

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code, the Zoning
2 Code, by amending Section 27.63.170 relating to special permits for parking lots to allow the City
3 Council to adjust the location of signs and parking under a special permit; amending Section
4 27.67.030 relating to general parking conditions to allow parking in the front yard under a special
5 permit for parking lots pursuant to Section 27.63.170; amending Section 27.69.030 relating to
6 general sign provisions to allow signs in the front yard if authorized under the conditions of approval
7 for the special permitted use found in Chapter 27.63; and repealing Sections 27.63.170, 27.67.030,
8 and 27.69.030 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 27.63.170 of the Lincoln Municipal Code be amended to
11 read as follows:

12 **27.63.170 Permitted Special Use: Parking Lots.**

13 (a) Parking lots may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6,
14 R-7, R-8, and O-2 zoning districts in conformance with the provisions of Chapter 27.67 and under
15 one of the following conditions:

16 (1) A. The premises upon which the parking lot is located shall not be located
17 more than 300 feet from the boundary of one of the following districts: O-1, B-1, B-3, B-4, H-2,
18 H-3, or I-1 and the following conditions shall be met:

19 (i) The parking lot shall not use a local residential street for access,
20 unless access cannot be gained to the proposed parking lot from a
21 non-residential street. If access is proposed from a local residential
22 street, such access must be gained at a location that does not
23 negatively impact adjacent residential zoned property.

24 (ii) Any adjacent alley serving the parking lot shall be paved.

25 (iii) Any lighting facility shall be orientated to eliminate light trespass on
26 adjacent residentially zoned properties in accordance with adopted
27 design standards.

1 B. In addition to the above conditions, the Planning Commission, in passing
2 upon applications for special permits under subparagraph (1), shall also consider the following
3 criteria:

4 (i) There shall be no residential use located between the parking lot and
5 the commercial or industrial establishment.

6 (ii) The parking lot shall not disrupt the continuity of the block face, and
7 the character of the existing residential neighborhood shall be
8 preserved.

9 (iii) The parking lot shall be allowed only if it can function as a
10 transitional use while protecting the adjacent residential use.

11 (iv) The parking lot shall abut a commercial or industrial zoning district.

12 An adjustment to these criteria may be granted by the Planning Commission upon a
13 determination that there is a sufficient cause for such an adjustment and that there will be no
14 significant impact on adjacent residential uses, or

15 (2) The land shall not be located more than 360 feet from property occupied by
16 a college, university, or church; provided that the parking lots are used primarily in connection with
17 the said college, university, or church.

18 (b) Parking areas consisting of less than six parking spaces may be allowed by special
19 permit in the same zoning districts in conformance with the same provisions and under the same
20 conditions applicable to parking lots as contained in paragraph (a) of this section.

21 (c) If requested by the applicant, the City Council may adjust the location of any sign
22 permitted by section 27.69.160 and the location of parking and allow parking and drive aisles in the
23 front and side yards and may increase the minimum screening and landscaping requirements
24 consistent with adequate protection of the environment and adjacent land uses.

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

27 **27.67.030 General Conditions.**

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

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

1 (1) Parking lots, parking areas, and driving aisles in the front yard are permitted in
2 the B-1, B-3, H-1, H-2, and H-3 zoning district in accordance with parking lot design standards; and

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

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

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

10 (3) Parking in the front yard is permitted as otherwise provided in Section
11 27.63.170.

12 (b) No parking space is permitted in the required side yard in any district except as
13 otherwise provided in this chapter and in Section 27.63.170.

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

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

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

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

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

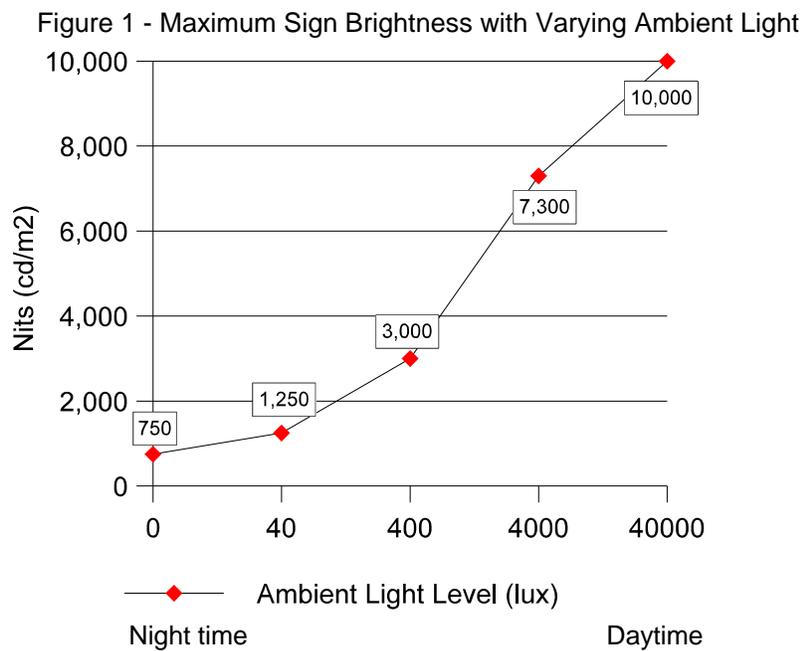
24 (h) No parking space is required for the area of outdoor dining.

25 Section 3. That Section 27.69.030 of the Lincoln Municipal Code be amended to
26 read as follows:

27 **27.69.030 General Provisions.**

28 No sign or part thereof shall be erected or maintained in any zoning district except in
29 conformance with the provisions of this chapter. Unless otherwise provided in this chapter:

(a) Signs may be illuminated, except as otherwise provided in residential districts; provided, however, that the surface/face illumination of any sign shall not exceed the levels shown in Figure 1 below for different conditions of ambient light. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been preset not to exceed the above illumination levels, and the preset intensity level is protected from end user manipulation by password protected software or other method approved by the Director of Building and Safety. Such an illuminated sign shall be equipped with a sensor and/or timer or other device approved by the Director of Building and Safety to automatically adjust the day/night light intensity levels in accordance with Figure 1 below.



(b) No sign shall blink or flash, display an animated message, nor be illuminated by any device so as to appear to blink or flash or simulate animation, except for mobile signs and B-4 zoning district signs permitted by Section 27.69.070.

(c) No sign shall move, rotate, revolve, or simulate animation by means of spinning, fluttering, or reflective devices or lighting, except a sign may rotate or revolve at a rate not to exceed six revolutions per minute.

(d) No message on an electronic changeable copy sign shall be animated. Transition between messages are permitted but such transitions may only fade, scroll, travel, or reveal, and the transition shall not exceed a duration of one second. If the sign area displaying electronic changeable

1 messages is greater than 80 square feet, the message shall hold for at least ten seconds. If said sign
2 area is 80 square feet or less, the message shall hold for at least one second.

3 (e) No sign shall be erected or maintained in a required yard except as otherwise
4 provided in Chapter 27.63, encroach upon or overhang any adjacent property, or any other land or
5 public right-of-way.

6 (f) No sign shall be erected upon or against a roof or on top of or above the parapet of
7 a building.

8 (g) No sign shall exceed the maximum height permitted for buildings in the zoning
9 district in which it is located.

10 (h) Every sign shall be permanently attached to the ground, or to a building or structure
11 which is permanently attached to the ground, except for mobile signs as provided in this chapter and
12 in Title 22 of the Lincoln Municipal Code.

13 (i) The area of a double-faced sign or two-sided or three-sided V-type sign not exceeding
14 an angle of sixty degrees is calculated on one face of the sign only. A four-sided sign is to be
15 calculated as two signs, and a triangular, three-sided sign is to be calculated on its largest face.

16 (j) No sign shall be painted on or attached to rocks, trees, or any other natural object.

17 (k) No sign shall be erected, placed, or maintained that violates the site obstruction
18 regulations of the Department of Public Works and Utilities. Location of signs within sight distance
19 limitations of street intersections or entrance or exits from private property shall be in accordance
20 with and may be modified by regulations established by the Department of Public Works and
21 Utilities.

22 (l) No sign or part thereof shall be erected in those zoning districts which are adjacent
23 to or within the area of the interstate and federal-aid primary road systems in contravention of the
24 advertising controls of the State of Nebraska.

25 (m) Signs for designated landmarks or in designated landmark districts must receive a
26 certificate of appropriateness from the Historic Preservation Commission.

27 (n) Marquee signs shall be designed so that sign support braces are not visible from street
28 level. When a building is erected adjacent to the front property line, the marquee sign may be
29 attached to the marquee extending into or over the right-of-way. Pedestrian marquee signs shall not

1 project beyond the edge of the marquee, and shall have a minimum clearance of eight feet above the
2 walk or grade below.

3 (o) On-premises pole signs in the Capitol View Corridor Overlay District shall be subject
4 to the regulations of said district, notwithstanding the otherwise applicable regulations of the
5 underlying zoning district.

6 (p) A pole sign or ground sign permitted on a "per frontage" basis shall be allocated to
7 and be located proximate to the specific frontage which would authorize such sign.

8 (q) The allowable wall sign area for a business within a multiple tenant building shall
9 not exceed thirty percent of the wall area per building facade which abuts the business.

10 (r) In all nonresidential zoning districts, on-premises electronic changeable copy signs
11 shall be permitted. The sign area displaying electronic changeable messages shall not exceed eighty
12 square feet of sign area and such sign area shall be included as a part of the permitted signage for
13 the premises on which it is located.

14 (s) Variance for Pre-existing Signs. All signs installed prior to the effective date of this
15 ordinance (Bill No. 06-193S2) which do not qualify as a nonconforming use in subparagraph (t)
16 below may be continued for a period of ten years from the effective date of this ordinance (Bill No.
17 06-193S2) provided that: (1) such sign was installed pursuant to and in compliance with a permit
18 issued by the Department of Building and Safety and (2) the sign conforms with or is modified to
19 conform with the illumination requirements shown on Figure 1 of Section 27.69.030(a). Notwith-
20 standing the above, such sign shall be brought into compliance when one or more of the conditions
21 listed in Section 27.69.320 occurs.

22 (t) Nonconforming Signs. The lawful use of a sign existing immediately prior to the
23 effective date of this ordinance (Bill No. 06-193S2) may be continued although such signs do not
24 conform to the provisions hereof except as otherwise provided in Sections 27.69.035 and 27.69.320.

25 Section 4. That Sections 27.63.170, 27.67.030, and 27.69.030 of the Lincoln
26 Municipal Code as hitherto existing be and the same are hereby repealed.

1 Section 5. That this ordinance shall take effect and be in force from and after its
2 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2008:

Mayor