

Chapter 1.00
REQUEST FOR WAIVER, PROCEDURE

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Section 2. PROCEDURE

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1 **2.5 Lincoln Downtown Design Standards**

2 Notwithstanding the above, any request for a deviation of the Lincoln Downtown Design

3 Standards may be approved by the Planning Director, the Appeals Board, or the City Council

4 as provided in said design standards.

Chapter 3.76

LINCOLN DOWNTOWN DESIGN STANDARDS

*The Planning Department is assigned responsibility
for administration of these design standards.*

Section 1. INTRODUCTION

Downtown Lincoln is the mixed-use center of the Lincoln community, offering employment, residences, education, recreation, and retailing. From the adoption of the Original Plat in 1867 through the present day, Downtown has developed as the community's most urban, most mixed, highest density neighborhood, with wide streets and sidewalks, buildings typically constructed from property-line to property-line, and relatively few but very important urban open spaces. For the purposes of these Lincoln Downtown Design Standards, "Downtown Lincoln" consists of those areas within the corporate limits zoned B-4 Lincoln Center Business District or O-1 Office District, as shown on the Lincoln Zoning District Map adopted pursuant to Section 27.05.020 of the Lincoln Municipal Code.

The purpose of the Lincoln Downtown Design Standards ("Design Standards") is to recognize and build upon the substantial private and public investment in Downtown Lincoln, and to strengthen the best qualities of its urban form, while encouraging compatible new construction.

The Design Standards focus on a limited number of basic design elements which have significant effect on how Downtown Lincoln looks and even more importantly, on how it is experienced by residents, employees, and visitors. These standards do not guarantee good design -- only the talents and efforts of owners, designers, and builders do that. But they will ensure the best practices and discourage certain negative design features, thereby strengthening Downtown Lincoln's essential center. These Design Standards are derived from and consistent with the Downtown Master Plan and the Antelope Valley Redevelopment Plan.

The Design Standards shall apply to building permit applications filed on or after the adoption of the Request for Resolution designated as Misc. No. 08007.

1 **Section 2. WORK REQUIRING REVIEW**

2 **2.1 Exterior Features**

3 The Design Standards apply to exterior features of projects requiring building permits in the B-4
4 Lincoln Center Business District or O-1 Office District, whether the project is new construction,
5 exterior remodeling of existing buildings, or site development that does not include buildings (such
6 as parking lots). Interior aspects of new or existing construction do NOT require review under the
7 Design Standards (although other building and zoning codes may apply).

8 a. Minor Remodeling Projects (investing 50% or less of a property’s assessed valuation).
9 Exterior features of the project shall not cause greater deviation from these Design
10 Standards than currently exists.

11 b. Major Remodeling Projects (investing more than 50% of a property’s assessed
12 valuation). Exterior features of the project shall meet the applicable Design Standards
13 that are feasible given existing site conditions.

14 c. Review of Minor and Major Remodeling Projects. Review of minor and major
15 remodeling projects should begin with a conference with staff to seek consensus on
16 which are the applicable standards.

17 It is intended that both private and public property owners will comply with these Design Standards,
18 including voluntary cooperation by the University of Nebraska at Lincoln, City of Lincoln, State
19 of Nebraska, and U. S. Government and any other government or agency that is not legally bound
20 by local zoning requirements.

21 **Section 3. APPLICATION AND REVIEW PROCESS**

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23 Planning staff will review projects and administratively approve those which meet the requirements
24 of the Design Standards.

25 Efforts will be made to avoid increased time for review and approval. To facilitate this review
26 process, the applicant shall submit the following items, as applicable, with the building permit
27 application:

- 1 1. At least one black or blue line print to scale showing the street elevations and the site
2 plan of the proposed project.
- 3 2. For new construction and major remodeling projects, samples or photographs of
4 proposed major materials shall also be submitted.
- 5 3. For minor remodeling projects, a photograph of the existing building and sufficient
6 written or drawn description to understand the proposed changes may be substituted.

7 **Section 4. GENERAL REQUIREMENTS**

8 **4.1 Site Development**

- 9 a. Downtown Lincoln buildings west of 19th Street and on North 21st Street from O to
10 Q Streets shall be “built-to” their front property lines (and on corner lots, shall be
11 built-to both front property lines).
- 12 b. Pedestrian plazas and forecourts at street level shall be permitted except on P Street
13 from 9th to 19th Street and on North 21st Street from O to Q Streets.
- 14 c. Any on-site surface parking shall be paved and must be screened with plant materials,
15 masonry walls, or masonry and wrought iron (not chain-link) fences, or some
16 combination thereof, to provide at least a 90% screen from grade to three feet above
17 the grade.
- 18 d. Parking shall be set back six feet from the property line if only plant materials are
19 used for screening or set back three feet if fence or wall are used.
- 20 e. Parking and driveways between a building and the street are prohibited with two
21 exceptions:
 - 22 1. hotels may offer drop-off lanes at their principal entrance; and
 - 23 2. buildings situated on a parcel occupying an entire blockface may be built to one
24 corner (fronting two streets) and may offer screened parking behind and/or
25 beside the building.

1 f. Drive-through lanes, if used, must be located behind or beside buildings, and are
2 prohibited between the building and streets.

3 **4.2 Building Features**

4 a. Materials:

5 1. For the first 20 (twenty) feet above street level, durable masonry materials, such
6 as stone, brick, pre-cast concrete, or poured-in-place concrete are required as the
7 primary exterior material facing streets for Downtown Lincoln buildings. Ample
8 windows are allowed but glass curtain wall structures are allowed only in the
9 area more than 20 feet above street level. Decorative accents of durable
10 materials including metal architectural panels, architectural tile, and metalwork
11 are allowed. Other high-quality, durable materials as accents or primary
12 materials may be proposed to and approved by the appropriate design review
13 board.

14 2. Faux brick products (not made of fired clay) are prohibited.

15 3. Use of lap or shingle siding of any material including wood, vinyl, cementious,
16 or painted or corrugated metal is prohibited for Downtown Lincoln buildings.

17 4. Concrete block is prohibited as the primary material on street facades in
18 Downtown Lincoln.

19 5. Stucco or synthetic stucco is prohibited below the 12 (twelve) foot level but may
20 be substituted above that level for the durable masonry materials described in
21 section 4.2.a.1.

22 b. Parking structures and lots:

23 1. Parking structures shall be designed with usable floor area on the ground floor
24 between parking areas and public sidewalks if built between (and including) N
25 and Q Streets, and between 9th and 19th Streets, and along North 21st Street
26 between O and Q Streets .

27 2. Any ground-floor parking in structures must be screened from public sidewalks.

1 3. Entrances and exits shall be located and grouped to minimize curb cuts and other
2 interruptions of pedestrian movement on sidewalks.

3 4. Parking structures shall be designed with the appearance of horizontal floors,
4 concealing sloped floors or ramps visible on street facades. (Entrance and exit
5 ramps may be visible through openings on the ground floor.)

6 c. Roofs:

7 1. Downtown Lincoln buildings shall conceal low pitched or nearly flat roofs
8 behind parapet walls. Visible roofs are acceptable only on penthouses providing
9 habitable space, set back at least ten feet from parapet walls.

10 2. Mechanical equipment on rooftops shall be architecturally screened with
11 materials compatible with the main walls of the building so they are not visible
12 from adjacent streets.

13 d. Entrances and first floor windows:

14 1. Buildings shall have at least one principal entrance that faces the street.
15 Buildings on corners or with multiple street frontages may have a single principal
16 entrance, which must face a street.

17 2. The ground floor of buildings with frontages between (and including) N and Q
18 Streets, and between 9th and 19th Streets and on North 21st Street from O to Q
19 Streets shall have transparent glazing in at least 70% of the area between four
20 feet and nine feet above the sidewalk, except in the case of residential buildings.
21 Building in other areas shall have transparent glazing in at least 50% of the area
22 between four and nine feet above the sidewalk, except in the case of buildings
23 with first-floor residential uses.

24 3. Ramps for accessibility added to existing buildings, shall employ materials and
25 design features drawn from the main structure. New buildings shall not include
26 exterior ramps along street frontages.
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1 **4.3 Additional Pedestrian Considerations**

2 a. To minimize interruptions of and conflicts with the pedestrian routes across adjacent
3 sidewalks, garage doors and service bays shall not open directly onto sidewalks, but
4 instead shall be oriented toward alleys or toward the interior of the lot. One service
5 bay shall be permitted facing a sidewalk if a building has no alley access.

6 b. Sidewalk cafes and other high-quality amenities including street furniture are
7 encouraged in Downtown Lincoln and shall be designed and located to minimize
8 interruption of clear, direct pedestrian routes.

9 c. Dumpsters, service docks, transformers, and other necessary fixtures shall be located
10 and screened so as not to be visible from adjacent sidewalks.

11 **Section 5. WAIVERS AND APPEAL**

12 The applicant may request the Planning Director to waive strict conformance with the Lincoln
13 Downtown Design Standards (“Design Standards”). The Planning Director may grant the request
14 upon written finding that the design enhances its setting and meets the overall intent and spirit of
15 the Design Standards.

16 A copy of the Planning Director’s decision granting or denying the requested waiver shall be sent
17 by the Planning Director by first class mail to the applicant, the City Council, the Downtown
18 Neighborhood Association, the Downtown Lincoln Association, and to the record owners of
19 property located within 200 feet of the subject property upon which the waiver was granted or
20 denied (collectively “Potentially Aggrieved Parties”). Any Potentially Aggrieved Party may appeal
21 the Planning Director’s decision granting or denying the requested waiver to the Design Standards.
22 The appeal shall be to the Urban Design Committee (or if the subject property is already under the
23 jurisdiction of the Capitol Environs Commission or Historic Preservation Commission, to the
24 Commission having such jurisdiction). The applicable body having jurisdiction over the appeal shall
25 hereinafter be referred to as the Appeals Board. The required Notice of Appeal shall be filed with
26 the Planning Director within 14 days of the mailing (postmark) date of the Planning Director’s
27 notification mailing to the Potentially Aggrieved Parties.

28 Upon receipt of the appeal, the Planning Director shall cause the appeal to be scheduled for hearing
29 and action on the Appeals Board’s agenda within 30 days from the date of the appeal. Notice of
30 the hearing before the Appeals Board shall be sent to the Potentially Aggrieved Parties at least 10
31 days prior to the hearing. The Appeals Board shall review the proposed design, the Planning

1 Director's decision, and any additional information provided, and shall make a written finding
2 granting or denying the requested waiver. The Appeals Board shall grant the requested waiver if it
3 finds that the design enhances its settings and meets the overall intent and spirit of the Design
4 Standards. If the decision is not made by the Appeals Board within 30 days of the date of appeal,
5 the waiver shall be deemed to have been approved by the Appeals Board. If the Appeals Board
6 denies the waiver, the Appeals Board may approve the waiver conditioned upon the applicant
7 making changes to the design in order for the application to meet the overall intent and spirit of the
8 Design Standards. If the applicant agrees to make the recommended design changes, the building
9 permit application shall be approved as being in compliance with the Design Standards, subject to
10 appeal to the City Council as provided below.

11 Notice of the Appeals Board decision granting, conditionally granting, or denying the requested
12 waiver shall be sent by the Planning Director by first class mail to the Potentially Aggrieved Parties.
13 Any Potentially Aggrieved Party may appeal the decision of the Appeals Board to the City Council.
14 Notice of Appeal shall be filed with the City Clerk within 10 days of the mailing (postmark) date
15 of the Planning Director's notification mailing of the Appeals Board's decision. If a Notice of
16 Appeal is timely received, the City Clerk shall cause the appeal to be scheduled for hearing and
17 action on the City Council agenda not less than 15 days nor more than 30 days after the date of the
18 appeal.

19 As an alternative, any Potentially Aggrieved Party may appeal the Planning Director's decision
20 granting or denying the requested waiver to the Design Standards directly to the City Council. The
21 required Notice of Appeal shall be filed with the Planning Director within 14 days of the mailing
22 (postmark) date of the Planning Director's notification mailing to the Potentially Aggrieved Parties.
23 Upon receipt of the appeal, the Planning Director shall cause the appeal to be scheduled for hearing
24 and action on the City Council's agenda within 30 days from the date of the appeal. Notice of the
25 hearing before the City Council shall be sent to the Potentially Aggrieved Parties at least 10 days
26 prior to the hearing. The Planning Director will also schedule a meeting of the Appeals Board, if
27 possible, prior to the City Council hearing, so that the Appeals Board may review and comment on
28 the appeal to the City Council.

29 Any final action of the Planning Director, Appeals Board, or City Council approving a requested
30 waiver shall be deemed to be consistent with the Design Standards for purposes of issuing a building
31 permit.