

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 26 of the Lincoln Municipal Code, the Land
2 Subdivision Ordinance, by amending Section 26.11.032 relating to filing preliminary plats and
3 scheduling hearings before the Planning Commission to provide that a preliminary plat is not
4 required for subdivisions coordinated with a community unit plan, planned unit development, special
5 permit, or use permit; by amending Section 26.31.015 relating to coordinating subdivisions and
6 community unit plans, planned unit developments, special permits, and use permits to clarify that
7 a preliminary plat is not required whenever the tract to be subdivided is included within a community
8 unit plan, planned unit development, special permit, or use permit, and to further clarify that the
9 coordinated development shall comply with the requirements of Title 26, except as specifically
10 modified; and repealing Sections 26.11.032 and 26.31.015 of the Lincoln Municipal Code as hitherto
11 existing.

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

13 Section 1. That Section 26.11.032 of the Lincoln Municipal Code be amended to read
14 as follows:

15 **26.11.032 Filing Preliminary Plat for Planning Commission Hearing.**

16 Except as provided in Section 26.11.050(b) and Section 26.31.015, a preliminary plat shall
17 be required for all subdivisions. The subdivider shall file with the Planning Director copies of the
18 preliminary plat in the form hereinafter provided, together with copies of the owners' statement and
19 accompanying data, the number of copies to be determined by the Planning Director. The prelimi-
20 nary plat shall be deemed filed on the date said plat and accompanying data is received in the

1 Planning Director's office. ~~When a change of zone, special permit, use permit, or planned unit~~
2 ~~development is required, such application shall accompany the filing of the preliminary plat.~~

3 The preliminary plat may be scheduled for a hearing by the Planning Commission provided:

4 (a) The subdivider files a complete preliminary plat as required in Section 26.15.020
5 at least four Thursdays prior to the Planning Commission meeting; and

6 (b) The Planning Director determines that the preliminary plat substantially complies
7 with the requirements of this title and adopted design standards.

8 However, no hearing shall be held by the Planning Commission until notice of said hearing has been
9 given as provided in Section 26.11.036.

10 Section 2. That Section 26.31.015 of the Lincoln Municipal Code be amended to read
11 as follows:

12 **26.31.015 Coordinating Subdivision and Community Unit Plan, Planned Unit**
13 **Development, Special Permit, and Use Permit.**

14 A preliminary plat is not required ~~W~~ whenever the tract to be subdivided is included in a
15 community unit plan, planned unit development, special permit, or use permit; ~~t~~ The approval of
16 said community unit plan, planned unit development, special permit or use permit shall require that
17 the tract to be subdivided conform to the requirements of this title, except that the approval may
18 include a provision varying or modifying the requirements of this title so as to permit the coordinated
19 development of a subdivision and a community unit plan, planned unit development, special permit,
20 or use permit; provided the public welfare and interests of the city and surrounding area are protected
21 and the general intent and spirit of the regulations preserved.

22 The Planning Director shall be authorized to approve final plats submitted in accordance with
23 a community unit plan, planned unit development, special permit, or use permit notwithstanding the

1 fact that such plats require modifications to the requirements of this title if such modifications were
2 specifically approved at the time of approval of the community unit plan, planned unit development,
3 special permit, or use permit.

4 Section 3. That Sections 26.11.032 26.31.015 of the Lincoln Municipal Code as
5 hitherto existing be and the same are hereby repealed.

6 Section 4. That this ordinance shall take effect and be in force from and after its
7 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2005:

Mayor