

Change of Zone 11024

ORDINANCE NO. _____

1 AN ORDINANCE amending the Lincoln Zoning District Maps attached to and made a
2 part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln
3 Municipal Code, by changing the boundaries of the districts established and shown thereon.

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

5 Section 1. That the "Lincoln Zoning District Maps" attached to and made a part of Title
6 27 of the Lincoln Municipal Code be and they are hereby amended by changing the boundaries
7 of the districts established and shown on said Maps as follows:

8 Outlot "C", North Hills 5th Addition, Lincoln, Lancaster County,
9 Nebraska;

10 be and it hereby is (1) designated as a Planned Unit Development District pursuant to and in
11 accordance with Chapter 27.60 of the Lincoln Municipal Code entitled "Planned Unit
12 Development District"; and (2) governed by all the provisions and regulations pertaining to the
13 B-2 Planned Neighborhood Business District except as modified in Section 2 below.

14 Section 2. The Development Plan submitted by Southview Inc. ("Permittee") for the
15 North Hills Planned Unit Development, as set forth in the Permittee's application and site plan
16 be and the same is hereby approved upon condition that operation of the North Hills Planned
17 Unit Development by Permittee and its successors and assigns be in substantial compliance
18 with said application, the site plan and the following express terms and conditions and
19 requirements:

20 1. This change of zone approves a planned unit development for 198,825 sq. ft. of
21 commercial floor area, 565 dwelling units and a waiver to allow the details typically shown on a
22 preliminary plat to be approved by administrative amendment.

1 2. Before a final plat may be approved, the Permittee shall cause to be prepared
2 and submitted to the Planning Department a revised and reproducible final plan including 5
3 copies with all required revisions as listed below:

- 4 a. Revise Note #7 to read, "The PUD permits 198,825 sq. ft. of commercial
5 floor area and 565 dwelling units. A minimum of 5 acres of the property
6 shall be reserved for commercial uses for a period of three years
7 following the approval of this Planned Unit Development. Prior to building
8 permits, the specific combination of floor area and dwelling units
9 permitted per lot must be approved by administrative amendment."
- 10 b. Delete Waiver #2.
- 11 c. In Note #12 under 27.31.040 specify what land uses are permitted in
12 sections F, G and K.
- 13 d. Add to the general notes the language in the note from Use Permit #135
14 that addresses design standards for buildings over 30,000 square feet.
- 15 e. Add the following note to the general notes, "All final layout information,
16 including grading, drainage and noise mitigation, will be provided and
17 approved by administrative amendment."
- 18 f. Add "elderly housing" to permitted uses in Note #12.

19 3. Before receiving building permits:

- 20 a. The Permittee shall provide to the Planning Department verification from
21 the Register of Deeds that the letter of acceptance as required by the
22 approval of the planned unit development has been recorded.
- 23 b. The construction plans must substantially comply with the approved
24 plans.
- 25 c. Final plats must be approved by the City.

26 If any final plat on all or a portion of the approved planned unit
27 development is submitted five years or more after the approval of the
28 planned unit development, the city may require that a new planned unit
29 development be submitted, pursuant to all the provisions of § 26.31.015.
30 A new planned unit development may be required if the subdivision
31 ordinance, the design standards, or the required improvements have
32 been amended by the city; and as a result, the planned unit development
33 as originally approved does not comply with the amended rules and
34 regulations.

35 Before the approval of a final plat, the public streets, private roadway
36 improvements, sidewalks, public sanitary sewer system, public water
37 system, drainage facilities, land preparation and grading, sediment and

1 erosion control measures, storm water detention/retention facilities,
2 drainageway improvements street lights, landscaping screens, street
3 trees, temporary turnaround and barricades, and street name signs, must
4 be completed or provisions (bond, escrow or security agreement) to
5 guarantee completion must be approved by the City Law Department.
6 The improvements must be completed in conformance with adopted
7 design standards and within the time period specified in the Land
8 Subdivision Ordinance. A cash contribution to the City in lieu of a bond,
9 escrow, or security agreement may be furnished for sidewalks and street
10 trees along major streets that have not been improved to an urban cross
11 section. A cash contribution to the City in lieu of a bond, escrow, or
12 security agreement may be furnished for street trees on a final plat with
13 10 or fewer lots.

14 4. Before a final plat may be approved, Permittee, as subdivider, must enter into an
15 agreement with the City whereby Permittee agrees:

- 16 a. To complete the installation of sidewalks along Fletcher Avenue as shown
17 on the final plat within two years following the approval of the final plat.
- 18 b. To complete the public water distribution system to serve this plat within
19 two years following the approval of the final plat.
- 20 c. To complete the public wastewater collection system to serve this plat
21 within two years following the approval of the final plat.
- 22 d. To complete the enclosed public drainage facilities shown on the
23 approved drainage study to serve this plat within two years following the
24 approval of the final plat.
- 25 e. To complete the planting of street trees along the north side of Fletcher
26 Avenue as shown on the final plat within two years following the approval
27 of this final plat.
- 28 f. To complete the installation of the permanent markers prior to
29 construction on or conveyance of any lot in the plat.
- 30 g. To timely complete any other public or private improvement or facility
31 required by the Land Subdivision Ordinance which inadvertently may
32 have been omitted from the above list of required improvements.
- 33 h. To submit to the Director of Public Works a plan showing proposed
34 measures to control sedimentation and erosion and the proposed method
35 to temporarily stabilize all graded land for approval.
- 36 i. To comply with the provisions of the Land Preparation and Grading
37 requirements of the Land Subdivision Ordinance.

- 1 j. To complete the public and private improvements shown on the Planned
2 Unit Development.
- 3 k. To keep taxes and special assessments on the outlots from becoming
4 delinquent.
- 5 l. To maintain the outlots on a permanent and continuous basis.
- 6 m. To maintain the private improvements in good order and condition and
7 state of repair, including the routine and reasonable preventative
8 maintenance of the private improvements, on a permanent and
9 continuous basis.
- 10 n. To relinquish the right of direct vehicular access from lots to North 14th
11 Street and Fletcher Avenue.

12 5. Before occupying the dwelling units/buildings all development and construction
13 shall substantially comply with the approved plans.

14 6. The physical location of all setbacks and yards, buildings, parking and circulation
15 elements, and similar matters must be in substantial compliance with the location of said items
16 as shown on the approved site plan.

17 7. The terms, conditions, and requirements of this ordinance shall run with the land
18 and be binding upon the Permittee, its successors and assigns.

19 8. The Permittee shall sign and return the letter of acceptance to the City Clerk
20 within 60 days following the approval of the change of zone, provided, however, said 60-day
21 period may be extended up to six months by administrative amendment. The clerk shall file a
22 copy of the ordinance approving the change of zone and the letter of acceptance with the
23 Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

24 9. The site plan as approved with this ordinance voids and supersedes all
25 previously approved site plans, however all ordinances approving previous permits remain in full
26 force and effect unless specifically amended by this ordinance.

1 Section 3. That this ordinance shall take effect and be in force from and after its
2 passage and publication in one issue of a daily or weekly newspaper of general circulation in
3 the City, according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2011:

Mayor