

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code, the Zoning
2 Code, by amending Sections 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070
3 relating to Height and Area Regulations in the B-2 Planned Neighborhood Business District, B-5
4 Planned Regional Business District, H-1 Interstate Commercial District, H-2 Highway Business
5 District, H-3 Highway Commercial District, and H-4 General Commercial District, respectively to
6 increase the maximum height of buildings to 55 feet and to provide that if the height of the building
7 is over 40 feet in the B-2 and B-5 districts and over 45 feet in the H-1, H-2, H-3, and H-4 districts,
8 that portion of the building in excess of such height shall be required to have one additional foot of
9 setback to any required side and/or rear yard abutting an R-1 through R-4 Residential District for
10 each one foot of building height in excess of the applicable 40 feet or 45 feet depending on the
11 zoning district in question, except that the additional rear yard setback is not required in the B-5
12 district; and repealing Sections 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, and
13 27.45.070 of the Lincoln Municipal Code as hitherto existing.

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

15 Section 1. That Section 27.31.090 of the Lincoln Municipal Code be amended to
16 read as follows:

17 **27.31.090 Height and Area Regulations.**

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

(a) General requirements:

Table 27.31.090(a)

	Lot Area (Sq. ft.)	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwellings	2,000 per unit	20'	20'	50'	40' <u>55'</u> **
Other Permitted Uses	0	20'	0', 20'* when abutting residential district	0', 50'* when abutting residential district	40' <u>55'</u> **

* 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.

** If the height of the building is over 40', that portion of the building in excess of 40' shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 residential district for each one foot of building height in excess of 40'.

(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 April 29, 1963, 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) The entire front yard shall be entirely landscaped, except for necessary paving of walkways and driveways to reach parking and loading areas, provided that any driveway in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.

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

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

125 square feet for the first dwelling unit;

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

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

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

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 side
2 yards may not be counted toward fulfillment of said open space requirement, except for porches,
3 balconies, and terraces 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 feet
7 in depth or on a rooftop; provided, the roof is designed and surfaced in such a manner that it may
8 be developed with areas of planting, open space, recreation, and other uses that are consistent with
9 similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be
10 occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where
11 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 requirement
13 may not exceed three to one if the smallest dimension of the open space is twelve feet or less.

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

16 **27.37.060 Height and Area Regulations.**

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

19 (a) The required front yard shall be twenty feet. The required front yard shall be entirely
20 landscaped, except for the necessary paving of walkways and driveways to reach parking and
21 loading areas, provided that any driveways in the front yard shall be substantially perpendicular to
22 the street and shall not be wider than thirty feet.

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

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

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

28 (e) The maximum permitted height shall be forty fifty-five feet. If the height of the
29 building is over forty feet, that portion of the building in excess of forty feet shall be required to

1 have one additional foot of setback to any required side yard abutting an R-1 through R-4 residential
2 district for each one foot of building height in excess of forty feet.

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

6 125 square feet for the first dwelling unit;

7 80 square feet per unit for the next four dwelling units;

8 25 square feet per unit for the next four dwelling units;

9 20 square feet per unit for each additional dwelling unit beyond nine.

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

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

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

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

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

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

1 Section 3. That Section 27.39.070 of the Lincoln Municipal Code be amended to
2 read as follows:

3 **27.39.070 Height and Area Regulations.**

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

6 (a) General requirements:

7

	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'	20'	5'*	Smaller of 30'* or 20% of depth	45' <u>55'</u> **

11 * When a side or rear yard abuts a residential district, it shall be screened in conformance with
12 design standards adopted by the City of Lincoln.
13 ** If the height of the building is over 45', that portion of the building in excess of 45' shall be
14 required to have one additional foot of setback to any required side and/or rear yard abutting
15 an R-1 through R-4 residential district for each one foot of building height in excess of 45'.

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

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

21 (d) Accessory buildings which are attached to or not located more than ten feet from the
22 main structure shall be considered a part of the main structure and shall comply with the height and
23 front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the
24 main structure may be located in the required rear yard, but such accessory buildings may not
25 occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any
26 side or rear lot line. Such detached accessory buildings shall not exceed fifteen feet in height.
27 Accessory buildings not a part of the main structure, if located not less than sixty feet from the front
28 lot line, may extend into the required side yard though not nearer than two feet to the side lot line.
29 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.

Section 4. That Section 27.41.080 of the Lincoln Municipal Code be amended to read as follows:

27.41.080 Height and Area Regulations.

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

(a) General requirements:

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All permitted uses	0	0'	20'	5', 20'* when abutting residential district	Smaller of 30'* or 20% of depth	45' <u>55'</u> **
* 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.						
** <u>If the height of the building is over 45', that portion of the building in excess of 45' shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 residential district for each one foot of building height in excess of 45'.</u>						

(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.

1 Accessory buildings not a part of the main structure, if located not less than sixty feet from the front
 2 lot line, may extend into the required side yard though not nearer than two feet to the side lot line.
 3 A garage which is entered from an alley shall not be 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 considered
 5 nonstandard uses in conformance with the provisions of Chapter 27.61.

6 Section 5. That Section 27.43.080 of the Lincoln Municipal Code be amended to
 7 read as follows:

8 **27.43.080 Height and Area Regulations.**

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

11 (a) General requirements:

12 **Table 27.43.080(a)**

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
13 All 14 permitted 15 uses	0	0'	20'	Smaller of 15' or 10% of lot width, min. 5'; 20' when abutting residential district	Smaller of 30'* or 20% of depth	<u>45'</u> <u>55'**</u>
16 *	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.					
17 **	<u>If the height of the building is over 45', that portion of the building in excess of 45' shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 residential district for each one foot of building height in excess of 45'.</u>					

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

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

26 (d) Accessory buildings which are attached to or not located more than ten feet from the
 27 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.

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

27.45.070 Height and Area Regulations.

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

(a) General requirements:

Table 27.45.070(a)						
	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All permitted uses	15,000	75'	20'	20'; 50'* if abutting residential district	20'; 50'* if abutting residential district	45' <u>55'***</u>
* 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.						
** <u>If the height of the building is over 45', that portion of the building in excess of 45' shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 residential district for each one foot of building height in excess of 45'.</u>						

(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 twenty-eight 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 required front yard shall be entirely landscaped except for necessary paving of
4 walkways and driveways to reach parking and loading areas, provided that any driveways in the
5 front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.

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

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

18 Section 7. That Sections 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, and
19 27.45.070 of the Lincoln Municipal Code as hitherto existing be and the same is hereby repealed.

20 Section 8. That this ordinance shall take effect and be in force from and after its
21 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2007:

Mayor