

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

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code by amending  
2 Sections 27.11.030, 27.11.040, 27.13.030, 27.13.040, 27.15.030, 27.15.040, 27.17.030, 27.17.040,  
3 27.19.030, 27.19.040, 27.21.030, 27.21.040, 27.23.030, and 27.23.040 to remove the condition that  
4 maximum lot coverage for churches shall not exceed 15% of the lot area in the R-1 through R-7  
5 Residential Districts except by special permit, repealing Section 27.63.520 which allows a church  
6 to increase said maximum lot coverage by special permit; and repealing Sections 27.11.030,  
7 27.11.040, 27.13.030, 27.13.040, 27.15.030, 27.15.040, 27.17.030, 27.17.040, 27.19.030, 27.19.040,  
8 27.21.030, 27.21.040, 27.23.030, and 27.23.040 of the Lincoln Municipal Code as hitherto existing.

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

10 Section 1. That Section 27.11.030 of the Lincoln Municipal Code be amended to read  
11 as follows:

12 **27.11.030 Permitted Conditional Uses.**

13 A building or premises may be used for the following purposes in the R-1 Residential District  
14 in conformance with the conditions prescribed herein:

15 (a) Churches:

- 16 (1) Parking shall be in conformance with Chapter 27.67;  
17 (2) The required front and side yards shall be landscaped in conformance with  
18 the standards adopted by resolution of the City Council;  
19 (3) Required side and rear yards shall be fifteen feet or the same as the district,  
20 whichever is greater;

21 ~~\_\_\_\_\_ (4) Buildings shall not cover more than fifteen percent of the lot area.~~

22 (b) Group homes:

- 23 (1) Group homes shall comply with all sign, height, and area regulations of the  
24 district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated  
25 in conformance with the provisions of Chapter 27.67;

1                   (2)     The distance between the proposed use and any existing group home measured  
2 from lot line to lot line is not less than one-half mile;

3                   (3)     Such use shall be permitted only so long as the facility continues to be validly  
4 licensed by the State of Nebraska.

5           (c)     Early childhood care facilities in churches:

6                   (1)     The parking and loading/unloading area for such facilities shall comply with  
7 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
8 childhood care facilities;

9                   (2)     Such facilities shall comply with all applicable state and local early childhood  
10 care requirements;

11                  (3)     Such facilities shall comply with all applicable building and life safety code  
12 requirements;

13                  (4)     Such facilities shall be fenced and have play areas that comply with the design  
14 standards for early childhood care facilities;

15                  (5)     Such facilities must receive a conditional use permit from the Department of  
16 Building and Safety.

17           (d)     Domestic shelter:

18                   (1)     Parking shall be in conformance with Chapter 27.67;

19                   (2)     The maximum number of residents occupying such a facility shall not exceed  
20 one person per 3,000 square feet of lot area;

21                   (3)     The distance between the proposed use of any existing domestic shelter  
22 measured from lot line to lot line shall not be less than one mile.

23           (e)     Early childhood care facilities with a maximum of fifteen children present at any  
24 time:

25                   (1)     The parking and loading/unloading area for such facilities shall comply with  
26 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
27 childhood care facilities;

28                   (2)     Such facilities shall comply with all applicable state and local early childhood  
29 care requirements;

1 (3) Such facilities shall comply with all applicable building and life safety code  
2 requirements;

3 (4) Such facilities shall be fenced and have play areas that comply with the design  
4 standards for early childhood care facilities;

5 (5) Such facilities shall be used as the permanent residence of the licensed child  
6 care provider;

7 (6) Such facilities with thirteen or more children must receive a conditional use  
8 permit from the Department of Building and Safety;

9 (7) Early childhood care facilities located in mobile homes shall have a severe  
10 weather emergency action plan approved by the Health Department.

11 Section 2. That Section 27.11.040 of the Lincoln Municipal Code be amended to read  
12 as follows:

13 **27.11.040 Permitted Special Uses.**

14 A building or premises may be used for the following purposes in the R-1 Residential District  
15 if a special permit for such use has been obtained in conformance with the requirements of Chapter  
16 27.63:

17 (a) Community unit plans in conformance with Chapter 27.65;

18 (b) Private schools, other than those permitted under Section 27.11.020(e) above;

19 (c) Health care facilities;

20 (d) Dwellings for members of religious orders;

21 (e) Mobile home courts;

22 (f) Recreational facilities;

23 (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires  
24 which exceed the maximum district height;

25 (h) Broadcast towers;

26 (i) Certain parking lots as defined in Chapter 27.63;

27 (j) Elderly or retirement housing;

28 (k) Expansion of nonconforming uses;

29 (l) Historic preservation;

- 1 (m) Public utility purposes;
- 2 (n) Wind energy conversion systems;
- 3 (o) Mobile home subdivisions;
- 4 (p) Housing and related facilities for the physically handicapped;
- 5 (q) Outdoor seasonal sales;
- 6 (r) Cemeteries;
- 7 ~~(s) Churches; increased lot coverage;~~
- 8 (t s) Domiciliary care facility;
- 9 (~~t~~ t) Expansion of nonstandard single and two-family dwellings into required yards;
- 10 (~~v~~ u) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
- 11 children not meeting the specified conditions for a permitted conditional use under Section
- 12 27.11.030;
- 13 (~~w~~ v) Neighborhood support services;
- 14 (~~x~~ w) Clubs;
- 15 (~~y~~ x) Dwelling units for domestic employees in accessory buildings;
- 16 (~~z~~ y) Connection of single-family dwelling to accessory building for the physically
- 17 handicapped.

18 Section 3. That Section 27.13.030 of the Lincoln Municipal Code be amended to read  
 19 as follows:

20 **27.13.030 Permitted Conditional Uses.**

21 A building or premises may be used for the following purposes in the R-2 Residential District  
 22 in conformance with the conditions prescribed herein:

- 23 (a) Churches:
  - 24 (1) Parking shall be in conformance with Chapter 27.67;
  - 25 (2) The required front and side yards shall be landscaped in conformance with
  - 26 the standards adopted by resolution of the City Council;
  - 27 (3) Required side and rear yards shall be fifteen feet or the same as the district,
  - 28 whichever is greater;
  - 29 ~~(4) Buildings shall not cover more than fifteen percent of the lot area.~~

1 (b) Group homes:

2 (1) Group homes shall comply with all sign, height and area regulations of the  
3 district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated  
4 in conformance with the provisions of Chapter 27.67.

5 (2) The distance between the proposed use and any existing group home measured  
6 from lot line to lot line is not less than one-half mile;

7 (3) Such use shall be permitted only so long as the facility continues to be validly  
8 licensed by the State of Nebraska.

9 (c) Early childhood care facilities in churches:

10 (1) The parking and loading/unloading area for such facilities shall comply with  
11 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
12 childhood care facilities;

13 (2) Such facilities shall comply with all applicable state and local early childhood  
14 care requirements;

15 (3) Such facilities shall comply with all applicable building and life safety code  
16 requirements;

17 (4) Such facilities shall be fenced and have play areas that comply with the design  
18 standards for early childhood care facilities;

19 (5) Such facilities must receive a conditional use permit from the Department of  
20 Building and Safety.

21 (d) Domestic shelter:

22 (1) Parking shall be in conformance with Chapter 27.67;

23 (2) The maximum number of residents occupying such a facility shall not exceed  
24 one person per 2,000 square feet of lot area;

25 (3) The distance between the proposed use of any existing domestic shelter  
26 measured from lot line to lot line shall not be less than one mile.

27 (e) Early childhood care facilities with a maximum of fifteen children present at any  
28 time:

1 (1) The parking and loading/unloading area for such facilities shall comply with  
2 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
3 childhood care facilities;

4 (2) Such facilities shall comply with all applicable state and local early childhood  
5 care requirements;

6 (3) Such facilities shall comply with all applicable building and life safety code  
7 requirements;

8 (4) Such facilities shall be fenced and have play areas that comply with the design  
9 standards for early childhood care facilities;

10 (5) Such facilities shall be used as the permanent residence of the licensed child  
11 care provider;

12 (6) Such facilities with thirteen or more children must receive a conditional use  
13 permit from the Department of Building and Safety;

14 (7) Early childhood care facilities located in mobile homes shall have a severe  
15 weather emergency action plan approved by the Health Department.

16 Section 4. That Section 27.13.040 of the Lincoln Municipal Code be amended to read  
17 as follows:

18 **27.13.040 Permitted Special Uses.**

19 A building or premises may be used for the following purposes in the R-2 Residential District  
20 if a special permit for such use has been obtained in conformance with the requirements of Chapter  
21 27.63:

- 22 (a) Community unit plans in conformance with Chapter 27.65;
- 23 (b) Private schools, other than those permitted under Section 27.13.020(e) above;
- 24 (c) Health care facilities;
- 25 (d) Dwellings for members of religious orders;
- 26 (e) Mobile home courts;
- 27 (f) Recreational facilities;
- 28 (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires

29 which exceed the maximum district height;

- 1 (h) Broadcast towers;
- 2 (i) Certain parking lots as defined in Chapter 27.63;
- 3 (j) Elderly or retirement housing;
- 4 (k) Expansion of nonconforming uses;
- 5 (l) Historic preservation;
- 6 (m) Public utility purposes;
- 7 (n) Wind energy conversion systems;
- 8 (o) Mobile home subdivisions;
- 9 (p) Housing and related facilities for the physically handicapped;
- 10 (q) Outdoor seasonal sales;
- 11 (r) Cemeteries;
- 12 ~~(s) Churches; increased lot coverage;~~
- 13 (t s) Domiciliary care facility;
- 14 (t t) Expansion of nonstandard single and two-family dwellings into required yards;
- 15 (v u) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
- 16 children not meeting the specified conditions for a permitted conditional use under Section
- 17 27.13.030.;
- 18 (w v) Neighborhood support services;
- 19 (x w) Clubs;
- 20 (y x) Connection of single-family dwelling to accessory building for the physically
- 21 handicapped;
- 22 (z y) Garden centers;
- 23 (aa z) Adult care centers.

24 Section 5. That Section 27.15.030 of the Lincoln Municipal Code be amended to read  
 25 as follows:

26 **27.15.030 Permitted Conditional Uses.**

27 A building or premises may be used for the following purposes in the R-3 Residential District  
 28 in conformance with the conditions prescribed herein:

- 29 (a) Churches:

- 1                   (1)     Parking shall be in conformance with Chapter 27.67;
- 2                   (2)     The required front and side yards shall be landscaped in conformance with  
3 the standards adopted by resolution of the City Council;
- 4                   (3)     Required side and rear yards shall be fifteen feet or the same as the district,  
5 whichever is greater;
- 6 ~~(4)     Buildings shall not cover more than fifteen percent of the lot area.~~
- 7           (b)     Group homes:
- 8                   (1)     Group homes shall comply with all sign, height and area regulations of the  
9 district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated  
10 in conformance with the provisions of Chapter 27.67;
- 11                   (2)     The distance between the proposed use and any existing group home measured  
12 from lot line to lot line is not less than one-half mile;
- 13                   (3)     Such use shall be permitted only so long as the facility continues to be validly  
14 licensed by the State of Nebraska.
- 15           (c)     Early childhood care facilities in churches:
- 16                   (1)     The parking and loading/unloading area for such facilities shall comply with  
17 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
18 childhood care facilities;
- 19                   (2)     Such facilities shall comply with all applicable state and local early childhood  
20 care requirements;
- 21                   (3)     Such facilities shall comply with all applicable building and life safety code  
22 requirements;
- 23                   (4)     Such facilities shall be fenced and have play areas that comply with the design  
24 standards for early childhood care facilities;
- 25                   (5)     Such facilities must receive a conditional use permit from the Department of  
26 Building and Safety.
- 27           (d)     Domestic shelter:
- 28                   (1)     Parking shall be in conformance with Chapter 27.67;

1           (2)     The maximum number of residents occupying such a facility shall not exceed  
2 one person per 2,000 square feet of lot area;

3           (3)     The distance between the proposed use of any existing domestic shelter  
4 measured from lot line to lot line shall not be less than one mile.

5           (e)     Early childhood care facilities with a maximum of fifteen children present at any  
6 time:

7           (1)     The parking and loading/unloading area for such facilities shall comply with  
8 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
9 childhood care facilities;

10          (2)     Such facilities shall comply with all applicable state and local early childhood  
11 care requirements;

12          (3)     Such facilities shall comply with all applicable building and life safety code  
13 requirements;

14          (4)     Such facilities shall be fenced and have play areas that comply with the design  
15 standards for early childhood care facilities;

16          (5)     Such facilities shall be used as the permanent residence of the licensed child  
17 care provider;

18          (6)     Such facilities with thirteen or more children must receive a conditional use  
19 permit from the Department of Building and Safety;

20          (7)     Early childhood care facilities located in mobile homes shall have a severe  
21 weather emergency action plan approved by the Health Department.

22                 Section 6. That Section 27.15.040 of the Lincoln Municipal Code be amended to read  
23 as follows:

24 **27.15.040     Permitted Special Uses.**

25                 A building or premises may be used for the following purposes in the R-3 Residential District  
26 if a special permit for such use has been obtained in conformance with the requirements of Chapter  
27 27.63:

28           (a)     Community unit plans in conformance with the following requirements:

29           (1)     The average lot area shall be at least 5,000 square feet;

- 1 (2) All the requirements of Chapter 27.65.
- 2 (b) Private schools, other than those permitted under Section 27.15.020(e) above;
- 3 (c) Health care facilities;
- 4 (d) Dwellings for members of religious orders;
- 5 (e) Mobile home courts;
- 6 (f) Recreational facilities;
- 7 (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires
- 8 which exceed the maximum district height;
- 9 (h) Broadcast towers;
- 10 (i) Extracting sand, gravel, and soil;
- 11 (j) Certain parking lots as defined in Chapter 27.63;
- 12 (k) Elderly or retirement housing;
- 13 (l) Expansion of nonconforming uses;
- 14 (m) Historic preservation;
- 15 (n) Garden centers;
- 16 (o) Public utility purposes;
- 17 (p) Wind energy conversion systems;
- 18 (q) Mobile home subdivisions;
- 19 (r) Housing and related facilities for the physically handicapped;
- 20 (s) Greenhouses;
- 21 (t) Outdoor seasonal sales;
- 22 (u) Cemeteries;
- 23 ~~(v) Churches; increased lot coverage;~~
- 24 (~~w~~ y) Domiciliary care facility;
- 25 (~~x~~ w) Expansion of nonstandard single and two-family dwellings into required yards;
- 26 (~~y~~ x) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
- 27 children not meeting the specified conditions for a permitted conditional use under Section
- 28 27.15.030;
- 29 (~~z~~ y) Neighborhood support services;

- 1           (aa z) Clubs;
- 2           (bb aa) Connection of single-family dwelling to accessory building for the physically
- 3 handicapped;
- 4           (cc bb) Adult care centers.

5           Section 7. That Section 27.17.030 of the Lincoln Municipal Code be amended to read  
6 as follows:

7   **27.17.030    Permitted Conditional Uses.**

8           A building or premises may be used for the following purposes in the R-4 Residential District  
9 in conformance with the conditions prescribed herein:

- 10           (a) Churches:
  - 11               (1) Parking shall be in conformance with Chapter 27.67;
  - 12               (2) The required front and side yards shall be landscaped in conformance with
  - 13 the standards adopted by resolution of the City Council;
  - 14               (3) Required side and rear yards shall be fifteen feet or the same as the district,
  - 15 whichever is greater;
  - 16 ~~(4) Buildings shall not cover more than fifteen percent of the lot area.~~

- 17           (b) Group homes:
  - 18               (1) Group homes shall comply with all sign, height and area regulations of the
  - 19 district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated
  - 20 in conformance with the requirements of Chapter 27.67;
  - 21               (2) The distance between the proposed use and any existing group home measured
  - 22 from lot line to lot line is not less than 1,200 feet;
  - 23               (3) Such use shall be permitted only so long as the facility continues to be validly
  - 24 licensed by the State of Nebraska.

- 25           (c) Early childhood care facilities in churches:
  - 26               (1) The parking and loading/unloading area for such facilities shall comply with
  - 27 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early
  - 28 childhood care facilities;

1                   (2)     Such facilities shall comply with all applicable state and local early childhood  
2 care requirements;

3                   (3)     Such facilities shall comply with all applicable building and life safety code  
4 requirements;

5                   (4)     Such facilities shall be fenced and have play areas that comply with the design  
6 standards for early childhood care facilities;

7                   (5)     Such facilities must receive a conditional use permit from the Department of  
8 Building and Safety.

9           (d)     Domestic shelter:

10                   (1)     Parking shall be in conformance with Chapter 27.67;

11                   (2)     The maximum number of residents occupying such a facility shall not exceed  
12 one person per 1,000 square feet of lot area;

13                   (3)     The distance between the proposed use and any existing domestic shelter  
14 measured from lot line to lot line shall not be less than one mile.

15           (e)     Early childhood care facilities with a maximum of fifteen children present at any  
16 time:

17                   (1)     The parking and loading/unloading area for such facilities shall comply with  
18 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
19 childhood care facilities;

20                   (2)     Such facilities shall comply with all applicable state and local early childhood  
21 care requirements;

22                   (3)     Such facilities shall comply with all applicable building and life safety code  
23 requirements;

24                   (4)     Such facilities shall be fenced and have play areas that comply with the design  
25 standards for early childhood care facilities;

26                   (5)     Such facilities shall be used as the permanent residence of the licensed child  
27 care provider;

28                   (6)     Such facilities with thirteen or more children must receive a conditional use  
29 permit from the Department of Building and Safety;

1 (7) Early childhood care facilities located in mobile homes shall have a severe  
2 weather emergency action plan approved by the Health Department.

3 Section 8. That Section 27.17.040 of the Lincoln Municipal Code be amended to read  
4 as follows:

5 **27.17.040 Permitted Special Uses.**

6 A building or premises may be used for the following purposes in the R-4 Residential District  
7 if a special permit for such use has been obtained in conformance with the requirements of Chapter  
8 27.63:

- 9 (a) Community unit plans in conformance with Chapter 27.65;
- 10 (b) Private schools, other than those permitted under Section 27.17.020(e) above;
- 11 (c) Health care facilities;
- 12 (d) Dwellings for members of religious orders;
- 13 (e) Mobile home courts;
- 14 (f) Recreational facilities;
- 15 (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires

16 which exceed the maximum district height;

- 17 (h) Broadcast towers;
- 18 (i) Certain parking lots as defined in Chapter 27.63;
- 19 (j) Clubs;
- 20 (k) Elderly or retirement housing;
- 21 (l) Expansion of nonconforming uses;
- 22 (m) Historic preservation;
- 23 (n) Public utility purposes;
- 24 (o) Wind energy conversion systems;
- 25 (p) Mobile home subdivisions;
- 26 (q) Housing and related facilities for the physically handicapped;
- 27 (r) Outdoor seasonal sales;
- 28 (s) Cemeteries;
- 29 ~~(t) Churches; increased lot coverage;~~

- 1           (ⓧ ⓧ) Domiciliary care facility;
- 2           (ⓧ ⓧ) Expansion of nonstandard single and two-family dwellings into required yards;
- 3           (ⓧ ⓧ) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
- 4 children not meeting the specified conditions for a permitted conditional use under Section
- 5 27.17.030;
- 6           (ⓧ ⓧ) Neighborhood support services;
- 7           (ⓧ ⓧ) Connection of single-family dwelling to accessory building for the physically
- 8 handicapped;
- 9           (ⓧ ⓧ) Adult care centers.

10                   Section 9. That Section 27.19.030 of the Lincoln Municipal Code be amended to read  
11 as follows:

12 **27.19.030     Permitted Conditional Uses.**

13           A building or premises may be used for the following purposes in the R-5 Residential District  
14 in conformance with the conditions prescribed herein:

- 15           (a)     Churches:
  - 16                   (1)     Parking shall be in conformance with Chapter 27.67;
  - 17                   (2)     Required side and rear yards shall be fifteen feet or the same as the district,
  - 18 whichever is greater;
  - 19 ~~(3)     Buildings shall not cover more than fifteen percent of the lot area.~~
- 20           (b)     Group homes:
  - 21                   (1)     Group homes shall comply with all sign, height and area regulations of the
  - 22 district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated
  - 23 in conformance with the requirements of Chapter 27.67;
  - 24                   (2)     The distance between the proposed use and any existing group home measured
  - 25 from lot line to lot line is not less than 1,200 feet;
  - 26                   (3)     Such use shall be permitted only so long as the facility continues to be validly
  - 27 licensed by the State of Nebraska.
- 28           (c)     Early childhood care facilities in churches:

1           (1)     The parking and loading/unloading area for such facilities shall comply with  
2 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
3 childhood care facilities;

4           (2)     Such facilities shall comply with all applicable state and local early childhood  
5 care requirements;

6           (3)     Such facilities shall comply with all applicable building and life safety code  
7 requirements;

8           (4)     Such facilities shall be fenced and have play areas that comply with the design  
9 standards for early childhood care facilities;

10          (5)     Such facilities must receive a conditional use permit from the Department of  
11 Building and Safety.

12          (d)     Domestic shelter:

13           (1)     Parking shall be in conformance with Chapter 27.67;

14           (2)     The maximum number of residents occupying such a facility shall not exceed  
15 one person per 750 square feet of lot area;

16           (3)     The distance between the proposed use and any existing domestic shelter  
17 measured from lot line to lot line shall not be less than one mile.

18          (e)     Early childhood care facilities with a maximum of fifteen children present at any  
19 time:

20           (1)     The parking and loading/unloading area for such facilities shall comply with  
21 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
22 childhood care facilities;

23           (2)     Such facilities shall comply with all applicable state and local early childhood  
24 care requirements;

25           (3)     Such facilities shall comply with all applicable building and life safety code  
26 requirements;

27           (4)     Such facilities shall be fenced and have play areas that comply with the design  
28 standards for early childhood care facilities;

1 (5) Such facilities shall be used as the permanent residence of the licensed child  
2 care provider;

3 (6) Such facilities with thirteen or more children must receive a conditional use  
4 permit from the Department of Building and Safety;

5 (7) Early childhood care facilities located in mobile homes shall have a severe  
6 weather emergency action plan approved by the Health Department.

7 Section 10. That Section 27.19.040 of the Lincoln Municipal Code be amended to  
8 read as follows:

9 **27.19.040 Permitted Special Uses.**

10 A building or premises may be used for the following purposes in the R-5 Residential District  
11 if a special permit for such use has been obtained in conformance with the requirements of Chapter  
12 27.63:

- 13 (a) Private schools, other than those permitted under Section 27.19.020(g) above;
- 14 (b) Health care facilities;
- 15 (c) Dwellings for members of religious orders;
- 16 (d) Recreational facilities;
- 17 (e) Church steeples, amateur radio antenna installations, towers, and ornamental spires  
18 which exceed the maximum district height;
- 19 (f) Broadcast towers;
- 20 (g) Certain parking lots as defined in Chapter 27.63;
- 21 (h) Clubs;
- 22 (i) Elderly or retirement housing;
- 23 (j) Community unit plans in conformance with Chapter 27.65;
- 24 (k) Expansion of nonconforming uses;
- 25 (l) Historic preservation;
- 26 (m) Public utility purposes;
- 27 (n) Wind energy conversion systems;
- 28 (o) Housing and related facilities for the physically handicapped;
- 29 (p) Outdoor seasonal sales;

- 1 (q) Cemeteries;
- 2 ~~(r) Churches; increased lot coverage;~~
- 3 (s r) Domiciliary care facility;
- 4 (t s) Expansion of nonstandard single and two-family dwellings into required yards;
- 5 (tr t) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
- 6 children not meeting the specified conditions for a permitted conditional use under Section
- 7 27.19.030;
- 8 (v u) Neighborhood support services;
- 9 (w v) Connection of single-family dwelling to accessory building for the physically
- 10 handicapped.

11 Section 11. That Section 27.21.030 of the Lincoln Municipal Code be amended to

12 read as follows:

13 **27.21.030 Permitted Conditional Uses.**

14 A building or premises may be used for the following purposes in the R-6 Residential District

15 in conformance with the conditions prescribed herein:

- 16 (a) Churches:
- 17 (1) Parking shall be in conformance with Chapter 27.67;
- 18 (2) Required side and rear yards shall be fifteen feet or the same as the district,
- 19 whichever is greater;
- 20 ~~(3) Buildings shall not cover more than fifteen percent of the lot area.~~
- 21 (b) Group homes:
- 22 (1) Group homes shall comply with all sign, height and area regulations of the
- 23 district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated
- 24 in conformance with the requirements of Chapter 27.67;
- 25 (2) The distance between the proposed use and any existing group home measured
- 26 from lot line to lot line is not less than 1,200 feet;
- 27 (3) Such use shall be permitted only so long as the facility continues to be validly
- 28 licensed by the State of Nebraska.
- 29 (c) Early childhood care facilities in churches:

1 (1) The parking and loading/unloading area for such facilities shall comply with  
2 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
3 childhood care facilities;

4 (2) Such facilities shall comply with all applicable state and local early childhood  
5 care requirements;

6 (3) Such facilities shall comply with all applicable building and life safety code  
7 requirements;

8 (4) Such facilities shall be fenced and have play areas that comply with the design  
9 standards for early childhood care facilities;

10 (5) Such facilities must receive a conditional use permit from the Department of  
11 Building and Safety.

12 (d) Domestic shelter:

13 (1) Parking shall be in conformance with Chapter 27.67;

14 (2) The maximum number of residents occupying such a facility shall not exceed  
15 one person per 750 square feet of lot area;

16 (3) The distance between the proposed use and any existing domestic shelter  
17 measured from lot line to lot line shall not be less than one mile.

18 (e) Early childhood care facilities with a maximum of fifteen children present at any  
19 time:

20 (1) The parking and loading/unloading area for such facilities shall comply with  
21 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
22 childhood care facilities;

23 (2) Such facilities shall comply with all applicable state and local early childhood  
24 care requirements;

25 (3) Such facilities shall comply with all applicable building and life safety code  
26 requirements;

27 (4) Such facilities shall be fenced and have play areas that comply with the design  
28 standards for early childhood care facilities;

1 (5) Such facilities shall be used as the permanent residence of the licensed child  
2 care provider;

3 (6) Such facilities with thirteen or more children must receive a conditional use  
4 permit from the Department of Building and Safety;

5 (7) Early childhood care facilities located in mobile homes shall have a severe  
6 weather emergency action plan approved by the Health Department.

7 Section 12. That Section 27.21.040 of the Lincoln Municipal Code be amended to  
8 read as follows:

9 **27.21.040 Permitted Special Uses.**

10 A building or premises may be used for the following purposes in the R-6 Residential District  
11 if a special permit for such use has been obtained in conformance with the requirements of Chapter  
12 27.63:

- 13 (a) Private schools, other than those permitted under Section 27.21.020(g) above;
- 14 (b) Health care facilities;
- 15 (c) Dwellings for members of religious orders;
- 16 (d) Recreational facilities;
- 17 (e) Church steeples, amateur radio antenna installations, towers, and ornamental spires  
18 which exceed the maximum district height;
- 19 (f) Broadcast towers;
- 20 (g) Certain parking lots as defined in Chapter 27.63;
- 21 (h) Elderly or retirement housing;
- 22 (i) Community unit plans in conformance with Chapter 27.65;
- 23 (j) Expansion of nonconforming uses;
- 24 (k) Historic preservation;
- 25 (l) Public utility purposes;
- 26 (m) Wind energy conversion systems;
- 27 (n) Housing and related facilities for the physically handicapped;
- 28 (o) Outdoor seasonal sales;
- 29 (p) Cemeteries;

- ~~(q) Churches, increased lot coverage;~~
- (r q) Domiciliary care facility;
- (s r) Expansion of nonstandard single and two-family dwellings into required yards;
- (t s) Nonprofit religious, educational or philanthropic institutions;
- (tt) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.21.030;
- (v u) Connection of single-family dwelling to accessory building for the physically handicapped.

Section 13. That Section 27.23.030 of the Lincoln Municipal Code be amended to read as follows:

**27.23.030 Permitted Conditional Uses.**

A building or premises may be used for the following purposes in the R-7 Residential District in conformance with the conditions prescribed herein:

(a) Churches:

- (1) Parking shall be in conformance with Chapter 27.67;
- (2) Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater;

~~(3) Buildings shall not cover more than fifteen percent of the lot area.~~

(b) Group homes:

- (1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the requirements of Chapter 27.67;
- (2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than 1,200 feet;
- (3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.

(c) Early childhood care facilities in churches:

1           (1)     The parking and loading/unloading area for such facilities shall comply with  
2 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
3 childhood care facilities;

4           (2)     Such facilities shall comply with all applicable state and local early childhood  
5 care requirements;

6           (3)     Such facilities shall comply with all applicable building and life safety code  
7 requirements;

8           (4)     Such facilities shall be fenced and have play areas that comply with the design  
9 standards for early childhood care facilities;

10          (5)     Such facilities must receive a conditional use permit from the Department of  
11 Building and Safety.

12          (d)     Domestic shelter:

13           (1)     Parking shall be in conformance with Chapter 27.67;

14           (2)     The maximum number of residents occupying such a facility shall not exceed  
15 one person per 750 square feet of lot area.

16           (3)     The distance between the proposed use and any existing domestic shelter  
17 measured from lot line to lot line shall not be less than one mile.

18          (e)     Early childhood care facilities with a maximum of fifteen children present at any  
19 time:

20           (1)     The parking and loading/unloading area for such facilities shall comply with  
21 the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early  
22 childhood care facilities;

23           (2)     Such facilities shall comply with all applicable state and local early childhood  
24 care requirements;

25           (3)     Such facilities shall comply with all applicable building and life safety code  
26 requirements;

27           (4)     Such facilities shall be fenced and have play areas that comply with the design  
28 standards for early childhood care facilities;

1                   (5)     Such facilities shall be used as the permanent residence of the licensed child  
2 care provider;

3                   (6)     Such facilities with thirteen or more children must receive a conditional use  
4 permit from the Department of Building and Safety;

5                   (7)     Early childhood care facilities located in mobile homes shall have a severe  
6 weather emergency action plan approved by the Health Department.

7                   Section 14. That Section 27.23.040 of the Lincoln Municipal Code be amended to  
8 read as follows:

9 **27.23.040     Permitted Special Uses.**

10                  A building or premises may be used for the following purposes in the R-7 Residential District  
11 if a special permit for such use has been obtained in conformance with the requirements of Chapter  
12 27.63:

- 13                  (a)     Private schools, other than those permitted under Section 27.23.020(h) above;
- 14                  (b)     Health care facilities;
- 15                  (c)     Dwellings for members of religious orders;
- 16                  (d)     Recreational facilities;
- 17                  (e)     Church steeples, amateur radio antenna installations, towers, and ornamental spires

18 which exceed the maximum district height;

- 19                  (f)     Broadcast towers;
- 20                  (g)     Certain parking lots as defined in Chapter 27.63;
- 21                  (h)     Elderly or retirement housing;
- 22                  (i)     Expansion of nonconforming uses;
- 23                  (j)     Historic preservation;
- 24                  (k)     Public utility purposes;
- 25                  (l)     Wind energy conversion systems;
- 26                  (m)     Housing and related facilities for the handicapped;
- 27                  (n)     Outdoor seasonal sales;
- 28                  (o)     Cemeteries;
- 29                  ~~(p)     Churches; increased lot coverage;~~

1 (q p) Domiciliary care facility;

2 (r q) Expansion of nonstandard single and two-family dwellings into required yards;

3 (s r) Nonprofit religious, educational or philanthropic institutions;

4 (t s) Early childhood care facilities with sixteen or more children, or with fifteen or fewer  
5 children not meeting the specified conditions for a permitted conditional use under Section  
6 27.23.030;

7 (t t) Connection of single-family dwelling to accessory building for the physically  
8 handicapped.

9 Section 15. That Section 27.63.520 of the Lincoln Municipal Code be and the same  
10 is hereby repealed:

11 ~~27.63.520 — Permitted Special Use: Churches; Increased Lot Coverage.~~

12 ~~———— In the R-1 through R-7 residential zoning districts, a special permit may be granted to permit~~  
13 ~~the expansion of an existing church in excess of the maximum permitted lot coverage for churches~~  
14 ~~in said districts under the following conditions:~~

15 ~~———— (a) — A church use shall have been located on the premises for which the special permit~~  
16 ~~is requested for at least ten years;~~

17 ~~———— (b) — An expansion or expansions shall not exceed more than five percent cumulative addi-~~  
18 ~~tional lot coverage over existing lot coverage on the date the first expansion was approved. Once~~  
19 ~~the expansion or expansions have reached the maximum five percent cumulative additional lot~~  
20 ~~coverage over said existing lot coverage, no further expansion shall be permitted for a period of ten~~  
21 ~~years;~~

22 ~~———— (c) — The applicant must show to the satisfaction of the city that no additional adjacent~~  
23 ~~lands are reasonably available for acquisition to otherwise support the proposed expansion and that~~  
24 ~~the applicant has acquired all such adjacent lands as are reasonably available;~~

25 ~~———— (d) — The proposed expansion shall not reduce the available parking below the required~~  
26 ~~minimum for the church use, including the proposed expansion.~~

27 Section 16. That Sections 27.11.030, 27.11.040, 27.13.030, 27.13.040, 27.15.030,  
28 27.15.040, 27.17.030, 27.17.040, 27.19.030, 27.19.040, 27.21.030, 27.21.040, 27.23.030, and  
29 27.23.040 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

1                   Section 17. Pursuant to Article VII, Section 7 of the City Charter, this ordinance  
2 shall be posted on the official bulletin board of the City in lieu of and in place of newspaper  
3 publication with notice of passage and such posting to be given by publication one time in the  
4 official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after  
5 its passage and publication as herein and in the City Charter provided.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

<p>Approved this ___ day of _____, 2004:</p> <p>_____</p> <p style="text-align: center;"><b>Mayor</b></p>
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