

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code to allow
2 churches as a permitted conditional use in the I-1, I-2 and the I-3 zoning districts by amending
3 Section 27.47.020 to delete churches from the general use regulations of the I-1 Industrial District;
4 amending Section 27.47.035 to add churches as a permitted conditional use in the I-1 Industrial
5 District and specifying conditions therefor; amending Section 27.47.040 to provide that early
6 childhood care facilities and schools are not a permitted accessory use to a church in the I-1
7 Industrial District; amending Section 27.49.020 to delete churches from the general use regulations
8 of the I-2 Industrial Park District; amending Section 27.49.030 to add churches as a permitted
9 conditional use in the I-2 Industrial Park District and specifying conditions therefor; amending
10 Section 27.49.050 to provide that early childhood care facilities and schools are not a permitted
11 accessory use to a church in the I-2 Industrial Park District; amending Section 27.51.040 to add
12 churches as a permitted conditional use in the I-3 Employment Center District and specifying
13 conditions therefor; amending Section 27.51.060 to provide that early childhood care facilities and
14 schools are not a permitted accessory use to a church in the I-3 Employment Center District; and
15 repealing Sections 27.47.020, 27.47.035, 27.47.040, 27.49.020, 27.49.030, 27.49.050, 27.51.040 and
16 27.51.060 of the Lincoln Municipal Code as hitherto existing.

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

18 Section 1. That Section 27.47.020 of the Lincoln Municipal Code be amended to read
19 as follows:

1 **27.47.020 Use Regulations.**

2 (a) General regulations. No building shall be erected, converted, reconstructed, or
3 structurally altered for use as a ~~church~~, library, school (except a private school authorized pursuant
4 to Section 27.63.075), hospital, indoor theater, or residence, except for resident watchmen and
5 caretakers or supervisory personnel employed and residing on the premises or as permitted in
6 accordance with Chapter 27.63 of this title. Those special permitted uses in Section 27.47.030 below
7 shall be limited by the restrictions placed thereon.

8 (b) Permitted uses. Subject to the foregoing, a building or premises may be used for any
9 commercial or industrial purpose not in conflict with any other ordinances or regulations of the City
10 of Lincoln.

11 Section 2. That Section 27.47.035 of the Lincoln Municipal Code be amended to read
12 as follows:

13 **27.47.035 Permitted Conditional Uses.**

14 A building or premises may be used for the following purposes in the I-1 Industrial District
15 in conformance with the conditions prescribed herein:

- 16 (a) Recycling center, authorized by Chapter 5.41 of the Lincoln Municipal Code:
 - 17 (1) The building area of such center shall not exceed 8,000 square feet;
 - 18 (2) Adequate traffic stacking shall be provided on site as determined by the city;
 - 19 (3) All required parking shall be provided on site;
 - 20 (4) The facility shall not be designed to receive nor shall it accept shipments by
 - 21 semi-trailer trucks;
 - 22 (5) Construction and operation of such center shall comply with all applicable
 - 23 health and fire codes.

1 (b) Vehicle body repair shop:

2 (1) All salvage material including vehicles being salvaged shall be kept inside a
3 building;

4 (2) All vehicles stored outside a building shall be repaired to an operating state
5 within thirty days;

6 (3) All vehicles stored outside a building waiting repair shall be screened in
7 accordance with the screening requirements for salvage and scrap processing operations;

8 (4) Construction and operation of such shop shall comply with all applicable
9 health and fire codes;

10 (5) Vehicle body repair shops lawfully existing on the effective date of this
11 ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2),
12 (3), and (4) above.

13 (c) Church:

14 (1) The church shall develop an emergency response plan to the satisfaction of
15 the Health Department, both written and drawn, including a house-in-place scenario and an off-site
16 evacuation. The Health Department may provide technical assistance in this matter.

17 (2) The church shall, within 48 hours of becoming aware that quantities of
18 hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are
19 being stored, transported, dispensed, used, or handled on property within 300 feet of the building
20 area being used for the church, notify the Health Department of such condition. Following such
21 notification, the church shall, in cooperation and consultation with the Health Department, attempt
22 to work with the owner of property upon which such hazardous materials are being stored,
23 transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare

1 of persons using the church's property. The church shall further cooperate with the Health
2 Department in determining measures which may be taken on the church's property to protect the
3 health safety, and welfare of persons using the church's property, including, but not limited to,
4 establishment of training programs for employees to assure detection of hazardous materials and
5 evacuation of the premises, installation of filtration systems in the HVAC system of the building,
6 or other precautionary measures.

7 (3) The electrical breaker switch of the heating, ventilation and air conditioning
8 (HVAC) system shall be clearly marked and readily accessible at all times to the church's staff or
9 the church shall equip the building with not more than two emergency shut-off switches so the
10 HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area
11 to the satisfaction of the Health Department. The shut-off switch shall be located so that it is easily
12 accessible at all times to the church's staff. The church's staff shall be trained on how to locate and
13 operate the electrical breaker switch or the emergency shut-off switch.

14 Section 3. That Section 27.47.040 of the Lincoln Municipal Code be amended to read
15 as follows:

16 **27.47.040 Accessory Uses.**

17 Accessory uses permitted in the I-1 Industrial District are accessory buildings and uses
18 customarily incident to the permitted uses, except that early childhood care facilities and schools are
19 not a permitted accessory use to a church in the I-1 Industrial District.

20 Section 4. That Section 27.49.020 of the Lincoln Municipal Code be amended to read
21 as follows:

22 **27.49.020 Use Regulations.**

23 (a) General regulations.

1 (1) No building shall be erected, converted, reconstructed, or structurally altered
2 for ~~church~~, library, school, except industrial trade school, hospital, theater, or residential purposes,
3 except for motels, or for resident foremen, caretakers, or supervisory personnel employed and
4 residing on the premises.

5 (2) No raw galvanized or other raw metal sheeting shall be used for the exterior
6 construction of any building.

7 (3) Scrap processing operations and salvage yards shall not be permitted.

8 (4) Storage of explosives shall be prohibited.

9 (5) No floor area which is used for the retail sale of goods, excluding eating
10 facilities, shall be permitted except at the rate of twelve and one-half square feet per acre of I-2
11 Industrial Park zoned land located within any single I-2 Industrial Park District at the time the re-
12 quired acreage is at least fifty percent occupied for permitted industrial uses.

13 (6) Those special and conditional uses permitted in Sections 27.49.030 and
14 27.49.040 below shall be limited by the restrictions placed thereon.

15 (b) Permitted uses. Subject to the general regulations of Section 27.49.020(a) above, any
16 commercial or industrial use is permitted in the I-2 Industrial Park District in compliance with all
17 applicable ordinances and regulations including but not limited to the environmental performance
18 standards relating to noise, emission, dust, odor, glare, and heat approved by resolution of City
19 Council.

20 Section 5. That Section 27.49.030 of the Lincoln Municipal Code be amended to read
21 as follows:

1 **27.49.030 Permitted Conditional Uses.**

2 A building or premises may be used for the following purposes in the I-2 Industrial Park
3 District in conformance with the conditions prescribed herein:

4 (a) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable
5 liquids and chemicals:

6 (1) Shall be adequately screened from public view;

7 (2) Shall be for storage of such materials for use on the premises and not for
8 resale, except that resale of such stored material at retail only shall be permitted in conjunction with
9 the operation of a service station or similar retail outlet;

10 (3) Shall be located, constructed, maintained, and operated in compliance with
11 all codes and regulations of the City of Lincoln.

12 (b) Liquified petroleum gas and similar gas used for fuel stored above ground:

13 (1) Tanks may not exceed 30,000 gallon capacity;

14 (2) Such gas shall be for use on the premises, and not for resale;

15 (3) Such tanks shall be adequately screened from public view by a fire-resistant
16 ventilated barrier which shall be at least six feet in height;

17 (4) Must be in full compliance with all codes and regulations of the City of
18 Lincoln;

19 (c) All other combustible material: To be stored in such a way as to permit free access
20 of fire-fighting equipment.

21 (d) Open storage of any other material: Only in areas enclosed or otherwise adequately
22 screened from public view with an enclosure or screen at least six feet in height.

1 (e) Neighborhood recycling center:

2 (1) Building area of such center shall not exceed 8,000 square feet;

3 (2) There shall be no outdoor storage of materials or equipment;

4 (3) The operation of such center shall not include dismantling or disassembling
5 of vehicles or major appliances;

6 (4) No hazardous or explosive materials shall be accepted at such center;

7 (5) Adequate traffic stacking shall be provided on site as determined by the city;

8 (6) All required parking shall be provided on site;

9 (7) There shall be no processing of materials by heat, including, but not limited
10 to, melting, smelting, or burning;

11 (8) The facility shall not be designed to receive nor shall it accept shipments by
12 semi-trailer trucks;

13 (9) Construction and operation of such center shall comply with all applicable
14 health and fire codes.

15 (f) Vehicle body repair shop:

16 (1) All salvage material, including vehicles being salvaged, shall be inside a
17 building;

18 (2) All vehicles stored outside shall be repaired to an operating state within thirty
19 days;

20 (3) All vehicles stored outside waiting repair shall be screened in accordance with
21 the screening requirements for salvage and scrap processing operations;

22 (4) Construction and operation of such shop shall comply with all applicable
23 health and fire codes;

1 (5) Vehicle body repair shops lawfully existing on the effective date of this ordi-
2 nance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3),
3 and (4) above.

4 (g) Church:

5 (1) The church shall develop an emergency response plan to the satisfaction of
6 the Health Department, both written and drawn, including a house-in-place scenario and an off-site
7 evacuation. The Health Department may provide technical assistance in this matter.

8 (2) The church shall, within 48 hours of becoming aware that quantities of
9 hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are
10 being stored, transported, dispensed, used, or handled on property within 300 feet of the building
11 area being used for the church, notify the Health Department of such condition. Following such
12 notification, the church shall, in cooperation and consultation with the Health Department, attempt
13 to work with the owner of property upon which such hazardous materials are being stored,
14 transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare
15 of persons using the church's property. The church shall further cooperate with the Health
16 Department in determining measures which may be taken on the church's property to protect the
17 health safety, and welfare of persons using the church's property, including, but not limited to,
18 establishment of training programs for employees to assure detection of hazardous materials and
19 evacuation of the premises, installation of filtration systems in the HVAC system of the building,
20 or other precautionary measures.

21 (3) The electrical breaker switch of the heating, ventilation and air conditioning
22 (HVAC) system shall be clearly marked and readily accessible at all times to the church's staff or
23 the church shall equip the building with not more than two emergency shut-off switches so the

1 HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area
2 to the satisfaction of the Health Department. The shut-off switch shall be located so that it is easily
3 accessible at all times to the church's staff. The church's staff shall be trained on how to locate and
4 operate the electrical breaker switch or the emergency shut-off switch.

5 Section 6. That Section 27.49.050 of the Lincoln Municipal Code be amended to read
6 as follows:

7 **27.49.050 Accessory Uses.**

8 Accessory uses permitted in the I-2 Industrial Park District are accessory buildings and uses
9 customarily incident to the permitted uses, except that early childhood care facilities and schools are
10 not a permitted accessory use to a church in the I-2 Industrial Park District.

11 Section 7. That Section 27.51.040 of the Lincoln Municipal Code be amended to read
12 as follows:

13 **27.51.040 Permitted Conditional Uses.**

14 A building or premises may be used for the following purposes in the I-3 Employment Center
15 District in conformance with the conditions prescribed herein:

16 (a) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable
17 liquids and chemicals. Such use shall:

18 (1) Be adequately screened from public view;

19 (2) Be for storage of such materials for use on the premises and not for resale,
20 except that resale of such stored material at retail only shall be permitted in conjunction with the
21 operation of a service station or similar retail outlet pursuant to Section 27.51.070;

22 (3) Be located, constructed, maintained, and operated in compliance with all
23 codes and regulations of the City of Lincoln;

1 (b) Liquified petroleum, gas and similar gas used for fuel stored in tanks above ground,
2 provided:

- 3 (1) Such tanks may not exceed 30,0000 gallon capacity;
- 4 (2) Such gas shall be used for use on the premises, and not for resale;
- 5 (3) Such tanks shall be adequately screened from public view by a fire-resistant
6 ventilated barrier which shall be at least six feet in height;
- 7 (4) Such use must be in full compliance with all codes and regulations of the City
8 of Lincoln;

9 (c) All other combustible materials:

- 10 (1) Combustible materials shall be stored in such a way as to permit free access
11 of fire-fighting equipment;
- 12 (2) Such use must be in full compliance with all codes and regulations of the City
13 of Lincoln;

14 (d) Motels and hotels, provided that the total square footage of such use shall not exceed
15 ten percent (10%) of the buildable square footage of the tract of land included within the boundaries
16 of the use permit assuming a floor-to-area ratio of one to four.

17 Accessory uses operated by a concessionaire or lessee of an employer may occupy no more
18 than five percent (5%) of the floor area of the permitted use.

19 (e) Church:

- 20 (1) The church shall develop an emergency response plan to the satisfaction of
21 the Health Department, both written and drawn, including a house-in-place scenario and an off-site
22 evacuation. The Health Department may provide technical assistance in this matter.

1 (2) The church shall, within 48 hours of becoming aware that quantities of
2 hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are
3 being stored, transported, dispensed, used, or handled on property within 300 feet of the building
4 area being used for the church, notify the Health Department of such condition. Following such
5 notification, the church shall, in cooperation and consultation with the Health Department, attempt
6 to work with the owner of property upon which such hazardous materials are being stored,
7 transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare
8 of persons using the church's property. The church shall further cooperate with the Health
9 Department in determining measures which may be taken on the church's property to protect the
10 health safety, and welfare of persons using the church's property, including, but not limited to,
11 establishment of training programs for employees to assure detection of hazardous materials and
12 evacuation of the premises, installation of filtration systems in the HVAC system of the building,
13 or other precautionary measures.

14 (3) The electrical breaker switch of the heating, ventilation and air conditioning
15 (HVAC) system shall be clearly marked and readily accessible at all times to the church's staff or
16 the church shall equip the building with not more than two emergency shut-off switches so the
17 HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area
18 to the satisfaction of the Health Department. The shut-off switch shall be located so that it is easily
19 accessible at all times to the church's staff. The church's staff shall be trained on how to locate and
20 operate the electrical breaker switch or the emergency shut-off switch.

21 Section 8. That Section 27.51.060 of the Lincoln Municipal Code be amended to read
22 as follows:

1 **27.51.060 Accessory Uses.**

2 Accessory uses permitted in the I-3 Employment Center District are accessory buildings and
3 uses customarily incident to the permitted uses, except that early childhood care facilities and
4 schools are not a permitted accessory use to a church in the I-3 Employment Center District.

5 Accessory uses involving the open storage of materials or other articles shall only be allowed in areas
6 enclosed or otherwise adequately screened from public view with an enclosure or screen at least six
7 feet in height.

8 Section 9. That Sections 27.47.020, 27.47.035, 27.47.040, 27.49.020, 27.49.030,
9 27.49.050, 27.51.040 and 27.51.060 of the Lincoln Municipal Code as hitherto existing be and the
10 same are hereby repealed.

11 Section 10 That this ordinance shall take effect and be in force from and after its
12 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor