

CZ 12004

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to the
2 Zoning Code by amending Figure 27.35.070(a) within Section 27.35.070 to reflect the revised height
3 limits in the B-4 Lincoln Center Business District; adding a new section numbered 27.59.015 titled
4 Scope of Regulations to clarify that airport zoning regulations are applicable in all underlying zoning
5 districts and apply to both public and private entities; amending Section 27.59.040 relating to airport
6 zoning height restrictions to replace the metes and bounds description with a reference to the Airport
7 Zoning Map; amending Section 27.69.035 and Table 1, Off Premises Signs, within Section
8 27.69.040 to prohibit the location of off premises signs in the Haymarket and Downtown areas of
9 the B-4 Lincoln Center Business District west of 9th Street; repealing Sections 27.35.070, 27.59.040,
10 and 27.69.035 and Table 1 within Section 27.69.040 (Off-Premises Signs) of the Lincoln Municipal
11 Code as hitherto existing; amending the Lincoln Airport Zoning Map dated February 25, 2002 to
12 be consistent with Figure 27.35.070(a); and amending the Lincoln Capitol Environs District Height
13 Regulation Map to reflect a 57-foot height requirement west of the Capitol.

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

15 Section 1. That Section 27.35.070 of the Lincoln Municipal Code be amended to be
16 consistent with the amendment to the Capitol Environs District Map in Section 8 below by revising
17 Figure 27.35.070(a) to reflect a 57-foot height limitation west of the Capitol, to add a 100-foot
18 height limitation in the West Haymarket area west of 7th Street, and to lower the existing 275-foot
19 height limitation in several places to a 150-foot height limitation under the B-4 Lincoln Center
20 Business District Height Regulations as shown on Attachment A hereto.

1 Section 2 That Chapter 27.59 of the Lincoln Municipal Code be amended by adding
2 a new section numbered 27.59.015 to read as follows:

3 **27.59.015 Scope of Regulations.**

4 The regulations set forth in this chapter or set forth elsewhere in this title when referred to
5 in this chapter are known as the Airport Zoning Regulations. The regulations are adopted pursuant
6 to Neb. Rev. Stat. §3-303 (1943 as amended) for the purpose of preventing the creation and
7 establishment of airport hazards. The regulations are applicable in all zoning districts, including the
8 P Public District, and are applicable to both public and private entities, and qualify or supplement
9 as the case may be the underlying district regulations appearing elsewhere in this title. In the event
10 of any conflict between the Airport Zoning Regulations and any other regulation applicable to the
11 same area, whether the conflict be with respect to the height of structures or trees, the use of land,
12 or any other matter, and whether such regulations were adopted by some other political subdivision,
13 the more stringent limitation or requirement shall govern and prevail.

14 Section 3. That Section 27.59.040 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **27.59.040 Height Restrictions.**

17 No building or structure, smokestack, chimney, tower, or other structure or appurtenance
18 thereto of any kind or character shall hereafter be erected, constructed, repaired, or established
19 except as otherwise provided in Section 27.59.090:

20 (a) In the inner approach zones to a height above the planes forming the inner area of the
21 approach zones;

22 (b) In the outer approach zones and in turning zones to a height in excess of 150 feet
23 above the elevation at the closest runway end, as shown on the Lincoln Airport Zoning Map, or to
24 a height in excess of seventy-five feet above the elevation of the natural ground at the location of
25 the structure; except a maximum height of 275 feet shall be permitted in the 275 Foot Maximum
26 Height Zone as shown on the Lincoln Airport Zoning Map. ~~the following described area:~~

27 ~~—————Beginning at a point 142 feet west of the west line of Tenth Street~~
28 ~~and 150 feet south of the south line of "R" Street; thence south to the~~

1 centerline of "Q" Street; thence east along the centerline of "Q" Street
2 to its intersection with the centerline of the north-south alley between
3 9th and 10th and "P" and "Q" Streets; thence south along said line to
4 the centerline of the east-west alley between 9th and 10th and "P" and
5 "Q" Streets; thence west along said line to a point 100 feet west of the
6 west line of 9th Street; thence south to the centerline of "P" Street;
7 thence west along the centerline of "P" Street to its intersection with
8 the centerline of the north-south alley between 8th and 9th and "O"
9 and "P" Streets; thence south along said line to the centerline of "O"
10 Street; thence west along the centerline of "O" Street to a point 150
11 feet west of the west line of 9th Street; thence south to the centerline
12 of the east-west alley between 8th and 9th and "N" and "O" Streets;
13 thence east along said line to the centerline of the north-south alley
14 between 9th and 10th and "N" and "O" Streets; thence south along
15 said line to the centerline of "K" Street; thence east along the center-
16 line of "K" Street to its intersection with the centerline of the north-
17 south alley between 10th and 11th and "J" and "K" Streets; thence
18 south along said line to a point 150 feet south of the south line of "K"
19 Street; thence east to the centerline of 11th Street; thence north along
20 the centerline of 11th Street to the centerline of "K" Street; thence
21 east along the centerline of "K" Street to the centerline of 12th Street;
22 thence north along the centerline of 12th Street to the centerline of
23 "L" Street; thence east along the centerline of "L" Street to the center-
24 line of 13th Street; thence north along the centerline of 13th Street to
25 the centerline of "M" Street; thence east along the centerline of "M"
26 Street to the centerline of 14th Street; thence north along the
27 centerline of 14th Street to the centerline of "N" Street; thence east
28 along the centerline of "N" Street to the centerline of 15th Street;
29 thence north along the centerline of 15th Street to the centerline of
30 "O" Street; thence east along the centerline of "O" Street to a point
31 150 feet east of the east line of 15th Street; thence north to the
32 centerline of the east-west alley between 15th and 16th and "Q" and
33 "R" Streets; thence west along said line to a point 150 feet west of the
34 west line of 15th Street; thence north to a point 95 feet south of the
35 south line of "R" Street; thence west to the centerline of 14th Street;
36 thence south along the centerline of the east-west alley between 13th
37 and 14th and "Q" and "R" Streets; thence west along the said line to

1 ~~the point of beginning, and more specifically set forth upon a map~~
2 ~~which is attached hereto and made a part of this title, which map is~~
3 ~~designated as the airport zoning map.~~

4 (c) In the transition zones to a height above the planes forming the transition slopes;

5 (d) Within the inner boundary of the hazard area and in the existing or proposed runways
6 to a height above the existing or proposed finished grade of said runways. All grades of said
7 runways are hereby established by and referenced to the plans of said airport on file in the office of
8 the City Clerk, which plans are made a part of this chapter by reference.

9 Section 4. That Section 27.69.035 of the Lincoln Municipal Code be amended to
10 read as follows:

11 **27.69.035 Off-Premises Signs.**

12 (a) Administrative Permits. Off-premises signs are permitted in the B-1, B-3, B-4, H-1,
13 H-2, H-3, H-4, and I-1 zoning districts by administrative permit issued by the Director of Building
14 and Safety. The administrative permits shall automatically expire ten years from their date of
15 issuance. The permittee may make application for renewal of the administrative permit.

16 (1) Applications for administrative permits and renewals thereof shall include:

17 (i) The legal description of the land upon which an off-premises sign is to
18 be located.

19 (ii) A copy of a signed lease or other verification that the applicant has
20 permission of the owner of the land upon which the off-premises sign shall be located to locate the
21 off-premises sign thereon.

22 (iii) The area of the proposed off-premises sign.

23 (iv) The description and location of a nonconforming off-premises sign or
24 signs to be removed as required by subsection (e) below or which was removed after January 10,
25 2000 and registered with the Department of Building and Safety and not previously used to satisfy

1 the requirement of subsection (3) below. The above provisions are not required to be met for
2 renewal of an administrative permit. For the purpose of this section, a nonconforming off-premises
3 sign shall mean any off-premises sign which was lawfully installed on the January 10, 2000 effective
4 date of Ordinance No. 17585 and for which an administrative permit has not been issued.

5 (2) The administrative permit and any renewals thereof shall be issued under the
6 following conditions:

7 (i) The off-premises sign shall be subject to the provisions of this section,
8 notwithstanding any other applicable regulation of the zoning district in which the off-premises sign
9 is located.

10 (ii) The nonconforming off-premises sign or signs identified in the
11 application for removal shall be removed prior to application for the permit or within 30 days of the
12 date of the issuance of the permit.

13 (iii) The off-premises sign shall be removed within 30 days following the
14 expiration of the permit.

15 (b) Siting Limitations.

16 (1) The minimum distance between an off-premises sign and an existing off-
17 premises sign or nonconforming off-premises sign shall be 600 feet measured in all directions
18 regardless of the zoning jurisdiction in which the existing off-premises sign or nonconforming off-
19 premises sign is located.

20 (2) The minimum distance between any two off-premises electronic changeable
21 copy signs shall be 5,000 feet measured in all directions regardless of the zoning jurisdiction in
22 which the existing off-premises electronic changeable copy sign is located.

23 (3) The minimum distance between an off-premises sign and a public elementary
24 or public high school, private school having a curriculum equivalent to a public elementary or public

1 high school, college or university, park, or cemetery shall be 600 feet measured in all directions
2 regardless of the zoning jurisdiction in which the public elementary or high school, private school
3 having a curriculum equivalent to a public elementary or public high school, university, park, or
4 cemetery is located.

5 (4) No off-premises sign shall be permitted in the areas designated as District A,
6 District B, or District C of the Capitol View Corridor Overlay District.

7 (5) No off-premises sign shall be permitted within the B-4 zoning district area
8 bounded by 10th Street, 14th Street, N Street, and P Street, or within the B-4 zoning district area
9 west of 9th Street or in the area beginning 150 feet east of 17th Street continuing to the eastern
10 boundary of the district.

11 (6) Within one-fourth mile on either side of the corporate limits of the City, the
12 minimum distance between an off-premises sign and any of the below listed entrance corridors to
13 the City shall be 800 feet measured in all directions.

- 14 (i) Interstate 80 and 180;
- 15 (ii) West Bypass and “K” and “L” Extension;
- 16 (iii) U.S. 77 north of Morton Street;
- 17 (iv) Nebraska Highway 2;
- 18 (v) U.S. 6;
- 19 (vi) Cornhusker Highway;
- 20 (vii) North 27th Street;
- 21 (viii) “O” Street.

22 (7) Off-premises signs shall be located a minimum of 150 feet or one-half of the
23 depth of the zoning district in which the off-premises sign shall be located, whichever is greater,
24 measured in all directions from all residential zoning districts.

25 (8) No off-premises signs shall be located within 600 feet measured in all
26 directions from a sensitivity zone. For the purpose of this section, a sensitivity zone shall mean an
27 historic district, historic landmark, and Capitol environs.

28 (9) No off-premises signs shall be located within 660 feet of Interstate 80 and
29 180.

1 Notwithstanding the above (b)(1) through (b)(9) siting limitations, the Director of Building
2 and Safety may approve an administrative permit for the face of the sign to be changed to an
3 electronic changeable copy sign of equal or lesser face area provided that the sign is located at least
4 150 feet from and does not face a residential district, cemetery or park.

5 (c) Lighting. Illumination of off-premises signs shall not be allowed from midnight to
6 5:00 a.m., except for government initiated emergency information announcements. If off-premises
7 signs are illuminated by reflected lighting, the lighting shall be provided by downlighting methods,
8 until such time as sign illumination standards are adopted by resolution of the City Council and
9 thereafter it shall in accordance with design standards. The lighting shall be controlled by an
10 automatic timing device.

11 (d) Abandoned Signs. In addition to all other applicable regulations, off-premises sign
12 structures and existing nonconforming off-premises sign structures which contain no sign copy on
13 all faces for a continuous period of six months shall be considered an abandoned sign and shall be
14 removed. This removal shall take place within ten days of the date of the abandonment.

15 (e) Removal of Existing Nonconforming Off-Premises Signs. For each new off-premises
16 sign of a given total face area (rather than area of sign) to be erected within the zoning jurisdiction
17 of the City in conformance with this section, an existing nonconforming off-premises sign or signs
18 encompassing equal or greater total face area to the new off-premises sign shall be removed. In the
19 alternative a nonconforming off-premises sign or signs removed after January 10, 2000 and
20 registered with the Director of Building and Safety encompassing equal or greater face area to the
21 new off-premises sign may be removed from the from the Director of Building and Safety
22 registration and used in whole or part to satisfy this requirement. Notwithstanding the foregoing, for
23 each new off-premises electronic changeable copy sign of a given sign area (rather than face area)
24 to be erected within the zoning jurisdiction of the City in conformance with this section, three
25 existing nonconforming signs each encompassing equal or greater sign area to the new off-premises
26 electronic changeable copy sign shall be removed. In the alternative, three nonconforming off-
27 premises signs removed after January 10, 2000 and registered with the Director of Building and
28 Safety, each encompassing equal or greater sign area value to the new off-premises sign, may be
29 removed from the Director of Building and Safety registration and used in whole or part to satisfy
30 this requirement.

31 (f) Notwithstanding (e) above, upon request of the applicant, the City Council may, after
32 report and recommendation of the Planning Commission, grant the applicant a bonus of one
33 additional off-premises sign of equal square footage to the nonconforming off-premises sign to be
34 removed upon a finding that the nonconforming off-premises sign to be removed is located in an
35 area of special aesthetic value to the community and that removal of the nonconforming off-premises
36 sign in question is a special desire of the community.

1 Section 5. That Table 1 within Section 27.69.040 of the Lincoln Municipal Code
 2 relating to Off-Premises Signs be amended to read as follows:

3 **TABLE 1**
 4 **Off-Premises Signs**

Zoning District	Area	Height	Qualifications In Addition to Provisions of Section 27.69.035
H-1, H-4, B-1	300 sq. ft.	35 ft.	N/A
H-2	700 sq. ft.	35 ft.	Such signs shall be located 33 feet inside the front property line
B-3	400 sq. ft.	35 ft.	In any B-3 zoning district which is twelve acres or more in area, including public right-of-way located therein
B-4	700 sq. ft.	45 ft.	Only applied to <u>allowed in</u> the area beginning 150 feet east of 17th Street and continuing to the western boundary of the B-4 District west to 9th Street, <u>west to 9th Street,</u> excluding the area bounded by 10th Street, 14th Street, N Street, and P Street.
I-1, H-3	700 sq. ft.	45 ft.	N/A

11 Section 6. That Sections 27.35.070, 27.59.040 and 27.69.035 of the Lincoln
 12 Municipal Code as hitherto existing be and the same are hereby repealed.

13 Section 7. That the Lincoln Airport Zoning Map dated February 25, 2002 and
 14 adopted by reference in Section 27.05.020 be amended to be consistent with Figure 27.35.070(a) to
 15 reflect the revised 275-foot boundary as shown on Attachment B attached hereto and incorporated
 16 herein by this reference.

17 Section 8. That the Capitol Environs District Height Regulations Map adopted by
 18 reference in Section 27.56.020 be amended to reflect a 57-foot height requirement west of the
 19 Capitol as shown on Attachment C attached hereto and incorporated herein by reference.

1 Section 9. That this ordinance shall take effect and be in force from and after passage
2 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
3 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2012: _____ Mayor
