

City Council Introduction: **Monday**, January 28, 2002
Public Hearing: **Monday**, February 4, 2002, at **1:30 p.m.**

Bill No. 02-11

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3348**, a text amendment to Title 27 of the Lincoln Municipal Code, requested by the Director of Planning, to change references from “community sewage system” and “individual sewage disposal system” to “community wastewater works” and “on-site wastewater treatment system”, to be consistent with recent amendments to Title 24 of the Lincoln Municipal Code.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: None

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 01/09/02
Administrative Action: 01/09/02

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

FINDINGS OF FACT:

1. The staff recommendation to approve this text amendment is based on the following analysis:
 - A. This text amendment is a companion to the Title 26 amendment considered by the Planning Commission at the December 12, 2001 hearing. Both amendments are in response to an ordinance recently approved by City Council that amends Title 24, in part to ensure Municipal Code was implementing State regulatory requirements. Among the amendments to Title 24 were those to modify the definitions of “community wastewater system” and “individual wastewater system”. Because these definitions are used throughout both Titles 26 and 27, these titles must be modified to maintain consistency of terminology throughout Municipal Code.
 - B. The proposed ordinance ensures that consistent language is used throughout Lincoln Municipal Code and that it does not contradict State law.
2. This application appeared on the Consent Agenda of the Planning Commission on January 9, 2002, and was 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: January 18, 2002

REVIEWED BY: _____

DATE: January 18, 2002

REFERENCE NUMBER: FS\CC\2002\FSCZ3348

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3348

DATE: December 14, 2001

PROPOSAL: To amend Lincoln Municipal Code (LMC) Title 27 to be consistent with recent amendments to LMC Chapter 24.38.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

APPLICANT: Kathleen A. Sellman, AICP
Planning Director
555 South 10th Street, Room 213
Lincoln, NE 68508

CONTACT: Brian Will
Planning Department
555 S. 10th Street, Room 213
Lincoln, NE 68508

PROPOSED TEXT CHANGES: Attached.

ANALYSIS:

1. This text amendment is a companion to the Title 26 amendment considered by the Planning Commission at the December 12, 2001 hearing. Both amendments are in response to an ordinance recently approved by City Council that amends Title 24, in part to ensure Municipal Code was implementing State regulatory requirements. Among the amendments to Title 24 were those to modify the definitions of "community wastewater system" and "individual wastewater system". Because these definitions are used throughout both Titles 26 and 27, these titles must be modified to maintain consistency of terminology throughout Municipal Code.
2. The proposed ordinance ensures that consistent language is used throughout Lincoln Municipal Code and that it does not contradict State law.

Prepared by:

Brian Will, AICP
Planner

CHANGE OF ZONE NO. 3348

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

January 9, 2002

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

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3348, FINAL PLAT NO. 01023, ANNEXATION NO. 01009, STREET AND ALLEY VACATION NO. 01018, COMPREHENSIVE PLAN CONFORMANCE NO. 01004 AND STREET AND ALLEY VACATION NO. 01021.**

Item No. 1.4, Street and Alley Vacation No. 01018 was removed from the Consent Agenda and scheduled for separate public hearing. Carlson moved to approve the remaining Consent Agenda, seconded by Newman. Motion to approve carried 9-0: Bills, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes.

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 27.65.070 of the Lincoln Municipal Code
2 to change references from community sewage system and individual sewage disposal system
3 to community wastewater works and on-site wastewater treatment system, respectively; and
4 repealing Section 27.65.070 of the Lincoln Municipal Code as hitherto existing.

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

6 Section 1. That Section 27.65.070 of the Lincoln Municipal Code be amended
7 to read as follows:

8 **27.65.070 Form of Community Unit Plan.**

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

12 (a) A surveyor's certificate certifying to the accuracy of the boundary survey shown
13 thereon, and a certificate for showing the Planning Commission's approval or disapproval, and
14 a certificate for the City Clerk to show the approval or disapproval by City Council, including
15 the date and resolution number;

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

18 (c) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
19 elevations on a 100-foot grid shall be required to fully indicate the topography on flat land;

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

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

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Lincoln Municipal Code
City of Lincoln, Nebraska

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

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

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

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

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

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

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

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

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

- 27 (1) The name of the community unit plan;
- 28 (2) The name, address, and telephone number of the person or company
29 responsible for preparation of the community unit plan;
- 30 (3) North arrow, scale, date;

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

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

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

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

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

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

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

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

17 (i) If a public wastewater works or community ~~sewage system~~
18 wastewater works is established, the size and location of all proposed sanitary sewers, the
19 proposed manhole locations, any necessary extension to the existing public system or to the
20 proposed community ~~sewage treatment facility~~ wastewater works, and the location of the pro-
21 posed community ~~sewage treatment facility~~ wastewater works;

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

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

29 (i) If a public, or community water system, or rural water district is
30 used, the location and size of all proposed water mains, the proposed hydrant locations, and

1 any necessary extension of the proposed system to existing water mains or to a proposed
2 community well, the location of the proposed community well, and the type of water
3 treatment to be used;

4 (ii) If a community water system other than a rural water district is
5 proposed, data on the quantity and quality of the water shall be obtained from a test well
6 within the immediate vicinity of the proposed water supply well. If an individual water well
7 system for each lot is proposed, data on the quantity and quality of the water shall be obtained
8 from test wells which shall be drilled on the ratio of one to each ten acres on a grid system.
9 The results of these preliminary tests shall in no way be construed to guarantee the quantity
10 or quality of water to individual lots in the proposed community unit plan and the data
11 obtained from these tests shall not be used to imply that an adequate quantity or acceptable
12 quality of water is available in the proposed community unit plan.

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

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

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

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

22 (iv) A copy of the drainage computations.

23 (9) A map or an aerial photograph showing the proposed streets, private
24 roadways, driveways, parking areas, buildings and lots which includes the location, and
25 identifies, by common name, all existing trees within the area of the community unit plan.
26 Single trees which are three inches in caliper or larger measured five feet above the ground
27 must be shown. However, if five or more trees are located so that each is within
28 approximately ten feet of the edge of another tree, they will be considered a tree mass and the
29 outline of the tree mass may be shown with a list of the common names of the trees which are
30 within the tree mass. If the above-stated procedure is followed, the individual location of each

1 tree within the tree mass is not necessary. An indication shall be made on the map showing
2 which trees or tree masses are to remain and which trees or tree masses are to be removed;

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

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

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

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

19 Section 2. That Section 27.65.070 of the Lincoln Municipal Code as hitherto
20 existing be and the same is hereby repealed.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

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