

**SUBSTITUTUE**  
ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to  
2 Zoning by amending Sections 27.26.080, 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080,  
3 27.45.070, 27.47.070, 27.49.080, and 27.51.090 to reduce the required front yard in the B-2, B-5,  
4 H-1, H-2, H-3, H-4, I-2, and I-3 zoning districts to 20 feet, and to provide in the O-2, B-2, B-5,  
5 H-4, I-1, I-2, and I-3 districts that any driveways which intersect the front yard shall be substan-  
6 tially perpendicular to the street; by amending Section 27.33.080 to clarify the required side and  
7 rear yards for dwellings above the first story when abutting a residential district; by amending  
8 Section 27.67.030 to revise front yard parking in the B-1, B-3, H-1, H-2 and H-3 district, and to  
9 eliminate parking in the front yard in the I-2 zoning district; by amending Section 27.71.030 to  
10 provide that in the O-2, B-2, B-5, I-1, I-2, and I-3 districts driveways shall be substantially  
11 perpendicular to the street and shall not be wider than 35 feet; to eliminate driveways in the front  
12 and side yards when used to provide access to gasoline pump islands, to eliminate driveways in  
13 front and side yards in the B-1, H-1, H-2, or H-3 zoning districts, and to eliminate vehicle  
14 stacking for drive-in facilities within the required side yard; by repealing Section 27.71.035 to  
15 eliminate gasoline pumps in the front yard; by adding new Sections numbered 27.26.065,  
16 27.27.055, 27.28.065, 27.29.065, 27.31.075, 27.33.065, 27.37.045, 27.39.055, 27.41.065,  
17 27.43.065, 27.45.055, 27.47.055, 27.49.065, and 27.51.075 to add pedestrian circulation  
18 regulations in the O-2, O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning  
19 districts, respectively; by amending Sections 27.63.080 and 27.63.200 to require health care  
20 facilities and clubs to construct on-site pedestrian circulation sidewalk systems; amending  
21 Section 27.81.010 to clarify that no building shall be erected, enlarged or reconstructed nor shall  
22 any structure or land be used except in conformance with the Design Standards for Zoning  
23 Regulations and to govern pedestrian circulation; and repealing Sections 27.26.080, 27.31.090,  
24 27.33.080, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070, 27.47.070, 27.49.080,  
25 27.51.090, 27.63.080, 27.63.200, 27.67.030, 27.71.030 and 27.81.010 of the Lincoln Municipal  
26 Code as hitherto existing.

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

Section 1. That Title 27 of the Lincoln Municipal Code be amended by adding a new section numbered 27.26.065 to read as follows:

**27.26.065 Pedestrian Circulation Regulations.**

Construction of on-site pedestrian circulation sidewalk systems shall be regulated in conformance with the provisions of Section 27.81.010.

Section 2. That Section 27.26.080 of the Lincoln Municipal Code be amended to read as follows:

**27.26.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the O-2 Suburban Office District shall be as follows:

(a) General requirements:

	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling	4,000	50'	20' 30' or same as	10'	40'	25'
Dwelling, two-family	4,000	50'	abutting residential district whichever is lesser	10'	40'	25'
Other Permitted Uses	Less than 15,000	50'		10', **	40'	25'
	15,000 and over	100'		20', **	40'	25'
* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.						
** 0' when abutting a commercial or industrial district.						

(b) There shall be a required front yard on each street side of a double-frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to

1 less than thirty-five feet except where necessary to provide a required side yard of not less than  
2 five feet in place of one of the required front yards;

3 (d) The entire front yard shall be entirely landscaped, except for necessary paving of  
4 walkways and driveways to reach parking and loading areas, provided that any driveway in the  
5 front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.

6 ~~(d)~~(e) Open space requirements for residential use: A minimum amount of usable and  
7 accessible open space must be provided for each residential use. This requirement shall be as  
8 follows:

9 125 square feet for the first dwelling unit;

10 80 square feet per unit for the next four dwelling units;

11 25 square feet per unit for the next four dwelling units;

12 20 square feet per unit for each additional dwelling unit beyond nine.

13 This open space requirement may be met in the following manner:

14 (1) The required rear yard may be counted; however, the required front and  
15 side yards may not be counted toward fulfillment of said open space requirement; except for  
16 porches, terraces, and balconies as permitted in Sections 27.71.100 and 27.71.110;

17 (2) Parking spaces and land occupied by any building or structure may not be  
18 counted toward fulfillment of this open space requirement;

19 (3) This required open space may be provided either on a balcony four or  
20 more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a  
21 manner that it may be developed with areas of planting, open space, recreation and other uses  
22 that are consistent with similar uses in ground- level side and rear yards for dwellings. Such  
23 rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other  
24 mechanical devices, except where they do not interfere with the usable nature of the open space;

25 (4) The depth-to-width ratio of any area used to fulfill the open space require-  
26 ment may not exceed three to one, if the smallest dimension of the open space is twelve feet or  
27 less;

1           ~~(e)~~(f) Accessory buildings which are attached to or are located not more than ten feet  
2 from the main structure shall be considered a part of the main structure and shall comply with the  
3 height, and front, side, and rear yard requirements of the main structure. Accessory buildings  
4 not a part of the main structure may be located in the required rear yard if such yard does not  
5 abut a residential district, but such accessory buildings may not occupy more than thirty percent  
6 of the required rear yard and shall not be nearer than two feet to any side or rear lot line. Such  
7 detached accessory buildings shall not exceed fifteen feet in height. Accessory buildings not a  
8 part of the main structure, if located not less than sixty feet from the front lot line, may extend  
9 into the required side yard though not nearer than two feet to the side lot line. A garage which is  
10 entered from an alley shall not be located closer than ten feet to the alley line;

11           ~~(f)~~(g) Dwellings existing in this district on the effective date of this title which do not  
12 meet the requirements of this chapter shall be considered nonstandard uses in conformance with  
13 the provisions of Chapter 27.61.

14           Section 3. That Title 27 of the Lincoln Municipal Code be amended by adding a  
15 new section numbered 27.27.055 to read as follows:

16       **27.27.055     Pedestrian Circulation Regulations.**

17           Construction of on-site pedestrian circulation sidewalk systems shall be regulated in  
18 conformance with the provisions of Section 27.81.010.

19           Section 4. That Title 27 of the Lincoln Municipal Code be amended by adding a  
20 new section numbered 27.28.065 to read as follows:

21       **27.28.065     Pedestrian Circulation Regulations.**

22           Construction of on-site pedestrian circulation sidewalk systems shall be regulated in  
23 conformance with the provisions of Section 27.81.010.

24           Section 5. That Title 27 of the Lincoln Municipal Code be amended by adding a  
25 new section numbered 27.29.065 to read as follows:

1 **27.29.065 Pedestrian Circulation Regulations.**

2 Construction of on-site pedestrian circulation sidewalk systems shall be regulated in  
3 conformance with the provisions of Section 27.81.010.

4 Section 6. That Title 27 of the Lincoln Municipal Code be amended by adding a  
5 new section numbered 27.31.075 to read as follows:

6 **27.31.075 Pedestrian Circulation Regulations.**

7 Construction of on-site pedestrian circulation sidewalk systems shall be regulated in  
8 conformance with the provisions of Section 27.81.010.

9 Section 7. That Section 27.31.090 of the Lincoln Municipal Code be amended to  
10 read as follows:

11 **27.31.090 Height and Area Regulations.**

12 The maximum height and minimum lot requirements within the B-2 Planned  
13 Neighborhood Business District shall be as follows:

14 (a) General requirements:

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<b>Table 27.31.090(a)</b>					
	<b>Lot Area (Sq. ft.)</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
16 Dwellings	2,000 per unit	50' <u>20'</u>	20'	50'	40'
17 Other 18 Permitted 19 Uses	0	50' <u>20'</u>	0', 20'* when abutting residential district	0', 50'* when abutting residential district	40'

20 \* When a side or rear yard abuts a residential district, it shall be screened in conformance with  
21 the landscape design standards adopted by the City of Lincoln.

22 (b) There shall be a required front yard on each street side of a double frontage lot;

23 (c) There shall be a required front yard on each street side of a corner lot; provided,  
24 however, that the buildable width of a lot of record on April 29, 1963, need not be reduced to

1 less than twenty-eight feet except where necessary to provide a required side yard of not less  
2 than five feet in place of one of the required front yards;

3 (d) The entire front yard shall be entirely landscaped, except for necessary paving of  
4 walkways and driveways to reach parking and loading areas, provided that any driveway in the  
5 front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.

6 ~~(d)~~(e) Accessory buildings shall not extend into any required yard;

7 ~~(e)~~(f) Open space requirements for residential use: A minimum amount of usable and  
8 accessible open space must be provided for each residential use. This requirement shall be as  
9 follows:

10 125 square feet for the first dwelling unit;

11 80 square feet per unit for the next four dwelling units;

12 25 square feet per unit for the next four dwelling units;

13 20 square feet per unit for each additional dwelling unit beyond nine.

14 This open space requirement may be met in the following manner:

15 (1) The required rear yard may be counted; however, the required front and  
16 side yards may not be counted toward fulfillment of said open space requirement, except for  
17 porches, balconies, and terraces as permitted in Sections 27.71.100 and 27.71.110;

18 (2) Parking spaces, and land occupied by any building or structure may not be  
19 counted toward fulfillment of this open space requirement;

20 (3) Required open space may be provided either on a balcony four or more  
21 feet in depth or on a rooftop; provided, the roof is designed and surfaced in such a manner that it  
22 may be developed with areas of planting, open space, recreation, and other uses that are  
23 consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop  
24 areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical  
25 devices, except where they do not interfere with the usable nature of the open space.

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one if the smallest dimension of the open space is twelve feet or less.

Section 8. That Title 27 of the Lincoln Municipal Code be amended by adding a new section numbered 27.33.065 to read as follows:

**27.33.065 Pedestrian Circulation Regulations.**

Construction of on-site pedestrian circulation sidewalk systems shall be regulated in conformance with the provisions of Section 27.81.010.

Section 9. That Section 27.33.080 of the Lincoln Municipal Code be amended to read as follows:

**27.33.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the B-3 Commercial District shall be as follows:

(a) General requirements:

Table 27.33.080(a)						
	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, Above First Story	1,000 per unit	0'	0'; if block face partially in residential district,	0', 5'* if <u>abutting</u> <u>residential</u> <u>district</u>	0', 30'* if <u>abutting</u> <u>residential</u> <u>district</u>	45'; 35' if abutting R-1, R-2 or R-3 zoning district
Other Permitted Uses	0	0'	same as abutting residential district	0', 5'* if abutting residential district	0', 30'* if abutting residential district	
* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.						

1 (b) There shall be a required front yard on each street side of a double frontage lot.

2 (c) There shall be a required front yard on each street side of a corner lot; provided,  
3 however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to  
4 less than twenty-eight feet except where necessary to provide a required side yard of not less  
5 than five feet in place of one of the required front yards.

6 (d) Open space requirements for residential use: A minimum amount of usable and  
7 accessible open space must be provided for each residential use. This requirement shall be as  
8 follows:

9 125 square feet for the first dwelling unit;

10 80 square feet per unit for the next four dwelling units;

11 25 square feet per unit for the next four dwelling units;

12 20 square feet per unit for each additional dwelling unit beyond nine.

13 This open space requirement may be met in the following manner:

14 (1) The required rear yard may be counted; however, the required front and side  
15 yards may not be counted toward fulfillment of said open space requirement, except for porches,  
16 terraces and balconies as permitted in Sections 27.71.100 and 27.71.110.

17 (2) Parking spaces, and land occupied by any building or structure may not be  
18 counted toward fulfillment of this open space requirement.

19 (3) Required open space may be provided either on a balcony four or more feet in  
20 depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it  
21 may be developed with areas of planting, open space, recreation and other uses that are  
22 consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas  
23 may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices,  
24 except where they do not interfere with the usable nature of the open space.

25 (4) The depth-to-width ratio of any area used to fulfill the open space requirement  
26 may not exceed three to one if the smallest dimension of the open space is twelve feet or less.

1 (e) Accessory buildings shall not extend into any required yard except accessory build-  
2 ings to nonstandard residential uses may be allowed in the required rear yard when no more than  
3 thirty percent of such yard is occupied and such building is not nearer than two feet to any side  
4 or rear lot line.

5 (f) Dwellings existing in this district on the effective date of this title which do not meet  
6 the requirements of this chapter shall be considered nonstandard uses in conformance with the  
7 provisions of Chapter 27.61.

8 Accessory buildings for such non-standard dwellings shall not extend into any  
9 required yard except as follows:

10 Accessory buildings which are attached to or not located more than six feet from  
11 the main structure shall be considered a part of the main structure and shall comply with the  
12 height, front, side and rear yard requirements of the main building. Accessory buildings not a  
13 part of the main structure may be located in the required rear yard but such accessory buildings  
14 may not occupy more than forty percent of the required rear yard and shall not be nearer than  
15 two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not  
16 a part of the main structure, if located not less than sixty feet from the front lot line, may extend  
17 into the required side yard though not nearer than two feet to the side lot line. A garage which is  
18 entered from an alley shall not be located closer than ten feet to the alley line.

19 (g) Where a yard is not otherwise required, a five foot yard shall be required adjacent to  
20 the wall of a building which contains windows for dwelling units. The yard shall be on the  
21 premises on which the building is situated.

22 Section 10. That Title 27 of the Lincoln Municipal Code be amended by adding a  
23 new section numbered 27.37.045 to read as follows:

24 **27.37.045 Pedestrian Circulation Regulations.**

25 Construction of on-site pedestrian circulation sidewalk systems shall be regulated in  
26 conformance with the provisions of Section 27.81.010.

1 Section 11. That Section 27.37.060 of the Lincoln Municipal Code be amended  
2 to read as follows:

3 **27.37.060 Height and Area Regulations.**

4 The maximum height and minimum lot requirements within the B-5 Planned Regional  
5 Business District shall be as follows:

6 (a) The required front yard shall be ~~fifty~~ twenty feet. The required front yard shall be  
7 entirely landscaped, except for the necessary paving of walkways and driveways to reach  
8 parking and loading areas ~~in the side or rear yards~~, provided that any driveways ~~which traverse~~  
9 in the front yard shall be substantially perpendicular to the street and shall not be wider than  
10 thirty feet.

11 (b) There shall be a required yard of 100 feet wherever a lot abuts a residential  
12 district, and ~~such~~ the entire yard shall be devoted to landscaping and screened in conformance  
13 with the landscape design standards adopted by resolution of the City Council.

14 (c) There shall be a required front yard along each street side of a double-frontage  
15 lot.

16 (d) There shall be a required front yard along each street side of a corner lot.

17 (e) The maximum permitted height shall be forty feet.

18 (f) Open space requirements for residential use: A minimum amount of usable and  
19 accessible open space must be provided for each residential use. This requirement shall be as  
20 follows:

21 125 square feet for the first dwelling unit;

22 80 square feet per unit for the next four dwelling units;

23 25 square feet per unit for the next four dwelling units;

24 20 square feet per unit for each additional dwelling unit beyond

25 nine.

26 This open space requirement may be met in the following manner:

1 (1) The required rear yard may be counted; however, the required front and  
2 side yards may not be counted toward fulfillment of said open space requirement, except for  
3 porches, terraces, and balconies as permitted in Sections 27.71.100 and 27.71.110;

4 (2) Parking spaces, and land occupied by any building or structure may not be  
5 counted toward fulfillment of this open space requirement;

6 (3) Required open space may be provided either on a balcony four or more  
7 feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner  
8 that it may be developed with areas of plantings, open space, recreational, and other uses that are  
9 consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop  
10 areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical  
11 devices, except where they do not interfere with the usable nature of the open space;

12 (4) The depth-to-width ratio of any area used to fulfill the open space require-  
13 ment may not exceed three to one if the smallest dimension of the open space is twelve feet or  
14 less.

15 (g) Accessory buildings which are attached to or not located more than ten feet from  
16 the main structure shall be considered a part of the main structure and shall comply with the  
17 height and yard requirements of the main structure. Accessory buildings not a part of the main  
18 structure may be located in the required rear yard if such yard does not abut a residential district  
19 or use, but such accessory buildings may not occupy more than thirty percent of the required rear  
20 yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in  
21 height. A garage which is entered from an alley shall not be located closer than ten feet to the  
22 alley line.

23 Section 12. That Title 27 of the Lincoln Municipal Code be amended by adding a  
24 new section numbered 27.39.055 to read as follows:

25 **27.39.055 Pedestrian Circulation Regulations.**

26 Construction of on-site pedestrian circulation sidewalk systems shall be regulated in  
27 conformance with the provisions of Section 27.81.010.

1 Section 13. That Section 27.39.070 of the Lincoln Municipal Code shall be  
2 amended to read as follows:

3 **27.39.070 Height and Area Regulations.**

4 The maximum height and minimum lot requirements within the H-1 Interstate  
5 Commercial District shall be as follows:

6 (a) General requirements:

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	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
8 All 9 permitted 10 uses	5,000	50'	25' 20'	5' *	Smaller of 30'* or 20% of depth	45'

11 \* When a side or rear yard abuts a residential district, it shall be screened in  
12 conformance with design standards adopted by the City of Lincoln.

13  
14 (b) There shall be a required front yard on each street side of a double frontage lot.

15 (c) There shall be a required front yard on each street side of a corner lot; provided,  
16 however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to  
17 less than twenty-eight feet except where necessary to provide a required side yard of not less  
18 than five feet in place of one of the required front yards.

19 (d) Accessory buildings which are attached to or not located more than ten feet from  
20 the main structure shall be considered a part of the main structure and shall comply with the  
21 height and front, side, and rear yard requirements of the main structure. Accessory buildings not  
22 a part of the main structure may be located in the required rear yard, but such accessory  
23 buildings may not occupy more than thirty percent of the required rear yard and shall not be  
24 nearer than two feet to any side or rear lot line. Such detached accessory buildings shall not  
25 exceed fifteen feet in height. Accessory buildings not a part of the main structure, if located not

1 less than sixty feet from the front lot line, may extend into the required side yard though not  
2 nearer than two feet to the side lot line. A garage which is entered from an alley shall not be  
3 located closer than ten feet to the alley line.

4 (e) Dwellings existing in this district on the effective date of this title shall be con-  
5 sidered nonstandard uses in conformance with the provisions of Chapter 27.61.

6 Section 14. That Title 27 of the Lincoln Municipal Code be amended by adding a  
7 new section numbered 27.41.065 to read as follows:

8 **27.41.065 Pedestrian Circulation Regulations.**

9 Construction of on-site pedestrian circulation sidewalk systems shall be regulated in  
10 conformance with the provisions of Section 27.81.010.

11 Section 15. That Section 27.41.080 of the Lincoln Municipal Code be amended  
12 to read as follows:

13 **27.41.080 Height and Area Regulations.**

14 The maximum height and minimum lot requirements within the H-2 Highway Business  
15 District shall be as follows:

16 (a) General requirements:

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	<b>Lot Area (Sq. ft.)</b>	<b>Avg. Lot Width</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
18 All 19 permitted 20 uses	0	0'	25' <u>20'</u>	5', 20'* when abutting residential district	Smaller of 30'* or 20% of depth	45'
21 *	When a side or rear yard abuts a residential district, it shall be screened in 22 conformance with the landscape design standards adopted by the City of Lincoln.					

23 (b) There shall be a required front yard on each street side of a double frontage lot.

1 (c) There shall be a required front yard on each street side of a corner lot; provided,  
2 however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to  
3 less than twenty-eight feet except where necessary to provide a required side yard of not less  
4 than five feet in place of one of the required front yards.

5 (d) Accessory buildings which are attached to or not located more than ten feet from  
6 the main structure shall be considered a part of the main structure and shall comply with the  
7 height and front, side, and rear yard requirements of the main structure. Accessory buildings not  
8 a part of the main structure may be located in the required rear yard, but such accessory  
9 buildings may not occupy more than thirty percent of the required rear yard and shall not be  
10 nearer than two feet to any side or rear lot line. Such detached accessory buildings shall not  
11 exceed fifteen feet in height. Accessory buildings not a part of the main structure, if located not  
12 less than sixty feet from the front lot line, may extend into the required side yard though not  
13 nearer than two feet to the side lot line. A garage which is entered from an alley shall not be  
14 located closer than ten feet to the alley line.

15 (e) Dwellings existing in this district on the effective date of this title shall be  
16 considered nonstandard uses in conformance with the provisions of Chapter 27.61.

17 Section 16. That Title 27 of the Lincoln Municipal Code be amended by adding a  
18 new section numbered 27.43.065 to read as follows:

19 **27.43.065 Pedestrian Circulation Regulations.**

20 Construction of on-site pedestrian circulation sidewalk systems shall be regulated in  
21 conformance with the provisions of Section 27.81.010.

22 Section 17. That Section 27.43.080 of the Lincoln Municipal Code be amended  
23 to read as follows:

24 **27.43.080 Height and Area Regulations.**

25 The maximum height and minimum lot requirements within the H-3 Highway  
26 Commercial District shall be as follows:

27 (a) General requirements:

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**Table 27.43.080(a)**

	<b>Lot Area (Sq. ft.)</b>	<b>Avg. Lot Width</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
All permitted uses	0	0'	30' <u>20'</u>	Smaller of 15' or 10% of lot width, min. 5'; 20' when abutting residential district	Smaller of 30* or 20% of depth	45'

\* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

(b) There shall be a required front yard on each street side of a double frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

(e) Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.

1 Section 18. That Title 27 of the Lincoln Municipal Code be amended by adding a  
2 new section numbered 27.45.055 to read as follows:

3 **27.45.055 Pedestrian Circulation Regulations.**

4 Construction of on-site pedestrian circulation sidewalk systems shall be regulated in  
5 conformance with the provisions of Section 27.81.010.

6 Section 19. That Section 27.45.070 of the Lincoln Municipal Code be amended  
7 to read as follows:

8 **27.45.070 Height and Area Regulations.**

9 The maximum height and minimum lot requirements within the H-4 General Commercial  
10 District shall be as follows:

11 (a) General requirements:

12 **Table 27.45.070(a)**

	<b>Lot Area (Sq. ft.)</b>	<b>Frontage</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
13 All 14 permitted 15 uses	15,000	75'	50'* <u>20'</u>	20'; 50'* if abutting residential district	20'; 50'* if abutting residential district	45'
16 * 17	When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.					

18 (b) There shall be a required front yard on each street side of a double frontage lot.

19 (c) There shall be a required front yard on each street side of a corner lot; provided,  
20 however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to  
21 less than twenty-eight feet except where necessary to provide a required side yard of not less  
22 than five feet in place of one of the required front yards.

23 (d) The required front yard shall be entirely landscaped except for necessary paving  
24 of walkways and driveways to reach parking and loading areas, provided that any driveways in

1 the front yard shall be substantially perpendicular to the street and shall not be wider than thirty  
2 feet.

3       ~~(d)~~ (e) Accessory buildings which are attached to or not located more than ten feet from  
4 the main structure shall be considered a part of the main structure and shall comply with the  
5 height and front, side, and rear yard requirements of the main structure. Accessory buildings not  
6 a part of the main structure may be located in the required rear yard if such yard does not abut a  
7 residential district, but such accessory buildings may not occupy more than thirty percent of the  
8 required rear yard and shall not be nearer than two feet to any side or rear lot line. Such  
9 detached accessory buildings shall not exceed fifteen feet in height. Accessory buildings not a  
10 part of the main structure, if located not less than sixty feet from the front lot line, may extend  
11 into the required side yard though not nearer than two feet to the side lot line. A garage which is  
12 entered from an alley shall not be located closer than ten feet to the alley line.

13       ~~(e)~~ (f) Dwellings existing in this district on the effective date of this title shall be  
14 considered nonstandard uses in conformance with the provisions of Chapter 27.61.

15               Section 20. That Title 27 of the Lincoln Municipal Code be amended by adding a  
16 new section numbered 27.47.055 to read as follows:

17 **27.47.055       Pedestrian Circulation Regulations.**

18               Construction of on-site pedestrian circulation sidewalk systems shall be regulated in  
19 conformance with the provisions of Section 27.81.010.

20               Section 21. That Section 27.47.070 of the Lincoln Municipal Code be amended  
21 to read as follows:

22 **27.47.070       Height and Area Regulations.**

23               The maximum height and minimum lot requirements within the I-1 Industrial District  
24 shall be as follows:

25               (a)     The required front yard shall be fifteen feet except that on lots developed with  
26 buildings on the effective date of this title, the front yard shall be none except where the frontage  
27 on one side of a street between two intersecting streets is located partly in the I-1 Industrial Dis-

1 trict and partly in a district that requires a front yard, in which case the front yard requirements  
2 of the adjacent district shall apply to the I-1 Industrial District from the place where it abuts the  
3 other district to the next intersecting street, or for 300 feet, whichever is less.

4 (b) There shall be no required side and rear yards except when a side or rear yard  
5 abuts a residential district, in which case there shall be a required yard of twenty feet or ten  
6 percent of the lot width, whichever is less, provided the yard shall not be reduced to less than  
7 five feet, and it shall be screened in conformance with the landscape design standards of the City  
8 of Lincoln.

9 (c) The maximum height in the district shall be seventy-five feet.

10 (d) Accessory buildings shall not extend into any required yard.

11 (e) Dwellings existing in this district on the effective date of this title shall be con-  
12 sidered nonstandard uses in conformance with the provisions of Chapter 27.61.

13 (f) There shall be a required front yard on each street side of a double frontage lot.

14 (g) There shall be a required front yard on each street side of a corner lot; provided,  
15 however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to  
16 less than twenty-eight feet except where necessary to provide a required side yard of not less  
17 than five feet in place of one of the required front yards.

18 (h) The required front yard shall be entirely devoted to landscaped area except for  
19 necessary paving of walkways and driveways to reach parking and loading areas ~~in the side or~~  
20 ~~rear yards~~, and provided, further, that any driveways ~~which intersect in~~ the front yard shall be  
21 substantially perpendicular to the street and shall not be wider than thirty feet.

22 Section 22. That Title 27 of the Lincoln Municipal Code be amended by adding a  
23 new section numbered 27.49.065 to read as follows:

24 **27.49.065 Pedestrian Circulation Regulations.**

25 Construction of on-site pedestrian circulation sidewalk systems shall be regulated in  
26 conformance with the provisions of Section 27.81.010.

1 Section 23. That Section 27.49.080 of the Lincoln Municipal Code shall be  
2 amended to read as follows:

3 **27.49.080 Height and Area Regulations.**

4 The maximum height and minimum lot requirements within the I-2 Industrial Park  
5 District shall be as follows:

6 (a) General requirements:

7 **Table 27.49.080(a)**

	<b>Lot Area</b>	<b>Avg. Lot Width</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
8 All 9 permitted 10 uses	1 acre	150'	<del>50'</del> <u>20'</u>	20'; 50'* when abutting residential district	20'; 50'* when abutting residential district	55'
11 *	12 When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.					

13 (b) There shall be a required front yard on each street side of a double-frontage lot.

14 (c) There shall be a required front yard on each street side of a corner lot; provided,  
15 however, that the buildable width of a lot of record on November 6, 1961, need not be reduced to  
16 less than twenty-eight feet except where necessary to provide a required side yard of not less  
17 than five feet in place of one of the required front yards.

18 (d) Accessory buildings which are attached to or not located more than ten feet from  
19 the main structure shall be considered a part of the main structure and shall comply with the  
20 height and front, side, and rear yard requirements of the main structure. Accessory buildings not  
21 a part of the main structure may be located in the required rear yard if such yard does not abut a  
22 residential district, but such accessory buildings may not occupy more than thirty percent of the  
23 required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than  
24 fifteen feet in height. Accessory buildings not a part of the main structure, if located not less  
25 than sixty feet from the front lot line, may extend into the required side yard though not nearer

1 than two feet to the side lot line. A garage which is entered from an alley shall not be located  
2 closer than ten feet to the alley line.

3 (e) The required front yard shall be entirely devoted to landscaped area, except for  
4 ~~guest parking which is permitted in an area not to exceed thirty percent of the required front yard~~  
5 ~~and the~~ necessary paving of walkways and driveways to reach parking and loading areas ~~in the~~  
6 ~~side or rear yards~~, and provided, further, that any driveways ~~which intersect in~~ the front yard  
7 shall be substantially perpendicular to the street and shall not be wider than thirty feet. The  
8 required side and rear yards shall be entirely devoted to landscaped area when they abut a resi-  
9 dential district.

10 (f) No loading facilities shall be provided in the front yard nor in any side yard  
11 adjacent to any residential district. Loading facilities located within 150 feet of any street shall  
12 be visually screened.

13 Section 24. That Title 27 of the Lincoln Municipal Code be amended by adding  
14 a new section numbered 27.51.075 to read as follows:

15 **27.51.075 Pedestrian Circulation Regulations.**

16 Construction of on-site pedestrian circulation sidewalk systems shall be regulated in  
17 conformance with the provisions of Section 27.81.010.

18 Section 25. That Section 27.51.090 of the Lincoln Municipal Code be amended  
19 to read as follows:

20 **27.51.090 Height and Area Regulations.**

21 Minimum area for the establishment of the I-3 Employment Center District is fifty acres.  
22 The maximum height and minimum lot requirements within the I-3 Employment Center District  
23 shall be as follows:

24 (a) General Requirements.

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**Table 27.51.090(a)**

	<b>Lot Area (Sq. ft.)</b>	<b>Frontage</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
27.51.030(c)(3) Uses	0	150'	<del>50'</del> <u>20'</u>	20'*	20'*	55'***
Retail	0	50'	<del>50'</del> <u>20'</u>	20'*	20'*	45'***
Office	0	50'	<del>50'</del> <u>20'</u>	20'*	20'*	45'***
Other	0	50'	<del>50'</del> <u>20'</u>	20'*	20'*	35'

\* When a side or rear yard abuts a residential district, required yard shall be 50 feet and screened in conformance with the landscape design standards adopted by the City of Lincoln.

\* \* When a side or rear yard of an Employment Center or an office/retail use abuts a residential district, the maximum height of any improvement located within 150 feet of the residential district shall be 35 feet.

(b) There shall be a required front yard on each street side of a double-frontage lot.

(c) There shall be a required front yard on each street side of a corner lot.

(d) Accessory buildings shall comply with the height, and front, side, and rear yard requirements of the main structure.

(e) All ~~required~~ front yards shall be entirely devoted to landscaping, except for necessary paving of walkways and driveways to reach parking and loading areas from a public or private street, and provided, further, that any driveways ~~which intersect in~~ in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.

(f) No loading facilities shall be located in any required yard. Loading facilities located within 150 feet of any street shall be visually screened in conformance with City of Lincoln Design Standards.

Section 26. That Section 27.63.080 of the Lincoln Municipal Code be amended to read as follows:

1     **27.63.080     Permitted Special Use: Health Care Facilities.**

2             Health care facilities may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5,  
3     R-6, R-7, R-8, O-1, O-3, B-1, B-2, B-3, H-3, or I-1 zoning districts under the following  
4     conditions:

5             (a)     Parking. Parking shall be in conformance with Chapter 27.67; additional parking  
6     requirements may be imposed. Traffic may be required to be discharged into a major street as  
7     designated in the Comprehensive Plan, or into a classified collector. No parking shall be  
8     permitted in required front or side yards; all parking shall be screened.

9             (b)     Yard and area regulations.

10            (1)     Buildings shall not occupy over thirty-five percent of the total land area  
11     covered by the special permit.

12            (2)     Yards abutting a nonresidential district shall be the same as those required  
13     in said abutting district.

14            (3)     Any yard abutting a residential district or located wholly or partially in a  
15     residential district shall be the greater of ten feet or that required in the said abutting district, plus  
16     an additional one foot setback for each one foot of height shall be provided between the yard line  
17     and the wall nearest the yard line for that portion of the building exceeding twenty feet in height.

18            (4)     Required front and side yards shall be landscaped.

19            (5)     The City Council may increase or decrease these requirements with  
20     consideration given to both facilities and adjacent environment.

21            (c)     The proposed health care facility shall conform to all applicable state and federal  
22     requirements.

23            (d)     The location of health care facilities shall be readily accessible to the area served.  
24     Such facilities should be located on major streets near the center of the area to be served.

25            (e)     On-site pedestrian circulation sidewalk systems shall be constructed in  
26     conformance with the provisions of Section 27.81.010.

1           Section 27. That Section 27.63.200 of the Lincoln Municipal Code be amended  
2 to read as follows:

3 **27.63.200     Permitted Special Use: Clubs.**

4           Clubs may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, O-1,  
5 and O-3 zoning districts under the following conditions:

6           (a) The application shall include the following information: Type of activity, expected  
7 peak use and building capacity, anticipated time of peak activity, and expected expansion of  
8 facilities.

9           (b) Clubs with an off-street parking demand of twenty spaces or more as determined by  
10 the city shall be located on major streets. Clubs with an off-street parking demand of less than  
11 twenty spaces as determined by the city may be located on any street.

12           (c) Parking requirements shall as a minimum be in conformance with the provisions of  
13 Chapter 27.67. Additional parking regulations, parking ingress and egress, location control, and  
14 buffering may be imposed. No parking shall be permitted in any required yard. The application  
15 shall include applicant's estimate of the parking needs of the proposed club.

16           (d) Height and area requirements shall as a minimum be in conformance with  
17 requirements of the district in which the use is located; additional requirements may be imposed.  
18 In the R-4, R-5, O-1, and O-3 districts, the buildings shall not cover over thirty-five percent of  
19 the total area of the lot. In the AG, AGR, R-1, R-2, and R-3 districts, the buildings shall not  
20 cover over fifteen percent of the total area of the lot; provided, however, the Planning  
21 Commission may adjust the percent of lot coverage to permit a club in an existing building.  
22 Except where abutting a nonresidential district, buildings shall be set back from all yard lines a  
23 distance of not less than one foot for each one foot of building height; provided, however, the  
24 Planning Commission may adjust this requirement for existing buildings. Visual screening shall  
25 be required in any yard that abuts a residential district.

26           (e) On-site pedestrian circulation sidewalk systems shall be constructed in  
27 conformance with the provisions of Section 27.81.010.

1 Section 28. That Section 27.67.030 of the Lincoln Municipal Code be amended  
2 to read as follows:

3 **27.67.030 General Conditions.**

4 The following general conditions shall apply, except as otherwise modified in this title:

5 (a) No parking space is permitted in the required front yard in any district except as  
6 follows:

7 (1) Parking lots, parking areas, and driving aisles in the front yard is are  
8 permitted in the B-1, B-3, H-1, H-2, and H-3 zoning districts, except in the front six feet which  
9 shall be entirely devoted to landscaping in accordance with parking lot design standards except  
10 for the necessary paving of walkways and driveways to reach parking and loading areas, and  
11 provided that any driveways in the front yard shall be substantially perpendicular to the street.  
12 The front six feet landscape area shall only apply to lots that have an average lot depth of 150  
13 feet or more. On corner lots the front six feet landscape area shall be required along each street  
14 unless the distance between the street right-of-way and the opposite lot line is less than 150 feet;  
15 and

16 (2) Parking in the front yard is permitted in the ~~B-3~~, R-1, R-2, R-3, and R-4  
17 zoning districts for passenger cars, pickup trucks, or vans outside of an enclosed structure on a  
18 concrete driveway or its equivalent under the following conditions:

19 (i) The width of such parking area shall not exceed thirty-five percent of  
20 the width of the front yard;

21 (ii) The parking area shall be not less than two feet from and parallel to  
22 the side lot line and not less than two feet from the front property line.

23 ~~(iii) Except in B-3 zoning districts, the property shall be used for one- and~~  
24 ~~two-family dwellings;~~

25 ~~(3) Parking in the front yard may be permitted in the I-2 zoning district under the~~  
26 ~~following conditions:~~

1 ~~\_\_\_\_\_ (i) Such parking shall be allowed only within the rear twenty-five feet of~~  
2 ~~the front yard.~~

3 ~~\_\_\_\_\_ (ii) The front yard to be used for parking shall abut a private road ending~~  
4 ~~in a cul-de-sac.~~

5 ~~\_\_\_\_\_ (iii) Such parking shall be in lieu of guest parking permitted in the front~~  
6 ~~yard under Section 27.49.080(e).~~

7 ~~\_\_\_\_\_ (iv) The front yard landscaping requirements shall be doubled.~~

8 (b) No parking space is permitted in the required side yard in any district except as  
9 otherwise provided in this chapter.

10 (c) Parking spaces are permitted in any required rear yard.

11 (d) All required parking spaces shall be provided on the same lot as the use for which  
12 they are required.

13 (e) Any parking requirement resulting in a partial parking space shall be rounded up  
14 to the next whole number.

15 (f) Where additional parking is required by this chapter due to a change in use and  
16 provision for such additional parking is not made, a special review and approval shall be  
17 required by the City Council.

18 (g) For single-family dwellings and two-family dwellings in the R-1, R-2, R-3 and R-  
19 4 zoning districts, the required parking spaces may be stacked front-to-back, one vehicle deep.

20 Section 29. That Section 27.71.030 of the Lincoln Municipal Code be amended  
21 to read as follows:

22 **27.71.030 Front and Side Yards; Driveways.**

23 A driveway shall be permitted within the required front and side yards only if the  
24 driveway provides a connection to a parking space that is or will be located as permitted in this  
25 title, provided that in the O-2, B-2, B-5, H-4, I-1, I-2, and I-3 districts the driveway shall be  
26 substantially perpendicular to the street and shall not be wider than thirty feet, ~~or if the driveway~~  
27 ~~provides access to gasoline pump islands, or if the driveway is located in the B-1, H-1, H-2, or~~

1 ~~H-3 zoning district and the driveway provides an exit from a drive-in or drive-through facility.~~  
2 Vehicle stacking for drive-in facilities shall be permitted within the required side yard if such  
3 side yard does not abut a residential district.

4 Section 30. That Section 27.71.035 of the Lincoln Municipal Code be and the  
5 same is hereby repealed.

6 ~~**27.71.035 — Front Yards, Gasoline Pumps Permitted.**~~

7 ~~Gasoline pumps and gasoline pump islands may be located in a required front yard when~~  
8 ~~located more than twelve feet from the front lot line, except that in the B-2 and B-5 zoning~~  
9 ~~districts, gasoline pumps and gasoline pump islands may only be located in a required front yard~~  
10 ~~when such location is approved as part of the use permit.~~

11 Section 31. That Section 27.81.010 of the Lincoln Municipal Code be amended  
12 to read as follows:

13 **27.81.010 General Regulations.**

14 The following general regulations shall apply to all zoning districts:

15 (a) Except as otherwise provided in this title, no building shall be erected, converted,  
16 enlarged, reconstructed, or structurally altered, nor shall any structure or land be used:

17 (1) Except for a purpose permitted in the district in which the structure or land  
18 is located;

19 (2) Except in conformance with the height and minimum lot requirements,  
20 and the parking and sign regulations, and any other applicable requirements of the district in  
21 which the structure or land is located;

22 (3) Except in conformance with the City of Lincoln Design Standards for  
23 Zoning Regulations adopted by resolution of the City Council.

24 (b) The minimum yards and other open spaces, including lot area per family, required  
25 by this title for each and every building at the time of passage of this title or for any building  
26 hereafter erected shall not be encroached upon or considered as yard or open space requirements

1 for any other buildings, nor shall any lot area be reduced beyond the district requirements of this  
2 title.

3 (c) There shall be no grading or disturbance of any land one acre or greater in size,  
4 except for tilling, cultivation, or agriculturally related conservation practices without first  
5 submitting a drainage and grading plan to the Director of Public Works and Utilities setting forth  
6 the requirements of the design standards applicable to stormwater management, erosion and  
7 sedimentation control, including the preservation of minimum flood corridors, and obtaining  
8 approval of said plan; provided, however, that the requirement to preserve a minimum flood  
9 corridor will not apply to property within a subdivision approved prior to March 8, 2000. The  
10 required grading and drainage plan may be waived by the Director of Public Works and Utilities  
11 upon submittal of a written request for such waiver stating that the grading or land disturbance is  
12 conducted as part of agricultural operations, that the land will remain in agricultural use for a  
13 period not less than three years, and that grading or land disturbance for any other purposes shall  
14 not be conducted prior to submitting and obtaining approval of a grading and drainage plan as  
15 required by this section.

16 (d) On or after May 1, 2006, no permit for the erection or construction of any new  
17 building and no permit for the substantial enlargement of any existing building located in the O-  
18 2, O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning district shall be  
19 issued before the applicant has submitted a Pedestrian Circulation Plan to the City for review and  
20 approval. In addition, on or after May 1, 2006, no permit for the erection or construction of any  
21 club or health care facility pursuant to Sections 27.63.200 and 27.63.080, respectively, and no  
22 permit for the substantial enlargement of any club or health care facility shall be issued before  
23 the permittee has submitted a Pedestrian Circulation Plan to the City for review and approval.  
24 The Pedestrian Circulation Plan shall conform to the City of Lincoln's Design Standards for  
25 Pedestrian Circulation in Commercial and Industrial Areas. An on-site sidewalk system shall be  
26 constructed for any new building and for any redevelopment of any existing building in  
27 accordance with the approved Pedestrian Circulation Plan prior to the issuance of a certificate of

1 occupancy for the building. For the purpose of this section, substantial enlargement shall mean  
2 any addition to an existing building the cost of which equals or exceeds fifty percent of the  
3 County Assessor's assessed value of the property before the start of construction of the addition.

4 ~~(d)~~ (e) Every building hereafter erected or structurally altered shall be located on a lot as  
5 herein defined and in no case shall there be more than one main building on one lot except as  
6 otherwise provided in Chapters 27.65 and 27.71.

7 ~~(e)~~ (f) All inhabited or occupied mobile homes shall conform to one of the following:

8 (1) Used as a dwelling and located in a mobile home court or mobile home  
9 subdivision operating under a valid special permit in conformance with Chapter 27.63;

10 (2) Used as a dwelling associated with a farm;

11 (3) Used as a temporary office or shelter incidental to construction or  
12 development on the premises on which the mobile home is located; or

13 (4) One mobile home may be used as an office in any mobile home court or  
14 mobile home subdivision operating under a valid special permit in conformance with Chapter  
15 27.63; provided, the mobile home used as an office is located on an approved mobile home space  
16 or lot and such office is used only for conducting the business of the mobile home court or  
17 subdivision in which the office is located. Said mobile home may also be used as a dwelling.

18 (5) One mobile home may be used as an office in any campground operating  
19 under a valid special permit in conformance with Chapter 27.63; provided, the mobile home is  
20 used only for conducting the business of the campground. Said mobile home may also be used  
21 as a dwelling for the campground manager.

22 A mobile home not in conformance with one of the above shall not be occupied or  
23 inhabited; nor shall it be connected to utilities, except when being displayed for sale by a dealer  
24 or manufacturer.

25 ~~(f)~~ (g) If a single building or lot is located in two or more zoning districts, each part of  
26 the building or lot shall comply with the regulations of the district in which it is located, except  
27 as provided in Chapter 27.05 or Chapter 27.75.

1                   Section 32. That Sections 27.26.080, 27.31.090, 27.33.080, 27.37.060, 27.39.070,  
2 27.41.080, 27.43.080, 27.45.070, 27.47.070, 27.49.080, 27.51.090, 27.63.080, 27.63.200,  
3 27.67.030, 27.71.030 and 27.81.010 of the Lincoln Municipal Code as hitherto existing be and  
4 the same are hereby repealed.

5                   Section 34. Pursuant to Article VII, Section 7 of the City Charter, this  
6 ordinance shall be posted on the official bulletin board of the City in lieu of and in place of  
7 newspaper publication with notice of passage and such posting to be given by publication one  
8 time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force  
9 from and after its passage and publication as herein and in the City Charter provided.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
Chief Assistant City Attorney

Approved this ___ day of _____, 2006:  _____ Mayor
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