and shall
13 meet city requirements for parking lot design.

14 Section 3. That Section 27.63.215 of the Lincoln Municipal Code be amended
15 to read as follows:

16 **27.63.215 Permitted Special Use: Housing Facilities for the Physically Handicapped.**

17 Housing and related facilities for the physically handicapped, either individually or in
18 groups, including accessory uses, shall be allowed by special permit in the R-1, R-2, R-3, R-4,
19 R-5, R-6, R-7 and R-8 zoning districts under the following conditions:

20 (a) Parking shall be in conformance with Section 27.67.040(d)(12) unless modified
21 under Section 27.67.030(f) or under the condition of the special permit.

1 (b) The height and yard requirements of the district in which the proposed use is
2 located shall apply; provided, however, that the height of the buildings may be increased
3 above the district requirements up to twenty percent if the allowable building coverage is
4 reduced by an equal percentage and solar access to adjacent buildings or potential buildings
5 on land under other ownership is not reduced by such increase.

6 (c) The minimum lot area of the district, or density requirements, shall not apply;
7 however, buildings shall not occupy more than thirty-five percent of the total area of the land
8 subject to the special permit or more than forty percent of said area where all buildings are
9 single story.

10 (d) Parking areas or buildings that are of a substantially different character or size
11 than those normally found in that district or neighborhood shall be landscaped and screened
12 in conformance with the standards adopted by resolution of the City Council, and the
13 requirements of Chapter 27.67.

14 (e) Each occupied dwelling unit shall be occupied by at least one person who is
15 physically handicapped. Such occupancy shall be certified annually.

16 (f) The design and development of all housing and related facilities for the
17 physically handicapped shall comply with the ~~"Design Standards for Housing for the~~
18 ~~Handicapped" adopted in Resolution A-66456, as amended~~ Section 3 (Housing for the
19 Handicapped) of the Design Standards for Density Bonuses adopted by the City Council, as
20 follows:

21 (1) All dwelling units shall meet the requirements of either Type "A" or Type
22 "B" dwelling units.

1 (2) A minimum of fifty percent of the dwelling units shall meet the re-
2 quirements of Type "B" dwelling units.

3 (3) The numbers or percentages of each type of dwelling unit as provided
4 above may be modified under condition of the special permit.

5 (g) Dwelling units for nonhandicapped live-in aides shall not be subject to
6 occupancy requirements and/or the ~~"Design Standards for Housing for the Handicapped"~~
7 ~~adopted in Resolution A-66456, as amended~~ Section 3 (Housing for the Handicapped) of the
8 Design Standards for Density Bonuses. The units for live-in aides shall be subject to the terms
9 and conditions of the special permit.

10 Section 4. That Section 27.63.570 of the Lincoln Municipal Code be amended
11 to read as follows:

12 **27.63.570 Permitted Special Use: Race Tracks For Motorized Vehicles.**

13 Race tracks for motorized vehicles may be allowed by special permit in the AG and I-1
14 zoning districts in conformance with the following conditions:

15 (a) The application shall be accompanied by the following information:

16 (1) A plot plan drawn to an accurate scale showing the layout of the entire
17 site including the track, seating area, restrooms, parking lot, concession stands, lighting
18 facilities, and other pertinent information.

19 (2) Proposed water and sewer systems.

20 (3) Drainage and grading plan.

21 (4) Description of racing program including the type, number and average
22 speed of motorized vehicles and time and frequency of operations.

1 (5) Landscaping and screening plan.

2 (6) Proposed measures to mitigate potential adverse environmental impacts,
3 such as air quality, noise and glare.

4 (b) For sites located within the 65dB Ldn contour north of U.S. Highway 34 and any
5 areas within the 70dB and 75dB Ldn contours of the Airport Environs Noise District as shown
6 on the ~~Lincoln Municipal Airport Composite Noise Contours Map shown on Figure 21 in the~~
7 ~~Lincoln-Lancaster County Comprehensive Plan~~ Airport Environs Noise District Map, the site
8 shall contain at least twenty acres of land in the I-1 district and thirty acres of land in the AG
9 district. For all other sites located within the city's zoning jurisdictions, except where race
10 tracks are prohibited under Chapter 10.20, the site shall contain at least thirty-five acres of
11 land in the I-1 district and fifty acres in the AG district.

12 (c) The proposed water, sewer and drainage facilities shall be reviewed and
13 approved by the Department of Public Works and Utilities and the Health Department.

14 (d) The operation of the race track shall not create an A-weighted sound level (dBA)
15 which exceeds 50 dBA, measured as a two minute equivalent A-weighted sound level (Leq)
16 at any point beyond one mile from the center of the track. Longer or shorter Leq periods may
17 be used that are appropriate to the type of racing event involved after consultation with the
18 track operator. This restriction shall not apply to any area within the 65, 70, and 75 dB Ldn
19 contours of the Airport Environs Noise District. To determine any noise level, a laboratory
20 certified noise level meter meeting American National Standards Institute (ANSI) standards
21 shall be used.

1 (e) The site shall not be located within the inner areas of approach zones to the
2 runways at the Lincoln Municipal Airport as defined in Section 27.59.030 of this title.

3 (f) The site shall not be located in prime agricultural land and areas designated for
4 residential use, rural use, parks and open space, and the major ecological and environmental
5 protection areas in accordance with the Comprehensive Plan.

6 (g) The center of the race track shall be located at least one mile away from existing
7 hospitals and churches, and residential areas, rural use areas, and parks and open space as
8 designated by the Comprehensive Plan, provided that the City Council may adjust such
9 distance criteria if the race track is located within the 65 dB Ldn contour in the Airport
10 Environs Noise District. Such an adjustment shall be granted only upon a determination by
11 the City Council that the proposed race track will not adversely affect adjacent land uses.

12 (h) The site shall be readily accessible from a major street or paved road with
13 adequate access for law enforcement and emergency vehicles.

14 (i) The developer of a race track shall notify all residents within one mile of the
15 center of the track if located in the AG district or within one-half mile of the center of the track
16 if located in the I-1 district concerning the proposed race track. Receipts of such notice is
17 mandatory as a condition precedent to the Planning Commission's public hearing.

18 (j) The site shall be located within reasonable reach of existing fire protection
19 facilities. A report thereon shall be obtained from the fire protection district or authority in
20 which the site is located.

21 Section 5. That Sections 27.63.180, 27.63.210, 27.63.215, and 27.63.570 of
22 the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

1

Section 6. 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