

City Council Introduction: **Monday**, October 22, 2007
Public Hearing: **Monday**, October 29, 2007, at **5:30** p.m.

Bill No. 07-165

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 07050**, requested by the Director of Planning, amending Title 27 of the Lincoln Municipal Code relating to height and area regulations in the R-1 through R-4 zoning districts.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 10/10/07
Administrative Action: 10/10/07

STAFF RECOMMENDATION: Approval

RECOMMENDATION: Approval (7-0: Cornelius, Taylor, Larson, Gaylor-Baird, Esseks, Francis and Sunderman voting 'yes'; Carroll and Moline absent).

FINDINGS OF FACT:

1. The Director of Planning has requested to amend Section 27.71.140 of the Lincoln Municipal Code relating to height and area regulations, to clarify that a lot or tract located in the R-1 through R-4 zoning districts may only be occupied by two or more buildings through a special permit or planned unit development. In the past, this provision has been interpreted to allow multiple duplexes on a single lot so long as the lot, or tract, minimum lot area per dwelling standard was met. In older neighborhoods, that have been downzoned to limit densities, this interpretation would have the unintended effect of encouraging land assembly for higher density development.
2. An associated amendment to Section 27.81.010 would clarify that more than one single family building in the R-1 through R-4 districts may be approved through a special permit or planned unit development, as well as a community unit plan.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, concluding that this proposal provides more clarity to the zoning ordinance regarding the sections involving more than one main building or use on a lot.
4. On October 10, 2007, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On October 10, 2007, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval (Carroll and Moline absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 15, 2007

REVIEWED BY: _____

DATE: October 15, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.07050 text

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

OCTOBER 10, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 07050

1. Revise 27.71.140 to clarify that a lot or tract located in the R-1 through R-4 zoning districts may only be occupied by a group of two or more buildings to be used as a unit for any combination of two-family dwellings, multiple-family dwellings, or institutional purposes under a special permit or planned unit development.
2. Revise 27.71.140 to clarify that the lot or tract must meet the minimum lot requirements and conditions in said district for each main building or use except as modified by the special permit, planned unit development, or conditions of approval for such use under a special permit or planned unit development.
3. Revise the name of Section 27.71.140 to: "Two or More Buildings for Two-family Dwellings, Multiple-family, or Institutional Purposes." The word "hotel" was removed because they are not allowed in the R-1, R-2, R-3, or R-4 districts.
4. Add reference to Section 27.81.010 that Chapters 27.60 Planned Unit Development and 27.63 Special Permits to clarify that those chapters also apply.

CONCLUSION: The proposal provides more clarity to the zoning code regarding these two sections involving more than one main building or use on a lot.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Sections 27.71.140 and 27.81.010 of the Zoning Ordinance.

HISTORY:

27.71.140: This section was created with the 1953 rewrite of the zoning code (Ordinance #5636) and was amended in 1961 to change "residential" to "multiple-family". The section was added to the current code by Ordinance #12571 on May 8, 1979 and was amended by Ordinance #13326 on March 1, 1982. This section was recently amended by Change of Zone #07032 by Ordinance #18957 on July 9, 2007 to reduce internal setback requirements.

27.81.010: The section was added to the current code by Ordinance #12571 on May 8, 1979 and was amended by ordinances eight times since then, but never subsection (e).

COMPREHENSIVE PLAN SPECIFICATIONS:

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. Promote residential development, economic development and employment opportunities throughout the City. (p. 10)

ANALYSIS:

1. The text amendments to Section 27.71.140 came as a suggestion from the Law Department. The purpose is to clarify that properties zoned R-1 to R-4 can not build more than one main building on a lot unless it is a part of a special permit or planned unit development. Apparently, this section of the ordinance has been interpreted in the past as allowing two or more duplexes on a single lot, for example, if the lot meets the minimum area requirements for one duplex in the particular district multiplied by the number of duplexes proposed. In many older neighborhoods that were down-zoned to limit density, the past interpretation would have the unintended effect of encouraging land assembly for higher density redevelopment. This text amendment will make the intention of the ordinance clear.

2. More than one single family dwelling is not allowed on a lot in the R-1 to R-4 district except under the circumstances provided in Section 27.81.010(e) which states: "Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided in Chapters 27.65 (Community Unit Plans) and 27.71 (Additional Height and Area Regulations)." The text amendment proposes to add Chapters 27.60 Planned Unit Development and 27.63 Special Permits because this rule also applies to those chapters.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: September 26, 2007

APPLICANT: Marvin Krout, Director of Planning
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CHANGE OF ZONE NO. 07050

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

October 10, 2007

Members present: Gaylor-Baird, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor; Carroll and Moline absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 07020, *CHANGE OF ZONE NO. 07050*, SPECIAL PERMIT NO. 1685A, SPECIAL PERMIT NO. 07043, SPECIAL PERMIT NO. 07044, SPECIAL PERMIT NO. 07046, USE PERMIT NO. 04005A and WAIVER NO. 07007.**

Ex Parte Communications: None.

Item No. 1.3, Special Permit No. 1685A; Item No. 1.5, Special Permit No. 07044; and Item No. 1.6, Special Permit No. 07046, were removed from the Consent Agenda and scheduled for separate public hearing. **Item No. 1.7, Use Permit No. 04005A,** was removed from the Consent Agenda and called under "Requests for Deferral".

Larson moved to approve the remaining Consent Agenda, seconded by Esseks and carried 7-0: Gaylor-Baird, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor voting 'yes'; Carroll and Moline absent.

Note: This is final action on Waiver No. 07007, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.