

Change of Zone No.11011

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code, the Zoning
 2 Code, to allow Agricultural Attractions in the AG Agriculture District by amending Chapter 27.03
 3 to add a new section numbered 27.03.043 to define “Agricultural Attraction”; amending Section
 4 27.07.030 to establish an Agricultural Attraction as a conditional use in the AG Agriculture District;
 5 amending Section 27.67.040 to provide parking requirements for Agricultural Attractions; and
 6 repealing Sections 27.07.030 and 27.67.040 of the Lincoln Municipal Code as hitherto existing.

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

8 Section 1. That Chapter 27.03 of the Lincoln Municipal Code be amended by adding
 9 a new section numbered 27.03.043 to read as follows:

10 **27.03.043** **Agricultural Attraction.**

11 Agricultural attraction shall mean a premises used primarily for agriculture for the purpose
 12 of raising and harvesting crops for sale, but that also includes a limited amount of area devoted to
 13 the provision of entertainment for a period of no more than four months per year. Examples of
 14 agricultural attractions include, but are not limited to, pumpkin patch, apple orchard or corn maze
 15 where in addition to agricultural production there are areas for sale of other goods and entertainment.
 16 Attractions shall not include mechanical rides other than hayrack and sightseeing vehicles.

17 Section 2. That Section 27.07.030 of the Lincoln Municipal Code be amended to
 18 read as follows:

19 **27.07.030** **Permitted Conditional Uses.**

20 A building or premises may be used for the following purpose in the AG agriculture district
 21 in conformance with the conditions prescribed herein:

- 22 (a) Cemeteries, including mausoleums:

1 (1) Mausoleums shall be located at least 200 feet from every street and adjoining
2 property line;

3 (2) Any cemetery established after the effective date of this title shall contain an area
4 of twenty acres or more.

5 (b) Pet cemeteries: Minimum area shall be five acres;

6 (c) Roadside stands for the temporary or seasonal sale of produce shall be permitted on any
7 premises in addition to any other main use, regardless of lot size for specified use:

8 (1) Such roadside stands shall be permitted in a required yard; however, no roadside
9 stand shall be permitted in a right of way, nor closer than thirty feet to the edge of a traveled
10 roadway;

11 (2) Such roadside stand shall not be operated for more than 180 days in any one year.

12 (d) Group homes:

13 (1) Group homes shall comply with all sign, height, and area regulations of the
14 district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated
15 in conformance with the provisions of Chapter 27.67;

16 (2) The distance between the proposed use and any existing group home measured
17 from lot line to lot line is not less than one-half mile;

18 (3) Such use shall be permitted only so long as the facility continues to be validly
19 licensed by the State of Nebraska.

20 (e) Wind energy conversion systems over the district height, provided they meet the follow-
21 ing conditions:

22 (1) The distance from all lot lines to any tower support base of the WECS shall be
23 equal to the height of the tower plus the radius of the rotor. The City Council may grant a reduction
24 in the specific setback table distance when it finds that such reduction shall not adversely affect
25 surrounding property and is consistent with the intent of this title to promote the public health,
26 safety, and general welfare.

1 (2) The distance from any tower support base of a WECS to any tower support base
2 of another WECS under other ownership shall be a minimum of five rotor distances figured by the
3 size of the largest rotor. The City Council may grant a reduction in this requirement if it finds that
4 such reduction does not adversely affect the operation of either WECS.

5 (3) The WECS operation shall not cause interference to the radio and television
6 reception on adjoining property.

7 (4) The WECS, if interconnected to a utility system, shall meet the requirements for
8 interconnection and operation as set forth in the electric utility's then current service regulations
9 applicable to WECS.

10 (f) Greenhouses:

11 (1) The minimum lot area shall be twenty acres; provided, however, that if a lot has
12 less area, width, or frontage or any combination thereof than herein required, and its entire boundary
13 was under different ownership on the effective date of this title and has not been since changed, such
14 lot may be used for a greenhouse, provided that no such lot be less than two acres;

15 (2) Parking shall be in conformance with Chapter 27.67.

16 (g) Early childhood care facilities in churches:

17 (1) The parking and loading/unloading area for such facilities shall comply with the
18 provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early
19 childhood care facilities;

20 (2) Such facilities shall comply with all applicable state and local early childhood care
21 requirements;

22 (3) Such facilities shall comply with all applicable building and life safety code
23 requirements;

24 (4) Such facilities shall be fenced and have play areas that comply with the design
25 standards for early childhood care facilities;

26 (5) Such facilities must receive a conditional use permit from the Department of
27 Building and Safety.

1 (h) Early childhood care facilities with a maximum of fifteen children present at any time:

2 (1) The parking and loading/unloading area for such facilities shall comply with the
3 provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early
4 childhood care facilities;

5 (2) Such facilities shall comply with all applicable state and local early childhood care
6 requirements;

7 (3) Such facilities shall comply with all applicable building and life safety code
8 requirements;

9 (4) Such facilities shall be fenced and have play areas that comply with the design
10 standards for early childhood care facilities;

11 (5) Such facilities shall be used as the permanent residence of the licensed child care
12 provider;

13 (6) Such facilities with thirteen or more children must receive a conditional use permit
14 from the Department of Building and Safety;

15 (7) Early childhood care facilities located in mobile homes shall have a severe weather
16 emergency action plan approved by the Health Department.

17 (i) Domestic Shelter:

18 (1) Parking shall be in conformance with Chapter 27.67;

19 (2) The maximum number of residents occupying such a facility shall not exceed one
20 person per 3,000 square feet of lot area;

21 (3) The distance between the proposed use of any existing domestic shelter measured
22 from lot line to lot line shall not be less than one mile.

23 (j) Agricultural Attraction

24 (1) Such use shall be permitted as long as the premises is outside the city limits,
25 contains twenty acres or more of land, and the majority of the premises is in agriculture use for
26 purpose of raising and harvesting crops.

1 (2) Such facility must receive an Amusement License from the Lancaster County
2 Board.

3 Section 3. That Section 27.67.040 of the Lincoln Municipal Code be amended to read
4 as follows:

5 **27.67.040 Parking Requirements; Special Conditions.**

6 An alphabetical list of uses with special parking requirements for this title are set out in
7 Figure 27.67.040 at the end of this chapter. The following special parking requirements shall apply
8 to the listed uses in place of the general parking requirements found in Section 27.67.020:

9 (a) Fraternity, sorority, and rooming and boarding houses:

10 (1) In the R-6 District:

11 (i) Fraternities: One space/400 sq. ft. livable floor area, within 600 feet of the
12 building;

13 (ii) Sorority, rooming or boarding house: One space/700 sq. ft. livable floor area
14 within 600 feet of the building.

15 (2) In the R-7 and R-8 Districts:

16 (i) Fraternities: One space/700 sq. ft. livable floor area, within 1,200 feet of the
17 building.

18 (ii) Sorority, rooming or boarding house: One space/1,100 sq. ft. livable floor area
19 within 1,200 feet of the building.

20 (b) Group homes: One space per three client or employee residents, plus two spaces per
21 three nonresident employees on the largest shift; provided, however, that no spaces shall be required
22 for client residents who will not possess motor vehicle operator's licenses. Appropriate documenta-
23 tion from the group home licensing agency shall be provided evidencing the non-possession of
24 motor vehicle operator's licenses by clients.

25 (c) Adult care centers: One space/ employee on the largest shift, plus off-street
26 loading/unloading area for one automobile per ten care receivers. Joint parking with another use is
27 acceptable if the adult care center and the other use have nonconcurrent parking demands.

- 1 (d) Nursing homes: One space/3 beds.
- 2 (e) Elderly or retirement housing: One space/dwelling unit.
- 3 (f) Mini-warehouses:
- 4 (1) Two spaces for manager's quarters;
- 5 (2) One space for every 200 storage cubicles to be located at the project office for the
- 6 use of clients; provided access lanes and roads to the storage area are twenty feet in width to allow
- 7 vehicles to unload and pass. If access lanes and roads are less than twenty feet in width, parking at
- 8 a rate of one space per ten storage cubicles shall be provided equally throughout the storage area.
- 9 (g) Doctors' and dentists' offices: One space/225 sq. ft. of floor area.
- 10 (h) Drive-in restaurants: One space/40 sq. ft. of floor area.
- 11 (i) Bowling alleys: 4 spaces/lane (plus required parking for affiliated uses.)
- 12 (j) Auditoriums, theaters, grandstands, stadia, amphitheaters, and other places of public
- 13 assembly: One space/50 sq. ft. of seating area plus parking for affiliated uses within 300 ft. of the
- 14 main use.
- 15 (k) Recreational uses:
- 16 (1) Racquetball and other court games: Four spaces/court (plus required spaces for
- 17 affiliated uses);
- 18 (2) Swimming pools: One space/100 sq. ft. of water surface (plus parking for affiliated
- 19 uses) as determined by the city;
- 20 (3) Golf courses: Two spaces/hole of course, plus parking for affiliated uses.
- 21 (l) Hospitals: One space/2.5 beds, plus one space/employee on the largest shift.
- 22 (m) Churches, chapels, public schools, private schools having a curriculum equivalent to a
- 23 public elementary or public high school, and private business or commercial schools: One space/50
- 24 sq. ft. in largest assembly hall as determined by the City.
- 25 (n) Gymnastic, karate, judo, dance, music, and other similar academies: One space for every
- 26 three students allowed per class session plus one space for every employee. In those instances where
- 27 two sessions of classes occur one after another, without at least one-half hour separation between

1 sessions, the maximum number of students allowed at both sessions shall be combined in
2 determining the amount of required parking per class session.

3 (o) Housing for the physically handicapped: (see also Section 27.63.215) One space/
4 dwelling unit.

5 (p) Domestic shelters: One space for every four residents based on the maximum occupancy
6 allowed by the lot area and two spaces for every three employees on the largest shift.

7 (q) Scrap processing operation or salvage yard: Six spaces, two spaces/acre of lot area or
8 one space/1,000 square feet of floor area, whichever is greater.

9 (r) Dwellings for members of a religious order: one space for every three residents.

10 (s) Warehouses:

11 (1) Warehouses with a floor area of 50,000 square feet or less: one space per every
12 1,000 square feet of floor area or a minimum of one space per employee on the largest shift. The
13 floor area shall be calculated based on the total floor area of all structures on the lot.

14 (2) Warehouses with a floor area of more than 50,000 square feet: one space per every
15 1,000 square feet of floor area for the first 50,000 square feet of floor area and one additional space
16 per 2,000 square feet of floor area in excess of 50,000 square feet, or a minimum of one space per
17 employee on the largest shift. The floor area shall be calculated based on the total floor area of all
18 structures on the lot.

19 (3) If the number of spaces required by the building ratio is greater than required by
20 the employee ratio in (1) or (2) above, the additional parking spaces need not be provided physically,
21 but sufficient areas shall be reserved for to accommodate construction of the additional spaces. If
22 the Building Official finds at any time that the character of the use of the warehouse is such as to
23 require the full provision of parking facilities to be constructed, the Building Official shall report
24 this fact to the City Council which may, after holding a hearing of which the owner shall be notified,
25 require such additional parking to be installed.

26 (t) Hotels and motels: one space per room and one space per 100 square feet of accessory
27 uses.

1 (u) Restaurants and Social Halls: one space per 100 square feet.

2 (v) Dwellings for caretakers employed and residing on the premises: one space per dwelling
3 unit.

4 (w) Early childhood care facilities: One space/ employee on the largest shift, plus off-street
5 loading/unloading area for one automobile per ten care receivers. Joint parking with another use is
6 acceptable if the early childhood care facility and the other use have nonconcurrent parking
7 demands.

8 (x) Domiciliary Care Facilities: One space for every four residents based on the maximum
9 occupancy allowed by the lot area and two spaces for every three employees on the largest shift.

10 (y) Sale of alcoholic beverages for consumption on the premises: Provide on site one space
11 per 100 square feet of gross floor area.

12 (z) Greenhouses located in the AG or AGR zoning districts: One parking space shall be
13 provided for each employee on the maximum shift.

14 (aa) Heritage Centers and Agricultural Attractions located in the AG zoning district: One
15 space shall be provided for every 200 square feet of floor area devoted to permanent retail and
16 service use. In addition, an overflow parking area shall be provided with three stalls for every acre
17 included within the special permit area. Parking may be provided on unpaved areas, except for ADA
18 accessible stalls.

19 (bb) Community Halls located in the AG zoning district: There shall be adequate parking
20 for vehicles compatible with the number of people using the facility.

21 (cc) Off-street Freight Loading Requirements. At the time of construction, alteration, or
22 enlargement of any commercial or industrial building having a floor area of 10,000 square feet or
23 more, and containing a use or uses which requires off-street freight loading, off-street freight loading
24 areas shall be provided on the premises to serve the use and maintained as follows:

25 (1) Six hundred square feet for the first 10,000 square feet of floor area;

26 (2) An additional 600 square feet for each additional 20,000 square feet of floor area.

1 (dd) Joint Parking. Uses that have nonconcurrent parking demand may join their parking
2 facilities so as to reduce aggregate parking requirements as follows:

3 (1) B-5 District. The uses shall be located in the B-5 District and may include adjacent
4 churches or chapels located outside the B-5 District. Uses that have nonconcurrent parking demand
5 may join their parking facilities; however, the use having the largest floor area shall provide 4.5
6 parking spaces for every 1,000 square feet of floor area, and all other uses included in the joint
7 parking arrangement shall provide two parking spaces per 1,000 square feet of their floor area;
8 provided, however, that the number of additional spaces that would be required in the absence of
9 this paragraph need not be provided physically, but sufficient land shall be reserved in the event that
10 future uses may not have nonconcurrent parking demand. For the purpose of determining the
11 adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a written
12 agreement between the city and all parties to such use.

13 (2) O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4 Zoning Districts. The uses shall be
14 located in the following zoning districts: O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4, and may
15 include uses in adjacent O-2 districts and adjacent churches and chapels outside the above districts.
16 The aggregate parking requirement shall be computed on the basis of providing the parking required
17 for that use or those uses having concurrent parking demand that have the largest parking demands
18 as determined by the parking matrix (Section 27.67.020) and any additional conditions in this
19 chapter; provided, however, that the number of additional spaces that would be required in the
20 absence of this paragraph need not be provided physically, but sufficient land shall be reserved in
21 the event that future uses may not have nonconcurrent parking demand. For the purpose of
22 determining the adequacy of the joint parking arrangement, all such joint parking use shall be
23 authorized by a written agreement between the city and all parties to such use.

24 (3) O-1 District. The uses shall be located in the O-1 District and may include adjacent
25 churches or chapels located outside the O-1 District. Uses that have nonconcurrent parking demand
26 may join their parking facilities. The aggregate parking requirement shall be computed on the basis
27 of providing the parking required for that use or those uses having concurrent parking demands that

1 have the largest parking demands as determined by the parking matrix and any additional conditions
2 in this chapter; provided, however, that the number of additional spaces that would be required in
3 the absence of this paragraph need not be provided physically, but sufficient land shall be reserved
4 in the event the future uses may not have nonconcurrent parking demand. For the purpose of
5 determining the adequacy of the joint parking arrangement, all such joint parking use shall be
6 authorized by a written agreement between the city and all parties to such use.

7 (ee) Data Center: Two (2) spaces per three (3) employees on largest shift, plus land shall
8 be reserved to provide required parking for office uses in the underlying zoning districts in the event
9 the Data Center is changed to another office use.

10 Section 4. That Sections 27.07.030 and 27.67.040 of the Lincoln Municipal Code as
11 hitherto existing be and the same are hereby repealed.

12 Section 5. That this ordinance shall take effect and be in force from and after passage
13 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
14 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2011: _____ Mayor
