

*New Chapter 27.02 (Definitions)
replaces Chapter 27.03 (General Definitions) to be repealed.*

Chapter 27.02

DEFINITIONS

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27.02.010 Definitions; General Provisions.

For the purpose of this title, certain terms and words are hereby defined. Certain chapters contain definitions which are additional to those listed here. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "structure" shall include the word "building," and the word "shall" is mandatory.

27.02.020 A.

Abutting. Abutting shall mean adjacent or contiguous and shall include property separated by an alley.

Academies. Academies shall mean education and instruction facilities including but not limited to dance or music academies gymnastic or martial arts schools. Academies shall not include early childhood care facilities, public schools, or private schools that meet the State of Nebraska requirements for elementary or secondary education, or industrial trade schools.

Accessory Buildings and Uses. An accessory building is a subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

Adult Day Service Facility. Adult day service facility shall mean a facility where care and an array of social, medical, or other support services are provided for a period of less than twenty four consecutive hours to four or more persons who require or request such services due to age or functional impairment outside of the person's home or facility the person resides in. Adult day service does not include a group home.

Agriculture. Agriculture shall mean the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish, or honeybees; or for dairying, truck gardening, forestry, nurseries, or orchards; for the non-commercial on-farm storage or processing of agricultural products; or for any other similar agricultural, horticultural, silvacultural, or aquacultural use.

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

Alley. Alley shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

Alternative to Imprisonment Facility. Alternative to imprisonment facility shall mean a facility in which more than three but less than sixteen persons who are unrelated by blood, marriage,

or adoption reside under a supervised program of alternatives to imprisonment including, but not limited to, pre-release, work-release, and probationary programs. Such facilities shall be licensed or approved by the State of Nebraska or other appropriate agency if so required.

Amateur Radio Antenna Installation. Amateur radio antenna installation shall mean the installation of the tower, antenna, mast, rotor, and other necessary apparatus by an amateur radio operator at a particular location licensed by the Federal Communications Commission as an amateur radio station for amateur radio communications.

For the purposes of this definition:

Amateur radio operator shall mean an individual who has passed a Federal Communications Commission authorized examination and holds a current F.C.C. amateur radio license.

Antenna shall mean the device which receives and/or transmits radio waves and is connected to a radio by means of some type of conducting media.

Antenna installation shall mean the complete system including tower, antenna(s), mast, and rotor.

Mast shall mean a pole or pipe-like device which separates an antenna from a tower.

Rotor shall mean a machine which turns the antenna about its axis.

Tower shall mean the supporting structure which holds the antenna above the ground.

Animal Hospital. See Veterinary Facility

Apartment. See multiple dwelling unit.

Apartment Hotel. Apartment hotel shall mean a multiple dwelling under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street nor visible from any public sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use.

Apartment House. See Dwelling, multiple.

Assisted-living Facility. Assisted-living facility shall mean a facility where shelter, food, and care are provided for remuneration for a period of more than twenty-four consecutive hours to

four or more persons residing at such facility who require or request such services due to age, illness, or physical disability.

Average Lot Width. Average lot width shall mean the width determined by dividing the total lot area by the depth of the lot from the right-of-way line to the furthest rear lot line. If the rear lot line and right-of-way line are not parallel, an average depth dimension shall be used.

27.02.030 B.

Basement. Basement shall mean that portion of a building between the lowest floor and the ceiling above which is fully below grade or partly below grade and partly above grade but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling.

Boarding. Boarding shall mean caring for, feeding, watering, or sheltering a pet animal belonging to another by any person or business for pay, trade, barter, commission, or remuneration of any sort.

Boarding House. Boarding house shall mean a building other than a hotel or motel or group home where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons.

Broadcast Tower. Broadcast tower shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves; provided, however, that personal wireless service facilities and noncommercial radio towers not exceeding fifty feet in height and amateur radio antenna installations shall not be considered broadcast towers.

Building. Building shall mean any structure designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property.

Buildings, Height of. Height of a building shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five foot horizontal distance at the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above grade.

27.02.040 C.

Campsite. Campsite shall mean a parcel of land intended for temporary occupancy by any of the following: tent, tent trailer, or recreational vehicle.

Care. Care shall mean the exercise of concern or responsibility for the comfort, welfare, and habilitation of persons, including a minimum amount of supervision and assistance with or the provision of personal care, activities of daily living, health maintenance activities, or other supportive services.

For purposes of this definition:

Activities of daily living shall mean transfer, ambulation, exercise, toileting, eating, self administered medication, and similar activities;

Health maintenance activities shall mean noncomplex interventions which can safely be performed according to exact directions, which do not require alteration of the standard procedure, and for which the results and resident responses are predictable; and

Personal care shall mean bathing, hair care, nail care, shaving, dressing, oral care, and similar activities.

Center for the Developmentally Disabled. Center for the developmentally disabled shall mean a facility where shelter, food, and care, advice, counseling, diagnosis, treatment, or related services are provided for a period of more than twenty four consecutive hours to sixteen or more persons residing at such facility who have developmental disabilities.

Change of Use. Change of use shall mean the replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially unchanged.

Childhood Care Facility. See Early Childhood Care Facility.

Children's Home. Children's home shall mean a facility engaged in the service of exercising 24-hour daily care, supervision, custody, or control over sixteen or more children for compensation or hire in lieu of the care or supervision normally exercised by parents in their own home.

Club. Club shall mean a building or facility owned or operated by persons associated for a social, educational, civic, cultural, labor, or professional or recreational purpose, not operated primarily for profit nor to render a service which is customarily carried on as a business, and which

is generally restricted to members and their guests using the facility for the purpose for which they have associated; this shall not include a church building, or social hall or the occasional accessory use of a private residence as a meeting place.

Commercial Feed Lot. See Confined Feeding Facility.

Commercial Wind Energy Conversion System/Turbine (CWECS). Commercial Wind Energy Conversion System/Turbine shall mean a commercial grade wind energy conversion system (WECS) of over 100 Kilowatt (KW) plate rated capacity and intended to be used primarily to provide off-site power.

Confined Feeding Facility. Confined feeding facility shall mean a facility where the principal business is the feeding of livestock or poultry, also called a commercial feedlot.

Contractor Services. Contractor services shall mean a business which provides a service which is primarily performed off-site. Few customers visit the site. Common examples of contractor services include plumbing, heating, electrical, and air conditioning service, exterminator service, lawn and garden service, and construction services. Contractor services shall not include garbage or recycling hauling services or tree service. Outdoor storage, machinery, trucks, and service vehicle fleets are common accessory uses.

27.02.050 D.

Data Center. Data center shall mean an office building used to house computer or telecommunication systems and associated components, such as computer servers, telecommunications and related storage systems.

Disability or Handicap. Disability or handicap shall mean, with respect to a person:

- (a) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (b) A record of having such an impairment; or
- (c) Being regarded as having such an impairment.

Disability shall not include current, illegal use of or addiction to a controlled substance as defined by state law.

District. District shall mean a section or sections of either the City of Lincoln or the area within three miles thereof for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Domestic Employee. Domestic employee shall mean an employee such as a household servant, gardener, caretaker, or chauffeur whose work is usually necessary or desirable for the maintenance and enjoyment of his or her employer's dwelling.

Domestic Shelter. Domestic shelter shall mean a temporary shelter for individuals and their children affected by domestic violence. Such use may provide temporary boarding, lodging, counseling, and support services and shall comply with all applicable state licensure requirements.

Dormitory. Dormitory shall mean a type of congregate living facility, affiliated with a college or university, containing a number of private or semi-private rooms for students, usually with common facilities such as bathrooms, dining halls, and recreational areas. Individuals residing in a dormitory do not typically meet the definition of family and do not live as a single housekeeping unit. Individual dormitory rooms do not typically have full kitchens.

Dwelling. Dwelling shall mean any building or portion thereof which is designed and used for residential purposes.

Dwelling for Members of a Religious Order. Dwellings for members of a religious order shall mean a type of congregate living facility containing sleeping rooms, bathrooms, common rooms, dining areas, and a central kitchen maintained exclusively for four or more resident members and their guests or visitors. The order is affiliated with a religious assembly or religious institution.

Dwelling, Non-Related Persons. Dwellings for four to six persons not immediately related by blood, marriage, or adoption and living as a single housekeeping unit.

Dwelling, Single-family. Single-family dwelling shall mean a dwelling having accommodations for and occupied by one family.

Dwelling, Two-family. Two-family dwelling shall mean a dwelling having accommodations for and occupied by two families.

Dwelling, Multiple. Multiple dwelling shall mean a dwelling having accommodations for and occupied by more than two families.

27.02.060 E.

Early Childhood Care Facility. Early childhood care facility shall mean a building for the provision of services in lieu of parental supervision for four or more children under thirteen years of age for compensation either directly or indirectly, on the average of less than twelve hours per day, but more than two hours per week, and shall include any employer-sponsored child care, child

care home, child care center, before- and after-school child care program, or preschool or nursery school, but shall not include casual care at irregular intervals, a recreation camp, classes or services provided by a religious organization other than child care or preschool or nursery school, or a preschool program conducted in a school approved pursuant to Nebraska State Statutes.

Effective Date of This Title. Effective date of this title shall mean May 23, 1979.

Elderly or Retirement Housing. Elderly or retirement housing shall mean a residential development which incorporates specific features designed to alleviate access problems commonly experienced by the elderly, and in which each occupied dwelling unit is occupied by at least one person of sixty years of age or more. Dwellings may be detached, attached, or multiple-family.

Enclosed Disassembly Salvage/Recycling Operation. Enclosed disassembly salvage/recycling operation shall mean a salvage or recycling operation where all wrecking, dismantling, and storage of material is inside a building or buildings.

Excavation. Excavation shall mean the removal of clay, soil, limestone, sandstone, sand, or gravel from the earth on a project site in excess of one acre by excavating, stripping, leveling, or any other process together with all other types of mining and quarrying operations for material that is removed from the earth. Excavation shall not include grading of land in accordance with an approved preliminary plat, building permit, or normal farming practices

Existing Urban Area. Existing Urban Area shall mean those areas inside the corporate limits of the City of Lincoln. as well as those areas outside the corporate limits having a zoning designation other than AG Agriculture or AGR Agricultural Residential, on the effective date of this ordinance.

27.02.070 F.

Family. One or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than two persons who are unrelated for the purpose of this title. The following persons shall be considered related for the purpose of this title:

- (a) A person residing with a family for the purpose of adoption;
- (b) Not more than six persons under nineteen years of age, residing in a foster home licensed or approved by the State of Nebraska;

- (c) Not more than four persons nineteen years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the state or its delegate;
- (d) Any person who is living with a family at the direction of a court.

Farm Winery. Farm winery shall mean any enterprise which produces and sells wines produced from grapes, other fruit, or suitable agricultural products of which seventy-five percent (75%) is grown in the State of Nebraska, or which has received a waiver of the 75% requirement from the Nebraska Liquor Control Commission.

Feedlot, Commercial. See Confined Feeding Facility.

Flood Design Criteria. Flood Design Criteria shall mean Chapter 10 of the City of Lincoln Drainage Criteria Manual, as adopted on February 22, 2000 by Resolution No. A-80038, as amended.

Floodplain. Floodplain shall mean those lands which are subject to a one percent or greater chance of flooding in any given year, as shown on the Flood Insurance Rate Map issued by FEMA for Lancaster County, Nebraska and incorporated areas, as amended. Copies of said map shall be kept on file in the Department of Building and Safety. (See Chapters 27.52 and 27.53 for additional definitions.)

Floor Area. Floor area shall mean the total number of square feet of floor space within the outside of the exterior walls of a building, not including storage space in cellars or basements and not including space used for the parking of automobiles, not including elevator shaft or stair and escalator enclosures, and not including space used for mechanical equipment used in connection with utilities, such as heating, air conditioning and ventilation equipment, electric switching gear, water pumps, utility meters, and auxiliary electric generators.

Food or Drink Establishment. Food or drink establishment shall mean an operation that stores, prepares, packages, serves, vends or otherwise provides food or drinks for immediate human consumption.

Fraternity or Sorority. Fraternity or sorority shall mean a type of congregate living facility containing sleeping rooms, bathrooms, common rooms, dining areas, and a central kitchen maintained exclusively for members and their guests or visitors. The facility is affiliated with a college or university.

Frontage. Frontage shall mean the length of the property on one side of a street between two street intersections (crossing or terminating) measured along the property line at the street, or

if the street is dead-ended, the length of the property abutting on one side between an intersecting street and the dead end of the street.

27.02.080 G.

Garage, Private. Private garage shall mean an accessory building designed or used for storage by the occupants of the building to which it is accessory and consisting of no more than four bays.

Garden Center. Garden center shall mean a building or premises used primarily for the retail sale of items useful in the culture, display, or decoration of lawns, gardens, or indoor plants; including books, appliances, and tools, but not including power tools or tractors.

Grade shall mean:

- (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;
- (b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets;
- (c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street and where no sidewalk exists, the sidewalk grade shall be established by the Department of Public Works and Utilities.

Greenhouse. Greenhouse shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes, provided no retail sales shall be conducted on such premises.

Group Home. Group home shall mean a building or structure licensed or approved by the State or an appropriate agency, if required, used as any one of the following:

- (a) A facility in which more than three but less than sixteen disabled persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care;

- (b) A facility engaged in the service of exercising 24-hour daily care, supervision, custody, or control over more than three but less than sixteen children, for compensation or hire in lieu of the care or supervision normally exercised by parents in their own home.

27.02.090 H.

Hazardous Materials. Hazardous materials shall mean substances defined by the Secretary of Transportation in (49 U.S.C. 5103) and those materials listed in the Hazardous Materials Table 49 CFR 172.101.

Healthcare Facility, Non-Residential. Non-residential healthcare facility shall mean a building or structure that generally includes a office environment, outpatient services and little to no permanent residential component. These facilities shall be licensed or approved by the state or an appropriate agency, if required. Non-Residential healthcare facility could include but would not be limited to the following types of facilities: Hospital, Surgical Center and Public Health Clinics.

Healthcare Facility, Residential. Residential healthcare facility shall mean a building or structure that is to be used in a residential nature, licensed or approved by the state or an appropriate agency, if required. Residential healthcare facility could include but would not be limited to the following types of facilities: Assisted Living, Nursing Care, Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care.

Heritage Center. Heritage center shall mean one or more buildings and open space within which an historically significant era or activity is displayed. The retail sale of crafts and other works and the provision of entertainment, but not a full-scale amusement park, may be included as part of a heritage center if they are complementary to the displayed era or activity.

Home Occupation. Home occupation shall mean any occupation or activity carried on within a dwelling unit or accessory building by a person or persons residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof. The regulations pertaining to home occupations can be found in Section 27.70.010.

Hospital. Hospital shall mean a facility where diagnosis, treatment, medical care, obstetrical care, nursing care, or related services are provided on an outpatient basis or on an inpatient basis for

a period of more than twenty four consecutive hours to persons who have an illness, injury, or deformity or to aged or infirm persons requiring or receiving convalescent care.

A hospital may include accessory offices of medical societies, offices of charitable public health associations and private office space for the practice of medicine and dentistry under a license from the Department of Health of the State of Nebraska; provided, that any such private offices for the practice of medicine and dentistry shall be located on the hospital premises and the doctors and dentists involved therein must be on the staff of the hospital.

Hotel or Motel. Hotel or motel shall mean a facility offering transient lodging accommodations to the general public and which also may provide additional services, such as food establishments, meeting rooms, entertainment, or recreational opportunities.

Housing for the Physically Handicapped. Housing for the physically handicapped shall mean any dwelling in which each occupied dwelling unit is occupied by at least one person who has a physical handicap. A physical handicap is a mobility impairment which requires certain construction design features for ingress, egress, and freedom of movement within the premises. Such impairment shall be expected to be permanent or of long or indefinite duration. Such design features include but are not limited to ground level construction, level entrances, wider doorways, adjustable counters, roll-in showers, lower electrical switches, higher outlets, and lever-type hardware.

27.02.100 I.

Intermediate Care Facility. Intermediate care facility shall mean a facility where shelter, food, and nursing care or related services are provided for a period of more than twenty four consecutive hours to persons residing at such facility who are ill, injured, or disabled and do not require hospital or skilled nursing facility care.

Intermediate Care Facility for the Developmentally Disabled. Intermediate care facility for the developmentally disabled shall mean a facility where shelter, food, and training or habilitation services, advice, counseling, diagnosis, treatment, care, nursing care, or related services are provided for a period of more than twenty four consecutive hours to four or more persons residing at such facility who have developmental disabilities or related conditions, including epilepsy and cerebral palsy.

Indoors. Indoors shall mean an area enclosed by a floor, ceiling, and floor-to-ceiling walls on all sides that are continuous and solid except for closeable entry/exit doors and windows.

27.02.110 J.

(Reserved)

27.02.120 K.

kennel. Kennel shall mean any building, yard, enclosure or place where pet animals as defined by Lincoln Municipal Code Section 6.02.420 owned by another person are temporarily boarded, indoors or outdoors, for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or veterinary facilities operated by veterinarians duly licensed under the laws of the State of Nebraska.

27.02.130 L.

Landscaping. Landscaping shall mean that an area is devoted to and maintained for the growing of trees, shrubbery, lawns, and other plant materials; landscaping shall conform to all applicable standards adopted by the City of Lincoln.

Lodging House. Lodging house shall mean a building where lodging is provided by prearrangement for definite periods for compensation for three or more persons in contradistinction to hotels open to transients and group homes.

Lot. Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted in this title, and generally fronting upon a street. A lot may front upon a private roadway, or have other frontage requirements if specifically provided in this title.

Lot, Corner. Corner lot shall mean a lot abutting two or more streets at their intersection.

Lot, Depth of. Depth of lot shall mean the average horizontal distance between the front and rear lot lines.

Lot, Double Frontage. Double frontage lot shall mean a lot having a frontage on two nonintersecting streets as distinguished from a corner lot.

Lot of Record. Lot of record shall mean a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds for Lancaster County on or before November 2, 1953, unless another date is specifically established in this title, provided that said lot has a frontage of not less than forty feet; or, an irregular tract lot as described by a deed recorded with the Register of Deeds for Lancaster County on or before November 2, 1953, unless another date is specifically established in this title, provided that such lot is numbered and described by the county surveyor and is not greater in area than one acre.

Lot, Platted. Platted lot shall mean a lot which is part of a subdivision the plat of which, or the appropriate permit for which, has been legally approved and recorded in the office of the Register of Deeds for Lancaster County.

27.02.140 M.

Mail Order Catalog Sales. Mail order catalog sales shall mean an establishment primarily engaged in the retail sale of products by television, telemarketing, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale.

Market Garden. Market garden shall mean a relatively small scale farming operation (20 to 40 acres in size) where the production of a diversity of fruits, vegetables, herbs and flowers is grown for sales primarily for direct human consumption rather than as feed for animals or for major processing before consumption. Market gardens are distinguished from other types of farming by the inclusion of accessory uses not typically found on farms. These accessory uses may include restaurants, agricultural education and training centers, agricultural tourism, or sales of agricultural products not grown on site.

Mental Health Center. Mental health center shall mean a facility where shelter, food, and counseling, diagnosis, treatment, care, or related services are provided for a period of more than twenty four consecutive hours to persons residing at such facility who have a mental disease, disorder, or disability.

Minimum Flood Corridor. Minimum flood corridor shall mean the existing channel bottom width plus 60 feet plus six times the channel depth and the corridor will be centered on the channel, as shown in Figure 1 below, or aligned such that the corridor follows the natural flow of flood waters.

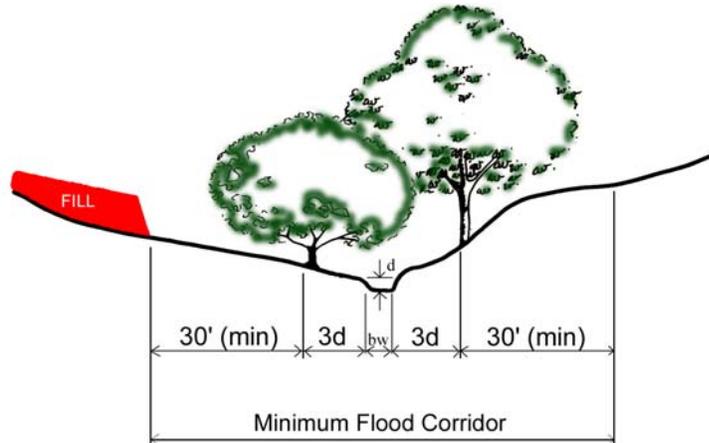


Figure 1 - Minimum Flood Corridor

Mini-warehouse. Mini-warehouse shall mean a storage facility designed to serve families and small businesses only and complying with the following requirements:

- (a) All storage facilities shall be located within a building;
- (b) Storage bays shall not be interconnected by interior doors or other interior means providing access from one storage bay to another;
- (c) Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto.

Mobile Home. Mobile home shall mean any single family or two-family permanent living quarters, designed and built to be towed on its own chassis. Each dwelling unit shall be at least eight feet in width and thirty-two feet in length, but two-family mobile homes may have less length than the required minimum if the required width is exceeded by an amount sufficient to provide an area of at least 512 square feet.

Motor Fuel Sales Facility. Motor Fuel Sales Facility shall mean any building or premises used for the retail dispensing or sale of motor fuels as defined in Neb. Rev. Stat. § 66-712 R.R.S. 1943 as amended. Motor Fuel Sales Facilities are often commonly referred to as filling stations, gas stations, convenience stores or service stations.

Motorized Vehicle. Motorized vehicle shall mean automobiles including pick-up trucks, motorcycles, all terrain vehicles, recreational vehicles, snow mobiles, watercraft, farm machinery

or other motorized vehicles not elsewhere defined. Motorized wheel chairs for human mobility and toys, shall not be considered a motorized vehicle. Trucks as defined in Section 27.02.210 are also not considered a motorized vehicle.

Multiple Dwelling Unit. Multiple dwelling unit shall mean a room or rooms in a multiple dwelling intended or designed for use as a residence by a single family, including kitchen facilities.

27.02.150 N.

Neighborhood Support Services. Neighborhood support services shall mean those human, social, educational, counseling, health, and other support services provided primarily for the support of persons residing in adjacent residential areas, which occur frequently and so require facilities in relative proximity to places of residence and do not include residential or overnight accommodations.

New Growth Areas. New growth areas shall mean those areas outside the corporate limits of the City of Lincoln and zoned AG Agriculture and AGR Agricultural Residential on the effective date of this ordinance.

Nonconforming Use. Nonconforming use shall mean the use of any dwelling, building, structure, lot, land, sign or premises, or part thereof, which was existing and lawful immediately prior to the effective date of this title and which does not conform with the provisions of this title and any amendments thereto.

Nonstandard Use. Nonstandard use shall mean the category of nonconformance consisting of lots occupied by buildings or structures or uses which existed immediately prior to the effective date of this title or which become nonstandard through a change in the zoning ordinance or district boundaries that fail to comply with any of the following: minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set out in the provisions of this title.

Nursing Care Facility. Nursing care facility shall mean a facility where medical care, nursing care, rehabilitation, or related services and associated treatment are provided for a period of more than twenty four consecutive hours to persons residing at such facility who are ill, injured, or disabled.

27.02.160 O.

Office. Office shall mean a room or group of rooms within a building used for conducting the affairs of professional, commercial, industrial, religious, institutional, public, or semipublic persons or organizations, provided no goods, wares, or merchandise shall be prepared or sold on the premises except that a portion of a building used for offices may be occupied and used as a drugstore, barbershop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand, or newsstand when such uses are located entirely within the building with no entrance from the street nor visible from any sidewalk and having no sign or display visible from the outside of the building indicating the existence of such use. Offices and studios within a broadcast station shall be considered to be an office use; broadcast towers as defined in this title shall not be so considered.

Office use shall also include an office or clinic used by a health care practitioner, or group of practitioners, including other accessory or ancillary uses such as medical testing laboratories that perform routine clinical diagnostic tests on human or animal specimens, dentistry, or podiatry; provided, however, that patients upon whom procedures have been performed or who have otherwise received care or treatment at such office or clinic shall not be permitted to stay on the premises for recovery or observation for more than 24 hours. Medical testing laboratories shall exclude any laboratory which is required by federal law to hold a certificate of registration for their activity in compliance with CFR 42 Part 73, Selected Agents and Toxins.

Outdoor Dining. Outdoor dining shall mean an open area for dining when associated with a food or drink establishment in which tables and seats are covered or uncovered by individual umbrellas or canopies (no tents or other types of temporary structures).

Owner. For purposes of making application for a special permit or a use permit under this title, the term “owner” shall include an owner of record, a trustee under a deed of trust or similar trust document, or a long-term lessee. A person, other than an owner, may be authorized to apply on behalf of an owner.

27.02.170 P.

Parking Lot. Parking lot shall mean an area consisting of six or more parking spaces for the storage of automobiles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for an automobile, provided that there shall be no storage of automobiles for the purpose of sale or resale.

Parking Space. Parking space shall mean an area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Permanent Residence. Permanent residence shall mean the place where a person actually lives and which such person regularly intends to occupy over a substantial period of time. If a person has more than one such place where he or she lives, the permanent residence shall be the place occupied the majority of the time by such person.

Personal Services. Personal Services shall mean establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Such services may include but are not limited to: beauty shops, barbershops, shoe repair, funeral services, nail salons, health clubs, domestic services, dry cleaning drop off stations including cleaning and pressing and diaper services.

Premises. Premises shall mean a tract of land, consisting of one platted lot or irregular tract, or more than one platted lot or irregular tract, provided such lots or tracts are under common ownership and contiguous.

Private College. Private college shall mean privately owned education and instruction facilities for post-secondary education.

Private School. Private school shall mean privately owned education and instruction facilities that meet the State of Nebraska requirements for elementary or secondary education. Private school shall not mean academies, early childhood care facilities, private colleges, or vocational schools

27.02.180 Q.

(Reserved)

27.02.190 R.

Recreational Facilities, Outdoor. Outdoor Recreational facilities shall mean facilities primarily for participation in recreational activities such as but not limited to tennis, handball, racquetball, basketball, and other court games; jogging, track and field, baseball, football, soccer, and other field games; skating, skate boarding, swimming, golf and outdoor shooting or archery ranges. Recreational facilities shall include country clubs and athletic clubs; it shall not include

facilities accessory to a private residence used only by the owner and guests, nor shall it include arenas or stadia used primarily for spectators to watch athletic events.

Recreational Facilities, Enclosed Commercial. Enclosed commercial recreational facilities shall mean facilities which are enclosed in a building and used for recreation including but not limited to: Golf, racquetball, tennis, and other court games, fitness centers, bowling, skating, skate boarding, rock climbing, video gaming, indoor shooting or archery ranges, paint ball, laser tag or swimming.

Recreational Vehicle. Recreational vehicle shall mean a vehicular unit not exceeding forty feet in overall length, eight feet in width, or twelve feet in overall height, primarily designed as temporary living quarters for recreational camping or travel use having either its own motive power or designed to be mounted on or drawn by a motorized vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel. This definition shall include a boat mounted on a trailer, together not exceeding forty feet in body length, eight feet in width, or twelve feet in overall height.

Retail Sales. Retail sales shall mean selling of merchandise directly to the consumer usually from a fixed location or by mail.

Retail Sales, Outdoor. Outdoor retail sales shall mean generally the sale of large goods or large number of goods that requires the outdoor display and marketing of such goods.

Recyclables. See definition in Chapter 5.41.

Recycling Center. See definition in Chapter 5.41.

Recycling Processing Center. See definition in Chapter 5.41.

27.02.200 S.

Salvage Material. See definition in Chapter 5.41.

Salvage Operation and Salvage Material. See definition in Chapter 5.41.

Salvage Yard. Salvage yard shall mean any salvage operation, recycling center, or recycling processing center where any wrecking, dismantling, or holding of salvage material or recycling of recyclables as defined in Chapter 5.41 is wholly or partially outside a building for more than 30 days.

Satellite College. Satellite college shall mean a post-secondary educational institution whose main campus is located on another premises or in another city. Uses consist primarily of classrooms and offices. Student housing is not considered customary or accessory.

School. School shall mean an institution where instruction is given and shall include the following institutions: Academies, Private College, Private School, Satellite College, Vocational Schools.

Service and Repair Facility. Service and/or Repair Facility shall mean a facility that performs routine maintenance or repair work. Such facilities would include but not be limited to repair and maintenance of home and office equipment, electrical appliances, radios, televisions, lawn and garden equipment repair, appliance, bicycle, electrical, furnace shops, and rental equipment. Service and repair facility does not include the service or repair of motorized vehicles.

Sexually Oriented Live Entertainment Establishment. Sexually oriented live entertainment establishment shall mean any commercial establishment that as a substantial or significant portion of its business features or provides any of the following:

- (a) Persons who appear showing specified anatomical areas.
- (b) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specific anatomical areas or the conduct or simulation of specified sexual activities.

Sexually oriented live entertainment establishment shall not include any theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances.

Sign. (See definition of Sign in 27.69.030).

Small Batch Concrete Dispensing Unit. Small batch concrete dispensing unit shall mean a machine or device with a mixing chamber with a capacity no greater than one-fourth of a cubic yard and mixing materials are totally enclosed.

Social Hall. Social hall shall mean a building or premises available for rent on a daily basis to be used for social, educational, or civic gatherings, including, but not limited to, charitable fund raising events, wedding receptions, family reunions, educational seminars, neighborhood meetings, or similar events.

Solar Screen. Solar screen shall mean a device attached to a building to provide shading for glazed areas thereof.

Specified Anatomical Areas. Specified Anatomical Areas shall mean:

- (a) Less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device covering that, when worn, simulates male genitals in a discernibly turgid state.

Specified Sexual Activities. Specified Sexual Activities shall mean any of the following:

- (a) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- (b) Sex acts normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- (c) Masturbation, actual or simulated.
- (d) Human genitals in a state of sexual stimulations, arousal, or tumescence.
- (e) Excretory functions as part of or in connection with any of the activities set forth in (a), (b), (c) or (d) above.

Story. Story shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of the building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter, or is more than twelve feet above grade at any point, such basement, cellar, or unused underfloor space shall be considered as a story.

Street. Street shall mean all property acquired or dedicated to the public and accepted by the appropriate governmental agencies for street purposes, and property that has been commonly used or dedicated to be used for street purposes prior to November 2, 1953.

Street Centerline. Street centerline shall mean a line midway between street lines except under conditions specified in Section 27.72.080(o).

Street Line. Street line shall mean a dividing line between a lot, tract, or parcel of land and a contiguous street.

Structure. Structure shall mean anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. Poles used for the support of wires and appurtenant equipment for supplying public utility services shall not be considered as buildings or structures under this title.

Structural Alteration. Structural alteration shall mean any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls.

27.02.210 T.

Technology Transfer Industries or Applications. Technology transfer industries or applications shall mean those industries or applications which involve research and development activities including laboratories, offices, and other support facilities which are required for basic and applied research and technology and for the distribution of products developed or manufactured on or off-site. They may also include prototype manufacturing of products developed on the site and off-site and some research and development-related light manufacturing or application processes consisting of the production, fabrication, processing, or assembly of goods or products not necessarily by the developing entity and not necessarily at the developing laboratory.

Temporary Shelter for the Homeless. Temporary shelter for the homeless shall mean a structure used as a day facility or temporary dwelling for transient or homeless individuals, but not including orphanages or foster homes, operated by a nonprofit religious, educational, or philanthropic institution.

Townhouse shall mean one of a group or row of not less than three nor more than twelve attached, single-family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately and each unit is on its own lot. The townhouse need not face upon a street if otherwise specifically provided in this title. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

Tree Service. Tree service shall mean a building or premises used primarily in support of a business engaged in tree and stump removal, tree and shrub trimming, stump grinding, pin oak

injection, insect and disease control, tree nutrients, processing wood chips and firewood, and land clearing. The premises may be used for the processing and storage of tree related products and byproducts produced only by the business located on the premises and the parking of trucks, grinders and related equipment, but no retail sales of products shall be allowed on the premises.

Truck. Truck shall mean large commercial vehicles which require a Class A or B drivers license such as concrete trucks, freight trucks and trucks with semitrailers.

Truck Stop. Truck stop shall mean a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles, including fuel sales and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and food or drink establishments.

27.02.220 U.

Urban Garden. Urban garden shall mean a plot of ground where plants are cultivated; including accessory items for cultivation, including but not limited to sheds, trellises, fences and utilities.

27.02.230 V.

Veterinary Facility. Veterinary facility shall mean any establishment or business maintained and operated by a veterinarian or veterinarians for examination, prophylaxis, surgery, diagnosis and treatment of diseases or injuries of animals including indoor or outdoor boarding of animals under treatment or benefit of the client; provided, said veterinarian or veterinarians are duly licensed under the laws of the State of Nebraska.

Vocational Schools. Vocational schools shall mean facilities for training and instruction in business and vocational skills.

27.02.240 W.

Warehouse. Warehouse shall mean any commercial use of a building, or a portion of a building, that devotes at least 50% of the floor area for storing goods or materials or for distributing goods or materials to local or long distance carriers for transportation or delivery purposes. Floor area devoted to storing goods or materials or distributing goods or materials may be combined to

calculate the required floor area. Such use of buildings, portions of buildings, or accessory uses to such buildings shall not be deemed a warehouse when direct retail sales to the public is the primary use.

Wind Energy Conversion System (WECS). Wind energy conversion system shall mean any device, such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of usable energy.

27.02.250 X.

(Reserved)

27.02.260 Y.

Yard Line. The yard line is a line on the lot running parallel to and the required horizontal distance from the nearest lot line.

Yard, Required. Required yard shall mean the required minimum open space between the property line and the yard line. The required yard shall contain no building or structure other than the projection of the usual steps, unenclosed balconies, or open porches, or as otherwise provided in this title.

Yard, Required Front. The required front yard shall extend across the front of a lot between the side lot lines. There shall be a required front yard on each street side of a corner lot.

Yard, Required Rear. The required rear yard shall extend across the rear of a lot between the side lot lines. On corner lots, the required rear yard may be to the rear of either street, provided that the minimum required rear yard shall be calculated on the longest average lot dimension. On interior lots, the required rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Required Side. The required side yard shall extend between the front yard line and the rear yard line. There shall be only one required side yard on a corner lot.

27.02.270 Z.

(Reserved)

Chapter 27.05**DISTRICTS AND BOUNDARIES****27.05.060 Classification of Districts.**

Certain district designations in this title are to apply to specific types of development. The following districts are generally to apply to developing or newly developed areas: R-3, B-2, B-5, and H-4, ~~and I-4~~. The following districts are specifically to apply to already developed areas and are districts not planned for major expansion or creation of new areas with such designations: R-1, R-2, B-1, and B-3. Those districts not specifically listed in this section are not limited to either already developed or newly developing areas.

CHAPTER 27.06
USE GROUPS

Sections:

- 27.06.010** **Purpose and Scope.**
- 27.06.020** **Classification of Use Types.**
- 27.06.030** **Use Group Characteristics.**
- 27.06.040** **Designation of Uses.**
- 27.06.050** **Use Group Table**
- 27.06.060** **Agriculture Use Group**
- 27.06.070** **Household Living Use Group**
- 27.06.080** **Group Living Use Group**
- 27.06.090** **Utilities Use Group**
- 27.06.100** **Civic Services Use Group**
- 27.06.110** **Education and Instruction Use Group**
- 27.06.120** **Office Use Group**
- 27.06.130** **Retail Sales and Services Use Group**
- 27.06.140** **Food and Drink Establishments Use Group**
- 27.06.150** **Commercial Recreation and Entertainment Facilities Use Group**
- 27.06.160** **Major Entertainment and Event Use Group**
- 27.06.170** **Heavy Commercial Services Use Group**
- 27.06.180** **Manufacturing, Processing, Storage and Distribution Use Group**
- 27.06.190** **Waste Management and Extractive Services Use Group**

27.06.010 Purpose and Scope.

In order to carry out the purposes and provisions of this title, the main uses of buildings and premises have been classified and combined into use groups based on common functional and physical characteristics (“Use Groups”). The classification of uses of buildings and premises into Use Groups provides a systematic basis for assignment of present and future use types to zoning districts.

27.06.020 Classification of Use Types.**(a) Considerations.**

(1) Main uses of a building or premises (sometimes referred to in this Title as “use types”) are assigned to the Use Group whose description most closely describes the nature of the main use. The main use may have one or more accessory uses. The use of a building or premises for more than one main use is addressed in subsection (b) below. Accessory uses are addressed in subsection (c) below.

(2) The Building Official shall prepare and maintain an up-to-date list of common uses included within each use group (“List of Use Group Types”). When any proposed use is not listed on the List of Use Group Types, the Building Official shall make a determination as to

what Use Group the proposed use will be assigned to. If a building or premises is used for two or more main uses, each use shall be classified in the Use Group whose description most closely portrays the nature of such uses. The Building Official's classification of a use is subject to the right of appeal to the Board of Zoning Appeals pursuant to Section 27.75.030. The following items shall be considered when determining what Use Group a main use is classified in, and whether the activities associated with the main use constitute an accessory use:

- (i) The description of the activity in relationship to the characteristics of each use group;
- (ii) The relative amount of site or floor space and equipment devoted to the activity;
- (iii) Relative amounts of sales from each activity;
- (iv) The customer type for each activity;
- (v) The relative number of employees in each activity;
- (vi) Hours of operation;
- (vii) Building and site arrangement;
- (viii) Vehicles and/or machinery used with the activity;
- (ix) The relative number of vehicle trips generated by the activity;
- (x) Whether the activity would be likely to be found independent of the other activities on the site.
- (xi) Off-site impacts

(b) More Than One Main Use.

(1) When a building or premises has more than one main use, each main use shall comply with the regulations of the zoning district in which the use is located.

(2) More Than One Main Building or Use on a Lot or Tract in R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 District. A lot or tract located in the R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 district may have more than one main building or use, but only when such buildings or uses conform to all open space requirements for the district in which the lot or tract is located. The exception is that no more than two single-family dwellings may be on a lot or tract. In addition, in the R-5, R-6, R-7, and R-8 districts, the lot or tract must meet the minimum lot requirements and conditions in said district for each main building or use.

(3) Two or More Buildings for Two-family Dwellings, Multiple-family, or Institutional Purposes. In the event that a lot or tract located in the R-1 through R-4 zoning district is to be occupied under a special permit or planned unit development by a group of two or more buildings to be used as a unit for any combination of two-family dwellings, multiple-family dwelling, or institutional purposes, there may be more than one main building on the lot; provided, however, that the open space between buildings shall have a minimum dimension of twenty feet, unless modified by the approval of a special permit or planned unit development. In addition, the lot or tract must meet the height and area regulations in said district for each main building or use except yards, average lot width, and height may be modified by of approval for such use under the special permit or planned unit development.

(4) Multiple Dwelling Considered as One Building. For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one building occupying one lot.

(c) Accessory Uses.

(1) Accessory uses permitted in each district are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in the district unless stated otherwise in the regulations.

(2) Construction and Use of Accessory Buildings. No accessory buildings shall be constructed upon a lot until the construction of the main building has been commenced, and no accessory buildings shall be used for dwelling purposes, except that in the AG, AGR, and R-1 zoning districts, an accessory building may be used for dwelling purposes by not more than two domestic employees employed entirely on the premises if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63.

(3) Unless otherwise stated, accessory uses are subject to all applicable regulations of the main use.

(d) Occupancy of Basements and Cellars. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

27.06.030 Use Group Characteristics.

A brief summary is inserted at the beginning of each Use Group in this chapter to describe and clarify the basic characteristics of the use types and activities that may occur within that Use Group.

27.06.040 Designation of Uses.

(a) Permitted Uses. Permitted Uses are all use types within each Use Group which are allowed by right within a designated zoning district in conformance with applicable regulations in this Title and are not classified as a permitted conditional use or permitted special use.

(b) Permitted Conditional Uses. Permitted Conditional Uses are those use types within each Use Group which, due to the unique nature of the use and/or impact of the use on the community, are only allowed within a designated zoning district in conformance with the specific conditions for said use set forth in Chapter 27.62 and any other applicable regulations in this Title.

(c) Permitted Special Uses. Permitted Special Uses are those use types within each Use Group which, due to the unique nature of the use and/or impact of the use on the community, are only allowed within a designated zoning district upon approval of a special permit in conformance with the requirements of Chapter 27.63 and any other applicable regulations of this Title.

(d) Prohibited Uses. Prohibited Uses are those use types within each Use Group which are not allowed within a designated zoning district due to the incompatibility of the use to permitted, permitted conditional, and permitted special uses within that zoning district.

27.06.050 Use Groups Tables

The Use Group Table set out under each Use Group in this chapter identifies those use types within that Use Group which are a permitted use, permitted conditional use, permitted special use, or prohibited use within each of the City's zoning districts.

- Uses designated with a “P” are permitted uses.
- Uses designated with a “C” are permitted conditional uses.
- Uses designated with an “S” are permitted special uses.
- Uses designated with an empty box are prohibited uses.

27.06.060 Agriculture Use Group

Characteristics: The Agriculture Use Group is characterized by activities that involve the practice of cultivating soil, producing crops, farming, raising livestock; training, producing, keeping, caring for, and/or selling of plants or animals in varying degrees and the preparation and marketing of the resulting product. These activities generally require more than 3 acres of land. Such uses include but are not limited to stock yards, sale barns, confined feeding facilities roadside stands for the temporary or seasonal sale of produce, pet cemeteries, agricultural attractions, urban gardens, farms, ranches, orchards, vineyards and wineries.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Agricultural Attraction	C																									
Confined feeding facilities	C																									
Farm wineries	S																									
Greenhouses	C	C			S													P	P		P	P	P	P	P	P
Heritage centers	S																									
Market gardens	S	S																								
Pet cemeteries (only allowed outside of City limits) (see 6.04.260)	C	C																								
Sale barn	S																								P	P
Urban garden			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
All other uses in this Use Group	P	P																						P	P	P

27.06.070 Household Living Use Group

Characteristics: The Household Living Use Group is characterized by the residential occupancy of a dwelling unit by a household living independently. Tenancy is generally arranged on a month-to-month basis, or for a longer period. Such uses include but are not limited to single and two family dwellings, townhouses and multifamily dwellings units. Housing with paid supervision or care for residents is included under the Group Living Use Group.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Apartment hotels	S	S	S	S	S	S	S	S	P	P	P	C			C	C	C	P	P							
Connection of a single family dwelling	S	S	S	S	S	S	S	S	S	S																
Dwellings for caretakers, resident watchmen, and supervisory personnel employed and residing on premises																		P	P	P	P	P	P	P	P	P
Dwellings for domestic employees in accessory buildings	S	S	S															P								
Elderly and Retirement Housing			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S							
Housing for the Handicapped			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S							
Mobile home courts			S	S	S	S												P								
Mobile home subdivisions			S	S	S	S												P								
Multiple family dwellings	S*	S*	S*	S*	S*	S*	P	P	P	P	P	C	P		C	C	C	P	P							
Single-family dwellings	P	P	P	P	P	P	P	P	P	P	P	C	P	P	C	C	C	C	P							
Townhouses	S	S	S	S	S	P	P	P	P	P	P	C	P		C	C	C	P	P							
Two-family dwellings	S	S	P	P	P	P	P	P	P	P	P	C	P	P	C	C	C	C	P							
All other uses in this Use Group	P	P	P	P	P	P	P	P	P	P	P		P	P				P	P							

* Multiple dwellings (not including those approved as a permitted special use under a community unit plan) lawfully existing in this district on the effective date of this title or on the effective date of a change of district boundaries from another zoning district to this district shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be limited to no more than the number of dwelling units licensed with Building and Safety on the effective date of this title or on the effective date of the change in district boundaries.

27.06.080 Group Living Use Group

Characteristics: The Group Living Use Group is characterized by the residential occupancy of a structure by a group of people who do not meet the characteristics of Household Living. Tenancy is generally arranged on a month-to-month basis, or for a longer period. Group Living may have common eating and social areas for residents. The residents may receive any combination or duration of care, counseling, training, or treatment. Such uses include but are not limited to dwellings for members of religious orders, convalescent home, nursing home, domestic shelters, assisted living facilities, fraternities and sororities, group homes, temporary shelters for the homeless.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Alternative to imprisonment facilities		S	S	S	S	S	S	S	S	S								P								
Children's homes		S	S	S	S	S	S	S	S	S								P								
Domestic shelters	C	C	C	C	C	C	C	C	C	C				C				P			P	P	P			
Healthcare facilities, Residential			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S							
Dwellings for members of religious orders	S	S	S	S	S	S	S	S	S	S								P								
Dwellings for non-related persons	S	S	S	S	S	S	S	S										P								
Fraternities and sororities								P	P	P								P								
Group homes	C	C	C	C	C	C	C	C	C	C	P		P	C				P	P							
Shelters for the homeless, temporary																		S						S		
All other uses in this Use Group																		P								

27.06.090 Utilities Use Group

Characteristics: The Group Living Use Group is characterized by the residential occupancy of a structure by a group of people who do not meet the characteristics of Household Living. Tenancy is generally arranged on a month-to-month basis, or for a longer period. Group Living may have common eating and social areas for residents. The residents may receive any combination or duration of care, counseling, training, or treatment. Such uses include but are not limited to dwellings for members of religious orders, convalescent home, nursing home, domestic shelters, assisted living facilities, fraternities and sororities, group homes, temporary shelters for the homeless.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Broadcast stations	S									S	P	P	P	P	P	P	P	P	P		P	P	S	P	P	P
Broadcast towers	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Commercial Wind Energy Conversion System	S																									
Personal wireless services facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Public utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Utility and cable television purposes	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S	S	S	P	P	P
Wind Energy Conversion System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
All other uses in this Use Group																								P	P	P

27.06.100 Civic Services Use Group

Characteristics: The Civic Services Group is characterized by uses which provide services that enhance the health, safety and welfare of the community. Such uses often serve and are complimentary to neighborhoods. They also provide for assemblies of members, guests, and/or the general public for social, cultural, charitable, religious and civic purposes. Such uses include but are not limited to adult care centers, clubs, cemeteries and mausoleums, churches, museums, hospitals, nonprofit religious, educational, and philanthropic institutions. Such Civic Services typically do not include people living on site as their permanent residence.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Adult day services facility				S	S	S					P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
Cemeteries and mausoleums	C	C	S	S	S	S	S	S	S	S					S	S	S	P		S	S	S	S	P	P	P
Churches	P	P	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P		P	P	S	C	C	C
Clubs/ Lodges	S	S	S	S	S	S	S	P	P	P	S	P	P	P	P	P	P	P	P		P	P	P	P	P	P
Health care facilities, Non-residential			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S		S	S	S			S
Neighborhood support services			S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
All other uses in this Use Group											P	P	P	P	P	P	P	P	P		P	P	P	P	P	P

27.06.110 Education and Instruction Use Group

Characteristics: The Education and Instruction Use Group is characterized by places that provide learning, child development, including basic curriculum, post secondary education, job skills, technical training, and other instructional courses. Such uses include but are not limited to academies for business, dance, music, gymnastics, and martial arts; early childhood care facilities, private elementary and secondary schools, community colleges, colleges, or other post-secondary education facilities including industrial trade schools.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Academies	S	S	S	S	S	S	S	S	S	S		S	S	S	P	P	P	P	P		P	P	P	S		P
Community, satellite, private colleges; vocational schools or other post-secondary education facilities, except industrial trade schools	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P		P	P	S	S		P
Industrial trade schools	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P		P	P	S	S	P	P
Early childhood care facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P		P	P	S	S	S	S
Private schools	P		C	C	C	C	C	C	C	C	C	C	C		C	C	C	P	C		C	C	S			P
All other uses in this Use Group															P	P	P	P	P		P	P	P			P

27.06.120 Office Use Group

Characteristics: The Office Use Group is characterized by activities conducted in an office setting that focus on the provision of goods and services. Generally the uses are open during normal business hours and are not associated with late night activities. Individual uses generally do not require more than an acre of land. Such uses include but would not be limited to offices for doctors, therapists, architects, engineers, lawyers, accountants, banks, savings and loan associations, credit unions, finance companies, data centers, and insurance companies. Office use may include research and development activities as defined in technology transfer industries in Chapter 27.03.210.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Banks, savings and loan associations, credit unions, and finance companies											S	P	P	C	P	P	P	C	P		P	P	P	P	P	P
Offices										S	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
All other uses in this Use Group											P	P	P	P	P	P	P	P	P		P	P	P	P	P	P

27.06.130 Retail Sales and Services Use Group

Characteristics: The Retail Sales and Services Use Group is characterized by uses that are involved in the sale, lease, or rental of new or used products to the general public. They may also provide personal services, or provide product service or repair for consumer and business goods. Services and repairs are typically performed on site. Small-scale production, assembly, or manufacturing of retail goods and crafts primarily sold on the premises is permitted as accessory to business activity. A portion of the premise may be used for outdoor storage of products associated with the main use. These uses may be open 24 hours a day and may include drive up or drive thru facilities. These uses generally do not involve the use, storage, production or manufacturing of hazardous chemicals. Such uses include but are not limited to retail sales, personal services, service and repair facilities, motorized vehicle repair and sales, hotels and motels, ambulance services, motorized fuel sales facility, parking lots, recycling drop-off facilities and off-sale of alcoholic beverages. Parking as a primary use is part of this use group.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Garden centers	S	S		S	S										P	P	P	P	P		P	P	P	P	P	P
Hotels and motels														P	P	P	P	P	P	P	P	P	P	P	P	C
Kennels	P	P													C	C	C	P			C	C	C	P	P	P
Mail order catalog sales											C	S	S		P	S	P	P			P	P	P	P	P	P
Marinas for sale, service, and storage of motorboats and related water craft															P			P	P					P	P	P
Motorized vehicle fuel sales facility															P	P	P	C	P	P	P	P	P	P	P	P
Motorized vehicle repair/service															C	P	C	C	P	P	C	C	P	P	P	P
Motorized vehicle sales																	C	C	P		C	C	P	P	P	P
Motorized vehicle wash facilities															C	C	C	C	P	P	C	C	S	P	P	P
Off-sale alcoholic beverages															S	C	S	P	C	S	S	S	S	S	P	S
Outdoor retail sales																		P	P			P	P	P	P	P
Outdoor seasonal sales	C	C	S	S	S	S	S	S	S	S	S	S	S		P	P	P	P	P		P	P	P	P	P	P
Parking garage as a primary use											S							C						P	P	P
Parking lots as a primary use			S	S	S	S	S	S	S	S		C			P		P	C			P	P		P	P	P
Parking lots, temporary			S	S	S	S	S	S	S	S							P							P	P	P
Parking lots, temporary commercial			S	S													P							P	P	P
Personal services											C	C	C	C	P	P	P	P	P		P	P	P	P	P	P
Retail sales											C		C		P	P	P	P	P		P	C	C	C	P	P
Service and repair facilities														C	C	P	C	P	P		C	P	P	P	P	P
Veterinary facilities	S	S													C	C	C	P			C	C	C	P	P	P
All other uses in this Use Group															P	P	P	P	P		P	P	P	P	P	P

27.06.140 Food and Drink Establishments Use Group

Characteristics: The Food and Drink Establishments Use Group is characterized by activities primarily relating to dining, drinking, and/or minor or occasional entertainment. Establishments provide indoor and/or outdoor seating and sell food or drinks prepared on site. Areas for entertainment may also be provided. These uses may be open 24 hours. Such uses include but are not limited to restaurants, fast food or drive thru eating facilities, bars and other on premises sale of alcoholic beverages. Uses may also include the small scale production manufacturing and distribution of food or beverages for facilities generally located on less than one acre such as craft breweries and local bakeries when those uses also sell their products on site.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
On-sale alcoholic beverages													S		S	C	S	P	C	S	S	S	S	S	S	S
Restaurants											C		S		P	P	P	P	P	P	P	P	P	P	P	P
All other uses in this Use Group															P	P	P	P	P	P	P	P	P	P	P	P

27.06.150 Commercial Recreation and Entertainment Facilities Use Group

Characteristics: The Commercial Recreation Facilities Use Group is characterized by uses that provide as its primary function events and activities for the entertainment and/or recreation of members, guests or customers. Events or activities may be indoors or outdoors. Such uses include but are not limited to outdoor recreational facilities, campgrounds, enclosed commercial recreational facilities, miniature golf courses, sexually oriented live entertainment establishments, social halls, community halls, theaters and picture arcades. This use group does not include facilities that are primarily used for instruction and are not open to the public.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Campgrounds	S	S																								
Community halls	S																									
Recreational facilities, enclosed commercial															P	P	P	P	P		P	P	P	P	P	P
Recreational uses, outdoor	S	S	S	S	S	S	S	S	S	S	S		S		S	S	S	P	P		P	P	P	P	P	P
Sexually oriented live entertainment establishments																				S	S	S	S	S	S	S
Social halls															C	C	C	P	C		C	C	C	P	P	
Theaters (indoor)																		P	S							
Theaters (outdoor)																		P			S	P	P	S		
All other uses in this Use Group															P	P	P	P	P		P	P	P	P	P	P

27.06.160 Major Entertainment and Event Use Group

Characteristics: The Major Event Entertainment Use Group is characterized by activities and structures that draw large crowds of people to specific events or shows. These activities generally do not occur on a daily basis. They do involve activities that may last late into the night and early morning. Such uses include but are not limited to amphitheatres, animal racing tracks, arenas, auditoriums, convention center, exhibition and meeting facilities, recreational facilities for motorized vehicles, and stadiums.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Places of public assembly																		<u>P</u>	<u>P</u>					<u>P</u>	<u>P</u>	<u>P</u>
Race track for motorized vehicles	<u>S</u>																							<u>S</u>		
All other uses in this Use Group																		<u>P</u>								

27.06.170 Heavy Commercial Services Use Group

Characteristics: The Heavy Commercial Services Use Group is characterized by uses that are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors, building maintenance services, and similar uses perform the majority of their services off-site. Outdoor storage and activity and a fleet of service vehicles and machinery are common. Heavy equipment or truck idling may occur for long periods of time. Few customers, especially the general public, come to the site on a regular basis. Such uses include but are not limited to private landing strips, building and construction contractor services, tree services, truck stops, truck terminals, truck wash facilities, mini-warehouse and lumber yards.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Contractor services																	<u>C</u>	<u>P</u>	<u>P</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Cabinet shops or stores																	<u>C</u>	<u>P</u>	<u>P</u>			<u>C</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>
Lumber yards																		<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Mini-warehouses																		<u>C</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Private landing strips and appurtenances	<u>S</u>	<u>S</u>																								
Temporary storage of construction equipment and materials	<u>S</u>																	<u>P</u>						<u>P</u>	<u>P</u>	<u>P</u>
Tree service	<u>S</u>																	<u>P</u>						<u>P</u>	<u>P</u>	
Truck stops																		<u>P</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Truck terminals																		<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Truck wash facilities																		<u>C</u>		<u>P</u>	<u>C</u>	<u>C</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>
All other uses in this Use Group																		<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

27.06.180 Manufacturing, Processing, Storage and Distribution Use Group

Characteristics: The Manufacturing, Processing, Storage and Distribution Use Group is characterized by uses that are involved in the manufacturing, processing, fabrication, packaging, assembly of goods and/or storage or movement of goods. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the site. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. Activities commonly use trains or heavy trucks to ship and receive goods. Access to or near a highway is preferred. There is little on-site sales activity with the customer present. Such uses include but are not limited to assembly facilities, concrete dispensing units, salvage yards, grain elevators and mills, warehouses and outdoor motorized vehicle storage.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3	
Assembly Facilities																		P			C	C		P	P	P	
Bag cleaning works																								S	P		
Bakeries (wholesale)																		P			P	P		P	P	P	
Blast furnaces, coke ovens, smelting, or ore reduction works																								S	P		
Boiler works or forge																								S	P		
Bottling works																		P			P	P		P	P	P	
Brewery (over 20,000 barrels)																								S	P		
Brewery, Craft (20,000 barrels or less)																		P			P	P		P	P	P	
Brick, tile, pottery, or terra-cotta manufacture, other than the manufacture of handicrafts																								P	P	P	
Coal yard																		P					P	P	P	P	
Concrete dispensing units (small batch)																		P				S	S	P	P	P	
Concrete paving plants (temporary)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Creameries																		P				P		P	P	P	
Distillation of bones, coal, or wood																								S	P		
Enclosed disassembly operations																		P			P	P	P	P	P	P	
Fertilizer or toxic or flammable agricultural chemicals: Facilities for commercial storage or sale	S	S																					S	S	P		
Forges																								S	P		
Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable liquids and chemicals																							S	S	S	C	C
Grain elevators																								P	P	P	

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3	
Grain elevators and grain mills																								P	P	P	
Grain mills																								P	P		
Liquified petroleum, gas and similar gas used for fuel stored above ground																						S	S	S	C	C	
Manufacture, transfer, or storage of acetylene																								S	P		
Open storage																		P	P					P	P		
Optical lens grinding and finishing																	P	P			P	P		P	P	P	
Outdoor vehicle storage																							C	C		C	
Petroleum and petroleum products, bulk storage																							S	S	S	C	C
Production, manufacture, distribution, or commercial storage of toxic, flammable, or explosive materials, including chemicals and gases, fireworks and explosives, arsenals and magazines																								S			
Refining or bulk storage of petroleum or natural gas, or their products																								S	P		
Refining The refining, distillation, or manufacture of: Acids or alcohols; Ammonia, bleach, or chlorine; Asphalt, tar, or products made therewith, including roofing or waterproofing; Cement, lime, gypsum, or plaster of paris; Disinfectants; Dvestuffs; Fertilizer; Glue, sizing, or gelatin; Oilcloth, linoleum, oiled rubber goods; Paint, shellac, turpentine, or oils; Rubber, gutta-percha, balata, creosote, or products treated therewith; Shoe polish;																								S	P		
Rendering fat																								S	P		
Rock crusher																								S	P		
Rolling mill (a steel mill where metal is rolled into sheets or bars)																								S	P		
Salvage yards																								S			
Stock yards or slaughter of animals or fowl																								S	P		
Storage of explosives																								S			

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3	
Tanning, curing, or storage of raw hides or skins																								S	P		
The milling, processing, refining, or distillation of agricultural crops.																									S	P	
Transportation of toxic, radioactive, flammable, or explosive materials																									S	P	
Warehouses																		C					P	P	P	P	P
Wholesale and distribution centers																		P						S	P	P	P
Yeast plant																									S	P	
All other uses in this Use Group																		P							P	P	P

27.06.190 Waste Management and Extractive Services Use Group.

Characteristics: The Waste Management and Extractive Services Use Group is characterized by uses that receive solid or liquid wastes from others for disposal and/or processing on the site, facilities that transfer waste to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. It also includes uses that mine or extract minerals or aggregate resources from the ground. Site grading approved with a development is not considered an extractive industry. Such uses include but are not limited to landfills, dumping or reduction of garbage, offal, or dead animals, commercial composting operations, salvage yards, and soil mining.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3	
Dumping or reduction of garbage, offal, or dead animals																									S		
Excavation and Stone Milling including: Extraction of sand, gravel, soil and mining, quarrying, stone mills	S	S			S											S					S	S	S	S	S		
Landfills, Limited	S																					S		S	P	P	
All other uses in this Use Group																									P	P	P

Chapter 27.07

AG AGRICULTURE DISTRICT

27.07.020 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the AG Agriculture District.

~~A building or premises shall be permitted to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the following purposes in the AG Agriculture District:~~

- ~~— (a) Agriculture, except confined feeding facilities for livestock or poultry;~~
- ~~— (b) Confined feeding facilities for livestock or poultry, of a maximum area of 15,000 square feet;~~
- ~~— (c) Breeding, raising, management, and sale of fur-bearing animals and the produce thereof;~~
- ~~— (d) Dog-breeding establishments and kennels;~~
- ~~— (e) Stables and riding academies;~~
- ~~— (f) Public uses, including but not limited to public parks, playgrounds, golf courses, and recreational uses; fire stations; public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school; and public utilities and utility distribution systems;~~
- ~~— (g) Single-family dwellings;~~
- ~~— (h) Churches;~~
- ~~— (i) Wind energy conversion systems.~~

27.07.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the AG Agriculture District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purpose in the AG Agriculture District in conformance with the conditions prescribed herein:~~

- ~~— (a) Cemeteries, including mausoleums:

 - ~~— (1) Mausoleums shall be located at least 200 feet from every street and adjoining property line;~~
 - ~~— (2) Any cemetery established after the effective date of this title shall contain an area of twenty acres or more.~~~~
- ~~— (b) Pet cemeteries. Minimum area shall be five acres;~~

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

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

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

~~— (d) — Group homes:—~~

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

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

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

~~— (e) — Wind energy conversion systems over the district height, provided they meet the following conditions:—~~

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

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

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

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

~~— (f) — Greenhouses:—~~

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

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

~~— (g) — Early childhood care facilities in churches:—~~

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

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

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

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

- ~~————— (5) Such facilities must receive a conditional use permit from the Department of Building and Safety.~~
- ~~————— (h) Early childhood care facilities with a maximum of fifteen children present at any time:~~
- ~~————— (1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;~~
- ~~————— (2) Such facilities shall comply with all applicable state and local early childhood care requirements;~~
- ~~————— (3) Such facilities shall comply with all applicable building and life safety code requirements;~~
- ~~————— (4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;~~
- ~~————— (5) Such facilities shall be used as the permanent residence of the licensed child care provider;~~
- ~~————— (6) Such facilities with thirteen or more children must receive a conditional use permit from the Department of Building and Safety;~~
- ~~————— (7) Early childhood care facilities located in mobile homes shall have a severe weather emergency action plan approved by the Health Department.~~
- ~~————— (i) Domestic Shelter:~~
- ~~————— (1) Parking shall be in conformance with Chapter 27.67;~~
- ~~————— (2) The maximum number of residents occupying such a facility shall not exceed one person per 3,000 square feet of lot area;~~
- ~~————— (3) The distance between the proposed use of any existing domestic shelter measured from lot line to lot line shall not be less than one mile.~~
- ~~————— (j) Agricultural Attraction~~
- ~~————— (1) Such use shall be permitted as long as the premises is outside the city limits, contains twenty acres or more of land, and the majority of the premises is in agriculture use for purpose of raising and harvesting crops.~~
- ~~————— (2) Such facility must receive an Amusement License from the Lancaster County Board.~~

27.07.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the AG Agriculture District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the AG Agriculture District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

- ~~————— (a) Private schools;~~

- ~~— (b) Recreational facilities;~~
- ~~— (c) Dwellings for members of religious orders;~~
- ~~— (d) Broadcast towers and stations;~~
- ~~— (e) Campgrounds;~~
- ~~— (f) Veterinary facilities;~~
- ~~— (g) Confined feeding facilities for livestock or poultry in excess of 15,000 square feet in area; in those parts of the AG Agriculture District designated "agricultural" on the future county land use map (Fig. 17) of the Lincoln-Lancaster County Comprehensive Plan (which for this purpose only is hereby incorporated herein by reference);~~
- ~~— (h) Excavation and stone milling;~~
- ~~— (i) Sale barns;~~
- ~~— (j) Garden centers;~~
- ~~— (k) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;~~
- ~~— (l) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;~~
- ~~— (m) Expansion of nonconforming use;~~
- ~~— (n) Historic preservation;~~
- ~~— (o) Community unit plans shall be permitted in conformance with provisions of Chapter 27.65;~~
- ~~— (p) Public utility purposes;~~
- ~~— (q) Private landing strips and appurtenances;~~
- ~~— (r) Limited landfills;~~
- ~~— (s) Race tracks for motorized vehicles;~~
- ~~— (t) Temporary storage of construction equipment and materials;~~
- ~~— (u) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.07.030;~~
- ~~— (v) Clubs;~~
- ~~— (w) Dwelling units for domestic employees in accessory buildings;~~
- ~~— (x) Heritage centers;~~
- ~~— (y) Community halls;~~
- ~~— (z) Tree service;~~
- ~~— (aa) Commercial Wind Energy Conversion System/Turbine (CWECs);~~
- ~~— (bb) Farm wineries.~~

27.07.050 Accessory Uses.

Accessory uses permitted in the AG Agriculture District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in the said district.

27.07.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the AG Agriculture District shall be regulated in conformance with the requirements of Chapter 27.72, as follows:

(a) General requirements:

	Lot Area	Avg. Lot Width	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All Permitted Uses	20 acres	550'	550'	50'*	60'	100'	35'

* However, in no event need the sum of the distance from the centerline of the abutting street to the street line and the required front yard exceed a total of 80'. The required front yards of any such property exceeding the 80' sum may be reduced accordingly.

Minimum Lot Area. In all interior sections of a township, the minimum area for a buildable lot shall be one-half of the total acreage contained in that quadrant of the quarter section in which said lot is located.

In all closing sections (any section of land bordering on the north or west line of a township) except those which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be as follows:

(1) For those lots located within a Government Lot (a lot created by the original government survey and recorded in the surveyor's records of Lancaster County), the minimum required area shall be one-half of the total acreage contained in said Government Lot;

(2) For those lots which are not located within a Government Lot, the minimum required area shall be one-half of the total acreage contained in that quadrant of the quarter section in which said lot is located.

In those closing sections which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be twenty acres, provided, however that the Board of Zoning Appeals, in conformance with the terms of Chapter 27.75, may hear and decide upon petitions to vary strict application of this requirement. For purposes of this section, minimum lot area, county section, and one-half section line road right-of-way are included for the purpose of determining area.

(b) There shall be a required front yard on each street side of a double-frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on the effective date of this title need not be reduced below thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

~~— (d) — Where a lot or tract of land on the effective date of this title has less width than required under subsection (a) of this section, the required side yard may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than fifteen feet.~~

~~— (e) — Where a lot or tract of land with an area of less than two acres on the effective date of this title has an average depth of not more than 300 feet, there shall be a required rear yard having a depth of not less than fifty feet or twenty percent of the depth of the lot, whichever is smaller.~~

~~— (f) (1) — If a lot has less area, width, or frontage or any combination thereof, than herein required, and its entire boundary was under different ownership on the effective date of this title and has not since been changed, such lot may be used in the following manner:~~

~~— (i) — If the area of the lot is ten acres or more, such lot may be used for:~~

~~— a. — Agriculture, except commercial feedlots;~~
~~— b. — Breeding, raising, management, and sale of fur-bearing animals and the produce thereof;~~

~~— c. — Dog-breeding establishment and kennel;~~

~~— d. — Stables and riding academies;~~

~~— e. — Public use including, but not limited to, public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools or private schools having a curriculum equivalent to a public elementary or public high school, and public utilities and utility distribution systems;~~

~~— f. — A single-family dwelling;~~

~~— g. — Churches.~~

~~— (ii) — If the area of the lot is less than ten acres, such lot may be used for:~~

~~— a. — Agriculture, except commercial feedlots;~~

~~— b. — Public use including, but not limited to, public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools or private schools having a curriculum equivalent to a public elementary or public high school, and public utilities and utility distribution systems;~~

~~— c. — A single-family dwelling;~~

~~— d. — Churches.~~

~~— (iii) — A lot which otherwise qualified under (i) above, but which has since been reduced in area by public acquisition for right-of-way purposes, may be devoted to any of the uses permitted in (i) above if the remaining area of such lot is nine or more acres.~~

~~— (2) — If two or more abutting lots in common ownership exist on the effective date of this title, each of such lots may be used for a single-family dwelling; provided, that each such lot shall contain a minimum area of two acres and shall have an average lot width of 150 feet. Abutting lots in common ownership may be combined to meet these requirements.~~

~~— If a lot has less width or depth than herein required, the required side and rear yard may be adjusted as provided in (d) and (e) above.~~

~~— (g) — Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located: (1) in the required rear yard, but such accessory buildings shall not be nearer than two feet to the side or rear lot line; and (2) not nearer than a distance equal to ten percent of the average lot width from the side lot line. Such accessory buildings located in the required rear yard or required side yard shall not occupy more than thirty percent of the required rear yard.~~

~~(h) A lot or parcel of land of one acre or more may be used for a single-family dwelling, provided that a residential structure:~~

~~(1) has existed on such land for more than five years;~~

~~(2) such structure is, or has been, used as the primary residence associated with a farm; and~~

~~(3) such lot or parcel of land and structure shall be in conformance with the following maximum height and minimum lot requirements:~~

~~(i) General requirements:~~

	Lot Area	Avg. Lot Width	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All Permitted Uses	1 acre	150'	120'	50'*	15'	Lesser of 50' or 20% of depth	30'

* The sum of (1) the distance from the centerline of abutting road to the property line, plus (2) the required front yard need not exceed 80'. The required front yard may be reduced, where necessary, to reach this total.

~~(ii) There shall be a required front yard on each street side of a double-frontage lot;~~

~~(iii) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced below thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.~~

~~(iv) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory building may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to the side or rear lot line. However, if the lot or parcel of land and structure does not meet the requirements of item (i) above, it shall be considered a non-standard use.~~

~~(4) Such structure is in conformance with the other provisions of this title, the minimum housing code, and the minimum standards for water and sewage facilities.~~

~~(i) A lot or parcel of land of one acre or more may be used for public utility and distribution system purposes; provided, that such lot or parcel of land and any structures located thereon meet the maximum height and minimum lot requirements set forth in (h)(3) above; and provided, further, that such lot or parcel shall not be used, by itself, for any other purpose except agriculture.~~

Chapter 27.09

AGR AGRICULTURAL RESIDENTIAL DISTRICT

27.09.020 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted use in the AGR Agricultural Residential District.

~~A building or premises shall be permitted to be used for the following purposes in the AGR Agricultural Residential District:~~

- ~~— (a) — Agriculture, except confined feeding facilities for livestock or poultry;~~
- ~~— (b) — Dog-breeding establishments and kennels;~~
- ~~— (c) — Stables and riding academies;~~
- ~~— (d) — Public uses; and publicly owned and operated uses including but not limited to public parks, playgrounds, golf courses, and recreational uses; fire stations; public elementary and high schools; and public utilities and utility distribution systems; and airports;~~
- ~~— (e) — Churches;~~
- ~~— (f) — Single-family dwellings;~~
- ~~— (g) — Wind energy conversion systems.~~

27.09.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted conditional use in the AGR Agricultural Residential District

in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purpose in the AGR Agricultural Residential District in conformance with the conditions prescribed herein:~~

- ~~— (a) — Cemeteries, including mausoleums:

 - ~~— (1) — Mausoleums shall be located at least 200 feet from every street line and adjoining property line;~~
 - ~~— (2) — Any cemetery established after the effective date of this title shall contain an area of twenty acres or more;~~~~
- ~~— (b) — Pet cemeteries: Minimum area shall be five acres;~~
- ~~— (c) — Roadside stands for the temporary or seasonal sale of produce:

 - ~~— (1) — Such roadside stands shall be permitted in a required yard; however, no roadside stand shall be permitted in a right of way, nor closer than thirty feet to the edge of a traveled roadway;~~
 - ~~— (2) — Such roadside stand shall not be operated for more than 180 days in any one year.~~~~
- ~~— (d) — Group homes;~~

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

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

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

~~(e) Wind energy conversion systems over the district height, provided they meet the following conditions:~~

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

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

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

~~(4) To limit climbing access to the WECS tower, a fence six feet high with a locking portal shall be placed around the WECS tower base or the tower climbing apparatus shall be limited to no lower than twelve feet from the ground, or the WECS tower may be mounted on a roof top.~~

~~(5) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to WECS.~~

~~(f) Greenhouses:~~

~~(1) The minimum lot area shall be two acres;~~

~~(2) All materials shall be stored inside buildings;~~

~~(3) Not more than twenty-five percent of the land may be devoted to such use;~~

~~(4) Greenhouses shall comply with the same setback requirements as are applicable to main buildings;~~

~~(5) Parking shall be in conformance with Chapter 27.67.~~

~~(g) Early childhood care facilities in churches:~~

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

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

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

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

~~_____ (5) Such facilities must receive a conditional use permit from the Department of Building and Safety;~~

~~_____ (h) Early childhood care facilities with a maximum of fifteen children present at any time;~~

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

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

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

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

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

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

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

~~_____ (i) Domestic Shelter:~~

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

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

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

27.09.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the AGR Agricultural Residential District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

~~_____ (a) Private schools;~~

~~_____ (b) Recreational facilities;~~

~~_____ (c) Dwellings for members of religious orders;~~

~~_____ (d) Broadcast towers;~~

~~_____ (e) Campgrounds;~~

~~_____ (f) Veterinary facilities;~~

- ~~— (g) — Excavation and stone milling;~~
- ~~— (h) — Garden centers;~~
- ~~— (i) — Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;~~
- ~~— (j) — Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;~~
- ~~— (k) — Community unit plans shall be permitted in conformance with the provisions of Chapter 27.65;~~
- ~~— (l) — Expansion of nonconforming uses;~~
- ~~— (m) — Historic preservation;~~
- ~~— (n) — Public utility purposes;~~
- ~~— (o) — Private landing strips and appurtenances;~~
- ~~— (p) — Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.09.030;~~
- ~~— (q) — Clubs;~~
- ~~— (r) — Dwelling units for domestic employees in accessory buildings;~~
- ~~— (s) — Alternative to imprisonment facilities;~~
- ~~— (t) — Children's homes.~~

27.09.050 Accessory Uses.

Accessory uses permitted in the AGR Agricultural Residential District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in the said district.

27.09.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the AGR Agricultural Residential District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

- ~~— (a) — General requirements:~~

Table 27.09.080(a)

	Lot Area	Avg. Lot Width	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All Permitted Uses	3 acres	220'	175'**	50'*	15'	Lesser of 50' or 20% of depth	35'

~~*—The sum of (1) the distance from the centerline of the abutting road to the property line, plus (2) the required front yard need not exceed 80'. The required front yard may be reduced where necessary to reach this total.~~

~~**—For lots abutting cul-de-sacs, this requirement may be met by providing a frontage of 175 feet measured at the required front yard line.~~

~~(b) There shall be a required front yard on each street side of a double frontage lot;~~

~~(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced below thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.~~

~~(d) Where a lot of record on November 2, 1953, has a width of 100 feet or less, the required side yard may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet.~~

~~(e) If a lot or tract has less area or width, or both less area and width, than herein required, and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such parcel may be used in the following manner:~~

~~(1) Agriculture, except confined feeding facilities for livestock or poultry;~~

~~(2) Public use including but not limited to public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools, and public utilities and utility distribution systems;~~

~~(3) Churches;~~

~~(4) A single-family dwelling.~~

~~(f) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to the side or rear lot line.~~

~~(g) If a lot has less area, width or frontage or any combination thereof than required under subsection (a) of this section, and on January 16, 1989, if the area of the lot was one acre or~~

~~more, and the average lot width of the lot was 150 feet or more and the frontage of the lot was 120 feet or more, such lot may be used for:~~

- ~~(1) Agriculture, except confined feeding facilities for livestock or poultry;~~
- ~~(2) Dog-breeding establishments and kennels;~~
- ~~(3) Stables and riding academies;~~
- ~~(4) Public uses; and publicly owned and operated uses including but not limited to public parks, playgrounds, golf courses, and recreational uses, fire stations, public elementary and high schools; and public utilities and utility distribution systems; and airports;~~
- ~~(5) Churches;~~
- ~~(6) A single-family dwelling.~~

Chapter 27.11

R-1 RESIDENTIAL DISTRICT

27.11.020 ~~Use Regulations Permitted Uses.~~

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the R-1 Residential District.

~~A building or premises shall be permitted to be used for the following purposes in the R-1 Residential District:~~

- ~~— (a) Single-family dwellings;~~
- ~~— (b) Two-family dwellings;~~
- ~~— (c) Parks, playgrounds, and community buildings owned or operated by a public agency;~~
- ~~— (d) Public libraries;~~
- ~~— (e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes;~~
- ~~— (f) Wind energy conversion systems.~~

27.11.030 ~~Permitted Conditional Uses.~~

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the R-1 Residential District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the R-1 Residential District in conformance with the conditions prescribed herein:~~

- ~~— (a) Churches:~~
 - ~~— (1) Parking shall be in conformance with Chapter 27.67;~~
 - ~~— (2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the City Council;~~
 - ~~— (3) Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater.~~
- ~~— (b) Group homes.~~

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

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

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

~~(c) Early childhood care facilities in churches:~~

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

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

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

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

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

~~(d) Domestic shelter:~~

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

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

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

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

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

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

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

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

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

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

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

27.11.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the R-1 Residential District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the R-1 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

- ~~— (a) Community unit plans in conformance with Chapter 27.65;~~
- ~~— (b) Private schools, other than those permitted under Section 27.11.020(e) above;~~
- ~~— (c) Health care facilities;~~
- ~~— (d) Dwellings for members of religious orders;~~
- ~~— (e) Mobile home courts;~~
- ~~— (f) Recreational facilities;~~
- ~~— (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;~~
- ~~— (h) Broadcast towers;~~
- ~~— (i) Certain parking lots as defined in Chapter 27.63;~~
- ~~— (j) Elderly or retirement housing;~~
- ~~— (k) Expansion of nonconforming uses;~~
- ~~— (l) Historic preservation;~~
- ~~— (m) Public utility purposes;~~
- ~~— (n) Wind energy conversion systems over the district height;~~
- ~~— (o) Mobile home subdivisions;~~
- ~~— (p) Housing and related facilities for the physically handicapped;~~
- ~~— (q) Outdoor seasonal sales;~~
- ~~— (r) Cemeteries;~~
- ~~— (s) Domiciliary care facility;~~
- ~~— (t) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.11.030;~~
- ~~— (u) Neighborhood support services;~~
- ~~— (v) Clubs;~~
- ~~— (w) Dwelling units for domestic employees in accessory buildings;~~
- ~~— (x) Connection of single-family dwelling to accessory building for the physically handicapped;~~
- ~~— (y) Alternative to imprisonment facilities;~~
- ~~— (z) Children's homes.~~

27.11.050 Accessory Uses.

Accessory uses permitted in the R-1 Residential District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in the said district.

27.11.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the R-1 Residential District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

(a) ~~General requirements:~~

Table 27.11.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	9,000**	60'***	30'*	10'***	Smaller of 30'	35'
Dwelling, two-family	7,200 per family**	48' per family**	30'*	20', 0' if party wall***	or 20%	35'
Other permitted uses	9,000	60'	30'*	10'***	of depth	35'
*— See subparagraphs (b) and (c)						
**— See subparagraphs (e) and (h)						
***— See subparagraph (h)						

~~(b) There shall be a required front yard on each street side of a double-frontage lot.~~
~~(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to~~

less than thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards:

~~(d) Wherever a lot of record on November 2, 1953, had a width of 100 feet or less, the required side yard for a single-family dwelling may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet.~~

~~(e) Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building:~~

~~(i) Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be closer than two feet to any side or rear lot line nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not closer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line:~~

~~(ii) Accessory buildings or structures not a part of the main structure may be located in the required front yard on double-frontage lots where at least one frontage is along a major street, provided:~~

~~(1) Accessory buildings or structures shall not occupy any portions of any required front yard along the local street.~~

~~(2) Accessory buildings or structures shall not be closer than two feet to the side lot line, closer than two feet to the front lot line along the major street, or closer than two feet to an area specified as a building line district.~~

~~(3) Accessory buildings or structures, if located not less than sixty feet from the front lot line, may extend into the required side yard though not closer than two feet to the side lot line.~~

~~(4) Accessory buildings or structures shall not occupy any portion of the required front yard along any major street except when a landscape screen is located along all front lot lines of such lot adjacent to any major street in conformance with the "Design Standards for Screening and Landscaping" adopted by the City of Lincoln.~~

~~(5) Direct vehicular access shall not be available from any major street along any major street frontage in the block.~~

~~(6) Accessory buildings and structures shall not occupy more than 100 square feet and 600 square feet, respectively, of the required front yard along the major street.~~

~~(7) Accessory buildings or structures shall not exceed fifteen feet in height and any accessory building or structure or portion thereof within twenty feet of the front lot line along the major street shall not exceed eight feet in height.~~

~~(f) If a vacant lot or tract has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such parcel of land may be used for a single-family dwelling, as long as a side yard of at least five feet is provided.~~

~~If such vacant lot or tract comes under common ownership with an abutting lot or tract, such vacant lot or tract may continue to be used for a single-family dwelling provided said abutting lot or tract was occupied by a dwelling unit on the date such vacant lot or tract and the abutting lot or tract came under common ownership.~~

~~————— If such vacant lot or tract comes under common ownership with an abutting vacant lot or tract which has less area or width or both less area and width than herein required, such lots and tracts shall be merged together and constitute a single premise.~~

~~————— If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to this district has less area or width or both less area and width than herein required, such lot or tract shall not be considered nonstandard due to this condition.~~

~~————— (g) — In those locations in the R-1 Residential District where, on November 2, 1953, and continuing thereafter, forty percent or more of the frontage on the same side of a street between two street intersections is lawfully occupied by two or more buildings consisting of two-family dwellings or two-family and multiple family dwellings, two-family dwellings may be erected in conformance with the height, minimum lot requirements, and parking regulations of the R-4 Residential District.~~

~~————— (h) — Multiple dwellings lawfully existing in this district on the effective date of this title or on the effective date of a change of district boundaries from another zoning district to this district shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be limited to no more than the number of dwelling units licensed with Building and Safety on the effective date of this title or on the effective date of the change in district boundaries.~~

~~————— (i) — If an existing lot or tract is lawfully occupied by a two-family dwelling which has a side yard setback of less than twenty feet and said use becomes nonstandard through a change in district boundaries from another zoning district to this district, the two-family dwelling may be enlarged, extended or reconstructed as long as the existing side yard or a ten-foot side yard, whichever is greater, is provided.~~

Chapter 27.13

R-2 RESIDENTIAL DISTRICT

27.13.020 ~~Use Regulations Permitted Uses.~~

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the R-2 Residential District.

~~A building or premises shall be permitted to be used for the following purposes in the R-2 Residential District:~~

- ~~— (a) — Single-family dwellings;~~
- ~~— (b) — Two-family dwellings;~~
- ~~— (c) — Parks, playgrounds, and community buildings owned or operated by a public agency;~~
- ~~— (d) — Public libraries;~~
- ~~— (e) — Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes;~~
- ~~— (f) — Wind energy conversion systems.~~

27.13.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the R-2 Residential District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the R-2 Residential District in conformance with the conditions prescribed herein:~~

- ~~— (a) — Churches:~~
 - ~~— (1) — Parking shall be in conformance with Chapter 27.67;~~
 - ~~— (2) — The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the City Council;~~
 - ~~— (3) — Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater.~~
- ~~— (b) — Group homes:~~

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

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

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

~~(c) Early childhood care facilities in churches:~~

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

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

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

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

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

~~(d) Domestic shelter:~~

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

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

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

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

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

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

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

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

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

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

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

27.13.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the R-2 Residential District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the R-2 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

- ~~(a) Community unit plans in conformance with Chapter 27.65;~~
- ~~(b) Private schools, other than those permitted under Section 27.13.020(e) above;~~
- ~~(c) Health care facilities;~~
- ~~(d) Dwellings for members of religious orders;~~
- ~~(e) Mobile home courts;~~
- ~~(f) Recreational facilities;~~
- ~~(g) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;~~
- ~~(h) Broadcast towers;~~
- ~~(i) Certain parking lots as defined in Chapter 27.63;~~
- ~~(j) Elderly or retirement housing;~~
- ~~(k) Expansion of nonconforming uses;~~
- ~~(l) Historic preservation;~~
- ~~(m) Public utility purposes;~~
- ~~(n) Wind energy conversion systems over the district height;~~
- ~~(o) Mobile home subdivisions;~~
- ~~(p) Housing and related facilities for the physically handicapped;~~
- ~~(q) Outdoor seasonal sales;~~
- ~~(r) Cemeteries;~~
- ~~(s) Domiciliary care facility;~~
- ~~(t) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.13.030;~~
- ~~(u) Neighborhood support services;~~
- ~~(v) Clubs;~~
- ~~(w) Connection of single-family dwelling to accessory building for the physically handicapped;~~
- ~~(x) Garden centers;~~
- ~~(y) Adult care centers;~~
- ~~(z) Alternative to imprisonment facilities;~~
- ~~(aa) Children's homes.~~

27.13.050 Accessory Uses.

Accessory uses permitted in the R-2 Residential District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in the said district.

27.13.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the R-2 Residential District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

(a) ~~General requirements:~~

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	6,000**	50'***	25'*	5'	Smaller of 30'	35'
Dwelling, two-family	5,000 per family**	40' per family**	25'*	10', 0' if party wall****	or 20%	35'
Other permitted uses	6,000	50'	25'	5'	of depth	35'
* See subparagraph (b) and (c)						
** See subparagraph (e)						
*** See subparagraph (i)						

~~(b) There shall be a required front yard on each street side of a double-frontage lot.~~
~~(c) There shall be a required front yard on each street side of a corner lot, provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to~~

less than thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

~~(d) Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building.~~

~~(i) Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be closer than two feet to any side or rear lot line nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not closer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

~~(ii) Accessory buildings or structures not a part of the main structure may be located in the required front yard on double-frontage lots where at least one frontage is along a major street, provided:~~

~~(1) Accessory buildings or structures shall not occupy any portion of any required front yard along the local street.~~

~~(2) Accessory buildings or structures shall not be closer than two feet to the side lot line, closer than two feet to the front lot line along the major street frontage, or be closer than two feet to an area specified as a building line district.~~

~~(3) Accessory buildings or structures, if located not less than sixty feet from the front lot line, may extend into the required side yard though not closer than two feet to the side lot line.~~

~~(4) Accessory buildings or structures shall not occupy any portion of the required front yard along any major street except when a landscape screen is located along any and all front lot lines of such lot adjacent any major street in conformance with the "Design Standards for Screening and Landscaping" adopted by the City of Lincoln.~~

~~(5) Direct vehicular access shall not be available from any major street along any major street frontage in the block.~~

~~(6) Accessory buildings and structures shall not occupy more than 100 square feet and 600 square feet, respectively, of the required front yard along the major street.~~

~~(7) Accessory buildings or structures shall not exceed fifteen feet in height and any accessory building or structure or portion thereof within twenty feet of the front lot line along the major street shall not exceed eight feet in height.~~

~~(e) If a vacant lot or tract has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such parcel of land may be used for a single-family dwelling.~~

~~If such vacant lot or tract comes under common ownership with an abutting lot or tract, such vacant lot or tract may continue to be used for a single-family dwelling provided said abutting lot or tract was occupied by a dwelling unit on the date such vacant lot or tract and the abutting lot or tract came under common ownership.~~

~~If such vacant lot or tract comes under common ownership with an abutting vacant lot or tract which has less area or width or both less area and width than herein required, such lots and tracts shall be merged together and constitute a single premise.~~

~~————— If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to this district has less area or width or both less area and width than herein required, such lot or tract shall not be considered nonstandard due to such condition.~~

~~————— (f) ——— In those locations in the R-2 Residential District where, on November 2, 1953, and continuing thereafter, forty percent or more of the frontage on the same side of a street between two street intersections is lawfully occupied by two or more buildings, consisting of two-family dwellings or two-family and multiple-family dwellings, two-family dwellings may be erected in conformance with the height, minimum lot requirements, and parking regulations of the R-4 Residential District.~~

~~————— (g) ——— Multiple dwellings lawfully existing in this district on the effective date of this title or on the effective date of a change of district boundaries from another zoning district to this district shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be limited to no more dwelling units than the number of dwelling units licensed with Building and Safety on the effective date of this title or on the effective date of the change in district boundaries from another zoning district to this district.~~

~~————— (h) ——— If two or more abutting lots existing on or before November 2, 1953, have an aggregate width of at least seventy-five feet, such lots may be used for a two-family dwelling, notwithstanding the average lot width requirements of subparagraph (a) of this section.~~

~~————— (i) ——— If an existing lot or tract is lawfully occupied by a two-family dwelling which has a side yard setback of less than ten feet and said use becomes nonstandard through a change in district boundaries from another zoning district to this district, the two-family dwelling may be enlarged, extended or reconstructed as long as the existing side yard or a five-foot side yard, whichever is greater, is provided.~~

Chapter 27.15

R-3 RESIDENTIAL DISTRICT

27.15.020 Use Regulations Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the R-3 Residential District.

~~— A building or premises shall be permitted to be used for the following purposes in the R-3 Residential District:~~

- ~~— (a) Single-family dwellings;~~
- ~~— (b) Two-family dwellings;~~
- ~~— (c) Parks, playgrounds, and community buildings owned or operated by a public agency;~~
- ~~— (d) Public libraries;~~
- ~~— (e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes;~~
- ~~— (f) Wind energy conversion systems.~~

27.15.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the R-3 Residential District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the R-3 Residential District in conformance with the conditions prescribed herein:~~

- ~~— (a) Churches:~~
 - ~~— (1) Parking shall be in conformance with Chapter 27.67;~~
 - ~~— (2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the City Council;~~
 - ~~— (3) Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater.~~
- ~~— (b) Group homes:~~
 - ~~— (1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the provisions of Chapter 27.67;~~
 - ~~— (2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half mile;~~

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

~~_____ (c) Early childhood care facilities in churches:~~

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

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

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

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

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

~~_____ (d) Domestic shelter:~~

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

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

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

~~_____ (e) Early childhood care facilities with a maximum of fifteen children present at any time:~~

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

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

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

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

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

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

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

~~_____ (f) Single-family dwellings which do not meet the required minimum lot area, average lot width, or yard requirements in Table 27.15.080(a).~~

~~_____ (1) Such use shall be located outside the City of Lincoln's January 1, 2010 corporate limits.~~

~~(2) Minimum lot requirements:~~~~Average Lot Width 33 feet~~~~Lot Area 3,300 square feet~~~~Front Yard 15 feet to the main building~~~~20 feet from the garage door to the lot line~~~~Side Yard 5 feet or 0 feet if party wall~~~~Rear Yard 20 feet or 20% the depth of the lot~~~~which ever is less~~~~(3) There must be at least 22 contiguous feet of uninterrupted curb space abutting the lot measured along the face of the curb from the edge of the curb return to the lot line.~~~~(4) Any garage door or doors facing the street shall not occupy more than 40% of the width of the building facade, except that the garage door or doors may occupy up to 60% of the width of the building facade if there is living area or a covered balcony above the majority of the garage. Notwithstanding the above, detached garages which are not considered a part of and are primarily located to the side of or behind the main structure are exempt from this requirement.~~~~(5) Garages facing and taking access from a street must have a minimum setback of 20 feet from the lot line.~~~~(6) The principal street facade of each dwelling shall have at least one door. The principal street facade of each dwelling shall also have a minimum of one window per story oriented to the street. If the dwelling is two stories in height, both required windows may be located on the second floor. The minimum glazed area of a window shall be five square feet.~~**27.15.040 Permitted Special Uses.**

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the R-3 Residential District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the R-3 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

~~(a) Community unit plans in conformance with the following requirements:~~~~(1) The average lot area shall be at least 5,000 square feet;~~~~(2) All the requirements of Chapter 27.65.~~~~(b) Private schools, other than those permitted under Section 27.15.020(e) above;~~

- ~~_____ (c) Health care facilities;~~
- ~~_____ (d) Dwellings for members of religious orders;~~
- ~~_____ (e) Mobile home courts;~~
- ~~_____ (f) Recreational facilities;~~
- ~~_____ (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;~~
- ~~_____ (h) Broadcast towers;~~
- ~~_____ (i) Excavation and stone milling;~~
- ~~_____ (j) Certain parking lots as defined in Chapter 27.63;~~
- ~~_____ (k) Elderly or retirement housing;~~
- ~~_____ (l) Expansion of nonconforming uses;~~
- ~~_____ (m) Historic preservation;~~
- ~~_____ (n) Garden centers;~~
- ~~_____ (o) Public utility purposes;~~
- ~~_____ (p) Wind energy conversion systems over the district height;~~
- ~~_____ (q) Mobile home subdivisions;~~
- ~~_____ (r) Housing and related facilities for the physically handicapped;~~
- ~~_____ (s) Greenhouses;~~
- ~~_____ (t) Outdoor seasonal sales;~~
- ~~_____ (u) Cemeteries;~~
- ~~_____ (v) Domiciliary care facility;~~
- ~~_____ (w) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.15.030;~~
- ~~_____ (x) Neighborhood support services;~~
- ~~_____ (y) Clubs;~~
- ~~_____ (z) Connection of single-family dwelling to accessory building for the physically handicapped;~~
- ~~_____ (aa) Adult care centers;~~
- ~~_____ (bb) Alternative to imprisonment facilities;~~
- ~~_____ (cc) Children's homes.~~
- ~~_____ (dd) Single-family dwellings which do not meet the required minimum lot area, average lot width, or yard requirements in Table 27.15.080(a).~~

27.15.050 Accessory Uses.

Accessory uses permitted in the R-3 Residential District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in the said district.

27.15.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the R-3 Residential District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

~~(a) General requirements:~~

Table 27.15.080(a)

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	6,000**	50'**	20'	5'		35'
Dwelling, two-family	5,000 per family**	40' per family**	20'	5', 0' if party wall	Smaller of 30' or 20% of depth	35'
Other permitted uses	6,000	50'	20'	5'		35'

* See subparagraphs (b) and (c)
** See subparagraph (e)

~~(b) There shall be a required front yard on each street side of a double-frontage lot.~~

~~(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both corner lots.~~

~~(d) Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building.~~

~~(i) Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be closer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not closer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

~~_____ (ii) Accessory buildings or structures not a part of the main structure may be located in the required front yard on double-frontage lots where at least one frontage is along a major street, provided:~~

~~_____ (1) Accessory buildings or structures shall not occupy any portion of any required front yard along the local street.~~

~~_____ (2) Accessory buildings or structures shall not be closer than two feet to the side lot line, be closer than two feet to the front lot line along the major street frontage, or be closer than two feet to an area specified as a building line district.~~

~~_____ (3) Accessory buildings or structures, if located not less than sixty feet from the front lot line, may extend into the required side yard though not closer than two feet to the side lot line.~~

~~_____ (4) Accessory buildings or structures shall not occupy any portion of the required front yard along any major street except when a landscape screen is located along any and all front lot lines along any major street in conformance with the "Design Standards for Screening and Landscaping" adopted by the City of Lincoln.~~

~~_____ (5) Direct vehicular access shall not be available from any major street along any major street frontage in the block.~~

~~_____ (6) Accessory buildings and structures shall not occupy more than 100 square feet and 600 square feet, respectively, of the required front yard along the major street.~~

~~_____ (7) Accessory buildings or structures shall not exceed fifteen feet in height and any accessory building or structure or portion thereof within twenty feet of the front lot line along the major street shall not exceed eight feet in height.~~

~~_____ (e) If a vacant lot or tract has less area or width, or both less area and width, than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such parcel of land may be used for a single-family dwelling.~~

~~_____ If such vacant lot or tract comes under common ownership with an abutting lot or tract, such vacant lot or tract may continue to be used for a single-family dwelling provided the abutting or tract was occupied by a dwelling unit on the date the vacant lot or tract and the abutting lot or tract came under common ownership.~~

~~_____ If such vacant lot or tract comes under common ownership with an abutting vacant lot or tract which has less area or width or both less area and width than herein required, such lots and tracts shall be merged together and constitute a single premise.~~

~~_____ If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to this district has less area or width or both less area and width than herein required, such lot or tract shall not be considered nonstandard due to this condition.~~

~~_____ (f) Multiple dwellings lawfully existing in this district on the effective date of this title or on the effective date of a change of district boundaries from another zoning district to this district shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be limited to no more than the number of dwelling units licensed with Building and Safety on the effective date of this title or on the effective date of the change in district boundaries.~~

Chapter 27.17

R-4 RESIDENTIAL DISTRICT

27.17.020 Use Regulations Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the R-4 Residential District.

~~A building or premises shall be permitted to be used for the following purposes in the R-4 Residential District:~~

- ~~— (a) Single-family dwellings;~~
- ~~— (b) Two-family dwellings;~~
- ~~— (c) Parks, playgrounds, and community buildings owned or operated by a public agency;~~
- ~~— (d) Public libraries;~~
- ~~— (e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes;~~
- ~~— (f) Wind energy conversion systems.~~

27.17.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the R-4 Residential District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the R-4 Residential District in conformance with the conditions prescribed herein:~~

- ~~— (a) Churches:

 - ~~— (1) Parking shall be in conformance with Chapter 27.67;~~
 - ~~— (2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the City Council;~~
 - ~~— (3) Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater.~~~~
- ~~— (b) Group homes:

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

~~(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than 1,200 feet;~~

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

~~(c) Early childhood care facilities in churches:~~

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

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

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

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

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

~~(d) Domestic shelter:~~

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

~~(2) The maximum number of residents occupying such a facility shall not exceed one person per 1,000 square feet of lot area;~~

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

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

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

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

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

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

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

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

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

27.17.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the R-4 Residential District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the R-4 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

- ~~(a) Community unit plans in conformance with Chapter 27.65;~~
- ~~(b) Private schools, other than those permitted under Section 27.17.020(e) above;~~
- ~~(c) Health care facilities;~~
- ~~(d) Dwellings for members of religious orders;~~
- ~~(e) Mobile home courts;~~
- ~~(f) Recreational facilities;~~
- ~~(g) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;~~
- ~~(h) Broadcast towers;~~
- ~~(i) Certain parking lots as defined in Chapter 27.63;~~
- ~~(j) Clubs;~~
- ~~(k) Elderly or retirement housing;~~
- ~~(l) Expansion of nonconforming uses;~~
- ~~(m) Historic preservation;~~
- ~~(n) Public utility purposes;~~
- ~~(o) Wind energy conversion systems over the district height;~~
- ~~(p) Mobile home subdivisions;~~
- ~~(q) Housing and related facilities for the physically handicapped;~~
- ~~(r) Outdoor seasonal sales;~~
- ~~(s) Cemeteries;~~
- ~~(t) Domiciliary care facility;~~
- ~~(u) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.17.030;~~
- ~~(v) Neighborhood support services;~~
- ~~(w) Connection of single-family dwelling to accessory building for the physically handicapped;~~
- ~~(x) Adult care centers;~~
- ~~(y) Alternative to imprisonment facilities;~~
- ~~(z) Children's homes.~~

27.17.050 Accessory Uses.

Accessory uses permitted in the R-4 Residential District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in the said district.

27.17.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the R-4 Residential District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

~~———— (a) ——— General requirements:—~~

Table 27.17.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	5,000**	50**	25**	5'	Smaller of 30'	35'
Dwelling, two-family	2,500 per family**	25' per family	25**	5'-0' if party wall	or 20%	35'
Other permitted uses	5,000	50'	25**	5'	of depth	35'
*— See subparagraphs (b) and (c)						
**— See subparagraph (c)						

~~———— (b) ——— There shall be a required front yard on each street side of a double frontage lot.~~

~~———— (c) ——— There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.~~

~~———— (d) ——— Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

~~———— (e) ——— Where a vacant lot or tract has less area or width, or both less area and width, than herein required, and its boundary lines along their entire length abutted lands of other ownership on November 2, 1953, and have not since been changed, such lot may be used for a single-family dwelling. Where a vacant lot of record as of November 2, 1953, has less width than herein required, and its boundary lines along their entire length abutted lands of other ownership on November 2, 1953, and have not since been changed, such parcel of land may be used for a two-family dwelling.~~

~~———— If such vacant lot or tract comes under common ownership with an abutting lot or tract, such vacant lot or tract may continue to be used for a single-family dwelling provided the abutting lot or tract was occupied by a dwelling unit on the date the contiguous properties came under common ownership.~~

~~———— If such vacant lot or tract comes under common ownership with an abutting vacant lot or tract which has less area or width or both less area and width than herein required, such lots and tracts shall be merged together and constitute a single premise.~~

~~———— If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to this district has less area or width or both less area and width than herein required, such lot or tract shall not be considered nonstandard due to this condition:~~

~~———— (f) ——— In those locations in the R-4 Residential District where, on November 2, 1953, and continuing thereafter, forty percent or more of the frontage on the same side of a street between two street intersections is lawfully occupied by two or more buildings, consisting of multiple dwellings, three- and four-family dwellings may be erected in conformance with the height, minimum lot requirements, and parking regulations of the R-5 Residential District.~~

~~———— (g) ——— Multiple dwellings lawfully existing in this district on the effective date of this title or on the effective date of a change of district boundaries from another zoning district to this district shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be limited to no more than the number of dwelling units licensed with Building and Safety on the effective date of this title or on the effective date of the change in district boundaries.~~

Chapter 27.19

R-5 RESIDENTIAL DISTRICT

27.19.020 Use Regulations Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the R-5 Residential District.

~~A building or premises shall be permitted to be used for the following purposes in the R-5 Residential District:~~

- ~~(a) Single-family dwellings;~~
- ~~(b) Two-family dwellings;~~
- ~~(c) Multiple dwellings;~~
- ~~(d) Townhouses;~~
- ~~(e) Parks, playgrounds, and community buildings owned or operated by a public agency;~~
- ~~(f) Public libraries;~~
- ~~(g) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes;~~
- ~~(h) Wind energy conversion systems.~~

27.19.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the R-5 Residential District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the R-5 Residential District in conformance with the conditions prescribed herein:~~

- ~~(a) Churches:

 - ~~(1) Parking shall be in conformance with Chapter 27.67;~~
 - ~~(2) Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater.~~~~
- ~~(b) Group homes:

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

~~(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than 1,200 feet;~~

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

~~(c) Early childhood care facilities in churches:~~

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

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

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

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

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

~~(d) Domestic shelter:~~

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

~~(2) The maximum number of residents occupying such a facility shall not exceed one person per 750 square feet of lot area;~~

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

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

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

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

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

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

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

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

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

27.19.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the R-5 Residential District in conformance

with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the R-5 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

- ~~— (a) Private schools, other than those permitted under Section 27.19.020(g) above;~~
- ~~— (b) Health care facilities;~~
- ~~— (c) Dwellings for members of religious orders;~~
- ~~— (d) Recreational facilities;~~
- ~~— (e) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;~~
- ~~— (f) Broadcast towers;~~
- ~~— (g) Certain parking lots as defined in Chapter 27.63;~~
- ~~— (h) Clubs;~~
- ~~— (i) Elderly or retirement housing;~~
- ~~— (j) Community unit plans in conformance with Chapter 27.65;~~
- ~~— (k) Expansion of nonconforming uses;~~
- ~~— (l) Historic preservation;~~
- ~~— (m) Public utility purposes;~~
- ~~— (n) Wind energy conversion systems over the district height;~~
- ~~— (o) Housing and related facilities for the physically handicapped;~~
- ~~— (p) Outdoor seasonal sales;~~
- ~~— (q) Cemeteries;~~
- ~~— (r) Domiciliary care facility;~~
- ~~— (s) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.19.030;~~
- ~~— (t) Neighborhood support services;~~
- ~~— (u) Connection of single-family dwelling to accessory building for the physically handicapped;~~
- ~~— (v) Alternative to imprisonment facilities;~~
- ~~— (w) Children's homes.~~

27.19.050 Accessory Uses.

Accessory uses permitted in the R-5 Residential District are accessory buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling any of the permitted uses, permitted conditional uses, or permitted special uses in said district.

27.19.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the R-5 Residential District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

~~(a) General requirements:~~

Table 27.19.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	5,000	50'	20'	5'	*	35'
Dwelling, two-family	2,500 per family	25' per family	20'	5' or 0' on party wall	*	35'
Townhouses	2,500 per family	20' per family	20'	10' or 0' on party wall	*	35'
Dwelling, Multiple	1,500 per unit	50'	20'	7' or 10' if over 20' in height	*	35'
Other permitted uses	5,000	50'	20'	5'	*	35'

* Smaller of 30' or 20% of depth.

~~(b) There shall be a required front yard on each street side of a double-frontage lot.~~

~~(c) There shall be a required front yard on each street side of a corner lot, provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both corner lots.~~

~~(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:~~

~~125 square feet for the first dwelling unit;~~

~~80 square feet per unit for each additional dwelling unit beyond one.~~

~~This open space requirement may be met in the following manner:~~

~~(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space requirement; except for ground level or first floor level porches, patios, and terraces as permitted in Sections 27.71.100 and 27.71.110;~~

~~(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;~~

~~(3) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less.~~

~~(e) Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

~~(f) Where a vacant lot or tract has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, the lot may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in this chapter.~~

~~If such vacant lot or tract comes under common ownership with an abutting lot or tract, such vacant lot or tract may continue to be used for a single-family dwelling provided the said abutting lot or tract was occupied by a dwelling unit on the date the contiguous properties came under common ownership.~~

~~If such vacant lot or tract comes under common ownership with an abutting vacant lot or tract which has less area or width or both less area and width than herein required, such lots and tracts shall be merged together and constitute a single premise.~~

~~If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to this district has less area or width or both less area and width than herein required, such lot or tract shall not be considered nonstandard due to this condition.~~

Chapter 27.21

R-6 RESIDENTIAL DISTRICT

27.21.020 Use Regulations Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the R-6 Residential District.

~~A building or premises shall be used only for the following purposes in the R-6 Residential District:~~

- ~~— (a) Single-family dwellings;~~
- ~~— (b) Two-family dwellings;~~
- ~~— (c) Multiple dwellings;~~
- ~~— (d) Townhouses;~~
- ~~— (e) Parks, playgrounds, and community buildings owned or operated by a public agency;~~
- ~~— (f) Public libraries;~~
- ~~— (g) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes;~~
- ~~— (h) Private clubs, fraternities, sororities, and lodges, except those the primary activity of which is a service customarily carried on as a business;~~
- ~~— (i) Wind energy conversion systems.~~

27.21.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the R-6 Residential District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the R-6 Residential District in conformance with the conditions prescribed herein:~~

- ~~— (a) Churches:~~
 - ~~(1) Parking shall be in conformance with Chapter 27.67;~~
 - ~~(2) Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater.~~
- ~~— (b) Group homes:~~
 - ~~(1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the requirements of Chapter 27.67;~~

~~_____ (2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than 1,200 feet;~~

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

~~_____ (c) Early childhood care facilities in churches:~~

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

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

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

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

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

~~_____ (d) Domestic shelter:~~

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

~~_____ (2) The maximum number of residents occupying such a facility shall not exceed one person per 750 square feet of lot area;~~

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

~~_____ (e) Early childhood care facilities with a maximum of fifteen children present at any time:~~

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

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

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

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

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

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

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

27.21.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the R-6 Residential District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the R-6 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

- ~~(a) Private schools, other than those permitted under Section 27.21.020(g) above;~~
- ~~(b) Health care facilities;~~
- ~~(c) Dwellings for members of religious orders;~~
- ~~(d) Recreational facilities;~~
- ~~(e) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;~~
- ~~(f) Broadcast towers;~~
- ~~(g) Certain parking lots as defined in Chapter 27.63;~~
- ~~(h) Elderly or retirement housing;~~
- ~~(i) Community unit plans in conformance with Chapter 27.65;~~
- ~~(j) Expansion of nonconforming uses;~~
- ~~(k) Historic preservation;~~
- ~~(l) Public utility purposes;~~
- ~~(m) Wind energy conversion systems over the district height;~~
- ~~(n) Housing and related facilities for the physically handicapped;~~
- ~~(o) Outdoor seasonal sales;~~
- ~~(p) Cemeteries;~~
- ~~(q) Domiciliary care facility;~~
- ~~(r) Nonprofit religious, educational or philanthropic institutions;~~
- ~~(s) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.21.030;~~
- ~~(t) Connection of single-family dwelling to accessory building for the physically handicapped;~~
- ~~(u) Alternative to imprisonment facilities;~~
- ~~(v) Children's homes.~~

27.21.050 Accessory Uses.

Accessory uses permitted in the R-6 Residential District are accessory buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling, hospital, or institution building any of the permitted uses, permitted conditional uses, or permitted special uses in said district.

27.21.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the R-6 Residential District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

~~(a) General requirements:~~

Table 27.21.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	4,000	50'	20'	5'	*	35'
Dwelling, two-family	2,500 per family	25' per family	20'	5' or 0' on party wall	*	35'
Townhouses	2,500 per family	20' per family	20'	5' or 0' on party wall	*	35'
Dwelling, Multiple	1,100 per unit	50'	20'	7' or 10' if over 20' in height	*	35'
Other permitted uses	4,000	50'	20'	5'	*	35'

Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
—*— Smaller of 30' or 20% of depth.					
—**— Over 35' in height, add one foot to the required side and rear yards for each additional two feet of height.					

- ~~—(b)— There shall be a required front yard on each street side of a double-frontage lot.~~
- ~~—(c)— There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both corner lots.~~
- ~~—(d)— Balconies may be provided in the required side yard but not closer than seven feet from the side lot line.~~
- ~~—(e)— Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:~~
- ~~— 125 square feet for the first dwelling unit;~~
 - ~~— 80 square feet per unit for each additional dwelling unit beyond one.~~
- ~~This open space requirement may be met in the following manner:~~
- ~~(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement except as follows:~~
 - ~~(i) Ground level or first floor porches, patios, and terraces as permitted in this chapter and in Sections 27.71.100 and 27.71.110;~~
 - ~~(ii) The required front yard and side yard may be counted where the distance between the main building and said lot line exceeds the required yard by more than seven feet.~~
 - ~~(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement.~~
 - ~~(3) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less.~~
- ~~(f) Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~
- ~~(g) Where a vacant lot or tract has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership~~

~~on November 2, 1953, and have not since been changed, the lot may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in this chapter.~~

~~————— If such vacant lot or tract comes under common ownership with an abutting lot or tract, such vacant lot or tract may continue to be used for a single-family dwelling provided the said abutting lot or tract was occupied by a dwelling unit on the date the contiguous properties came under common ownership.~~

~~————— If such vacant lot or tract comes under common ownership with an abutting vacant lot or tract which has less area or width or both less area and width than herein required, such lots and tracts shall be merged together and constitute a single premise.~~

~~————— If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to this district has less area or width or both less area and width than herein required, such lot or tract shall not be considered nonstandard due to this condition.~~

Chapter 27.23

R-7 RESIDENTIAL DISTRICT

27.23.020 Use Regulations Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the R-7 Residential District.

~~A building or premises shall be permitted to be used for the following purposes in the R-7 Residential District:~~

- ~~— (a) — Single-family dwellings;~~
- ~~— (b) — Two-family dwellings;~~
- ~~— (c) — Multiple dwellings;~~
- ~~— (d) — Townhouses;~~
- ~~— (e) — Apartment hotels;~~
- ~~— (f) — Parks, playgrounds, and community buildings owned or operated by a public agency;~~
- ~~— (g) — Public libraries;~~
- ~~— (h) — Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes;~~
- ~~— (i) — Private clubs, fraternities, sororities, and lodges, except those the primary activity of which is a service customarily carried on as a business;~~
- ~~— (j) — Wind energy conversion systems.~~

27.23.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the R-7 Residential District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the R-7 Residential District in conformance with the conditions prescribed herein:~~

- ~~— (a) — Churches:

 - ~~— (1) — Parking shall be in conformance with Chapter 27.67;~~
 - ~~— (2) — Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater.~~~~
- ~~— (b) — Group homes:~~

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

~~(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than 1,200 feet;~~

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

~~(c) Early childhood care facilities in churches:~~

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

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

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

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

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

~~(d) Domestic shelter:~~

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

~~(2) The maximum number of residents occupying such a facility shall not exceed one person per 750 square feet of lot area.~~

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

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

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

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

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

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

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

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

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

27.23.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the R-7 Residential District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the R-7 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

- ~~(a) Private schools, other than those permitted under Section 27.23.020(h) above;~~
- ~~(b) Health care facilities;~~
- ~~(c) Dwellings for members of religious orders;~~
- ~~(d) Recreational facilities;~~
- ~~(e) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;~~
- ~~(f) Broadcast towers;~~
- ~~(g) Certain parking lots as defined in Chapter 27.63;~~
- ~~(h) Elderly or retirement housing;~~
- ~~(i) Expansion of nonconforming uses;~~
- ~~(j) Historic preservation;~~
- ~~(k) Public utility purposes;~~
- ~~(l) Wind energy conversion systems over the district height;~~
- ~~(m) Housing and related facilities for the handicapped;~~
- ~~(n) Outdoor seasonal sales;~~
- ~~(o) Cemeteries;~~
- ~~(p) Domiciliary care facility;~~
- ~~(q) Nonprofit religious, educational or philanthropic institutions;~~
- ~~(r) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.23.030;~~
- ~~(s) Connection of single-family dwelling to accessory building for the physically handicapped;~~
- ~~(t) Alternative to imprisonment facilities;~~
- ~~(u) Children's homes.~~

27.23.050 Accessory Uses.

Accessory uses permitted in the R-7 Residential District are accessory buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling, hospital, or institution building any of the permitted uses, permitted conditional uses, or permitted special uses in said district.

27.23.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the R-7 Residential District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

~~(a) General requirements:~~

Table 27.23.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling; single- family	4,000	50'	20'	5'	*	35'
Dwelling; two-family	2,000 per family	25' per family	20'	5' or 0' on party wall	*	35'
Townhouses	2,000 per family	20' per family	20'	5' or 0' on party wall	*	35'
Dwelling; Multiple	700 per unit	50'	20'	Total 15', (min. 7' per side)	*	45'***
Other permitted uses	4,000	50'	20'	5'	*	35'

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
—						
—*	Smaller of 30' or 20% of depth.					
—**	Over 35' in height, add one foot to the required side and rear yards for each additional two feet of height.					

— (b) — There shall be a required front yard on each street side of a double frontage lot.

— (c) — There shall be a required front yard on each street side of a corner lot, provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both corner lots.

— (d) — Balconies may be provided in the required side yard but not closer than seven feet from the side lot line.

— (e) — Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

— 125 square feet for the first dwelling unit;

— 80 square feet per unit for each additional dwelling unit beyond one.

— This open space requirement may be met in the following manner:

— (1) — The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement except as follows:

— (i) — Ground level or first floor porches, patios, and terraces as permitted in this chapter and in Sections 27.71.100 and 27.71.110;

— (ii) — The required front yard and side yard may be counted where the distance between the main building and said lot line exceeds the required side yard.

— (2) — Parking spaces and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement.

— (3) — The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less.

— (f) — Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

— (g) — Where a vacant lot or tract has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership

~~on November 2, 1953, and have not since been changed, the lot may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in this chapter.~~

~~————— If such vacant lot or tract comes under common ownership with an abutting lot or tract, such vacant lot or tract may continue to be used for a single-family dwelling provided the said abutting lot or tract was occupied by a dwelling unit on the date the contiguous properties came under common ownership.~~

~~————— If such vacant lot or tract comes under common ownership with an abutting vacant lot or tract which has less area or width or both less area and width than herein required, such lots and tracts shall be merged together and constitute a single premise.~~

~~————— If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to this district has less area or width or both less area and width than herein required, such lot or tract shall not be considered nonstandard due to this condition.~~

Chapter 27.24

R-8 RESIDENTIAL DISTRICT

27.24.020 Use Regulations Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted use in the R-8 Residential District.

~~A building or premises shall be permitted to be used for the following purposes in the R-8 Residential District:~~

- ~~(a) Single-family dwellings;~~
- ~~(b) Two-family dwellings;~~
- ~~(c) Multiple dwellings;~~
- ~~(d) Townhouses;~~
- ~~(e) Apartment hotels;~~
- ~~(f) Parks, playgrounds, and community buildings owned or operated by a public agency;~~
- ~~(g) Public libraries;~~
- ~~(h) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes;~~
- ~~(i) Private clubs; civic, cultural, educational, labor, professional, and trade membership organizations; fraternities, sororities, and lodges, except those the primary activity of which is a service customarily carried on as a business;~~
- ~~(j) Churches;~~
- ~~(k) Wind energy conversion systems.~~

27.24.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted conditional use in the R-8 Residential District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the R-8 Residential District in conformance with the conditions prescribed herein:~~

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

~~(2) The distance between the proposed use and any existing group home measured from lot line to lot line shall not be less than 1,200 feet;~~

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

~~(b) Early childhood care facilities in churches:~~

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

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

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

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

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

~~(c) Domestic shelter:~~

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

~~(2) The maximum number of residents occupying such a facility shall not exceed one person per 750 square feet of lot area;~~

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

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

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

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

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

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

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

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

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

27.24.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the R-8 Residential District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the R-8 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

- ~~(a) Private schools, other than those permitted under Section 27.24.020(h) above;~~
- ~~(b) Health care facilities;~~
- ~~(c) Dwellings for members of religious orders;~~
- ~~(d) Recreational facilities;~~
- ~~(e) Broadcast towers;~~
- ~~(f) Certain parking lots as defined in Chapter 27.63;~~
- ~~(g) Elderly or retirement housing;~~
- ~~(h) Expansion of nonconforming uses;~~
- ~~(i) Historic preservation;~~
- ~~(j) Offices;~~
- ~~(k) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum height permitted in the district;~~
- ~~(l) Public utility purposes;~~
- ~~(m) Wind energy conversion systems over the district height~~
- ~~(n) Housing and related facilities for the physically handicapped;~~
- ~~(o) Outdoor seasonal sales;~~
- ~~(p) Cemeteries;~~
- ~~(q) Domiciliary care facility;~~
- ~~(r) Nonprofit religious, educational or philanthropic institutions;~~
- ~~(w) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.24.030;~~
- ~~(t) Connection of single-family dwelling to accessory building for the physically handicapped;~~
- ~~(u) Alternative to imprisonment facilities;~~
- ~~(v) Children's homes.~~

27.24.050 Accessory Uses.

Accessory uses permitted in the R-8 Residential District are accessory buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling, hospital, or institution building any of the permitted uses, permitted conditional uses, or permitted special uses in said district.

27.24.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the R-8 Residential District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

~~(a)~~ General requirements:

Table 27.24.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	4,000	50'	10'	10'	20'	35'
Dwelling, two-family	2,000 per family	25' per family	10'	10' or 0' on party wall	20'	35'
Townhouses	2,000 per family	20' per family	10'	10' or 0' on party wall	20'	35'
Dwelling, Multiple or apartment hotel	550 per unit	50'	10'	10'*	20'	75'

Other permitted uses	4,000	50'	10'	10'	20'	35'
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~~* For a building exceeding 45' in height, the sum total of the two required side yards shall not be less than 30', and neither side yard shall be less than 10'.~~

~~(b) There shall be a required front yard on each street side of a double frontage lot.~~

~~(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.~~

~~(d) Balconies may be provided in the required side yard but not closer than seven feet to the side lot line.~~

~~(e) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:~~

~~80 square feet per unit for each additional dwelling unit beyond one.~~

~~This open space requirement may be met in the following manner:~~

~~(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space requirement, except as follows:~~

~~(i) Ground level or first floor porches, patios, and terraces as permitted in this chapter and in Sections 27.71.100 and 27.71.110;~~

~~(ii) The required front yard and side yard may be counted where the distance between the main building and said lot line exceeds the required side yard by more than seven feet.~~

~~(2) Parking spaces and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;~~

~~(3) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less.~~

~~(f) Accessory buildings which are attached to or located not more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in any required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard, and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

~~(g) Where a vacant lot or tract has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, the lot may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in this chapter.~~

~~————— If such vacant lot or tract comes under common ownership with an abutting lot or tract, such vacant lot or tract may continue to be used for a single-family dwelling provided the said abutting lot or tract was occupied by a dwelling unit on the date the contiguous properties came under common ownership.~~

~~————— If such vacant lot or tract comes under common ownership with an abutting vacant lot or tract which has less area or width or both less area and width than herein required, such lots and tracts shall be merged together and constitute a single premise.~~

~~————— If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to this district has less area or width or both less area and width than herein required, such lot or tract shall not be considered nonstandard due to this condition.~~

Chapter 27.25

O-1 OFFICE DISTRICT

27.25.020 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted use in the O-1 Office District.

~~— A building or premises shall be permitted to be used for the following purposes in the O-1 Office District:~~

- ~~— (a) Office buildings;~~
- ~~— (b) Dwellings;~~
- ~~— (c) Parks, playgrounds, and community buildings, owned or operated by a public agency;~~
- ~~— (d) Public libraries;~~
- ~~— (e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;~~
- ~~— (f) Churches;~~
- ~~— (g) Nonprofit religious, educational, and philanthropic institutions;~~
- ~~— (h) Private schools²~~
- ~~— (i) Wind energy conversion systems;~~
- ~~— (j) Adult care centers.~~

27.25.025 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted conditional use in the O-1 Office District in conformance with the Chapter 27.62 conditions of approval for such use.

~~The following uses are permitted in the O-1 Office District if they are located entirely within a building containing office or residential uses, and provided that such additional uses shall not exceed twenty percent of the total square feet of floor area in such building.~~

- ~~— (a) Barber shops, beauty parlors, and shoeshine shops;~~
- ~~— (b) Messenger and telegraph stations;~~
- ~~— (c) Restaurants;~~
- ~~— (d) Stores or shops for sale of goods at retail, but not including motor vehicles, of no more than 10,000 square feet of floor area for each such store or shop;~~
- ~~— (e) Photography studios;~~

~~(f) Tailor shops, shoe repairing, upholstery shops, printing, photocopying, or similar business establishments. The floor area of said premises not devoted to sales or office space shall not exceed 5,000 square feet;~~

~~(g) Receiving stores for dry cleaning or laundry;~~

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

~~(1) Such facilities shall comply with all applicable state and local early childhood care requirements;~~

~~(2) Such facilities shall comply with all applicable building and life safety code requirements;~~

~~(3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;~~

~~(4) Such facilities must receive a conditional use permit from the Department of Building and Safety.~~

27.25.030 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the O-1 Office District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the O-1 Office District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

~~(a) Health care facilities;~~

~~(b) Recreational facilities;~~

~~(c) Clubs;~~

~~(d) Church steeples, towers, and ornamental spires which exceed the maximum height of forty-five feet;~~

~~(e) Banks, savings and loan associations, credit unions, and finance companies;~~

~~(f) Expansion of nonconforming uses;~~

~~(g) Historic preservation;~~

~~(h) Any permitted use which exceeds the maximum height permitted in the district up to seventy-five feet;~~

~~(i) Public utility purposes;~~

~~(j) Wind energy conversion systems over the district height;~~

~~(k) Outdoor seasonal sales;~~

~~(l) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.25.025;~~

~~(m) Parking garages, including parking garages accessory to a main use.~~

27.25.040 Accessory Uses.

Accessory uses permitted in the O-1 Office District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in the said district. Accessory parking garages shall not abut Lincoln Mall, Centennial Mall, and Capitol Square as defined in Section 27.56.017.

27.25.070 Height and Area Regulations.

The maximum height and minimum lot requirements within the O-1 Office District shall be as follows: shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

(a) ~~General requirements:~~

Table 27.25.070(a)

	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling	220 per unit	50'	0'	0'	0'	75' [*]
Other Permitted Uses	0	0'	0'	0'	0'	75' [*]

~~* The maximum height of O-1 districts shall be the least of seventy-five feet or height limitation imposed by Chapter 27.56, the Capitol Environs District.~~

~~(b) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:~~

- ~~125 square feet for the first dwelling unit;~~
- ~~80 square feet per unit for the next four dwelling units;~~
- ~~25 square feet per unit for the next four dwelling units;~~
- ~~20 square feet per unit for each additional dwelling unit beyond nine.~~

~~This open space requirement may be met in the following manner:~~

~~(1) Parking spaces and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement.~~

~~(2) This required open space may be provided either on a balcony four or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.~~

~~(3) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less.~~

~~(c) Dwellings existing in this district on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.~~

~~Accessory buildings for such non-standard dwellings shall not extend into any required yard except as follows:~~

~~Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

CHAPTER 27.26

O-2 SUBURBAN OFFICE DISTRICT

27.26.020 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted use in the O-2 Suburban Office District.

~~———— A building or premises shall be permitted to be used for the following purposes in the O-2 Suburban Office District:~~

- ~~———— (a) Office buildings;~~
- ~~———— (b) Parks, playgrounds, and community buildings, owned or operated by a public agency;~~
- ~~———— (c) Public libraries;~~
- ~~———— (d) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;~~
- ~~———— (e) Churches;~~
- ~~———— (f) Nonprofit religious, educational, and philanthropic institutions;~~
- ~~———— (g) Banks, savings and loans, credit unions, and finance companies;~~
- ~~———— (h) Barber shops, beauty parlors, and shoeshine shops;~~
- ~~———— (i) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments; however, that portion of the premises of such business establishments not devoted to sales or office space shall not exceed 5,000 square feet of floor area;~~
- ~~———— (j) Adult care centers;~~
- ~~———— (k) Wind energy conversion systems.~~

27.26.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted conditional use in the O-2 Suburban Office District in conformance with the Chapter 27.62 conditions of approval for such use.

~~———— Any building or premises may be used for the following purposes in the O-2 Suburban Office District in conformance with the conditions prescribed herein:~~

- ~~———— (a) Dwellings, provided that:

 - ~~———— (1) Dwellings shall only be permitted above the first story of a building;~~
 - ~~———— (2) The first story shall be used for a nondwelling use permitted in the district;~~
 - ~~———— (3) Said nondwelling use shall not:~~~~

- ~~_____ (i) be accessory to the residential use;~~
- ~~_____ (ii) be a parking lot or garage;~~
- ~~_____ (4) Said first story shall not have more than twenty percent of its height below grade.~~
- ~~_____ (b) Photography studios, provided that said studios be used only for the taking of photographs and the development of photographs taken by the owner or employees of the studio.~~
- ~~_____ (c) Parking lots, provided that no part of the frontage within the block face on which a parking lot is proposed is zoned residential.~~
- ~~_____ (d) Early childhood care facilities with a maximum of fifteen children present at any time:~~
 - ~~_____ (1) Such facilities shall comply with all applicable state and local early childhood care requirements;~~
 - ~~_____ (2) Such facilities shall comply with all applicable building and life safety code requirements;~~
 - ~~_____ (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;~~
 - ~~_____ (4) Such facilities must receive a conditional use permit from the Department of Building and Safety.~~

27.26.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the O-2 Suburban Office District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

A building or premises may be used for the following purposes in the O-2 Suburban Office District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- ~~_____ (a) Broadcast towers;~~
- ~~_____ (b) Expansion of nonconforming uses;~~
- ~~_____ (c) Historic preservation;~~
- ~~_____ (d) Public utility purposes;~~
- ~~_____ (e) Wind energy conversion systems over the district height;~~
- ~~_____ (f) Outdoor seasonal sales;~~
- ~~_____ (g) Certain parking lots as defined in Chapter 27.63;~~
- ~~_____ (h) Mail order catalog sales;~~
- ~~_____ (i) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.26.030;~~

~~(j) Private schools.~~

27.26.050 Accessory Uses.

Accessory uses permitted in the O-2 Suburban Office District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in said district.

27.26.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the O-2 Suburban Office District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

~~(a) General requirements:~~

Table 27.26.080(a)

	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height ***
Dwelling	4,000	50'	20'	10'	40'	25' or 28'
Dwelling, two-family	4,000	50'	20'	10'	40'	25' or 28'
Other Permitted Uses	Less than 15,000	50'	20'	10', **	40'	25' or 28'
	15,000 and over	100'	20'	20', **	40'	25' or 28'

~~* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.~~

~~** 0' when abutting a commercial or industrial district.~~

~~*** 25' if the roof pitch is less than 2.5:12; 28' for all other roofs.~~

~~(b) There shall be a required front yard on each street side of a double-frontage lot.~~

~~(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards;~~

~~(d) The entire front yard shall be entirely landscaped, except for necessary paving of walkways and driveways to reach parking and loading areas, provided that any driveway in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.~~

~~(e) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:~~

~~125 square feet for the first dwelling unit;~~

~~80 square feet per unit for the next four dwelling units;~~

~~25 square feet per unit for the next four dwelling units;~~

~~20 square feet per unit for each additional dwelling unit beyond nine.~~

~~This open space requirement may be met in the following manner:~~

~~(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, terraces, and balconies as permitted in Sections 27.71.100 and 27.71.110;~~

~~(2) Parking spaces and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;~~

~~(3) This required open space may be provided either on a balcony four or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space;~~

~~(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less;~~

~~(f) Accessory buildings which are attached to or are located not more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height, and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line;~~

~~(g) Dwellings existing in this district on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.~~

Chapter 27.27

O-3 OFFICE PARK DISTRICT

27.27.015 General Regulations.

(a) O-3 Office Park District Zoning. O-3 Office Park District zoning shall not be granted upon any property having a total area of less than two acres.

(b) General Use Regulations. Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the O-3 Office Park District prior to the approval of a use permit in conformance with the requirements of Chapter 27.64.

(c) Minimum requirements: No use permit shall be granted upon any property having a total area of less than two acres, except as otherwise provided herein, nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter.

A use permit may be granted for a lot of less than two acres, provided:

- (1) The lot was legally created prior to the effective date of this ordinance; and
- (2) The lot has remained under separate ownership from adjoining properties in the O-3 district.

The Planning Commission may, under the above conditions, adjust the requirements under paragraph (c) to permit the applicant a reasonable use of his property.

27.27.020 Use Regulations Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the O-3 Office Park District.

~~Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the O-3 Office Park District prior to the approval of a use permit in conformance with the requirements of this chapter. O-3 Office Park District zoning shall not be permitted or granted upon any property having a total area of less than two acres. A building or premises shall be permitted to be used for the following purposes in the O-3 Office Park District:~~

- ~~(a) Office buildings;~~
- ~~(b) Single-family dwellings;~~
- ~~(c) Two-family dwellings;~~
- ~~(d) Multiple dwellings;~~
- ~~(e) Townhouses;~~
- ~~(f) Pharmacies;~~
- ~~(g) Medical supply shops;~~
- ~~(h) Barber shops, beauty parlors, and shoeshine shops;~~
- ~~(i) Book, newspaper, and magazine stores;~~
- ~~(j) Parks, playgrounds, and community buildings owned or operated by a public agency;~~
- ~~(k) Public libraries;~~
- ~~(l) Banks, savings and loan associations, credit unions, and finance companies, and insurance companies;~~
- ~~(m) Churches;~~
- ~~(n) Nonprofit religious, educational, and philanthropic institutions;~~
- ~~(o) Technology transfer industries or applications;~~
- ~~(p) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments; however, that portion of the premises of such business establishments not devoted to sales or office space shall not exceed 5,000 square feet of floor area;~~
- ~~(q) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;~~
- ~~(r) Wind energy conversion systems;~~
- ~~(s) Domiciliary care facilities;~~
- ~~(t) Group homes;~~
- ~~(u) Elderly or retirement housing;~~
- ~~(v) Adult care centers.~~

~~The total area occupied by permitted uses identified as (f), (g), (h), (i) and (p) shall be located within an office building and shall be accessible only through an interior lobby, corridor, or passageway of the office building; provided, however, a pharmacy may also have a separate exterior entrance if the total area occupied by such pharmacy does not exceed five percent of the total square footage of the office building or 1,000 square feet, whichever is less.~~

27.27.025 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the O-3 Office Park District in conformance with the Chapter 27.62 conditions of approval for such use.

~~Any building or premises may be used for the following purpose in the O-3 Office Park District in conformance with the conditions prescribed herein:~~

- ~~———— (a) Early childhood care facilities with a maximum of fifteen children present at any time:

 - ~~———— (1) Such facilities shall comply with all applicable state and local early childhood care requirements;~~
 - ~~———— (2) Such facilities shall comply with all applicable building and life safety code requirements;~~
 - ~~———— (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities.~~~~
- ~~———— (b) Joint parking lots and parking garages:

 - ~~———— (1) Such joint parking lots and garages shall be authorized by cross access easements or by written agreement between the parties to such use.~~
 - ~~———— (2) The aggregate number of parking stalls provided shall be sufficient to satisfy the required parking for each use.~~~~

27.27.030 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the O-3 Office Park District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the O-3 Office Park District if a special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:~~

- ~~———— (a) Expansion of nonconforming uses;~~
- ~~———— (b) Historic preservation;~~
- ~~———— (c) Restaurants;~~
- ~~———— (d) Recreational facilities;~~
- ~~———— (e) Clubs;~~
- ~~———— (f) Church steeples, towers, and ornamental spires which exceed the maximum height;~~
- ~~———— (g) Broadcast towers;~~
- ~~———— (h) Public utility purposes;~~

- ~~_____ (i) Wind energy conversion systems over the district height;~~
- ~~_____ (j) Health care facilities;~~
- ~~_____ (k) Motels and hotels;~~
- ~~_____ (l) Private schools;~~
- ~~_____ (m) Outdoor seasonal sales;~~
- ~~_____ (n) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.27.025;~~
- ~~_____ (o) Mail order catalog sales~~
- ~~_____ (p) Sale of alcoholic beverages for consumption on the premises in restaurants, provided the locational requirements of Section 27.63.680 have been met or waived by the City Council.~~

27.27.040 Accessory Uses.

Accessory uses permitted in the O-3 Office Park District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in said district.

27.27.070 Height and Area Regulations.

Minimum area for the establishment of this district is two acres. The maximum height and minimum lot requirements within the O-3 Office Park District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

- ~~(a) General requirements:~~

Table 27.27.070(a)						
Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height	

Dwelling, single family	4,000	50'	30'	15' or the same	40'	35'
Dwelling, two-family	4,000	50'	30'	as the	40'	35'
Dwelling, multiple	1,500 per unit	50'	30'	abutting district	40'	35'
Other Permitted Uses	4,000	50'	20'	whichever is greater	40'	45'
Townhouses	2,500 per unit	20'	30'	0' or 10' on non- party wall side	40'	35'

~~(b) There shall be a required front yard on each street side of a double-frontage lot;~~

~~(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards;~~

~~(d) The entire front yard shall be entirely landscaped, except for necessary paving of walkways and driveways to reach parking and loading areas, provided that any driveway in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.~~

~~(e) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:~~

~~125 square feet for the first dwelling unit;~~

~~80 square feet per unit for the next four dwelling units;~~

~~25 square feet per unit for the next four dwelling units;~~

~~20 square feet per unit for each additional dwelling unit beyond nine.~~

~~This open space requirement may be met in the following manner:~~

~~(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, terraces, and balconies as permitted in Sections 27.71.100 and 27.71.110;~~

~~(2) Parking spaces and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;~~

~~(3) This required open space may be provided either on a balcony four or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation, and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be~~

occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space;

~~_____ (4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one if the smallest dimension of the open space is twelve feet or less.~~

~~_____ (f) Accessory buildings which are attached to or located not more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height, and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

27.27.080 Use Permit; Procedures and Requirements.

See Chapter 27.64 for use permit procedures and requirements.

~~_____ (a) Minimum requirements: No use permit shall be granted upon any property having a total area of less than two acres, except as otherwise provided herein, nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter. The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any such use permits. Such conditions may include an increase in the minimum yard requirements and decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the O-3 Office Park District shall apply.~~

~~_____ (b) Application requirements: Applications for a use permit under this section shall be filed in writing by the owner on a form provided by the city with the Planning Department. Where any portion of the land area of a use permit for technology transfer industries or applications is proposed to be adjacent to the perimeter of the O-3 zoning district and such use is not permitted in the adjacent zoning district, then the applicant must provide information demonstrating how the proposal will mitigate any negative impacts on the adjacent zoning district. The Planning Commission may impose such other standards and requirements for perimeter treatment as are appropriate and necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities. A preliminary plan shall accompany each application and shall include the following information:~~

- ~~_____ (1) Boundary survey and gross acreage;~~
- ~~_____ (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on 100-foot grid shall be required to fully indicate the topography on flat land;~~
- ~~_____ (3) Street right-of-way;~~
- ~~_____ (4) Utility easements;~~
- ~~_____ (5) Adjacent land use and zoning classifications;~~
- ~~_____ (6) Location of structures on property;~~
- ~~_____ (7) Vicinity map;~~
- ~~_____ (8) Date prepared, scale, and north point;~~
- ~~_____ (9) Schematic and location of buildings;~~

- ~~_____ (10) Parking areas and capacity;~~
 - ~~_____ (11) Open space for residential uses;~~
 - ~~_____ (12) Use of buildings, such as retail, service, restaurant, office, residential, and other uses;~~
 - ~~_____ (13) Height of buildings;~~
 - ~~_____ (14) Location of existing trees and proposed landscape plan;~~
 - ~~_____ (15) Proposed vehicular and pedestrian circulation system including egress and ingress;~~
 - ~~_____ (16) Building and parking setback lines;~~
 - ~~_____ (17) Grading plan;~~
 - ~~_____ (18) On-site and off-site water and sanitary sewer improvements;~~
 - ~~_____ (19) On-site and off-site drainage and storm sewer improvements;~~
 - ~~_____ (20) Location of proposed free-standing signs;~~
 - ~~_____ (21) Cross-section for paving of parking lots and sidewalks;~~
 - ~~_____ (22) Proposed name of the shopping center;~~
 - ~~_____ (23) Name, address, and telephone number of developer; certified record owner or owners and addresses; and legal description of the proposed use permit area, including the number of acres.~~
- ~~_____ (c) Environmental performance standards: Any applicant for a use permit under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established by various municipal departments and approved by resolution of the City Council.~~
- ~~_____ (d) Landscape plan: Each application for a use permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas, and around proposed buildings. The Planning Director shall develop appropriate written standards for such landscape plans, which standards shall be approved by resolution of the City Council.~~
- ~~_____ (e) Planning Commission review: Upon the filing of an application together with all maps, data, and information required by this section, the City Council shall refer the application to the Planning Commission. The Planning Commission shall hold a public hearing upon such application and shall consider the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare.~~
- ~~_____ (f) Planning Commission action: After holding at least one public hearing, the Planning Commission shall proceed to give final consideration to the application and may require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for, and may include the requirement that applicant grant additional right-of-way in accordance with the Comprehensive Plan. The Planning Commission may require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by departmental publications approved by resolution of the City Council. In the event the Planning Commission fails to act upon the application within sixty days from the date of referral, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall~~

~~direct the commission to act upon the application no later than the commission's next regularly scheduled meeting;~~

~~(g) Appeal of Planning Commission action:~~

~~(1) Any aggrieved person or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the City Clerk within fourteen days following the action of the Planning Commission.~~

~~(2) Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Chapter 27.81.~~

~~(3) In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the City Council may, after public hearing, in conformity with the provisions of this title make such decision as ought to be made.~~

~~(h) Adjustment. Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, decrease the minimum yard requirements and increase the maximum height restrictions set forth in this chapter at the periphery of the use permit area consistent with adequate protection of the environment of the use permit area and adjacent areas. Upon the request of the applicant, the City Council may, after report and recommendation of the Planning Commission, decrease the minimum yard requirements and increase the maximum height restrictions and may adjust the requirements relative to the location of buildings, required parking spaces, and lot frontage set forth in this chapter in the interior of the use permit area consistent with the adequate protection of the environment of the use permit area. The Planning Commission shall hold a public hearing upon the requested adjustment at the same time that it hears the application for the use permit and shall make a report to the City Council regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving a report from the Planning Commission, the City Council shall take final action upon the application for the use permit and the requested adjustment.~~

~~(i) Amendment: The Planning Director is authorized to approve amendments to any use permit granted under this section, provided that:~~

~~(1) A request for amendment is filed with the Planning Director, together with any of the information specified in paragraph (b) above which is pertinent to the proposed amendment;~~

~~(2) Such amendment shall not violate any provisions of this title;~~

~~(3) Such amendment may provide for minor increases in total floor area and storage space originally permitted;~~

~~(4) There is no increase in the number of dwelling units;~~

~~(5) No reduction is made to the applicable setback or yard requirements;~~

~~(6) No public land is accepted;~~

~~(7) Such amendment shall not be contrary to the general purpose of this chapter;~~

~~(8) Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as an original application for a use permit.~~

~~(j) Building permits, certificates of occupancy, and certificates of compliance: Upon the approval of a use permit as provided for under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been~~

~~compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit.~~

~~(k) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this title shall be deemed to have received a use permit as herein required and shall be provided with such permit by the Director of Building and Safety upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension, or relocation of such existing use, an application in conformance with this section shall be required.~~

~~(l) If an application for a use permit located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the use permit.~~

~~(m) A use permit may be granted for a lot of less than two acres, provided:~~

~~(1) The lot was legally created prior to the effective date of this ordinance; and~~

~~(2) The lot has remained under separate ownership from adjoining properties in the O-3 district.~~

~~The Planning Commission may, under the above conditions, adjust the requirements under paragraph (a) to permit the applicant a reasonable use of his property.~~

~~(n) Expiration of Application. All existing applications for a use permit which have been placed on pending by an applicant shall automatically expire and become null and void one year after the date this ordinance (Change of Zone No. 06062). All such applications which have been placed on pending by an applicant after the effective date of this ordinance (Change of Zone No. 06062) shall automatically expire and become null and void one year thereafter. At least thirty days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the application shall automatically expire unless prior to the expiration date, the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or City Council agenda as appropriate.~~

Chapter 27.28

R-T Residential Transition District

27.28.020 General Use Regulations.

(a) ~~General Regulations. R-T Residential Transition Zoning. An R-T Residential Transition District zoning designation may only be granted upon property abutting upon, or directly across a street from and fronting the same street as property zoned B-1, B-2, B-3, H-2, H-3, H-4, I-1, and I-2.~~

(b) General Use Regulations.

(1) Any development, except single-family dwellings, two-family dwellings, group homes, and domestic shelters shall be prohibited in the R-T Residential Transition District prior to the approval of a use permit in conformance with the requirements of this chapter. ~~An R-T Residential Transition designation may be granted to any property abutting upon, or directly across a street from and fronting the same street as property zoned B-1, B-2, B-3, H-2, H-3, H-4, I-1, and I-2.~~

- (2) Each building to be located within a Residential Transition District shall have:
- (1) A two and one-half inch in twelve inch pitched roof or steeper;
 - (2) A nonreflective exterior siding material which is or simulates wood, stucco, brick, or stone;
 - (3) A nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
 - (4) No air conditioners on the roof.

~~(b) Permitted Uses. A building or premises shall be permitted to be used for the following purposes in the R-T Residential Transition District:~~

- ~~(1) Single-family dwellings;~~
- ~~(2) Two-family dwellings;~~
- ~~(3) Office buildings;~~
- ~~(4) Barber shops, beauty parlors, shoe shine and repair shops, tailor shops, upholstery shops, and printing and photocopying shops not exceeding 5,000 square feet;~~
- ~~(5) Parks, playgrounds, and community buildings owned or operated by a public agency;~~
- ~~(6) Public libraries;~~
- ~~(7) Banks, savings and loan associations, credit unions and finance companies, and insurance companies, and photography shops provided there are no drive-up or drive-thru facilities or automatic teller machines;~~
- ~~(8) Churches;~~
- ~~(9) Non-profit religious, educational, and philanthropic institutions;~~
- ~~(10) Receiving stores for cleaning and laundry;~~
- ~~(11) Pharmacies;~~
- ~~(12) Medical supply shops;~~
- ~~(13) Clubs;~~
- ~~(14) Repair shops for electrical, radio, television equipment, and household appliances not exceeding 5,000 square feet;~~

- ~~———— (15) Photography studios;~~
- ~~———— (16) Adult care centers.~~

27.28.025 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the R-T Residential Transition District.

27.28.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the R-T Residential Transition District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the R-T Residential Transition District in conformance with the conditions prescribed herein:~~

- ~~———— (a) Group homes:

 - ~~———— (1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the provisions of Chapter 27.67;~~
 - ~~———— (2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half mile;~~
 - ~~———— (3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.~~~~
- ~~———— (b) Domestic shelter:

 - ~~———— (1) Parking shall be in conformance with Chapter 27.67;~~
 - ~~———— (2) The maximum number of residents occupying such a facility shall not exceed one person per 2,000 square feet of lot area;~~
 - ~~———— (3) The distance between the proposed use of any existing domestic shelter measured from lot line to lot line shall not be less than one mile.~~~~
- ~~———— (c) Early childhood care facilities with a maximum of fifteen children present at any time:

 - ~~———— (1) Such facilities shall comply with all applicable state and local early childhood care requirements;~~
 - ~~———— (2) Such facilities shall comply with all applicable building and life safety code requirements;~~
 - ~~———— (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities.~~~~
- ~~———— (d) Joint parking lots and parking garages:

 - ~~———— (1) Such joint parking lots and garages shall be authorized by cross access easements or by written agreement between the parties to such use.~~
 - ~~———— (2) The aggregate number of parking stalls provided shall be sufficient to satisfy the required parking for each use.~~~~

27.28.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the R-T Residential Transition District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63

~~— A building or premises may be used for the following purposes in the R-T Residential Transition District if a special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:~~

- ~~— (a) Expansion of nonconforming uses;~~
- ~~— (b) Historic preservation;~~
- ~~— (c) Public utility purposes;~~
- ~~— (d) Private schools~~
- ~~— (e) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.28.030;~~
- ~~— (f) Broadcast towers.~~

27.28.050 Accessory Uses.

Accessory uses permitted in the R-T Residential Transition District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in said district.

27.28.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the R-T Residential Transition District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

- ~~— (a) General requirements:~~

	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All Permitted Uses	4,000	50'	10' or same as abutting residential district; whichever is greater	*10' **0'	*10' **0'	*28'
* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.						
** When abutting a commercial or industrial district.						

~~— (b) When abutting a residential district, the side and rear yard shall be devoted entirely to trees, shrubs, and grasses, and secondary sidewalks in conjunction with landscaping, unless the abutting property is occupied by a parking lot.~~

~~— (c) There shall be a required front yard on each street side of a lot and the required front yard shall be devoted entirely to trees, shrubs, and grasses except for driveways which are substantially perpendicular to the street.~~

~~— (d) Parking lots, including driveways except for single-family and two-family dwellings, shall not be located closer than twenty feet to any residential zoning district, unless the abutting property is occupied by a parking lot.~~

~~— (e) No building footprint (ground cover) shall exceed 5,000 square feet.~~

~~— (f) Accessory buildings shall comply with the height, front, side, and rear yard requirements.~~

27.28.090 Use Permit; Procedures and Requirements.

See Chapter 27.64 for use permit procedures and requirements.

~~— (a) Minimum requirements: The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any such use permit. Such conditions may include an increase in the minimum yard requirements and decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the R-T Residential Transition District shall apply.~~

~~— (b) Application requirements: Applications for a use permit under this section shall be filed by the owner in writing on a form provided by the city with the Planning Department. Plans shall accompany each application and shall include the following information:~~

- ~~— (1) Boundary survey and gross acreage;~~
- ~~— (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on 100-foot grid shall be required to fully indicate the topography on flat land;~~
- ~~— (3) Street right-of-way;~~
- ~~— (4) Utility easements;~~
- ~~— (5) Adjacent land use and zoning classifications;~~
- ~~— (6) Location of structures on property;~~
- ~~— (7) Vicinity map;~~
- ~~— (8) Date prepared, scale, and north point;~~
- ~~— (9) Schematic and location of buildings;~~
- ~~— (10) Parking areas and capacity;~~
- ~~— (11) Use of buildings, such as retail, service, restaurant, office, residential, and other uses;~~
- ~~— (12) Height of buildings;~~
- ~~— (13) Location of existing trees and proposed landscape plan;~~
- ~~— (14) Proposed vehicular and pedestrian circulation system including egress and ingress;~~
- ~~— (15) Building and parking setback lines;~~
- ~~— (16) Grading plan;~~
- ~~— (17) On-site and off-site water and sanitary sewer improvements;~~

- ~~————— (18) On-site and off-site drainage and storm sewer improvements;~~
- ~~————— (19) Location of proposed free-standing signs;~~
- ~~————— (20) Cross-section for paving of parking lots and sidewalks;~~
- ~~————— (21) Name, address, and telephone number of developer, certified record owner or owners and addresses; and legal description of the proposed use permit area, including the number of acres.~~
- ~~————— (c) Environmental performance standards: Any applicant for a use permit under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established by various municipal departments and approved by resolution of the City Council.~~
- ~~————— (d) Landscape plan: Each application for a use permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas, and around proposed buildings. The Planning Director shall develop appropriate written standards for such landscape plans, which standards shall be approved by resolution of the City Council.~~
- ~~————— (e) Planning Commission review: Upon the filing of an application together with all maps, data, and information required by this section, the City Council shall refer the application to the Planning Commission. The Planning Commission shall hold a public hearing upon such application and shall consider the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare.~~
- ~~————— (f) Planning Commission action: After holding at least one public hearing, the Planning Commission shall proceed to give final consideration to the application and may require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for, and may include the requirement that applicant grant additional right-of-way in accordance with the comprehensive plan. The Planning Commission may require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by departmental publications approved by resolution of the City Council. In the event the Planning Commission fails to act upon the application within sixty days from the date of referral, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to act upon the application no later than the Commission's next regularly scheduled meeting.~~
- ~~————— (g) Appeal of Planning Commission action:~~
- ~~————— (1) Any aggrieved person or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the City Clerk within fourteen days following the action of the Planning Commission.~~
- ~~————— (2) Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Chapter 27.81.~~
- ~~————— (3) In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the City Council may, after public hearing, in conformity with the provisions of this title make such decision as ought to be made.~~

~~(h) Adjustment: Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, decrease the minimum yard requirements and increase the maximum height restrictions and may adjust the requirements relative to the location of buildings and required parking spaces and lot frontage set forth in this chapter consistent with adequate protection of the environment of the use permit area and adjacent areas provided the building shall not exceed the height of the tallest residence on the same and facing block fronts. The Planning Commission shall hold a public hearing upon the requested adjustment at the same time that it hears the application for the use permit and shall make a report to the City Council regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving a report from the Planning Commission, the City Council shall take final action upon the application for the use permit and the requested adjustment.~~

~~(i) Amendment: The Planning Director is authorized to approve amendments to any use permit granted under this section, provided that:~~

~~(1) A request for amendment is filed with the Planning Director, together with any of the information specified in paragraph (b) above which is pertinent to the proposed amendment;~~

~~(2) Such amendment shall not violate any provisions of this title;~~

~~(3) Such amendment may provide for minor increases in total floor area and storage space originally permitted;~~

~~(4) There is no increase in the number of dwelling units;~~

~~(5) No reduction is made to the applicable setback or yard requirements;~~

~~(6) No public land is accepted;~~

~~(7) Such amendment shall not be contrary to the general purpose of this chapter;~~

~~(8) Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as an original application for a use permit.~~

~~(j) Building permits, certificates of occupancy, and certificates of compliance: Upon the approval of a use permit as provided for under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit.~~

~~(k) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this title shall be deemed to have received a use permit as herein required and shall be provided with such permit by the Director of Building and Safety upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension, or relocation of such existing use, an application in conformance with this section shall be required.~~

~~(l) If an application for a use permit located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the use permit.~~

~~(m) Expiration of Application. All existing applications for a use permit which have been placed on pending by an applicant shall automatically expire and become null and void one year after the date this ordinance (Change of Zone No. 06062). All such applications which have been placed on pending by an applicant after the date of this ordinance (Change of Zone No. 06062) shall~~

~~automatically expire and become null and void one year thereafter. At least thirty days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the application shall automatically expire unless prior to the expiration date, the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or City Council agenda as appropriate.~~

Chapter 27.29

B-1 LOCAL BUSINESS DISTRICT

27.29.020 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the B-1 Local Business District.

~~A building or premises shall be permitted to be used for the following purposes in the B-1 Local Business District:-~~

- ~~(a) Parks, playgrounds, and community buildings, owned or operated by a public agency;~~
- ~~(b) Public libraries;~~
- ~~(c) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;~~
- ~~(d) Churches;~~
- ~~(e) Nonprofit religious, educational, and philanthropic institutions;~~
- ~~(f) Banks, savings and loan associations, credit unions, and finance companies;~~
- ~~(g) Barber shops, beauty parlors, and shoeshine shops;~~
- ~~(h) Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;~~
- ~~(i) Adult care centers;~~
- ~~(j) Service stations;~~
- ~~(k) Hospitals and clinics for animals, but not open kennels;~~
- ~~(l) Self-service laundromats;~~
- ~~(m) Messenger and telegraph stations;~~
- ~~(n) Office buildings;~~
- ~~(o) Parking lots and storage garages;~~
- ~~(p) Restaurants;~~
- ~~(q) Stores or shops for the sale of goods at retail, but not including motor vehicles;~~
- ~~(r) Undertaking establishments;~~
- ~~(s) Photography studios;~~
- ~~(t) Bicycle sales and repair shops;~~
- ~~(u) Key shops;~~
- ~~(v) Ambulance services;~~
- ~~(w) Garden centers;~~
- ~~(x) Clubs;~~
- ~~(y) Marinas, for sale, service, and storage of motor boats and other related water craft;~~
- ~~(z) Receiving store for dry or steam cleaning which shall be done elsewhere;~~
- ~~(aa) Dry cleaning or laundry establishments, provided that the floor area does not exceed 2,000 square feet exclusive of office and pickup space;~~

- ~~———— (bb) ——— Enclosed commercial recreational facilities;~~
- ~~———— (cc) ——— Mail order catalog sales;~~
- ~~———— (dd) ——— Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments;~~
- ~~———— (ee) ——— Wind energy conversion systems.~~

27.29.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted conditional use in the B-1 Local Business District in conformance with the Chapter 27.62 conditions of approval for such use.

~~———— A building or premises may be used for the following purposes in the B-1 Local Business District in conformance with the conditions prescribed herein:~~

- ~~———— (a) ——— Automobile wash facility:

 - ~~———— (1) ——— Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.~~
 - ~~———— (2) ——— Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.~~~~
- ~~———— (b) ——— Motels and hotels:

 - ~~———— (1) ——— A distance of at least twenty feet shall be maintained between buildings on the lot;~~
 - ~~———— (2) ——— Each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.~~~~
- ~~———— (c) ——— Tailor shops, shoe repairing, printing, photocopying, repair shops for electrical, radio, television equipment, and household appliances, or other similar businesses:

 - ~~———— The floor area of said premises not devoted to sales or office space shall not exceed 5,000 square feet;~~~~
- ~~———— (d) ——— Dwellings, provided that:

 - ~~———— (1) ——— Dwellings shall only be permitted above the first story of a building;~~
 - ~~———— (2) ——— The first story shall be used for a nondwelling use permitted in the district;~~
 - ~~———— (3) ——— Said nondwelling use shall not:

 - ~~———— (i) ——— be accessory to the residential use,~~
 - ~~———— (ii) ——— be a parking lot or garage;~~~~
 - ~~———— (4) ——— Said first story shall not have more than twenty percent of its height below grade.~~~~
- ~~———— (e) ——— Sales and showrooms for the sale at retail of plumbing, electrical, and heating and air conditioning equipment and supplies, including service facilities and rental of equipment, provided:~~

- ~~(1) All activities and storage shall be within an enclosed building;~~
- ~~(2) A portion of the premises shall be devoted to retailing.~~
- ~~(f) Early childhood care facilities:~~
- ~~(1) Such facilities shall comply with all applicable state and local early childhood care requirements;~~
- ~~(2) Such facilities shall comply with all applicable building and life safety code requirements.~~
- ~~(3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;~~
- ~~(4) Such facilities must receive a conditional use permit from the Department of Building and Safety.~~
- ~~(g) Indoor animal hospitals. Any building approved for such use must be located no closer than 200 feet from any residential district.~~
- ~~(h) Indoor kennel. Any building approved for such use must be located no closer than 200 feet from any residential district.~~
- ~~(i) Social halls:~~
- ~~(1) There shall be no amplified sound or noise source of any kind outside of the social hall;~~
- ~~(2) Except as provided in (ii) and (iii) below, any exterior door opening must meet the following conditions:~~
- ~~(i) Either be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the social hall between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.~~
- ~~(ii) If the exterior door opening is less than 100 feet from a residential district, it must face the opposite direction from that district.~~
- ~~(iii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation.~~
- ~~For purposes of this section, “exterior door opening” shall mean (a) that portion of the exterior wall face of the building containing the social hall that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for access in the ordinary course of business.~~

27.29.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the B-1 Local Business District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63

A building or premises may be used for the following purposes in the B-1 Local Business District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- ~~— (a) Health care facilities;~~
- ~~— (b) Recreational facilities;~~
- ~~— (c) Broadcast towers;~~
- ~~— (d) Church steeples, towers, and ornamental spires which exceed the maximum of forty feet;~~
- ~~— (e) Expansion of nonconforming uses;~~
- ~~— (f) Historic preservation;~~
- ~~— (g) Public utility purposes;~~
- ~~— (h) Wind energy conversion systems over the district height;~~
- ~~— (i) Cemeteries;~~
- ~~— (j) Dwellings above the first story of a building which cannot meet the yard requirements of Section 27.29.080(g);~~
- ~~— (k) Sale of alcoholic beverages for consumption on the premises;~~
- ~~— (l) Sale of alcoholic beverages for consumption off the premises;~~
- ~~— (m) Indoor animal hospitals;~~
- ~~— (n) Indoor kennels.~~

27.29.050 Accessory Uses.

Accessory uses permitted in the B-1 Local Business District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in said district.

27.29.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the B-1 Local Business District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

~~———— (a) ——— General requirements:~~

<u>Table 27.29.080(a)</u>						
	Lot Area (Sq.ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, above first story	2,000 per unit	50'	20'	0*; 10' if abutting residential district	Smaller of 30' or 20% of depth	40'
Other Permitted Uses	0	0'	20'			40'

~~* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.~~

~~———— (b) ——— There shall be a required front yard on each street side of a double frontage lot.~~

~~———— (c) ——— There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.~~

~~———— (d) ——— Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:~~

- ~~———— 125 square feet for the first dwelling unit;~~
- ~~———— 80 square feet per unit for the next four dwelling units;~~
- ~~———— 25 square feet per unit for the next four dwelling units;~~
- ~~———— 20 square feet per unit for each additional dwelling unit beyond nine.~~

~~———— This open space requirement may be met in the following manner:~~

~~———— (1) ——— The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, balconies, and terraces as permitted in Sections 27.71.100 and 27.71.110;~~

~~———— (2) ——— Parking spaces, and land occupied by any building or structure, may not be counted toward fulfillment of this open space requirement;~~

~~———— (3) ——— This required open space may be provided either on a balcony four or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreational and other uses that are~~

~~consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space;~~

~~————— (4) ——— The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less.~~

~~————— (c) ——— Accessory buildings shall not extend into any required yard except accessory buildings to nonstandard residential uses may be allowed in the required rear yard when no more than thirty percent of such yard is occupied and such building is not nearer than two feet to any side or rear lot line.~~

~~————— (f) ——— Dwellings existing in this district on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.~~

~~————— Accessory buildings for such non-standard dwellings shall not extend into any required yard except as follows:~~

~~————— Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

~~————— (g) ——— Where a yard is not otherwise required, a five foot yard shall be required adjacent to the wall of a building which contains windows for dwelling units. The yard shall be on the premises on which the building is situated.~~

Chapter 27.31

B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT**27.31.030 Permitted Uses General Regulations.**

(a) B-2 Planned Neighborhood Business District Zoning. B-2 Planned Neighborhood Business District zoning shall not be granted upon any property having a total area of less than five acres.

(b) General Use Regulations. Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the B-2 Planned Neighborhood Business District prior to the approval of a use permit in conformance with the requirements of this chapter.

(c) Minimum requirements: No use permit shall be granted upon any property having a total area of less than five acres, except for preexisting uses as provided under Section 27.64.010(1), nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter.

A use permit may be granted for a lot of less than five acres, provided:

- (1) The lot was legally created prior to the effective date of this ordinance;
- (2) The lot has remained under separate ownership from adjoining properties in the B-2 district.

The Planning Commission may, under the above conditions, adjust the requirements under paragraph (c) to permit the applicant a reasonable use of his property.

~~B-2 Planned Neighborhood Business District zoning shall not be permitted or granted upon any property having a total area of less than five acres. A building or premises shall be used only for the following purposes in the B-2 Planned Neighborhood Business District:~~

- ~~(a) Parks, playgrounds, and community buildings, owned or operated by a public agency;~~
- ~~(b) Public libraries;~~

- ~~— (c) — Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;~~
- ~~— (d) — Churches;~~
- ~~— (e) — Nonprofit religious, educational, and philanthropic institutions;~~
- ~~— (f) — Banks, savings and loan associations, credit unions, and finance companies;~~
- ~~— (g) — Garden centers;~~
- ~~— (h) — Barber shops, beauty parlors, and shoeshine shops;~~
- ~~— (i) — Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;~~
- ~~— (j) — Service stations;~~
- ~~— (k) — Hospitals and clinics for animals, but not open kennels;~~
- ~~— (l) — Self-service laundromats;~~
- ~~— (m) — Receiving stores for dry cleaning or laundry;~~
- ~~— (n) — Dry cleaning or laundry establishments, provided that the floor area does not exceed 2,000 square feet exclusive of office and pickup space.~~
- ~~— (o) — Messenger and telegraph stations;~~
- ~~— (p) — Office buildings;~~
- ~~— (q) — Restaurants;~~
- ~~— (r) — Stores or shops for the sale of goods at retail, but not including motor vehicles;~~
- ~~— (s) — Undertaking establishments;~~
- ~~— (t) — Photography studios;~~
- ~~— (u) — Bicycle sales and repair shops;~~
- ~~— (v) — Key shops;~~
- ~~— (w) — Ambulance services;~~
- ~~— (x) — Clubs;~~
- ~~— (y) — Enclosed commercial recreational facilities;~~
- ~~— (z) — Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments;~~
- ~~— (aa) — Wind energy conversion systems;~~
- ~~— (bb) — Adult care centers.~~

27.31.035 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the B-2 Planned Neighborhood Business District.

27.31.040 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the B-2 Planned Neighborhood Business District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the B-2 Planned Neighborhood Business District in conformance with the conditions prescribed herein:~~

- ~~(a) Automobile wash facility:~~
- ~~(1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "Guidelines and Regulations for Driveway Design and Location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.~~
- ~~(2) Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "Guidelines and Regulations for Driveway Design and Location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.~~
- ~~(b) Motels and hotels:~~
- ~~(1) A distance of at least twenty feet shall be maintained between buildings on the lot;~~
- ~~(2) Each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.~~
- ~~(c) Dwellings, provided that:~~
- ~~(1) Dwellings shall only be permitted above the first story of a building;~~
- ~~(2) The first story shall be used for a nondwelling use permitted in the district;~~
- ~~(3) Said nondwelling use shall not:~~
- ~~(i) be accessory to the residential use;~~
- ~~(ii) be a parking lot or garage.~~
- ~~(4) Said first story shall not have more than twenty percent of its height below grade.~~
- ~~(d) Early childhood care facilities:~~
- ~~(1) Such facilities shall comply with all applicable state and local early childhood care requirements;~~
- ~~(2) Such facilities shall comply with all building and life safety code requirements.~~
- ~~(3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities.~~
- ~~(e) Tents and other temporary structures: Tents or other temporary structures shall be permitted for the temporary or seasonal sales of goods at retail under the following conditions:~~
- ~~(1) A tent or other temporary structure shall not reduce the amount of on-site parking to less than the minimum required;~~
- ~~(2) A tent or other temporary structure shall not remain on the premises for more than 180 consecutive days;~~
- ~~(3) A tent or other temporary structure shall comply with all applicable building and life safety codes;~~
- ~~A tent or other temporary structure need not be shown on the approved use permit site plan.~~
- ~~(f) Sale of alcoholic beverages for consumption on the premises:~~
- ~~(1) Parking shall be in conformance with the provisions of Chapter 27.67; provided that all exterior door openings of the licensed premises shall be located more than 100 feet away from any parking spaces located in a side or rear yard adjacent to a residential district. For the~~

purpose of this measurement, the side yard shall be 50 feet. In addition, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to any parking spaces located in a side or rear yard adjacent to the residential district.

~~(2) Any exterior door opening must meet the following conditions:~~

~~(i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district, provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.~~

~~(ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licenses premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.~~

~~(3) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.~~

~~(4) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.~~

~~(5) Notwithstanding any contrary provision contained in Section 27.31.100, the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.~~

~~(g) Sale of alcoholic beverages for consumption off the premises:~~

~~(1) Parking shall be in conformance with the provisions of Chapter 27.67; provided that all exterior door openings of the licensed premises shall be located more than 100 feet away from any parking spaces located in a side or rear yard adjacent to a residential district. For the purpose of this measurement, the side yard shall be 50 feet. In addition, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building~~

wall, and from that point the shortest, most direct distance to any parking spaces located in a side or rear yard adjacent to the residential district.

- ~~_____ (2) Any exterior door opening must meet the following conditions:~~
- ~~_____ (i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.~~
- ~~_____ (ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licenses premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.~~
- ~~_____ (3) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.~~
- ~~_____ (4) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.~~
- ~~_____ (5) Notwithstanding any contrary provision contained in Section 27.31.100, the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.~~
- ~~_____ (h) Indoor animal hospitals. Any building approved for such use must be located no closer than 200 feet from any residential district.~~
- ~~_____ (i) Indoor kennel. Any building approved for such use must be located no closer than 200 feet from any residential district.~~
- ~~_____ (j) Joint parking lots and parking garages:~~
- ~~_____ (1) Such joint parking lots and garages shall be authorized by cross access easements or by written agreement between the parties to such use.~~
- ~~_____ (2) The aggregate number of parking stalls provided shall be sufficient to satisfy the required parking for each use.~~
- ~~_____ (k) Social halls:~~
- ~~_____ (1) There shall be no amplified sound or noise source of any kind outside of the social hall;~~
- ~~_____ (2) Except as provided in (ii) and (iii) below, any exterior door opening must meet the following conditions:~~

~~(i) Either be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the social hall between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.~~

~~(ii) If the exterior door opening is less than 100 feet from a residential district, it must face the opposite direction from that district.~~

~~(iii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation.~~

~~For purposes of this section, “exterior door opening” shall mean (a) that portion of the exterior wall face of the building containing the social hall that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for access in the ordinary course of business.~~

27.31.050 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the B-2 Planned Neighborhood Business District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the B-2 Planned Neighborhood Business District if a special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:~~

- ~~(a) Health care facilities;~~
- ~~(b) Recreational facilities;~~
- ~~(c) Broadcast towers;~~
- ~~(d) Excavation and stone milling;~~
- ~~(e) Church steeples, towers, and ornamental spires which exceed the maximum height permitted in the B-2 Planned Neighborhood Business District;~~
- ~~(f) Expansion of nonconforming uses;~~
- ~~(g) Historic preservation;~~
- ~~(h) Public utility purposes;~~

- ~~(i) Wind energy conversion systems over the district height;~~
- ~~(j) Cemeteries;~~
- ~~(k) Mail order catalog sales;~~
- ~~(l) Indoor animal hospitals;~~
- ~~(m) Indoor kennels.~~

27.31.060 Accessory Uses.

Accessory uses permitted in the B-2 Planned Neighborhood Business District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in the said district.

27.31.090 Height and Area Regulations.

The maximum height and minimum lot requirements within the B-2 Planned Neighborhood Business District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

- ~~(a) General requirements:~~

Table 27.31.090(a)					
	Lot Area (Sq. ft.)	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwellings	2,000 per unit	20'	20'	50'	40'
Other Permitted Uses	0	20'	0', 20'* when abutting residential district	0', 50'* when abutting residential district	40'
* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.					

- ~~(b) There shall be a required front yard on each street side of a double frontage lot;~~
- ~~(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on April 29, 1963, need not be reduced to less~~

than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards;

~~(d) The entire front yard shall be entirely landscaped, except for necessary paving of walkways and driveways to reach parking and loading areas, provided that any driveway in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.~~

~~(e) Accessory buildings shall not extend into any required yard;~~

~~(f) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:~~

~~125 square feet for the first dwelling unit;~~

~~80 square feet per unit for the next four dwelling units;~~

~~25 square feet per unit for the next four dwelling units;~~

~~20 square feet per unit for each additional dwelling unit beyond nine.~~

~~This open space requirement may be met in the following manner:~~

~~(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, balconies, and terraces as permitted in Sections 27.71.100 and 27.71.110;~~

~~(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;~~

~~(3) Required open space may be provided either on a balcony four or more feet in depth or on a rooftop; provided, the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation, and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.~~

~~(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one if the smallest dimension of the open space is twelve feet or less.~~

27.31.100 Use Permit; Procedures and Requirements.

See Chapter 27.64 for use permit procedures and requirements.

~~(a) Minimum requirements: No use permit shall be granted upon any property having a total area of less than five acres, except as provided under Section 27.31.100(k), nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter. The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any such use permits. Such conditions may include an increase in the minimum yard requirements and decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the B-2 Planned Neighborhood Business District shall apply.~~

~~(b) Application requirements: Applications for a use permit under this section shall be filed by the owner in writing on a form provided by the city with the Planning Department. A preliminary plan shall accompany each application and shall include the following information:~~

~~(1) Boundary survey and gross acreage;~~

- ~~_____ (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on 100-foot grid shall be required to fully indicate the topography on flat land;~~
- ~~_____ (3) Street right of way;~~
- ~~_____ (4) Utility easements;~~
- ~~_____ (5) Adjacent land use and zoning classifications;~~
- ~~_____ (6) Location of structures on property;~~
- ~~_____ (7) Vicinity map;~~
- ~~_____ (8) Date prepared, scale and north point;~~
- ~~_____ (9) Schematic and location of buildings;~~
- ~~_____ (10) Parking areas and capacity;~~
- ~~_____ (11) Open space for residential uses;~~
- ~~_____ (12) Use of buildings, such as retail, service, restaurant, office, residential and other uses;~~
- ~~_____ (13) Height of buildings;~~
- ~~_____ (14) Location of existing trees and proposed landscape plan;~~
- ~~_____ (15) Proposed vehicular and pedestrian circulation system including egress and ingress;~~
- ~~_____ (16) Building and parking setback lines;~~
- ~~_____ (17) Grading plan;~~
- ~~_____ (18) On-site and off-site water and sanitary sewer improvements;~~
- ~~_____ (19) On-site and off-site drainage and storm sewer improvements;~~
- ~~_____ (20) Location of proposed free-standing signs;~~
- ~~_____ (21) Cross-section for paving of parking lots and sidewalks;~~
- ~~_____ (22) Proposed name of the shopping center;~~
- ~~_____ (23) Name, address, and telephone number of developer; certified record owner or owners and addresses; and legal description of the proposed use permit area, including the number of acres.~~

~~_____ (c) Environmental performance standards: Any applicant for a use permit under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established by various municipal departments and approved by resolution of the City Council.~~

~~_____ (d) Landscape plan: Each application for a use permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas and around proposed buildings. The Planning Director shall develop appropriate written standards for such landscape plans, which standards shall be approved by resolution of the City Council.~~

~~_____ (e) Planning Commission review: Upon the filing of an application together with all maps, data, and information required by this section, the City Council shall refer the application to the Planning Commission. The Planning Commission shall hold a public hearing upon such application and shall consider the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare.~~

~~_____ (f) Planning Commission action: After holding at least one public hearing, the Planning Commission shall proceed to give final consideration to the application and may require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for, and may include the requirement that applicant grant additional right of way in accordance with the~~

~~Comprehensive Plan. The Planning Commission may require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by departmental publications approved by resolution of the City Council. In the event the Planning Commission fails to act upon the application within sixty days from the date of referral, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to act upon the application no later than the commission's next regularly scheduled meeting.~~

~~(g) Appeal of Planning Commission action:~~

~~(1) Any aggrieved person or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the City Clerk within fourteen days following the action of the Planning Commission.~~

~~(2) Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Chapter 27.81.~~

~~(3) In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the City Council may, after public hearing, in conformity with the provisions of this title make such decision as ought to be made.~~

~~(h) Adjustment of yard requirements and height restrictions: Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, decrease the minimum yard requirements and increase the maximum height restrictions and may adjust the requirements relative to the location of buildings and required parking spaces and lot frontage set forth in this chapter consistent with adequate protection of the environment of adjacent land uses. The Planning Commission shall hold a public hearing upon the requested adjustment at the same time that it hears the application for the use permit and shall make a report to the City Council regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving a report from the Planning Commission, the City Council shall take final action upon the use permit and the adjustment.~~

~~(i) Amendment: The Planning Director is authorized to approve amendments to any use permit granted under this section, provided that:~~

~~(1) A request for amendment is filed with the Planning Director, together with any of the information specified in paragraph (b) above which is pertinent to the proposed amendment;~~

~~(2) Such amendment shall not violate any provisions of this title;~~

~~(3) Such amendment may provide for minor increases in total floor area and storage space originally permitted;~~

~~(4) There is no increase in the number of dwelling units;~~

~~(5) No reduction is made to the applicable setback or yard requirements;~~

~~(6) No public land is accepted;~~

~~(7) Such amendment shall not be contrary to the general purpose of this section as specified in Section 27.31.020;~~

~~(8) Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as an original application for a use permit.~~

~~(j) Building permits, certificates of occupancy, and certificates of compliance: Upon the approval of a use permit as provided for under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit.~~

~~(k) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this title shall be deemed to have received a use permit as herein required and shall be provided with such permit by the Director of Building and Safety upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension, or relocation of such existing use, an application in conformance with this section shall be required.~~

~~(l) A use permit may be granted for a lot of less than five acres, provided:~~

~~(1) The lot was legally created prior to the effective date of this ordinance;~~

~~(2) The lot has remained under separate ownership from adjoining properties in the B-2 district.~~

~~The Planning Commission may, under the above conditions, adjust the requirements under paragraph (b) to permit the applicant a reasonable use of his property.~~

~~(m) If an application for a use permit located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the use permit.~~

~~(n) Expiration of Application. All existing applications for a use permit which have been placed on pending by an applicant shall automatically expire and become null and void one year after the date this ordinance (Change of Zone No. 06062). All such applications which have been placed on pending by an applicant after the date of this ordinance (Change of Zone No. 06062) shall automatically expire and become null and void one year thereafter. At least thirty days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the application shall automatically expire unless prior to the expiration date, the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or City Council agenda as appropriate.~~

Chapter 27.33

B-3 COMMERCIAL DISTRICT

27.33.020 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted use in the B-3 Commercial District.

~~———— A building or premises shall be permitted to be used for the following purposes in the B-3 Commercial District:—~~

- ~~———— (a) — Parks, playgrounds, and community buildings, owned or operated by a public agency;—~~
- ~~———— (b) — Public libraries;—~~
- ~~———— (c) — Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;—~~
- ~~———— (d) — Churches;—~~
- ~~———— (e) — Nonprofit religious, educational, and philanthropic institutions;—~~
- ~~———— (f) — Banks, savings and loan associations, credit unions, and finance companies;—~~
- ~~———— (g) — Barber shops, beauty parlors, and shoeshine shops;—~~
- ~~———— (h) — Private schools, including but not limited to, business or commercial schools, dance or music academies, and nursery schools;—~~
- ~~———— (i) — Adult care centers;—~~
- ~~———— (j) — Hospitals and clinics for animals, but not open kennels;—~~
- ~~———— (k) — Self-service laundromats, and laundrettes;—~~
- ~~———— (l) — Receiving stores for dry cleaning or laundry;—~~
- ~~———— (m) — Messenger and telegraph stations;—~~
- ~~———— (n) — Office buildings;—~~
- ~~———— (o) — Restaurants;—~~
- ~~———— (p) — Stores or shops for the sale of goods at retail;—~~
- ~~———— (q) — Undertaking establishments;—~~
- ~~———— (r) — Photography studios;—~~
- ~~———— (s) — Key shops;—~~
- ~~———— (t) — Ambulance services;—~~
- ~~———— (u) — Retail bakery;—~~
- ~~———— (v) — Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings;—~~
- ~~———— (w) — Milk distribution stations, but not involving any bottling on the premises;—~~
- ~~———— (x) — Food storage lockers;—~~
- ~~———— (y) — Optical lens grinding and finishing;—~~
- ~~———— (z) — Clubs;—~~
- ~~———— (aa) — Parking lots and storage garages;—~~

- ~~———— (bb) Enclosed commercial recreational facilities;~~
- ~~———— (cc) Motorcycle, bicycle, and home and office equipment, but not including vehicle body repair shops~~
- ~~———— (dd) Mail order catalog sales;~~
- ~~———— (ee) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments;~~
- ~~———— (ff) Wind energy conversion systems.~~

27.33.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the B-3 Commercial District in conformance with the Chapter 27.62 conditions of approval for such use.

~~———— A building or premises may be used for the following purposes in the B-3 Commercial District in conformance with the conditions prescribed herein:~~

~~———— (a) Automobile wash facility:~~

~~———— (1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.~~

~~———— (2) Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.~~

~~———— (b) Motels and hotels: A distance of at least twenty feet shall be maintained between buildings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.~~

~~———— (c) Furnace, heating, sheet metal, electrical shops or electrical contractors, heating and air conditioning contractors, and cabinet shops or stores:~~

~~———— (1) The floor area of said premises not devoted to sales or office space shall not exceed 8,000 square feet;~~

~~———— (2) Not more than ten percent of the lot or tract occupied by the establishment shall be used for open and unenclosed storage of material and equipment;~~

~~———— (3) All outside storage of material and equipment shall be screened by an opaque six-foot tall fence constructed of wood, or a substitute material found acceptable by the Director of Building and Safety.~~

~~———— (d) Tire stores and sales, including vulcanizing:~~

~~———— (1) The floor area of said premises not devoted to sales or office space shall not exceed 4,000 square feet;~~

~~———— (2) There shall be no manufacturing on the premises.~~

~~_____ (e) Tailor shops, shoe repairing, upholstery shops, printing, photocopying, household appliances repairs, or similar business establishments; dyeing and drycleaning works; laundry; plumbing and water softener service shops.~~

~~_____ The floor area of said premises not devoted to sales or office space shall not exceed 4,000 square feet.~~

~~_____ (f) Dwellings, provided that:~~

~~_____ (1) Except as provided subparagraph 2 below, dwellings shall only be permitted above the first story of a building, with the first story used for a non-dwelling use as permitted in the district. Such non-dwelling use shall not be accessory to the residential use or be a parking lot or garage.~~

~~_____ (2) Dwellings shall be permitted in buildings that were originally constructed for a residential use prior to November 1, 1997.~~

~~_____ (g) Recycling center:~~

~~_____ (1) The building area of such center shall not exceed 4,000 square feet;~~

~~_____ (2) Adequate traffic stacking shall be provided on site as determined by the city;~~

~~_____ (3) All required parking shall be provided on site;~~

~~_____ (4) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;~~

~~_____ (5) The construction and operation of such center shall comply with all applicable health and fire codes;~~

~~_____ (h) Vehicle body repair shop:~~

~~_____ (1) All salvage material including vehicles being salvaged shall be kept inside a building;~~

~~_____ (2) All vehicles stored outside a building shall be repaired to an operating state within thirty days;~~

~~_____ (3) All vehicles stored outside a building waiting repair shall be screened in accordance with the screening requirements for salvage and scrap processing operations;~~

~~_____ (4) The construction and operation of such shop shall comply with all applicable health and fire codes;~~

~~_____ (5) Vehicle body repair shops lawfully existing on the effective date of this ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3), and (4) above.~~

~~_____ (i) Early childhood care facilities:~~

~~_____ (1) Such facilities shall comply with all applicable state and local early childhood care requirements;~~

~~_____ (2) Such facilities shall comply with all building and life safety code requirements;~~

~~_____ (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;~~

~~_____ (4) Such facilities must receive a conditional use permit from the Department of Building and Safety.~~

~~_____ (j) Service stations and automobile or appliance sales and repair facilities, but not including vehicle body repair shops.~~

~~_____ (1) No automobile or appliance sales and repair facility shall be permitted to locate within 100 feet of any residential use or district;~~

~~(2) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood, or of a substitute material found acceptable to the Director of Building and Safety subject to the provision of condition (3) below;~~

~~(3) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance shall have until October 1, 2003 to be brought into compliance with condition (2) above;~~

~~(4) The locational or screening requirements of (1), (2), and (3) above shall not apply when said residential use or district is across a public street from the service station or automobile or appliance sales and repair facility, but shall apply if said residential use or district is across an alley or private drive from the service station or automobile or appliance sales and repair facility;~~

~~(5) Any service station lawfully established in this district, after the effective date of this ordinance, shall screen the facility from any residential use or district by the use of an opaque fence, six feet in height, constructed of wood or of a substitute material found acceptable to the Director of Building and Safety; provided that said screening requirement shall not apply when said residential use or district is across a public street from the service station, but shall apply if said residential use or district is across an alley or private drive from the service station.~~

~~(k) Indoor animal hospitals. Any building approved for such use must be located no closer than 200 feet from any residential district.~~

~~(l) Indoor kennel. Any building approved for such use must be located no closer than 200 feet from any residential district.~~

~~(m) Social halls:~~

~~(1) There shall be no amplified sound or noise source of any kind outside of the social hall;~~

~~(2) Except as provided in (ii) and (iii) below, any exterior door opening must meet the following conditions:~~

~~(i) Either be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the social hall between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.~~

~~(ii) If the exterior door opening is less than 100 feet from a residential district, it must face the opposite direction from that district.~~

~~(iii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation.~~

~~For purposes of this section, “exterior door opening” shall mean (a) that portion of the exterior wall face of the building containing the social hall that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for access in the ordinary course of business.~~

27.33.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the B-3 Commercial District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the B-3 Commercial District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

- ~~(a) Health care facilities;~~
- ~~(b) Recreational facilities;~~
- ~~(c) Church steeples, towers, and ornamental spires which exceed the maximum district height;~~
- ~~(d) Broadcast towers;~~
- ~~(e) Expansion of nonconforming use;~~
- ~~(f) Historic preservation;~~
- ~~(g) Public utility purposes;~~
- ~~(h) Wind energy conversion systems over the district height;~~
- ~~(i) Cemeteries;~~
- ~~(j) Dwellings above the first story of a building which cannot meet the yard requirements of Section 27.33.080(g);~~
- ~~(k) Sale of alcoholic beverages for consumption on the premises.~~
- ~~(l) Sale of alcoholic beverages for consumption off the premises;~~
- ~~(m) Indoor animal hospitals;~~
- ~~(n) Indoor kennels.~~

27.33.050 Accessory Uses.

Accessory uses permitted in the B-3 Commercial District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in the said district.

27.33.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the B-3 Commercial District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

~~(a) General requirements:~~

Table 27.33.080(a)

	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, Above-First Story	1,000 per unit	0'	0', if block face partially in residential district;	0', 5'* if abutting residential district	0', 30'* if abutting residential district	45', 35' if abutting R-1, R-2 or R-3 zoning district
Other Permitted Uses	0	0'	same as abutting residential district	0', 5'* if abutting residential district	0', 30'* if abutting residential district	

~~* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.~~

~~(b) There shall be a required front yard on each street side of a double frontage lot.~~

~~(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.~~

~~(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:~~

- ~~125 square feet for the first dwelling unit;~~
- ~~80 square feet per unit for the next four dwelling units;~~
- ~~25 square feet per unit for the next four dwelling units;~~
- ~~20 square feet per unit for each additional dwelling unit beyond nine.~~

~~This open space requirement may be met in the following manner:~~

~~_____ (1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, terraces and balconies as permitted in Sections 27.71.100 and 27.71.110.~~

~~_____ (2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement.~~

~~_____ (3) Required open space may be provided either on a balcony four or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.~~

~~_____ (4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one if the smallest dimension of the open space is twelve feet or less.~~

~~_____ (e) Accessory buildings shall not extend into any required yard except accessory buildings to nonstandard residential uses may be allowed in the required rear yard when no more than thirty percent of such yard is occupied and such building is not nearer than two feet to any side or rear lot line.~~

~~_____ (f) Dwellings existing in this district on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.~~

~~_____ Accessory buildings for such non-standard dwellings shall not extend into any required yard except as follows:~~

~~_____ Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

~~_____ (g) Where a yard is not otherwise required, a five foot yard shall be required adjacent to the wall of a building which contains windows for dwelling units. The yard shall be on the premises on which the building is situated.~~

Chapter 27.35

B-4 LINCOLN CENTER BUSINESS DISTRICT

27.35.020 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted use in the B-4 Lincoln Center Business District.

~~A building or premises may be used for any lawful purpose in the B-4 Lincoln Center Business District, except the following:~~

- ~~(a) The refining, distillation, or manufacture of:

 - ~~(1) Acids or alcohols, except that craft breweries as defined in the Nebraska Liquor Control Act are permitted;~~
 - ~~(2) Ammonia, bleach, or chlorine;~~
 - ~~(3) Asphalt, tar, or products made therewith, including roofing or waterproofing;~~
 - ~~(4) Cement, lime, gypsum, or plaster of paris;~~
 - ~~(5) Disinfectants;~~
 - ~~(6) Dyestuffs;~~
 - ~~(7) Fertilizer;~~
 - ~~(8) Glue, sizing, or gelatin;~~
 - ~~(9) Oilcloth, linoleum, or oiled rubber goods;~~
 - ~~(10) Paint, shellac, turpentine, or oils;~~
 - ~~(11) Paper or pulp;~~
 - ~~(12) Rubber, gutta-percha, balata, creosote, or products treated therewith;~~
 - ~~(13) Shoe polish;~~~~
- ~~(b) The operation of:

 - ~~(1) Bag cleaning works;~~
 - ~~(2) Blast furnaces, coke ovens, smelting or ore reduction works;~~
 - ~~(3) Boiler works;~~
 - ~~(4) Forge;~~
 - ~~(5) Rock crusher;~~
 - ~~(6) Rolling mill;~~
 - ~~(7) Yeast plant;~~~~
- ~~(c) Production, manufacture, distribution, or commercial storage of toxic, radioactive, flammable, or explosive materials, including chemicals and gases, fireworks and explosives, arsenals and magazines;~~
- ~~(d) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals or fowl; rendering fat; distillation of bones, coal, or wood;~~
- ~~(e) Dumping or reduction of garbage, offal, or dead animals; scrap processing operation or salvage yard;~~

- ~~_____ (f) Grain elevators and grain mills;~~
- ~~_____ (g) Refining of natural gas or petroleum or their products; or bulk storage thereof not located underground and in full compliance with all applicable city regulations;~~
- ~~_____ (h) Brick, tile, pottery, or terra cotta manufacture, other than the manufacture of handicrafts;~~
- ~~_____ (i) The manufacture of acetylene, the transfer of the gas from one container to another, or the storage of the gas in containers having a capacity greater than the equivalent of 1,000 cubic feet at standard temperature and pressure;~~
- ~~_____ (j) Excavation and stone milling;~~
- ~~_____ (k) And in general those uses, not limited to the above, which may be obnoxious or offensive or hazardous to health by reason of odor, dust, smoke, gas, glare, radiation, or noise;~~
- ~~_____ (l) In the area of the B-4 Lincoln Center Business District bounded by 10th Street, 150 feet north of "P" Street, 14th Street, and "N" Street:

 - ~~_____ (1) Parking lots, parking garages, and other off-street parking facilities;~~
 - ~~_____ (2) Uses in which the customer is served directly in the car, including but not limited to drive-in restaurants, drive-in teller windows, service stations, or car washes.~~~~
- ~~_____ (m) Permitted conditional uses not meeting the requirements of Section 27.35.025;~~
- ~~_____ (n) Permitted special uses not meeting the requirements of Section 27.35.030;~~
- ~~_____ (o) Sexually oriented live entertainment;~~
- ~~_____ (p) In the area of the B-4 Lincoln Center Business District from 150 feet east of 17th Street to the eastern edge of the B-4 Lincoln Center Business District:

 - ~~_____ (1) Automobile and truck wash facilities;~~
 - ~~_____ (2) Automobile, motorcycle, truck and heavy equipment sales and repair;~~
 - ~~_____ (3) Mini-warehouses;~~
 - ~~_____ (4) Recycling center;~~
 - ~~_____ (5) Service stations;~~
 - ~~_____ (6) Single-family dwelling on the first floor or basement;~~
 - ~~_____ (7) Two-family dwellings on the first floor or basement;~~
 - ~~_____ (8) Vehicle body repair shops;~~
 - ~~_____ (9) Warehouses (pre-existing warehouses may remain, regardless of time unoccupied, but must cease once the building is demolished).~~~~

27.35.025 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted conditional use in the B-4 Lincoln Center Business District

in conformance with the Chapter 27.62 conditions of approval for such use.

~~Notwithstanding any provision to the contrary in Section 27.35.020 above, a building or premises may be used for the following purposes in the B-4 Lincoln Center Business District in conformance with the conditions prescribed herein:~~

- ~~_____ (a) Vehicle body repair shop in the area from 150 feet east of 17th Street to the western edge of the B-4 Lincoln Center Business District;~~

- ~~_____ (1) All salvage material including vehicles being salvaged shall be kept inside a building;~~
- ~~_____ (2) All vehicles stored outside a building shall be repaired to an operating state within thirty days;~~
- ~~_____ (3) All vehicles stored outside a building waiting repair shall be screened in accordance with the screening requirements for salvage and scrap processing operations;~~
- ~~_____ (4) The construction and operation of such shop shall comply with all applicable health and fire codes;~~
- ~~_____ (5) Vehicle body repair shops lawfully existing on the effective date of this ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3), and (4) above.~~
- ~~_____ (b) Early childhood care facilities:~~
- ~~_____ (1) Such facilities shall comply with all applicable state and local early childhood care requirements;~~
- ~~_____ (2) Such facilities shall comply with all applicable building and life safety code requirements.~~
- ~~_____ (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;~~
- ~~_____ (4) Such facilities must receive a conditional use permit from the Department of Building and Safety.~~

27.35.030 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the B-4 Lincoln Center Business District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~_____ Notwithstanding any provision to the contrary in Section 27.35.020 above:~~

- ~~_____ (a) A building or premises may be used for the following purposes in the B-4 Lincoln Center Business District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~
- ~~_____ (1) Expansion of nonconforming use;~~
- ~~_____ (2) Historic preservation;~~
- ~~_____ (3) Any permitted use which exceeds the maximum height permitted in the district;~~
- ~~_____ (4) Temporary shelter for the homeless.~~
- ~~_____ (b) A building or premises may be used for the following purposes in that portion of the B-4 Lincoln Center Business District bounded by 10th Street, 150 feet north of "P" Street, 14th~~

~~Street, and “N” Street if a special permit for such use has been obtained in conformance with the requirements of Section 27.63.180:-~~

- ~~———— (1) ——— Parking lots, parking garages, and other off-street parking facilities;~~
- ~~———— (2) ——— Service stations and car washes located within a parking garage when such uses are accessory to the parking garage;~~
- ~~———— (3) ——— Drive-in teller windows;~~
- ~~———— (4) ——— Wind energy conversion systems over the district height.~~
- ~~———— (c) ——— Dwellings above the first story of a building which cannot meet the yard requirements of Section 27.35.070(e).~~
- ~~———— (d) ——— A building or premises may be used for the following purposes in the area of the B-4 Lincoln Center Business District from 150 feet east of 17th Street to the eastern edge of the B-4 Lincoln Center Business District if a special permit for such use has been obtained in conformance with the requirements of Section 27.63.180:-~~
 - ~~———— (1) ——— Service stations.~~

27.35.040 Accessory Uses.

Accessory uses permitted in the B-4 Lincoln Center Business District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in said district.

27.35.070 Height and Area Regulations.

The height and lot area requirements within the B-4 Lincoln Center Business District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

- ~~———— (a) ——— For the area of the B-4 Lincoln Center Business District located from 150 feet east of 17th Street to the eastern boundary of the B-4 Lincoln Center Business District:

 - ~~———— (1) ——— The minimum building height shall be 20 feet adjacent to all street frontages. The minimum building height does not apply to building permits for existing buildings, and minor additions to existing buildings, less than 20 feet in height.~~
 - ~~———— (2) ——— The maximum height requirements are shown in Figure 27.35.070(a) at the end of this chapter.~~
 - ~~———— (3) ——— The front, side and rear yard setbacks are zero (0) feet. When any yard is abutting a residential district, the yard requirement shall be that of the abutting residential district.~~~~
- ~~———— (b) ——— For the area of the B-4 Lincoln Center Business District not included in section (a) above, the following height and lot area requirements shall apply:

 - ~~———— (1) ——— The maximum height requirements are shown in Figure 27.35.070(a) at the end of this chapter.~~~~

~~————— (2) ——— The front, side and rear yard setbacks are zero (0) feet. When any yard is abutting a residential district, the yard requirement shall be that of the abutting residential district.~~

~~————— (c) ——— Where a yard is not otherwise required, a yard shall be required adjacent to any wall of a building which contains windows for dwelling units. The yard requirement shall be five feet for structures under thirty-five feet in height, ten feet for structures thirty-five to fifty feet in height, and sixteen feet for those structures over fifty feet in height. Depending upon the location of said windows, this yard may be a side yard, a rear yard, or located in or on an interior courtyard. If the required yard abuts an alley, the width of the alley may be counted as part or all of the required yard. This yard need not start at the ground level but may begin on the top surface of a building.~~

~~————— (d) ——— Accessory buildings which are attached to or located not more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in any required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard, and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

Chapter 27.37**B-5 PLANNED REGIONAL BUSINESS DISTRICT****27.37.015 General Regulations**

(a) B-5 Planned Regional Business District Zoning. B-5 Planned Regional Business District zoning shall not be granted upon any property having a total area of less than thirty acres.

If any application for a change of zone to the B-5 Planned Regional Business District or for a use permit under the provisions of this section substantially deviates from the Comprehensive Plan in terms of location or size, as determined by the Planning Director, the applicant shall submit an environmental impact statement and a market analysis which shall serve as a guide to the Planning Commission for evaluation of such application in terms of need, desirability, supportability, and its implications for the overall growth of the community.

(b) General Use Regulations. Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the B-5 Planned Regional Business District prior to the approval of a use permit in conformance with the requirements of this chapter.

(c) Minimum requirements. No use permit shall be granted upon any property having a total area of less than thirty acres, nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter.

27.37.020 Use Regulations Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the B-5 Planned Regional Business District.

~~(a) — General Regulations. Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the B-5 Planned Regional Business District prior to the approval of a use permit in conformance with the requirements of this chapter. B-5 Planned Regional Business District zoning shall not be permitted or granted upon any property having a total area of less than thirty acres.~~

~~(b) — Permitted uses. A building or premises may be used only for the following purposes in the B-5 Planned Regional Business District:~~

- ~~(1) — Stores or shops for the sale of goods at retail, and shops providing service for such goods;~~
- ~~(2) — Office buildings;~~
- ~~(3) — Personal and professional services;~~
- ~~(4) — Places of public assembly, entertainment, or recreation facilities, except theaters;~~
- ~~(5) — Hotels or motels;~~
- ~~(6) — Banks, savings and loan associations, credit unions, and finance companies;~~
- ~~(7) — Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;~~
- ~~(8) — Restaurants;~~
- ~~(9) — Service stations, and automobile wash facilities;~~
- ~~(10) — Automobile sales establishments;~~
- ~~(11) — Dwellings;~~
- ~~(12) — Public or nonprofit community services;~~
- ~~(13) — Dry cleaning or laundry establishment; provided, the floor area does not exceed 2,000 square feet, exclusive of office and "pickup space";~~
- ~~(14) — Enclosed commercial recreational facilities;~~
- ~~(15) — Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments;~~
- ~~(16) — Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;~~
- ~~(17) — Wind energy conversion systems;~~
- ~~(18) — Adult care centers.~~

27.37.025 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the B-5 Planned Regional Business District in conformance with the Chapter 27.62 conditions of approval for such use.

~~Any building or premises may be used for the following purposes in the B-5 Planned Regional Business District in conformance with the conditions prescribed herein:~~

- ~~(a) — Early childhood care facilities:~~

~~_____ (1) Such facilities shall comply with all applicable state and local early childhood care requirements;~~

~~_____ (2) Such facilities shall comply with all applicable building and life safety code requirements;~~

~~_____ (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities.~~

~~_____ (b) Tents and other temporary structures: Tents or other temporary structures shall be permitted for the temporary or seasonal sales of goods at retail under the following conditions:~~

~~_____ (1) A tent or other temporary structure shall not reduce the amount of on-site parking to less than the minimum required;~~

~~_____ (2) A tent or other temporary structure shall not remain on the premises for more than 180 consecutive days;~~

~~_____ (3) A tent or other temporary structure shall comply with all applicable building and life safety codes;~~

~~_____ A tent or other temporary structure need not be shown on the approved use permit site plan.~~

~~_____ (c) Sale of alcoholic beverages for consumption on the premises:~~

~~_____ (1) When the building containing the licensed premises abuts a residential district, the required yards shall be met.~~

~~_____ (2) Parking shall be in conformance with the provisions of Chapter 27.67; provided that no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.~~

~~_____ (3) Any exterior door opening must meet the following conditions:~~

~~_____ (i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.~~

~~_____ (ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licenses premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.~~

~~_____ (4) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.~~

~~_____ (5) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall~~

not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones:

~~(6) Notwithstanding any contrary provision contained in Section 27.37.070, the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.~~

~~(d) Sale of alcoholic beverages for consumption off the premises:~~

~~(1) When the building containing the licensed premises abuts a residential district, the required yards shall be met.~~

~~(2) Parking shall be in conformance with the provisions of Chapter 27.67; provided that no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.~~

~~(3) Any exterior door opening must meet the following conditions:~~

~~(i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.~~

~~(ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licenses premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.~~

~~(4) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.~~

~~(5) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.~~

~~(6) Notwithstanding any contrary provision contained in Section 27.37.070, the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.~~

~~(e) Joint parking lots and parking garages:~~

~~(1) Such joint parking lots and garages shall be authorized by cross access easements or by written agreement between the parties to such use.~~

~~(2) The aggregate number of parking stalls provided shall be sufficient to satisfy the required parking for each use.~~

~~(f) Social halls:~~

~~(1) There shall be no amplified sound or noise source of any kind outside of the social hall;~~

~~(2) Except as provided in (ii) and (iii) below, any exterior door opening must meet the following conditions:~~

~~(i) Either be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the social hall between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.~~

~~(ii) If the exterior door opening is less than 100 feet from a residential district, it must face the opposite direction from that district.~~

~~(iii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation.~~

~~For purposes of this section, "exterior door opening" shall mean (a) that portion of the exterior wall face of the building containing the social hall that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides access to the social hall. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for access in the ordinary course of business.~~

27.37.030 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the B-5 Planned Regional Business District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the B-5 Planned Regional Business District if a special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:~~

~~(a) Historic preservation;~~

~~(b) Public utility purposes;~~

~~(c) Wind energy conversion systems over the district height;~~

- ~~———— (d) ——— Theaters;~~
- ~~———— (e) ——— Broadcast towers.~~

27.37.033 Accessory Uses.

Accessory uses permitted in the B-5 Planned Regional Business District are accessory buildings and uses customarily incident to the permitted uses, permitted conditional uses, or permitted special uses in said district.

27.37.060 Height and Area Regulations.

The maximum height and minimum lot requirements within the B-5 Planned Regional Business District shall be regulated in conformance with the requirements in Chapter 27.72, as follows:

~~———— (a) ——— The required front yard shall be twenty feet. The required front yard shall be entirely landscaped, except for the necessary paving of walkways and driveways to reach parking and loading areas, provided that any driveways in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.~~

~~———— (b) ——— There shall be a required yard of 100 feet wherever a lot abuts a residential district, and the entire yard shall be devoted to landscaping and screened in conformance with the landscape design standards adopted by resolution of the City Council.~~

~~———— (c) ——— There shall be a required front yard along each street side of a double-frontage lot.~~

~~———— (d) ——— There shall be a required front yard along each street side of a corner lot.~~

~~———— (e) ——— The maximum permitted height shall be forty feet.~~

~~———— (f) ——— Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:~~

~~———— 125 square feet for the first dwelling unit;~~

~~———— 80 square feet per unit for the next four dwelling units;~~

~~———— 25 square feet per unit for the next four dwelling units;~~

~~———— 20 square feet per unit for each additional dwelling unit beyond nine.~~

~~———— This open space requirement may be met in the following manner:~~

~~———— (1) ——— The required rear yard may be counted, however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, terraces, and balconies as permitted in Sections 27.71.100 and 27.71.110;~~

~~————— (2) ——— Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;~~

~~————— (3) ——— Required open space may be provided either on a balcony four or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of plantings, open space, recreational, and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space;~~

~~————— (4) ——— The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one if the smallest dimension of the open space is twelve feet or less.~~

~~————— (g) ——— Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district or use, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

27.37.070 Use Permit; Procedures and Requirements.

See Chapter 27.64 for use permit procedures and requirements.

~~————— (a) ——— Minimum requirements. No use permit shall be granted upon any property having a total area of less than thirty acres, nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter. The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any use permits. Such conditions may include an increase in the minimum yard requirements and a decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the B-5 Planned Regional Business District shall apply.~~

~~————— (b) ——— Environmental performance standards. Any applicant for a use permit under the provisions of this section shall comply with such environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established by various municipal departments and approved by resolution of the City Council.~~

~~————— (c) ——— Environmental impact statement and market analysis. If any application for a change of zone to the B-5 Planned Regional Business District or for a use permit under the provisions of this section substantially deviates from the Comprehensive Plan in terms of location or size, as determined by the Planning Director, the applicant shall submit an environmental impact statement and a market analysis which shall serve as a guide to the Planning Commission for evaluation of such application in terms of need, desirability, supportability, and its implications for the overall growth of the community. The Planning Director shall develop appropriate written standards and forms for such environmental impact statement and market analysis, which shall be approved by the City Council after report and recommendation of the Planning Commission.~~

~~————— (d) ——— Landscape plan. Each application for a use permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas and around proposed buildings. The~~

~~Planning Director shall develop appropriate written standards for such landscape plans, which standards shall be approved by resolution of the City Council.~~

~~(e) Application requirements. Applications for a use permit under this section shall be filed by the owner in writing with the Planning Department on a form provided by the city. A preliminary plan shall accompany each application and shall include the following information:~~

- ~~(1) Boundary survey and gross acreage;~~
- ~~(2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on one hundred foot grids shall be required to fully indicate the topography on flat land;~~
- ~~(3) Street right of way;~~
- ~~(4) Utility easements;~~
- ~~(5) Adjacent land use and zoning classifications;~~
- ~~(6) Location of structures on property;~~
- ~~(7) Vicinity map;~~
- ~~(8) Date prepared, scale and north point;~~
- ~~(9) Schematic building layout;~~
- ~~(10) Parking areas and capacity;~~
- ~~(11) Open space for residential uses;~~
- ~~(12) Use of buildings, such as retail, service, restaurant, office, residential, and other uses. Buildings to be included in the first phase construction shall include tenant occupancies where known. A clear demonstration shall be made that the residential use will be protected from adverse effects, such as traffic, air pollution, noise, and glare; and the mixing of residential and commercial uses on the ground level shall be discouraged;~~
- ~~(13) Acreage and percentage of total developed building area, parking lots, open space, malls, and other features;~~
- ~~(14) Height of buildings;~~
- ~~(15) Location of existing trees and proposed landscape plan;~~
- ~~(16) Proposed vehicular and pedestrian circulation system, including ingress and egress;~~
- ~~(17) Building and parking setback lines;~~
- ~~(18) Grading plan;~~
- ~~(19) Phase of development and proposed starting dates;~~
- ~~(20) Discussion of adverse environmental effects of the project and proposed steps to minimize these effects;~~
- ~~(21) On-site and off-site water and sanitary sewer improvements;~~
- ~~(22) On-site and off-site drainage and storm sewer improvements;~~
- ~~(23) Location of proposed free-standing signs;~~
- ~~(24) Cross-section for paving of parking lots and sidewalks;~~
- ~~(25) Proposed name, if any, of the shopping center;~~
- ~~(26) Name, address, and telephone number of developer, certified record owner, or owners, and addresses; legal description of the proposed use permit area, including the number of acres.~~

~~(f) Planning Commission review. Upon the filing of an application together with all maps, data, and information required by this section, the City Council shall refer the application to the Planning Commission. The Planning Commission shall hold a public hearing upon such~~

application and shall consider the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare.

~~(g) Planning Commission action. After holding at least one public hearing, the Planning Commission shall proceed to give final consideration to the application and may require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for, and may include the requirement that applicant grant additional right of way in accordance with the Comprehensive Plan. The Planning Commission may require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by departmental publications approved by resolution of the City Council. In the event the Planning Commission fails to act upon the application within sixty days from the date of referral, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to act upon the application no later than the commission's next regularly scheduled meeting.~~

~~(h) Appeal of Planning Commission action.~~

~~(1) Any aggrieved person or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the City Clerk within fourteen days following the action of the Planning Commission.~~

~~(2) Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Chapter 27.81.~~

~~(3) In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the City Council may, after public hearing, in conformity with the provisions of this title make such decision as ought to be made.~~

~~(i) Adjustment of yard requirements, height restrictions, and parking.~~

~~(1) Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, decrease the minimum yard requirements and increase the maximum height restrictions and may adjust the requirements relative to the location of buildings and required parking spaces and lot frontage set forth in this chapter consistent with adequate protection of the environment of adjacent land uses.~~

~~(2) Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, decrease the required parking set forth in this chapter and Chapter 27.67 if it is determined that the mix of uses or ownership patterns create situations where the applicability of a particular standard is not feasible.~~

~~(3) The Planning Commission shall hold a public hearing upon the requested adjustment at the same time that it hears the application for the use permit and shall make a report to the City Council regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving a report from the Planning Commission, the City Council shall take final action upon the application for the use permit and the requested adjustment.~~

~~(j) Amendment. The Planning Director is authorized to approve amendments to any use permit granted under this section, including square footage of floor area and storage space in phases of development; provided, that:~~

~~(1) A request for amendment is filed with the Planning Director, together with any of the information specified in paragraph (f) above which is pertinent to the proposed amendment;~~

~~(2) Such amendment shall not violate any provisions of this title;~~

~~(3) Such amendment may provide for minor increases in total floor area and storage space originally permitted;~~

~~(4) There is no increase in the number of dwelling units;~~

~~(5) No reduction is made to the applicable setback or yard requirements;~~

~~(6) No public land is accepted;~~

~~(7) Such amendment shall not be contrary to the general purpose section as specified in paragraph (a) above;~~

~~(8) Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as an original use permit.~~

~~(k) Building permits, certificates of occupancy and certificates of compliance. Upon the approval of a use permit as provided for under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions and subsequent amendments within each phase of development of a use permit.~~

~~(l) Preexisting uses. An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this title, and any enlargement or extension as permitted in this section, shall be deemed to have received a use permit as herein required and shall be provided with such permit by the Director of Building and Safety upon request, and shall not be a nonconforming use.~~

~~(m) If an application for a use permit located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the use permit.~~

~~(n) Expiration of Application. All existing applications for a use permit which have been placed on pending by an applicant shall automatically expire and become null and void one year after the date this ordinance (Change of Zone No. 06062). All applications which have been placed on pending by an applicant after the date of this ordinance (Change of Zone No. 06062) shall automatically expire and become null and void one year thereafter. At least thirty days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the application shall automatically expire unless prior to the expiration date, the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or City Council agenda as appropriate.~~

Chapter 27.39

H-1 INTERSTATE COMMERCIAL DISTRICT

27.39.020 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the H-1 Interstate Commercial District.

~~A building or premises shall be used only for the following purposes in the H-1 Interstate Commercial District:~~

- ~~— (a) — Public or storage garages;~~
- ~~— (b) — Restaurants;~~
- ~~— (c) — Service stations;~~
- ~~— (d) — Hotels and motels;~~
- ~~— (e) — Dwelling for a caretaker employed and residing on the premises;~~
- ~~— (f) — Wind energy conversion systems;~~
- ~~— (g) — Truck stops.~~

27.39.025 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the H-1 Interstate Commercial District in conformance with the Chapter 27.62 conditions of approval for such use.

27.39.030 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the H-1 Interstate Commercial District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the H-1 Interstate Commercial District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

- ~~(a) Expansion of nonconforming uses;~~
- ~~(b) Historic preservation;~~
- ~~(c) Public utility purposes;~~
- ~~(d) Wind energy conversion systems over the district height;~~
- ~~(e) Cemeteries;~~
- ~~(f) Sale of alcoholic beverages for consumption on the premises;~~
- ~~(g) Broadcast towers;~~
- ~~(h) Sale of alcoholic beverages for consumption off the premises;~~
- ~~(i) Sexually oriented live entertainment establishments.~~

27.39.070 Height and Area Regulations.

The maximum height and minimum lot requirements within the H-1 Interstate Commercial District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

- ~~(a) General requirements:~~

Table 27.39.070(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All permitted uses	5,000	50'	20'	5'*	Smaller of 30'* or 20% of depth	55'***
* When a side or rear yard abuts a residential district, it shall be screened in conformance with design standards adopted by the City of Lincoln.						
** If the height of the building is over 45', that portion of the building in excess of 45' shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 residential district for each one foot of building height in excess of 45'.						

- ~~(b) There shall be a required front yard on each street side of a double frontage lot.~~
- ~~(c) There shall be a required front yard on each street side of a corner lot, provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.~~

~~————(d)—— Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

~~————(e)—— Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.~~

Chapter 27.41

H-2 HIGHWAY BUSINESS DISTRICT

27.41.020 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group

Tables in Chapter 27.06 as a permitted use in the H-2 Highway Business District.

~~———— A building or premises shall be permitted to be used for the following purposes in the H-2 Highway Business District:~~

- ~~———— (a) — Parks, playgrounds, and community buildings, owned or operated by a public agency;~~
- ~~———— (b) — Public libraries;~~
- ~~———— (c) — Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;~~
- ~~———— (d) — Churches;~~
- ~~———— (e) — Banks, savings and loan associations, credit unions, and finance companies;~~
- ~~———— (f) — Barber shops, beauty parlors, and shoeshine shops;~~
- ~~———— (g) — Private schools;~~
- ~~———— (h) — Dwelling for a caretaker employed and residing on the premises;~~
- ~~———— (i) — Hospitals and clinics for animals, but not open kennels;~~
- ~~———— (j) — Messenger and telegraph stations;~~
- ~~———— (k) — Office buildings;~~
- ~~———— (l) — Restaurants;~~
- ~~———— (m) — Undertaking establishments;~~
- ~~———— (n) — Photography studios;~~
- ~~———— (o) — Key shops;~~
- ~~———— (p) — Ambulance services;~~
- ~~———— (q) — Recreational facilities;~~
- ~~———— (r) — Food storage lockers;~~
- ~~———— (s) — Bakeries;~~
- ~~———— (t) — Bottling works;~~
- ~~———— (u) — Laundry, and drycleaning establishments, including laundromats, and receiving stores for drycleaning or laundry;~~
- ~~———— (v) — Printing shops;~~
- ~~———— (w) — Mini-warehouses;~~
- ~~———— (x) — Optical lens grinding and finishing;~~
- ~~———— (y) — Parking lots;~~
- ~~———— (z) — Clubs;~~
- ~~———— (aa) — Stores or shops for the sale of goods at retail, not otherwise permitted in this chapter;~~
- ~~———— (bb) — Enclosed commercial recreational facilities;~~

- ~~_____ (cc) Service stations and automobile, motorcycle, bicycle, and home and office equipment, and appliance sales and repair, but not including vehicle body repair shops;~~
- ~~_____ (dd) Mail order catalog sales;~~
- ~~_____ (ee) Warehouses, provided that no storage bay shall exceed 600 square feet;~~
- ~~_____ (ff) Wind energy conversion systems;~~
- ~~_____ (gg) Domestic shelters;~~
- ~~_____ (hh) Adult care centers.~~

27.41.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the H-2 Highway Business District in conformance with the Chapter 27.62 conditions of approval for such use.

~~_____ A building or premises may be used for the following purposes in the H-2 Highway Business District in conformance with the conditions prescribed herein:~~

- ~~_____ (a) Automobile/truck wash facility:

 - ~~_____ (1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.~~
 - ~~_____ (2) Self-service, coin-operated: The wash facility shall not exceed six wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.~~~~
- ~~_____ (b) Motels and hotels: A distance of at least twenty feet shall be maintained between buildings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.~~
- ~~_____ (c) Service facilities, including but not limited to repair and maintenance of home and office equipment, electrical appliances, radio and television sets, and rental equipment, and the places of business of plumbing, electrical, and heating and air conditioning contractors.

 - ~~_____ All storage and display of merchandise shall be screened from public view by a fence, walls, shrubs, material obstruction, or all such storage and display shall be within the enclosure walls of a building.~~~~
- ~~_____ (d) Early childhood care facilities:

 - ~~_____ (1) Such facilities shall comply with all applicable state and local early childhood care requirements;~~
 - ~~_____ (2) Such facilities shall comply with all applicable building and life safety code requirements;~~
 - ~~_____ (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;~~~~

~~_____ (4) Such facilities must receive a conditional use permit from the Department of Building and Safety.~~

~~_____ (e) Recycling center:~~

~~_____ (1) Building area of such center shall not exceed 8,000 square feet;~~

~~_____ (2) Adequate traffic stacking shall be provided on site as determined by the city;~~

~~_____ (3) All required parking shall be provided on site;~~

~~_____ (4) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;~~

~~_____ (5) Construction and operation of such center shall comply with all applicable health and fire codes.~~

~~_____ (f) Vehicle body repair shop:~~

~~_____ (1) All salvage material including vehicles being salvaged shall be inside a building;~~

~~_____ (2) All vehicles stored outside shall be repaired to an operating state within thirty days;~~

~~_____ (3) All vehicles stored outside waiting repair shall be screened in accordance with the screening requirements for salvage and scrap processing operations;~~

~~_____ (4) Construction and operation of such shop shall comply with all applicable health and fire codes;~~

~~_____ (5) Vehicle body repair shops lawfully existing on the effective date of this ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3), and (4) above.~~

~~_____ (g) The storage of vehicles for sale and resale in the front yard:~~

~~_____ (1) The storage of vehicles for sale and resale is permitted in the front yard except for the front twelve feet.~~

~~_____ (2) Parking barriers in accordance with parking lot design standards must be provided around the storage/display area to prevent the vehicles stored/displayed for sale or resale from overhanging the front twelve feet of the front yard where vehicles are not permitted to be stored/displayed for sale or resale.~~

~~_____ (3) No vehicle shall be stored/displayed for sale or resale in the front yard upon a raised concrete island or on a raised display structure.~~

~~_____ (4) The hood or trunk or both of vehicles stored/displayed for sale or resale in the front yard shall not be open except when inspected by a customer or for servicing.~~

~~_____ (5) The front twelve feet of the front yard not permitted to be used for the storage of vehicles for sale and resale shall not be used for customer or employee parking but shall be devoted to shrubs and grasses.~~

~~_____ (6) The front twelve feet of the front yard not permitted to be used for the storage of vehicles for sale and resale shall be screened at least sixty percent from zero feet to two feet above the surface of the lot. The design and construction of the landscaping shall be in conformance with the Design Standards for Screening and Landscaping except that fences may not be used to meet the above screening requirements. If plant material is used, the density percentage is calculated using the design size found in the City of Lincoln's plant material list approved by the Planning Director. The screen shall be located throughout the area but far enough from the barrier so as to be protected from the bumpers of overhanging vehicles. Entrance driveways shall be excluded from the required screen.~~

~~_____ (7) No fence shall be erected in the front yard. Lighting shall be in conformance with the Design Standards for Outdoor Lighting.~~

~~_____ (8) Any existing automobile sales facility lawfully established on the effective date of this ordinance which does not comply with conditions (1) through (7) above may be continued in accordance with the provisions of Chapter 27.61 for nonconforming uses.~~

~~_____ (h) Indoor animal hospitals. Any building approved for such use must be located no closer than 200 feet from any residential district.~~

~~_____ (i) Indoor kennel. Any building approved for such use must be located no closer than 200 feet from any residential district.~~

~~_____ (j) Social halls:~~

~~_____ (1) There shall be no amplified sound or noise source of any kind outside of the social hall;~~

~~_____ (2) Except as provided in (ii) and (iii) below, any exterior door opening must meet the following conditions:~~

~~_____ (i) Either be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the social hall between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.~~

~~_____ (ii) If the exterior door opening is less than 100 feet from a residential district, it must face the opposite direction from that district.~~

~~_____ (iii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation.~~

~~_____ For purposes of this section, "exterior door opening" shall mean (a) that portion of the exterior wall face of the building containing the social hall that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides access to the social hall. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for access in the ordinary course of business.~~

~~_____ (k) Assembly facilities, including but not limited to the assembly of equipment, instruments and appliances such as computers and musical instruments.~~

~~_____ (1) Assembly facilities may include limited fabrication of finished parts to be used in such assembly.~~

~~_____ (2) Assembly facilities shall not be converted to a permitted use unless all parking requirements of Section 27.67.020 for such use are met.~~

~~_____ (3) All storage and display of merchandise shall be screened from public view by a fence, walls, shrubs, material obstruction, or all such storage and display shall be within the enclosure walls of a building. .~~

27.41.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the H-2 Highway Business District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~———— A building or premises may be used for the following purposes in the H-2 Highway Business District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:—~~

- ~~———— (a) Outdoor theaters;—~~
- ~~———— (b) Broadcast towers;—~~
- ~~———— (c) Excavation and stone milling;—~~
- ~~———— (d) Church steeples, towers, and ornamental spires exceeding the maximum permitted height of the H-2 Highway Business District;—~~
- ~~———— (e) Outdoor lighting for recreational facilities;—~~
- ~~———— (f) Expansion of nonconforming uses;—~~
- ~~———— (g) Historic preservation;—~~
- ~~———— (h) Public utilities purposes;—~~
- ~~———— (i) Wind energy conversion systems over the district height;—~~
- ~~———— (j) Cemeteries;—~~
- ~~———— (k) Sale of alcoholic beverages for consumption on the premises;—~~
- ~~———— (l) Sale of alcoholic beverages for consumption off the premises;—~~
- ~~———— (m) Sexually oriented live entertainment establishments;—~~
- ~~———— (n) Indoor animal hospitals;—~~
- ~~———— (o) Indoor kennels;—~~
- ~~———— (p) Any permitted use which exceeds the maximum height permitted in the district.—~~

27.41.050 Accessory Uses.

Accessory uses permitted in the H-2 Highway Business District are accessory buildings and uses customarily incident to any of the permitted uses, including parking lots, permitted conditional uses, or permitted special uses in said district.

27.41.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the H-2 Highway Business District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

(a) ~~General requirements:~~

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All permitted uses	0	0'	20'	5', 20'* when abutting residential district	Smaller of 30'* or 20% of depth	55'***
* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.						
** If the height of the building is over 45', that portion of the building in excess of 45' shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 residential district for each one foot of building height in excess of 45'.						

~~(b) There shall be a required front yard on each street side of a double frontage lot.~~

~~(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.~~

~~(d) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

~~(e) Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.~~

Chapter 27.43

H-3 HIGHWAY COMMERCIAL DISTRICT

27.43.020 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the H-3 Highway Commercial District.

~~A building or premises shall be permitted to be used for the following purposes in the H-3 Highway Commercial District:~~

- ~~(a) Parks, playgrounds, and community buildings, owned or operated by a public agency;~~
- ~~(b) Public libraries;~~
- ~~(c) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;~~
- ~~(d) Churches;~~
- ~~(e) Nonprofit religious, educational, and philanthropic institutions;~~
- ~~(f) Banks, savings and loan associations, credit unions and finance companies;~~
- ~~(g) Barber shops, beauty parlors, and shoeshine shops;~~
- ~~(h) Private schools;~~
- ~~(i) Dwelling for a caretaker employed and residing on the premises;~~
- ~~(j) Hospitals and clinics for animals, but not open kennels;~~
- ~~(k) Messenger and telegraph stations;~~
- ~~(l) Office buildings;~~
- ~~(m) Restaurants;~~
- ~~(n) Undertaking establishments;~~
- ~~(o) Photography studios;~~
- ~~(p) Key shops;~~
- ~~(q) Ambulance services;~~
- ~~(r) Recreational uses;~~
- ~~(s) Food storage lockers;~~
- ~~(t) Bakeries;~~
- ~~(u) Bottling works;~~
- ~~(v) Printing shops and photocopy centers;~~
- ~~(w) Mini-warehouses;~~
- ~~(x) Optical lens grinding and finishing;~~
- ~~(y) Laundries, dyeing, and drycleaning establishments, including laundrettes, laundromats, and receiving stores for drycleaning or laundry;~~
- ~~(z) Creameries;~~
- ~~(aa) Sale barns;~~
- ~~(bb) Warehouses;~~
- ~~(cc) Outdoor theaters;~~

- ~~—— (dd) Parking lots;~~
- ~~—— (ee) Clubs;~~
- ~~—— (ff) Service facilities, including but not limited to repair and maintenance of home and office equipment and appliances;~~
- ~~—— (gg) Contractors' offices and storage yards, and lumber and coal yards;~~
- ~~—— (hh) Stores or shops for the sale of goods at retail, not otherwise permitted in this chapter, of no more than 20,000 square feet of floor area;~~
- ~~—— (ii) Enclosed commercial recreational facilities;~~
- ~~—— (jj) Service stations and motorcycle, bicycle, home and office equipment, and appliance sales and repair but not including vehicle body repair shops;~~
- ~~—— (kk) Mail order catalog sales;~~
- ~~—— (ll) Wind energy conversion systems;~~
- ~~—— (mm) Domestic shelters;~~
- ~~—— (nn) Truck stops;~~
- ~~—— (oo) Adult care centers.~~

27.43.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the H-3 Highway Commercial in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the H-3 Highway Commercial District in conformance with the conditions prescribed herein:~~

- ~~—— (a) Automobile/truck wash facility:

 - ~~—— (1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.~~
 - ~~—— (2) Self-service, coin-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.~~~~
- ~~—— (b) Motels and hotels: A distance of at least twenty feet shall be maintained between buildings on the lot and each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.~~
- ~~—— (c) Early childhood care facilities:

 - ~~—— (1) Such facilities shall comply with all applicable state and local early childhood care and building requirements;~~
 - ~~—— (2) Such facilities shall comply with all applicable building and life safety code requirements;~~~~

~~_____ (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;~~

~~_____ (4) Such facilities must receive a conditional use permit from the Department of Building and Safety.~~

~~_____ (d) Recycling center:~~

~~_____ (1) Building area of such center shall not exceed 8,000 square feet;~~

~~_____ (2) Adequate traffic stacking shall be provided on site as determined by the city;~~

~~_____ (3) All required parking shall be provided on site;~~

~~_____ (4) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;~~

~~_____ (5) Construction and operation of such center shall comply with all applicable health and fire codes.~~

~~_____ (e) Vehicle body repair shop:~~

~~_____ (1) All salvage material including vehicles being salvaged shall be inside a building;~~

~~_____ (2) All vehicles stored outside shall be repaired to an operating state within thirty days;~~

~~_____ (3) All vehicles stored outside waiting repair shall be screened in accordance with the screening requirements for salvage and scrap processing operations;~~

~~_____ (4) Construction and operation of such shop shall comply with all applicable health and fire codes;~~

~~_____ (5) Vehicle body repair shops lawfully existing on the effective date of this ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3), and (4) above.~~

~~_____ (6) Parking shall be provided in accordance with Section 27.67.066.~~

~~_____ (7) Vehicle body repair shops shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.~~

~~_____ (f) Truck and heavy equipment sales:~~

~~_____ (1) Parking shall be provided in accordance with Section 27.67.066.~~

~~_____ (2) Truck and heavy equipment sales shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.~~

~~_____ (g) Farm machinery sales establishments:~~

~~_____ (1) Parking shall be provided in accordance with Section 27.67.066.~~

~~_____ (2) Farm machinery sales establishments shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.~~

~~_____ (h) Motor truck terminals:~~

~~_____ (1) Parking shall be provided in accordance with Section 27.67.066.~~

~~_____ (2) Motor truck terminals shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.~~

~~_____ (i) Mobile home sales:~~

~~_____ (1) Parking shall be provided in accordance with Section 27.67.066.~~

~~_____ (2) Mobile home sales shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.~~

~~_____ (j) Places of business of plumbing contractors, heating and air conditioning contractors, and cabinet shops:~~

~~(1) Parking shall be provided in accordance with Section 27.67.066.~~

~~(2) Said places of business shall not be converted to a permitted unless all the parking requirements of Section 27.67.020 for such use are met.~~

~~(k) Automobile sales and repair, but not including vehicle body repair shops:~~

~~(1) Parking shall be provided in accordance with Section 27.67.066.~~

~~(2) The storage of vehicles for sale and resale is permitted in the front yard under the following conditions:~~

~~(i) The storage of vehicles for sale and resale is permitted in the front yard except for the front twelve feet.~~

~~(ii) Parking barriers in accordance with parking lot design standards must be provided around the storage/display area to prevent the vehicles stored/displayed for sale or resale from overhanging the front twelve feet of the front yard where vehicles are not permitted to be stored/displayed for sale or resale.~~

~~(iii) No vehicle shall be stored/displayed for sale or resale in the front yard upon a raised concrete island or on a raised display structure.~~

~~(iv) The hood or trunk or both of vehicles stored/displayed for sale or resale in the front yard shall not be open except when inspected by a customer or for servicing.~~

~~(3) The front twelve feet of the front yard not permitted to be used for the storage of vehicles for sale and resale shall not be used for customer or employee parking but shall be devoted to shrubs and grasses.~~

~~(4) The front twelve feet of the front yard not permitted to be used for the storage of vehicles for sale and resale shall be screened at least sixty percent from zero feet to two feet above the surface of the lot. The design and construction of the landscaping shall be in conformance with the Design Standards for Screening and Landscaping except that fences may not be used to meet the above screening requirements. If plant material is used, the density percentage is calculated using the design size found in the City of Lincoln's plant material list approved by the Planning Director. The screen shall be located throughout the area but far enough from the barrier so as to be protected from the bumpers of overhanging vehicles. Entrance driveways shall be excluded from the required screen.~~

~~(5) No fence shall be erected in the front yard. Lighting in the front yard shall be in conformance with the Design Standards for Outdoor Lighting.~~

~~(6) Any existing automobile sales facility lawfully established on the effective date of this ordinance which does not comply with conditions (1) through (5) above may be continued in accordance with the provisions of Chapter 27.61 for nonconforming uses.~~

~~(7) Automobile sales and repair shops shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.~~

~~(1) Assembly facilities, including but not limited to the assembly of equipment, instruments and appliances such as computers and musical instruments:~~

~~(1) Assembly facilities may include limited fabrication of finished parts to be used in such assembly.~~

~~(2) The floor area of such facilities shall not exceed 50,000 square feet.~~

~~(3) Parking shall be provided in accordance with Section 27.67.066.~~

~~(4) Assembly facilities shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.~~

~~(m) Indoor animal hospitals. Any building approved for such use must be located no closer than 200 feet from any residential district.~~

~~(n) Indoor kennel. Any building approved for such use must be located no closer than 200 feet from any residential district.~~

~~(o) Social halls:~~

~~(1) There shall be no amplified sound or noise source of any kind outside of the social hall;~~

~~(2) Except as provided in (ii) and (iii) below, any exterior door opening must meet the following conditions:~~

~~(i) Either be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the social hall between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.~~

~~(ii) If the exterior door opening is less than 100 feet from a residential district, it must face the opposite direction from that district.~~

~~(iii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation.~~

~~For purposes of this section, “exterior door opening” shall mean (a) that portion of the exterior wall face of the building containing the social hall that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for access in the ordinary course of business.~~

~~(p) Outdoor vehicle storage:~~

~~(1) Screening shall be in conformance with the requirements for screening open storage in Chapter 3.50 of the City of Lincoln Design Standards.~~

~~(2) There shall be no dismantling, wrecking, or disassembling of any vehicles.~~

~~(3) Vehicles may not be stacked upon each other.~~

~~(4) Parking shall be provided in accordance with Section 26.67.066(a).~~

27.43.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the H-3 Highway Commercial District in

conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~— A building or premises may be used for the following purposes in the H-3 Highway Commercial District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:—~~

- ~~— (a) Excavation and stone milling;—~~
- ~~— (b) Bulk storage of petroleum products;—~~
- ~~— (c) Broadcast towers;—~~
- ~~— (d) Church steeples, towers, and ornamental spires exceeding the maximum permitted height in the H-3 Highway Commercial District;—~~
- ~~— (e) Outdoor lighting for recreational facilities;—~~
- ~~— (f) Expansion of nonconforming use;—~~
- ~~— (g) Historic preservation;—~~
- ~~— (h) Stores and shops for retail sales and service which exceed 20,000 square feet of floor area;—~~
- ~~— (i) Public utility purposes;—~~
- ~~— (j) Wind energy conversion systems over the district height;—~~
- ~~— (k) Small batch concrete dispensing units;—~~
- ~~— (l) Health care facilities;—~~
- ~~— (m) Cemeteries;—~~
- ~~— (n) Sale of alcoholic beverages for consumption on the premises;—~~
- ~~— (o) Sale of alcoholic beverages for consumption off the premises;—~~
- ~~— (p) Limited landfills;—~~
- ~~— (q) Sexually oriented live entertainment establishments;—~~
- ~~— (r) Indoor animal hospitals;—~~
- ~~— (s) Indoor kennels;—~~
- ~~— (t) Outdoor exercise area associated with an indoor animal hospital or indoor kennel;—~~
- ~~— (u) Any permitted use which exceeds the maximum height permitted in the district.—~~

27.43.050 Accessory Uses.

Accessory uses permitted in the H-3 Highway Commercial District are accessory buildings and uses customarily incident to any of the permitted uses, including parking lots, permitted conditional uses, or permitted special uses in said district.

27.43.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the H-3 Highway Commercial District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

(a) General requirements:

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All permitted uses	0	0'	20'	Smaller of 15' or 10% of lot width; min. 5'; 20' when abutting residential district	Smaller of 30'* or 20% of depth	55'***

* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

** If the height of the building is over 45', that portion of the building in excess of 45' shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 residential district for each one foot of building height in excess of 45'.

(b) There shall be a required front yard on each street side of a double frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

(e) Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.

Chapter 27.45

H-4 GENERAL COMMERCIAL DISTRICT

27.45.015 **General Regulations.**

H-4 General Commercial District Zoning. H-4 General Commercial District zoning shall not be granted upon any property having a total area of less than five acres.

27.45.020 **Permitted Uses.**

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the H-4 General Commercial District.

~~H-4 General Commercial District zoning shall not be permitted or granted upon any property having a total area of less than five acres. A building or premises shall be permitted to be used for the following purposes in the H-4 General Commercial District:-~~

- ~~— (a) — Automobile, motorcycle, truck, and heavy equipment sales;~~
- ~~— (b) — Commercial storage or sale of farm implements and products used for agriculture, but not including fertilizer, or toxic or flammable agricultural chemicals;~~
- ~~— (c) — Lumber yards;~~
- ~~— (d) — Warehouses;~~
- ~~— (e) — Mini-warehouses;~~
- ~~— (f) — Service centers for the repair of machinery and equipment, but not including salvage or scrap processing operations;~~
- ~~— (g) — Truck terminals;~~
- ~~— (h) — Dwellings for caretakers employed and required to reside on the premises;~~
- ~~— (i) — Ambulance service;~~
- ~~— (j) — Outdoor theaters;~~
- ~~— (k) — Hospitals and clinics for animals but not open kennels;~~
- ~~— (l) — Sale barns;~~
- ~~— (m) — Contractors' offices and storage, including electrical, plumbing, heating, and air conditioning contractors;~~
- ~~— (n) — Restaurants;~~
- ~~— (o) — Service stations;~~
- ~~— (p) — Truck stops;~~
- ~~— (q) — Mobile home sales;~~
- ~~— (r) — Auctions;~~

- ~~_____ (s) _____ Stores or shops for retail sales and service, not to exceed 30,000 square feet of floor area;~~
- ~~_____ (t) _____ Food storage lockers;~~
- ~~_____ (u) _____ Enclosed commercial recreational facilities;~~
- ~~_____ (v) _____ Banks, savings and loan associations, credit unions, and finance companies;~~
- ~~_____ (w) _____ Mail order catalog sales;~~
- ~~_____ (x) _____ Churches;~~
- ~~_____ (y) _____ Wind energy conversion systems;~~
- ~~_____ (z) _____ Domestic shelters;~~
- ~~_____ (aa) _____ Office buildings;~~
- ~~_____ (bb) _____ Adult care centers.~~

27.45.025 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the R-1 Residential District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the H-4 General Commercial District in conformance with the conditions prescribed herein:~~

- ~~_____ (a) _____ Indoor animal hospitals. Any building approved for such use must be located no closer than 200 feet from any residential district.~~
- ~~_____ (b) _____ Indoor kennel. Any building approved for such use must be located no closer than 200 feet from any residential district.~~
- ~~_____ (c) _____ Social halls:

 - ~~_____ (1) _____ There shall be no amplified sound or noise source of any kind outside of the social hall;~~
 - ~~_____ (2) _____ Except as provided in (ii) and (iii) below, any exterior door opening must meet the following conditions:

 - ~~_____ (i) _____ Either be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the social hall between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.~~
 - ~~_____ (ii) _____ If the exterior door opening is less than 100 feet from a residential district, it must face the opposite direction from that district.~~
 - ~~_____ (iii) _____ If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct~~~~~~

~~perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation.~~

~~For purposes of this section, “exterior door opening” shall mean (a) that portion of the exterior wall face of the building containing the social hall that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for access in the ordinary course of business.~~

~~(d) Outdoor vehicle storage:~~

~~(1) Screening shall be in conformance with the requirements for screening open storage in Chapter 3.50 of the City of Lincoln Design Standards.~~

~~(2) There shall be no dismantling, wrecking, or disassembling of any vehicles.~~

~~(3) Vehicles may not be stacked upon each other.~~

~~(4) Parking shall be provided in accordance with Section 26.67.066(a).~~

~~(e) Hotels and motels: A distance of at least twenty feet shall be maintained between buildings on the lot and each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.~~

27.45.030 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the H-4 General Commercial District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the H-4 General Commercial District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

~~(a) Excavation and stone milling;~~

~~(b) Bulk storage of petroleum products;~~

~~(c) Stores and shops for retail sales and service of more than 30,000 but less than 100,000 square feet in floor area;~~

~~(d) Any permitted use which exceeds the maximum height permitted in the district;~~

~~(e) Facilities for the commercial storage or sale of fertilizer, or toxic or flammable agricultural chemicals;~~

~~(f) Broadcast towers;~~

~~(g) Expansion of nonconforming use;~~

~~(h) Historic preservation;~~

~~(i) Public utility purposes;~~

- ~~(j) Wind energy conversion systems over the district height;~~
- ~~(k) Planned service commercial development;~~
- ~~(l) Small batch concrete dispensing units;~~
- ~~(m) Cemeteries;~~
- ~~(n) Sale of alcoholic beverages for consumption on the premises;~~
- ~~(o) Sale of alcoholic beverages for consumption off the premises;~~
- ~~(p) Early childhood care facilities;~~
- ~~(q) Sexually oriented live entertainment establishments;~~
- ~~(r) Indoor animal hospitals;~~
- ~~(s) Indoor kennels;~~
- ~~(t) Outdoor exercise area associated with an indoor animal hospital or indoor kennel.~~

27.45.040 Accessory Uses.

Accessory uses permitted in the H-4 General Commercial District are accessory buildings and uses customarily incident to any of the permitted uses, including parking lots, permitted conditional uses, or permitted special uses in said district.

27.45.070 Height and Area Regulations.

The maximum height and minimum lot requirements within the H-4 General Commercial District shall be regulated in conformance with the requirements in Chapter 27.72. as follows:

(a) ~~General requirements:~~

Table 27.45.070(a)						
	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All permitted uses	15,000	75'	20'	20'; 50'* if abutting residential district	20'; 50'* if abutting residential district	55'***

- ~~* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.~~
- ~~** If the height of the building is over 45', that portion of the building in excess of 45' shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 residential district for each one foot of building height in excess of 45'.~~

- ~~(b) There shall be a required front yard on each street side of a double frontage lot.~~
- ~~(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.~~
- ~~(d) The required front yard shall be entirely landscaped except for necessary paving of walkways and driveways to reach parking and loading areas, provided that any driveways in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.~~
- ~~(e) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~
- ~~(f) Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.~~

Chapter 27.47
I-1 INDUSTRIAL DISTRICT

27.47.020 ~~Use Regulations Permitted Uses.~~

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the I-1 Industrial District.

~~(a) General regulations. No building shall be erected, converted, reconstructed, or structurally altered for use as a library, school (except a private school authorized pursuant to Section 27.63.075), hospital, indoor theater, or residence, except for resident watchmen and caretakers or supervisory personnel employed and residing on the premises or as permitted in accordance with Chapter 27.63 of this title. Those special permitted uses in Section 27.47.030 below shall be limited by the restrictions placed thereon.~~

~~(b) Permitted uses. Subject to the foregoing, a building or premises may be used for any commercial or industrial purpose not in conflict with any other ordinances or regulations of the City of Lincoln.~~

27.47.025 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the I-1 Industrial District in conformance with the Chapter 27.62 conditions of approval for such use.

27.47.030 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the I-1 Industrial District in conformance with

the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the I-1 Industrial District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:-~~

- ~~(a) The refining, distillation or manufacture of:-~~
 - ~~(1) Acids or alcohols;~~
 - ~~(2) Ammonia, bleach, or chlorine;~~
 - ~~(3) Asphalt, tar, or products made therewith, including roofing or waterproofing;~~
 - ~~(4) Cement, lime, gypsum, or plaster of paris;~~
 - ~~(5) Disinfectants;~~
 - ~~(6) Dyestuffs;~~
 - ~~(7) Fertilizer;~~
 - ~~(8) Glue, sizing, or gelatin;~~
 - ~~(9) Oilcloth, linoleum, or oiled rubber goods;~~
 - ~~(10) Paint, shellac, turpentine, or oils;~~
 - ~~(11) Rubber, gutta-percha, balata, creosote, or products treated therewith;~~
 - ~~(12) Shoe polish;~~
- ~~(b) The operation of:-~~
 - ~~(1) Bag cleaning works;~~
 - ~~(2) Blast furnaces, coke ovens, smelting or ore reduction works;~~
 - ~~(3) Boiler works;~~
 - ~~(4) Forge;~~
 - ~~(5) Rock crusher;~~
 - ~~(6) Rolling mill;~~
 - ~~(7) Yeast plant;~~
- ~~(c) Production, manufacture, distribution, and storage of toxic, radioactive, flammable, or explosive materials, including chemicals and gases, fireworks, and explosives, except that any of the above referenced uses, except fireworks, may be stored or used in connection with a permitted commercial, business, or industrial purpose as allowed by Section 27.47.020(b) as incidental to the referenced permitted use without the requirement of obtaining a special permit;~~
- ~~(d) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals or fowl; rendering fat; distillation of bones, coal or wood;~~
- ~~(e) Dumping or reduction of garbage, offal, or dead animals;~~
- ~~(f) Scrap processing operation, salvage yard, or enclosed disassembly operation in conformance with Section 27.63.500;~~
- ~~(g) Refining or bulk storage of petroleum or natural gas, or their products;~~
- ~~(h) The manufacture of acetylene, the transfer of the gas from one container to another, or the storage of the gas in containers having a capacity greater than the equivalent of 1,000 cubic feet at standard temperature and pressure;~~
- ~~(i) Stores and shops for retail sales and service exceeding 20,000 square feet in floor area;~~
- ~~(j) Any permitted use which exceeds the maximum height permitted in the district;~~

- ~~———— (k) Broadcast towers;~~
- ~~———— (l) Outdoor theaters;~~
- ~~———— (m) Excavation and stone milling;~~
- ~~———— (n) Expansion of nonconforming uses;~~
- ~~———— (o) Historic preservation;~~
- ~~———— (p) Technical training centers;~~
- ~~———— (q) Wind energy conversion systems over the district height;~~
- ~~———— (r) Temporary shelter for the homeless;~~
- ~~———— (s) Health care facilities;~~
- ~~———— (t) Early childhood care facilities;~~
- ~~———— (u) Limited landfills;~~
- ~~———— (v) Race tracks for motorized vehicles;~~
- ~~———— (w) Sale of alcoholic beverages for consumption on the premises;~~
- ~~———— (x) Sale of alcoholic beverages for consumption off the premises;~~
- ~~———— (y) Private schools in conformance with Section 27.63.075;~~
- ~~———— (z) Sexually oriented live entertainment establishments.~~

~~27.47.035 Permitted Conditional Uses.~~

~~———— A building or premises may be used for the following purposes in the I-1 Industrial District in conformance with the conditions prescribed herein:~~

- ~~———— (a) Recycling center, authorized by Chapter 5.41 of the Lincoln Municipal Code:

 - ~~———— (1) The building area of such center shall not exceed 8,000 square feet;~~
 - ~~———— (2) Adequate traffic stacking shall be provided on site as determined by the city;~~
 - ~~———— (3) All required parking shall be provided on site;~~
 - ~~———— (4) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;~~
 - ~~———— (5) Construction and operation of such center shall comply with all applicable health and fire codes.~~~~
- ~~———— (b) Vehicle body repair shop:

 - ~~———— (1) All salvage material including vehicles being salvaged shall be kept inside a building;~~
 - ~~———— (2) All vehicles stored outside a building shall be repaired to an operating state within thirty days;~~
 - ~~———— (3) All vehicles stored outside a building waiting repair shall be screened in accordance with the screening requirements for salvage and scrap processing operations;~~
 - ~~———— (4) Construction and operation of such shop shall comply with all applicable health and fire codes;~~
 - ~~———— (5) Vehicle body repair shops lawfully existing on the effective date of this ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3), and (4) above.~~~~
- ~~———— (c) Church:

 - ~~———— (1) The church shall develop an emergency response plan to the satisfaction of the Health Department, both written and drawn, including a house-in-place scenario and an off-site evacuation. The Health Department may provide technical assistance in this matter.~~~~

~~————— (2) ——— The church shall, within 48 hours of becoming aware that quantities of hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are being stored, transported, dispensed, used, or handled on property within 300 feet of the building area being used for the church, notify the Health Department of such condition. Following such notification, the church shall, in cooperation and consultation with the Health Department, attempt to work with the owner of property upon which such hazardous materials are being stored, transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare of persons using the church's property. The church shall further cooperate with the Health Department in determining measures which may be taken on the church's property to protect the health safety, and welfare of persons using the church's property, including, but not limited to, establishment of training programs for employees to assure detection of hazardous materials and evacuation of the premises, installation of filtration systems in the HVAC system of the building, or other precautionary measures.~~

~~————— (3) ——— The electrical breaker switch of the heating, ventilation and air conditioning (HVAC) system shall be clearly marked and readily accessible at all times to the church's staff or the church shall equip the building with not more than two emergency shut-off switches so the HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area to the satisfaction of the Health Department. The shut-off switch shall be located so that it is easily accessible at all times to the church's staff. The church's staff shall be trained on how to locate and operate the electrical breaker switch or the emergency shut-off switch.~~

27.47.040 Accessory Uses.

Accessory uses permitted in the I-1 Industrial District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in said district. ~~the permitted uses, except that early childhood care facilities and schools are not a permitted accessory use to a church in the I-1 Industrial District.~~

27.47.070 Height and Area Regulations.

The maximum height and minimum lot requirements within the I-1 Industrial District shall be as follows: regulated in conformance with the requirements of Chapter 27.72.

~~————— (a) ——— The required front yard shall be fifteen feet except that on lots developed with buildings on the effective date of this title, the front yard shall be none except where the frontage on one side of a street between two intersecting streets is located partly in the I-1 Industrial District and partly in a district that requires a front yard, in which case the front yard requirements of the adjacent district shall apply to the I-1 Industrial District from the place where it abuts the other district to the next intersecting street, or for 300 feet, whichever is less.~~

~~———— (b) ——— There shall be no required side and rear yards except when a side or rear yard abuts a residential district, in which case there shall be a required yard of twenty feet or ten percent of the lot width, whichever is less, provided the yard shall not be reduced to less than five feet, and it shall be screened in conformance with the landscape design standards of the City of Lincoln.~~

~~———— (c) ——— The maximum height in the district shall be seventy-five feet.~~

~~———— (d) ——— Accessory buildings shall not extend into any required yard.~~

~~———— (e) ——— Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.~~

~~———— (f) ——— There shall be a required front yard on each street side of a double frontage lot.~~

~~———— (g) ——— There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.~~

~~———— (h) ——— The required front yard shall be entirely devoted to landscaped area except for necessary paving of walkways and driveways to reach parking and loading areas, and provided, further, that any driveways in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.~~

Chapter 27.49
I-2 INDUSTRIAL PARK DISTRICT

27.49.020 General Use Regulations.

~~(a) General regulations.~~

~~(1) — No building shall be erected, converted, reconstructed, or structurally altered for library, school, except industrial trade school, hospital, theater, or residential purposes, except for motels, or for resident foremen, caretakers, or supervisory personnel employed and residing on the premises.~~

~~(2a) No raw galvanized or other raw metal sheeting shall be used for the exterior construction of any building.~~

~~(3) — Scrap processing operations and salvage yards shall not be permitted.~~

~~(4b) Storage of explosives shall be prohibited.~~

~~(5c) No floor area of a building shall be allowed to be which is used for the retail sale of goods, excluding eating facilities, until at least fifty percent of the premises the building is located upon is being used for allowed uses in the I-2 Industrial Park District and such retail sale of goods shall not exceed shall be permitted except at the rate of twelve and one-half square feet of floor area per acre of that portion of the premises zoned I-2 Industrial Park District; and zoned land located within any single I-2 Industrial Park District at the time the required acreage is at least fifty percent occupied for permitted industrial uses.~~

~~(6) — Those special and conditional uses permitted in Sections 27.49.030 and 27.49.040 below shall be limited by the restrictions placed thereon.~~

~~(b) Permitted uses. Subject to the general regulations of Section 27.49.020(a) above, any commercial or industrial use is permitted in the I-2 Industrial Park District in compliance with all applicable ordinances and regulations including but not limited to the environmental performance~~

~~standards relating to noise, emission, dust, odor, glare, and heat approved by resolution of City Council.~~

27.49.025 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the I-2 Industrial Park District.

27.49.030 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the I-2 Industrial Park District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the I-2 Industrial Park District in conformance with the conditions prescribed herein:~~

~~— (a) — Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable liquids and chemicals:~~

~~— (1) — Shall be adequately screened from public view;~~

~~— (2) — Shall be for storage of such materials for use on the premises and not for resale, except that resale of such stored material at retail only shall be permitted in conjunction with the operation of a service station or similar retail outlet;~~

~~— (3) — Shall be located, constructed, maintained, and operated in compliance with all codes and regulations of the City of Lincoln.~~

~~— (b) — Liquefied petroleum gas and similar gas used for fuel stored above ground:~~

~~— (1) — Tanks may not exceed 30,000 gallon capacity;~~

~~— (2) — Such gas shall be for use on the premises, and not for resale;~~

~~— (3) — Such tanks shall be adequately screened from public view by a fire-resistant ventilated barrier which shall be at least six feet in height;~~

~~— (4) — Must be in full compliance with all codes and regulations of the City of Lincoln;~~

~~— (c) — All other combustible material: To be stored in such a way as to permit free access of fire-fighting equipment.~~

~~— (d) — Open storage of any other material: Only in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six feet in height.~~

~~— (e) — Neighborhood recycling center:~~

~~— (1) — Building area of such center shall not exceed 8,000 square feet;~~

~~— (2) — There shall be no outdoor storage of materials or equipment;~~

~~— (3) — The operation of such center shall not include dismantling or disassembling of vehicles or major appliances;~~

~~— (4) — No hazardous or explosive materials shall be accepted at such center;~~

- ~~(5) Adequate traffic stacking shall be provided on site as determined by the city;~~
- ~~(6) All required parking shall be provided on site;~~
- ~~(7) There shall be no processing of materials by heat, including, but not limited to, melting, smelting, or burning;~~
- ~~(8) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;~~
- ~~(9) Construction and operation of such center shall comply with all applicable health and fire codes.~~
- ~~(f) Vehicle body repair shop:~~
- ~~(1) All salvage material, including vehicles being salvaged, shall be inside a building;~~
- ~~(2) All vehicles stored outside shall be repaired to an operating state within thirty days;~~
- ~~(3) All vehicles stored outside waiting repair shall be screened in accordance with the screening requirements for salvage and scrap processing operations;~~
- ~~(4) Construction and operation of such shop shall comply with all applicable health and fire codes;~~
- ~~(5) Vehicle body repair shops lawfully existing on the effective date of this ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3), and (4) above.~~
- ~~(g) Church:~~
- ~~(1) The church shall develop an emergency response plan to the satisfaction of the Health Department, both written and drawn, including a house-in-place scenario and an off-site evacuation. The Health Department may provide technical assistance in this matter.~~
- ~~(2) The church shall, within 48 hours of becoming aware that quantities of hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are being stored, transported, dispensed, used, or handled on property within 300 feet of the building area being used for the church, notify the Health Department of such condition. Following such notification, the church shall, in cooperation and consultation with the Health Department, attempt to work with the owner of property upon which such hazardous materials are being stored, transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare of persons using the church's property. The church shall further cooperate with the Health Department in determining measures which may be taken on the church's property to protect the health safety, and welfare of persons using the church's property, including, but not limited to, establishment of training programs for employees to assure detection of hazardous materials and evacuation of the premises, installation of filtration systems in the HVAC system of the building, or other precautionary measures.~~
- ~~(3) The electrical breaker switch of the heating, ventilation and air conditioning (HVAC) system shall be clearly marked and readily accessible at all times to the church's staff or the church shall equip the building with not more than two emergency shut-off switches so the HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area to the satisfaction of the Health Department. The shut-off switch shall be located so that it is easily accessible at all times to the church's staff. The church's staff shall be trained on how to locate and operate the electrical breaker switch or the emergency shut-off switch.~~
- ~~(h) Outdoor vehicle storage:~~

- ~~(1) Screening shall be in conformance with the requirements for screening open storage in Chapter 3.50 of the City of Lincoln Design Standards.~~
- ~~(2) There shall be no dismantling, wrecking, or disassembling of any vehicles.~~
- ~~(3) Vehicles may not be stacked upon each other.~~
- ~~(4) Parking shall be provided in accordance with Section 26.67.066(a).~~

27.49.040 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the I-2 Industrial Park District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the I-2 Industrial Park District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:~~

- ~~(a) Excavation and stone milling;~~
- ~~(b) Broadcast towers;~~
- ~~(c) Early childhood care facilities;~~
- ~~(d) Expansion of nonconforming use;~~
- ~~(e) Historic preservation;~~
- ~~(f) Wind energy conversion systems over the district height;~~
- ~~(g) Enclosed disassembly operation in conformance with Section 27.63.500;~~
- ~~(h) Sale of alcoholic beverages for consumption on the premises;~~
- ~~(i) Any permitted use which exceeds the maximum height permitted in the district;~~
- ~~(j) Sexually oriented live entertainment establishments.~~

27.49.050 Accessory Uses.

Accessory uses permitted in the I-2 Industrial Park District are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in said district. ~~the permitted uses, except that early childhood care facilities and schools are not a permitted accessory use to a church in the I-2 Industrial Park District.~~

27.49.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the I-2 Industrial Park District shall be regulated in conformance with the requirements of Chapter 27.72. as follows:

(a) ~~General requirements:~~

	Lot Area	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All permitted uses	1 acre	150'	20'	20', 50'* when abutting residential district	20', 50'* when abutting residential district	55'
* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.						

~~(b) There shall be a required front yard on each street side of a double-frontage lot.~~

~~(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 6, 1961, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.~~

~~(d) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.~~

~~(e) The required front yard shall be entirely devoted to landscaped area, except for the necessary paving of walkways and driveways to reach parking and loading areas, and provided, further, that any driveways in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet. The required side and rear yards shall be entirely devoted to landscaped area when they abut a residential district.~~

~~(f) No loading facilities shall be provided in the front yard nor in any side yard adjacent to any residential district. Loading facilities located within 150 feet of any street shall be visually screened.~~

Chapter 27.51

I-3 Employment Center District

27.51.030 ~~Use~~ General Regulations.

(a) ~~I-3 Employment Center District Zoning.~~ I-3 Employment Center District zoning shall not be permitted or granted upon any property having a total area of less than fifty (50) acres.

(a b) General Use Regulations. Any development, including building and open land uses, except farming and the sale of farm products, shall be prohibited in the I-3 Employment Center District prior to the approval of a use permit in conformance with the requirements of this chapter. ~~I-3 Employment Center District zoning shall not be permitted or granted upon any property having a total area of less than fifty (50) acres.~~ No use permit shall be granted upon any property having a total area of less than fifty acres, nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter.

(b c) Specific Use Regulations.

(1) The aggregate retail use permitted in ~~subsection (c) below~~ the I-3 Employment Center District shall not exceed twenty percent (20%) of the buildable square footage of the land included within the boundaries of the use permit assuming a floor-to-area ratio of one to four. Similarly, the aggregate office use permitted in ~~subsection (c) below~~ the I-3 District shall not exceed thirty percent (30%) of the buildable square footage of the land included within the boundaries of the use permit assuming a floor-to-area ratio of one to four.

(2) The total of all retail, office, post-secondary education facilities, nonprofit religious, educational, and philanthropic institutions permitted in ~~subsection (c) below~~ the I-3 District and early childhood care facilities specially permitted in Section 27.51.050 below shall not

in the aggregate exceed fifty percent (50%) of the buildable square footage of the land included within the boundaries of the use permit assuming a floor-to-area ratio of one to four.

(3) Notwithstanding (1) and (2) above, 75,000 square feet or more of floor area used by a single user shall not be subject to the thirty percent (30%) and fifty percent (50%) limitations.

~~(4) Those conditional and special uses permitted in Sections 27.51.040 and 27.51.050 below shall be limited by the restrictions placed thereon.~~

(54) All uses shall comply with all applicable ordinances and regulations including such environmental performance standards relating to noise, emission, dust, odor, glare, and heat as may be approved by resolution of the City Council.

(65) No galvanized or other raw metal sheeting shall be used for the exterior construction of any building. No painted galvanized or other painted metal sheeting shall be used for more than seventy percent (70%) of the exterior construction of a building on any side of such building which is visible from an abutting public street.

~~(7) No building shall be erected, converted, or structurally altered for use as a residence except as an accessory use for resident watchmen and caretakers or supervisory personnel employed and residing on the premises.~~

~~(c) Permitted Uses. Subject to the general and specific regulations above, a building or premises may be used for the following purposes in the I-3 Employment Center District:~~

- ~~(1) Retail use;~~
- ~~(2) Office buildings;~~
- ~~(3) Production, manufacturing, assembly, processing, warehousing, storage, distribution, or transportation of goods and materials, except:~~
 - ~~(i) The refining, distillation, or manufacture of:~~
 - ~~A. Acids or alcohols;~~
 - ~~B. Ammonia, bleach, or chlorine;~~
 - ~~C. Asphalt, tar, or products made therewith, including roofing or waterproofing;~~
 - ~~D. Cement, lime, gypsum, or plaster of paris;~~
 - ~~E. Disinfectants;~~
 - ~~F. Dyestuffs;~~

- ~~G. Fertilizer;~~
- ~~H. Glue, sizing, or gelatin;~~
- ~~I. Oilcloth, linoleum, oiled rubber goods;~~
- ~~J. Paint, shellac, turpentine, or oils;~~
- ~~K. Rubber, gutta-percha, balata, creosote, or products treated therewith;~~
- ~~L. Shoe polish;~~
- ~~(ii) The operation of:~~
 - ~~A. Bag cleaning works;~~
 - ~~B. Blast furnaces, coke ovens, smelting or ore reduction works;~~
 - ~~C. Boiler works;~~
 - ~~D. Forges;~~
 - ~~E. Rolling mills;~~
 - ~~F. Yeast plants;~~
- ~~(iii) Production, manufacture, processing, distribution, and storage, warehousing, or transportation of toxic, radioactive, flammable, or explosive materials, except that any of the above referenced materials may be stored or used in connection with a permitted use as allowed by any ordinances or regulations of the City of Lincoln as incidental to the permitted use;~~
- ~~(iv) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals or fowl; rendering fat; distillation of bones, coals or wood;~~
- ~~(v) Dumping or reduction of garbage, offal, or dead animals;~~
- ~~(vi) The manufacture of acetylene, or the transfer of the gas from one container to another, or the storage of the gas in containers having a capacity greater than the equivalent of 1,000 cubic feet at standard temperature and pressure;~~
- ~~(vii) Rock crushing;~~
- ~~(viii) Excavation and stone milling;~~
- ~~(ix) The milling, processing, refining, or distillation of agricultural crops.~~
- ~~(4) Community colleges, colleges, or other post-secondary education facilities;~~
- ~~(5) Private schools;~~
- ~~(6) Nonprofit religious, educational and philanthropic institutions;~~
- ~~(7) Farming and the sale of farm produce.~~

27.41.035 Permitted Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted use in the I-3 Employment Center District.

27.51.040 Permitted Conditional Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted conditional use in the I-3 Employment Center District in conformance with the Chapter 27.62 conditions of approval for such use.

~~A building or premises may be used for the following purposes in the I-3 Employment Center District in conformance with the conditions prescribed herein:~~

~~(a) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable liquids and chemicals. Such use shall:~~

~~(1) Be adequately screened from public view;~~

~~(2) Be for storage of such materials for use on the premises and not for resale, except that resale of such stored material at retail only shall be permitted in conjunction with the operation of a service station or similar retail outlet pursuant to Section 27.51.070;~~

~~(3) Be located, constructed, maintained, and operated in compliance with all codes and regulations of the City of Lincoln;~~

~~(b) Liquefied petroleum, gas and similar gas used for fuel stored in tanks above ground, provided:~~

~~(1) Such tanks may not exceed 30,0000 gallon capacity;~~

~~(2) Such gas shall be used for use on the premises, and not for resale;~~

~~(3) Such tanks shall be adequately screened from public view by a fire-resistant ventilated barrier which shall be at least six feet in height;~~

~~(4) Such use must be in full compliance with all codes and regulations of the City of Lincoln;~~

~~(c) All other combustible materials:~~

~~(1) Combustible materials shall be stored in such a way as to permit free access of fire-fighting equipment;~~

~~(2) Such use must be in full compliance with all codes and regulations of the City of Lincoln;~~

~~(d) Motels and hotels, provided that the total square footage of such use shall not exceed ten percent (10%) of the buildable square footage of the tract of land included within the boundaries of the use permit assuming a floor-to-area ratio of one to four.~~

~~Accessory uses operated by a concessionaire or lessee of an employer may occupy no more than five percent (5%) of the floor area of the permitted use.~~

~~(e) Church:~~

~~(1) The church shall develop an emergency response plan to the satisfaction of the Health Department, both written and drawn, including a house-in-place scenario and an off-site evacuation. The Health Department may provide technical assistance in this matter.~~

~~(2) The church shall, within 48 hours of becoming aware that quantities of hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are being stored, transported, dispensed, used, or handled on property within 300 feet of the building area being used for the church, notify the Health Department of such condition. Following such notification, the church shall, in cooperation and consultation with the Health Department, attempt~~

~~to work with the owner of property upon which such hazardous materials are being stored, transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare of persons using the church's property. The church shall further cooperate with the Health Department in determining measures which may be taken on the church's property to protect the health safety, and welfare of persons using the church's property, including, but not limited to, establishment of training programs for employees to assure detection of hazardous materials and evacuation of the premises, installation of filtration systems in the HVAC system of the building, or other precautionary measures.~~

~~(3) The electrical breaker switch of the heating, ventilation and air conditioning (HVAC) system shall be clearly marked and readily accessible at all times to the church's staff or the church shall equip the building with not more than two emergency shut-off switches so the HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area to the satisfaction of the Health Department. The shut-off switch shall be located so that it is easily accessible at all times to the church's staff. The church's staff shall be trained on how to locate and operate the electrical breaker switch or the emergency shut-off switch.~~

~~(f) Joint parking lots and parking garages.~~

~~(1) Such joint parking lots and garages shall be authorized by cross access easements or by written agreement between the parties to such use.~~

~~(2) The aggregate number of parking stalls provided shall be sufficient to satisfy the required parking for each use.~~

27.51.050 Permitted Special Uses.

A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as a permitted special use in the I-3 Employment Center District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63.

~~A building or premises may be used for the following purposes in the I-3 Employment Center District if a special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:~~

~~(a) Broadcast tower;~~

~~(b) Sale of alcoholic beverages for consumption on the premises, provided the locational requirements of Section 27.63.680 have been met;~~

~~(c) Sale of alcoholic beverages for consumption off the premises, provided the locational requirements of Section 27.63.685 have been met;~~

~~(d) Early childhood care facilities;~~

~~(e) Public elementary and high schools or private schools having a curriculum equivalent to a public elementary or public high school;~~

~~(f) Sexually oriented live entertainment establishments;~~

~~(g) Wind energy conversion systems.~~

27.51.060 Accessory Uses.

Accessory uses permitted in the I-3 Employment Center District are accessory buildings and uses customarily incident to ~~the permitted uses~~ any of the permitted uses, permitted conditional uses, or permitted special uses in said district, except that early childhood care facilities, academies, and schools are not a permitted accessory use to a church in the I-3 Employment Center District. Accessory uses involving the open storage of materials or other articles shall only be allowed in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six feet in height.

27.51.090 Height and Area Regulations.

Minimum area for the establishment of the I-3 Employment Center District is fifty acres. The maximum height and minimum lot requirements within the I-3 Employment Center District shall be regulated in conformance with the requirements of Chapter 27.72. as follows:

~~—(a)— General Requirements.~~

Table 27.51.090(a)						
	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
27.51.030(c)(3) Uses	0	150'	20'	20'*	20'*	55'***
Retail	0	50'	20'	20'*	20'*	45'***
Office	0	50'	20'	20'*	20'*	45'***
Other	0	50'	20'	20'*	20'*	35'—

~~* When a side or rear yard abuts a residential district, required yard shall be 50 feet and screened in conformance with the landscape design standards adopted by the City of Lincoln.~~

~~** When a side or rear yard of an Employment Center or an office/retail use abuts a residential district, the maximum height of any improvement located within 150 feet of the residential district shall be 35 feet.~~

~~(b) There shall be a required front yard on each street side of a double-frontage lot.~~

~~(c) There shall be a required front yard on each street side of a corner lot.~~

~~(d) Accessory buildings shall comply with the height, and front, side, and rear yard requirements of the main structure.~~

~~(e) All front yards shall be entirely devoted to landscaping, except for necessary paving of walkways and driveways to reach parking and loading areas from a public or private street, and provided, further, that any driveways in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.~~

~~(f) No loading facilities shall be located in any required yard. Loading facilities located within 150 feet of any street shall be visually screened in conformance with City of Lincoln Design Standards.~~

27.51.100 Use Permit-Section; Procedures and Requirements.

See Chapter 27.64 for use permit procedures and requirements.

~~(a) Minimum Requirements. No use permit shall be granted upon any property having a total area of less than fifty acres, nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter. The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the comprehensive plan and protect the health, safety, and general welfare in the issuance of any use permits. Such conditions may include an increase in the minimum yard requirements and decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the I-3 Employment Center District shall apply.~~

~~(b) Environmental Performance Standards. Any applicant for a use permit under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be approved by resolution of the City Council.~~

~~(c) Landscape Plan. Before building permit approval, each application for a use permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, parking areas, and around proposed buildings. The Planning Director shall develop appropriate written standards for such landscape plans, which standards shall be approved by resolution of the City Council.~~

~~(d) Application Requirements. Applications for a use permit under this section shall be filed in writing on a form provided by the city with the Planning Department. A preliminary plan shall accompany each application and shall include the following information:~~

~~(1) Boundary survey and gross acreage;~~

~~(2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on one hundred foot grid shall be required to fully indicate the topography of flat land.~~

~~(3) Street right-of-way;~~

~~(4) Utility easements;~~

- ~~_____ (5) Adjacent land use and zoning classifications;~~
- ~~_____ (6) The amount of traffic to be generated and the street facilities required to accommodate said traffic;~~
- ~~_____ (7) Location of building envelopes within which structures may be located;~~
- ~~_____ (8) Vicinity map;~~
- ~~_____ (9) Date prepared, scale and north point;~~
- ~~_____ (10) Location of parking envelopes within which parking lots shall be located and stating the required number of parking stalls;~~
- ~~_____ (11) Proposed use and total square feet of buildings to be located within the proposed I-3 employment center in accordance with Section 27.51.030(b);~~
- ~~_____ (12) Acreage and percentage of total developed building area, parking lot, open space, and similar uses;~~
- ~~_____ (13) Location of existing tree masses;~~
- ~~_____ (14) Identify vehicular ingress and egress points;~~
- ~~_____ (15) Building and parking set-back lines;~~
- ~~_____ (16) Generalized grading plan;~~
- ~~_____ (17) On-site and off-site water and sanitary sewer improvements;~~
- ~~_____ (18) On-site and off-site drainage and storm sewer improvements;~~
- ~~_____ (19) Proposed name of the project;~~
- ~~_____ (20) Name, address, and telephone number of developer, certified record owner or owners, and their addresses; and legal description of the proposed use permit area including the number of acres.~~

~~_____ (e) Planning Commission Review. Upon the filing of an application together with all maps, data, and information required by this section, the City Council shall refer the application to the Planning Commission. The Planning Commission shall hold a public hearing upon such application and shall consider the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare.~~

~~_____ (f) Planning Commission Action. After holding at least one public hearing, the Planning Commission shall proceed to give final consideration to the application and may require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for, and may include the requirement that applicant grant additional right of way in accordance with the Comprehensive Plan. The Planning Commission may require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by departmental publications approved by resolution of the City Council. In the event the Planning Commission fails to act upon the application within sixty days from the date of referral, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to act upon the application no later than the commission's next regularly scheduled meeting.~~

~~_____ (g) Appeal of Planning Commission Action.~~

~~_____ (1) Any aggrieved person or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the City Clerk within fourteen days following the action of the Planning Commission.~~

~~(2) Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Chapter 27.81.~~

~~(3) In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the City Council may, after public hearing, in conformity with the provisions of this title make such decision as ought to be made.~~

~~(h) Adjustment of Yard Requirements and Height Restrictions. Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, decrease the minimum yard requirements and increase the maximum height restrictions and may adjust the requirements relative to the location of buildings and required parking spaces and lot frontage set forth in this chapter consistent with adequate protection of the environment of adjacent land uses. The Planning Commission shall hold a public hearing upon the requested adjustment at the same time that it hears the application for the use permit and shall make a report to the City Council regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving a report from the Planning Commission, the City Council shall take final action upon the application for the use permit and the requested adjustment.~~

~~(i) Amendment. The Planning Director is authorized to approve amendments to any use permit granted under this section, including square footage of floor area and storage space in phases of development, provided that:~~

~~(1) A request for amendment is filed with the Planning Director, together with any of the information specified in paragraph (d) above which is pertinent to the proposed amendment;~~

~~(2) Such amendment shall not violate any regulations set forth in this title;~~

~~(3) Such amendment may provide for up to ten percent (10%) increase in total floor area of the project over the total floor area originally permitted;~~

~~(4) No reduction is made to the applicable setback or yard requirements;~~

~~(5) No public land is accepted;~~

~~(6) Such amendment shall not be contrary to the general purposes of this chapter as set forth in paragraph (a) above;~~

~~(7) Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as an original use permit.~~

~~(j) Building Permits, Certificates of Occupancy, and Certificates of Compliance. Upon the approval of a use permit as provided for under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit.~~

~~(k) Preexisting uses.~~

~~(1) An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this chapter shall be deemed to have received a use permit as herein required and shall be provided with such permit by the Director of Building and Safety upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension, or relocation of such existing use, an application in conformance with this section shall be required.~~

~~(2) If an application for a use permit located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special~~

permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the use permit.

~~(1) Expiration of Application. All existing applications for a use permit which have been placed on pending by an applicant shall automatically expire and become null and void one year after the date this ordinance (Change of Zone No. 06062). All such applications which have been placed on pending by an applicant after the date of this ordinance (Change of Zone No. 06062) shall automatically expire and become null and void one year thereafter. At least thirty days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the application shall automatically expire unless prior to the expiration date, the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or City Council agenda as appropriate.~~

CHAPTER 27.62
CONDITIONAL USES

Sections:

<u>27.62.010</u>	<u>Purpose and Scope.</u>
<u>27.62.020</u>	<u>Procedures.</u>
<u>27.62.030</u>	<u>Agriculture Use Group.</u>
<u>27.62.040</u>	<u>Household Living Use Group.</u>
<u>27.62.050</u>	<u>Group Living Use Group.</u>
<u>27.62.060</u>	<u>Utilities Use Group.</u>
<u>27.62.070</u>	<u>Civic Services Use Group.</u>
<u>27.62.080</u>	<u>Education and Instruction Use Group.</u>
<u>27.62.090</u>	<u>Office Use Group.</u>
<u>27.62.100</u>	<u>Retail Sales and Services Use Group.</u>
<u>27.62.110</u>	<u>Food and Drink Establishments Use Group.</u>
<u>27.62.120</u>	<u>Commercial Recreation and Entertainment Facilities Use Group.</u>
<u>27.62.130</u>	<u>Major Entertainment and Event Use Group. (Reserved)</u>
<u>27.62.140</u>	<u>Heavy Commercial Services Use Group.</u>
<u>27.62.150</u>	<u>Manufacturing, Processing, Storage and Distribution Use Group.</u>
<u>27.62.160</u>	<u>Waste Management and Extractive Services Use Group. (Reserved)</u>

27.62.010 Purpose and Scope.

This chapter identifies those use types which are allowed as a permitted conditional use in designated zoning districts in conformance with the specified conditions of approval. The use types are classified under Use Groups which are classified by use categories such as Agriculture, Residential, Commercial and Industrial uses.

27.62.020 Procedures.

The Building and Safety Department will determine if the conditions of approval for the applicable use type set forth below have been met prior to the issuance of a building permit or prior to issuance of an occupancy permit if a building permit for the use is not required.

27.62.030 Agriculture Use Group.

Upon issuance of a certificate of occupancy, a building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- (a) Agricultural Attraction is allowed in the AG zoning district under the following conditions:
- (1) The premises is located outside the city limits, contains twenty acres or more of land, and the majority of the premises is in agriculture use for the purpose of raising and harvesting crops.
 - (2) The attraction has received an Amusement License from the Lancaster County Board.

- (b) Confined feeding facilities for livestock or poultry is allowed in the AG zoning district provided the confined feeding facility does not exceed a maximum area of 15,000 square feet. (NOTE: Facilities that exceed 15,000 square feet may be allowed upon approval of a special permit for said use pursuant to Chapter 27.63).
- (c) Greenhouses are allowed in the AG and AGR zoning Districts under the following conditions:
- (1) In the AG zoning district the minimum lot area shall be twenty acres; provided, however, that if a lot has less area, width, or frontage or any combination thereof than herein required, and its entire boundary was under different ownership on the effective date of this title and has not been since changed, such lot may be used for a greenhouse, provided that no such lot be less than two acres;
 - (2) In the AGR zoning district:
 - (i) The minimum lot area shall be two acres;
 - (ii) All materials shall be stored inside buildings;
 - (iii) Not more than twenty-five percent of the land may be devoted to such use;
 - (iv) Greenhouses shall comply with the same setback requirements as are applicable to main buildings;
- (d) Pet cemeteries are allowed in the AG and AGR zoning districts provided that the use has a minimum lot area of five acres;
- (e) Urban Gardens are permitted in all zoning districts except the AG and AGR under the following conditions:
- (1) There is no commodity sold upon the premises;
 - (2) Approval has been granted by the Lincoln Lancaster County Health Department.

27.62.040 Household Living Use Group.

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- (a) Dwelling units are allowed in the O-2, B-1, B-2, B-3 and B-4 zoning districts under the following conditions:
- (1) In the, O-2, B-1, B-2 and B-3 zoning districts

- (i) Dwellings shall only be permitted above or below the first story of a building;
- (ii) The first story of the building shall be used for a nondwelling use allowed in the district, except that first floor dwellings shall be permitted in buildings that were originally constructed for a residential use prior to November 1, 1997. The first floor nondwelling use shall not:
 - A. be an accessory use to the residential use;
 - B. be a parking lot or garage;
- (iii) The first story of the building shall not have more than twenty percent of its height below grade.

(NOTE: If the above condition (a)(1) cannot be met, the use may be allowed upon approval of a special permit pursuant to Chapter 27.63).

- (2) In the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, single-family and/or two-family dwellings on the first floor or in the basement of a building are prohibited.

27.62.050 Group Living Use Group

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- (a) Domestic shelters are allowed in the AG, AGR, R-T and all residential zoning districts under the following conditions:
 - (1) The distance between the proposed use and any existing domestic shelter measured from lot line to lot line shall not be less than one mile.
 - (2) The maximum number of residents occupying the shelter shall not exceed one person per:
 - (i). 3,000 square feet of lot area in the AG, AGR and R-1 zoning districts;
 - (ii) 2,000 square feet of lot area in the R-2, R-3 and R-T zoning districts;
 - (iii) 1,000 square feet of lot area in the R-4 zoning district;
 - (iv) 750 square feet of lot area in the R-5, R-6, R-7 and R-8 zoning districts.

- (b) Group homes are allowed in the AG, AGR, R-T and all residential zoning districts under the following conditions:
- (1) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.
 - (2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than:
 - (i) One-half mile in the AG, AGR, R-1, R-2, R-3 and R-T zoning districts;
 - (ii) 1,200 feet in the R-4, R-5, R-6, R-7 and R-8 zoning districts.

27.62.060 Utilities Use Group.

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- (a) Public Utilities. Notwithstanding the regulations of the various districts, public utilities structures may be erected where necessary in any district on any lot of one acre or more in area. Poles and towers used for the support of wires and appurtenant equipment for supplying public utility services shall not be considered as structures or buildings under this title. When located adjacent to any residential district, such structures shall be screened in conformance with the standards adopted by resolution of the City Council.

27.62.070 Civic Services Use Group.

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- (a) Cemeteries, including mausoleums are allowed in the AG and AGR zoning districts under the following conditions:
- (1) Mausoleums shall be located at least 200 feet from every street and adjoining property line;
 - (2) Any cemetery established after the effective date of this title shall contain a minimum area of twenty acres or more.
- (b) Churches are allowed in the R-1 thru R-7 and I-1, I-2 and I-3 zoning districts under the following conditions:
- (1) In the R-1 thru R-7 residential districts, the required side and rear yards shall be fifteen feet or the same as the district the use is located in, whichever is greater.

- (2) In I-1, I-2 and I-3 zoning districts:
- (i) The church shall develop an emergency response plan to the satisfaction of the Health Department, both written and drawn, including a house-in-place scenario and an off-site evacuation. The Health Department may provide technical assistance in this matter.
 - (ii) The church shall, within 48 hours of becoming aware that quantities of hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are being stored, transported, dispensed, used, or handled on property within 300 feet of the building area being used for the church, notify the Health Department of such condition. Following such notification, the church shall, in cooperation and consultation with the Health Department, attempt to work with the owner of property upon which such hazardous materials are being stored, transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare of persons using the church's property. The church shall further cooperate with the Health Department in determining measures which may be taken on the church's property to protect the health safety, and welfare of persons using the church's property, including, but not limited to, establishment of training programs for employees to assure detection of hazardous materials and evacuation of the premises, installation of filtration systems in the HVAC system of the building, or other precautionary measures.
 - (iii) The electrical breaker switch of the church's heating, ventilation and air conditioning (HVAC) system shall be clearly marked and readily accessible at all times to the church's staff or the church shall equip the building with not more than two emergency shut-off switches so the HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area to the satisfaction of the Health Department. The shut-off switch shall be located so that it is easily accessible at all times to the church's staff. The church's staff shall be trained on how to locate and operate the electrical breaker switch or the emergency shut-off switch.

27.62.080 Education and Instruction Use Group.

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- (a) Early childhood care facilities are allowed in the AG, AGR, R-1 thru R-8, O-1, O-2, O3, and R-T zoning districts under the following conditions:
 - (1) No more than a maximum of fifteen children shall be present in the facility at any time;
 - (2) In the AG, AGR, and R-1 thru R-8 zoning districts:
 - (i) Such facilities shall be used as the permanent residence of the licensed child care provider;

- (ii) If the facility is located in a mobile home, the facility shall have a severe weather emergency action plan approved by the Health Department.

(NOTE: Early childhood care facilities with sixteen or more children and early childhood care facilities with fifteen or fewer children not meeting the specified conditions for the above permitted conditional use may be allowed upon approval of a special permit pursuant to Chapter 27.63).

- (b) Private elementary and high schools having a curriculum equivalent to a public elementary or public high school are allowed in the R-1 thru R-8, O-1, O-2, O-3, B-1, B-2, B-3, B-5, H-2 and H-3 zoning districts, provided that no rooms shall be used regularly for housing or sleeping purposes

27.62.090 Office Use Group.

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- (a) Banks, savings and loan associations, credit unions and finance companies are allowed in the R-T zoning district and in that portion of the B-4 zoning district bounded by 10th Street, 150 feet north of "P" Street, 14th Street and N Street, provided that there are no drive-up or drive-thru facilities or automatic teller machines

27.62.100 Retail Sales and Services Use Group.

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- (a) Hotels and motels are allowed in the I-3 zoning district under the following conditions:
- (1) The total square footage of such use shall not exceed ten percent (10%) of the buildable square footage of the tract of land included within the boundaries of the use permit assuming a floor-to-area ratio of one to four.
 - (2) Accessory uses operated by a concessionaire or lessee of an employer may occupy no more than five percent (5%) of the total floor area of the hotel or motel.
- (b) Kennels and Veterinary Facilities are allowed in the: B-1, B-2, B-3, H-2, H-3 and H-4 zoning Districts under the following conditions:
- (1) Any associated outdoor area must be located no closer than 200 feet from any residential district.
 - (2) No more than 3 animals are permitted in the outdoor area at any one time.

(NOTE: If the above conditions cannot be met, the use may be allowed upon approval of a special permit pursuant to Chapter 27.63).

(c) Motorized vehicle sales and/or repair/services facilities are permitted in the B-3, B-4, H-2 and H-3 zoning districts and Motorized vehicle services is permitted in the B-1 under the following conditions:

(1) In the B-1 and B-3 zoning districts:

- (i) No facility shall be permitted to locate within 100 feet of any residential use or district;
- (ii) Any facility located within 100 feet of any residential use or district which was lawfully established in the B-1 or B-3 zoning district on the effective date of this ordinance, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood, or of a substitute material found acceptable to the Director of Building and Safety;
- (iii) The locational or screening requirements of (i) and (ii) above shall not apply when said residential use or district is across a public street from the motorized vehicle sales and/or repair facility, but shall apply if said residential use or district is across an alley or private drive from said facility;

(2) In the H-2 and H-3 zoning districts, the storage of vehicles for sale and resale is permitted in the front yard except for the front twelve feet under the following conditions:

- (i) Parking barriers in accordance with parking lot design standards must be provided around the storage/display area to prevent the vehicles stored/displayed for sale or resale from overhanging the front twelve feet of the front yard.
- (ii) No vehicle shall be stored/displayed for sale or resale in the front yard upon a raised concrete island or on a raised display structure.
- (iii) The hood or trunk or both of vehicles stored/displayed for sale or resale in the front yard shall not be open except when being inspected by a customer or for servicing.
- (iv) The front twelve feet of the front yard shall be devoted to shrubs and grasses.
- (v) The front twelve feet of the front yard not permitted to be used for the storage of vehicles for sale and resale shall be screened at least sixty percent from zero feet to two feet above the surface of the lot. The design and construction of the landscaping shall be in conformance with the Design Standards for Screening and Landscaping except that fences may not be used to meet the above screening requirements. If plant material is used, the density percentage is calculated using

the design size found in the City of Lincoln's plant material list approved by the Planning Director. The landscape screen shall be located throughout the area but far enough from the barrier so as to be protected from the bumpers of overhanging vehicles. Entrance driveways shall be excluded from the required screen.

(vi) No fence shall be erected in the front yard.

(vii) Lighting in the front yard shall be in conformance with the Design Standards for Outdoor Lighting.

(viii) Any existing motorized vehicle sales facility lawfully established on the effective date of this ordinance which does not comply with conditions (i) through (v) above may be continued in accordance with the provisions of Chapter 27.61 for nonconforming uses.

(3) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, motorized vehicle sales and/or repair/service facilities are prohibited;

(d) Motor fuel sales facilities are allowed in the B-4 zoning district under the following condition: In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, fuel sales facilities are prohibited;

(e) Motorized vehicle wash facilities are allowed in the B-1, B-2, B-3, B-4, H-2, and H-3 zoning districts under the following conditions:

(1) In the B-1, B-2 and B-3 zoning districts, a self-service, coin-operated wash facility shall not exceed four wash bays.

(2) In the H-2 and H-3 zoning districts, a self-service, coin-operated wash facility shall not exceed six wash bays.

(3) In the B-2 and B-3 zoning districts, the stacking space shall not be located within the required front yard.

(4) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district and in the area bounded by 10th Street, 150 feet north of "P" Street, 14th Street and "N" Street, motorized vehicle wash facilities are prohibited;

(f) Outdoor seasonal sales, tents and other temporary structures are allowed in the AG and AGR zoning districts under the following conditions:

(1) In the AG and AGR zoning districts, roadside stands for the temporary or seasonal sale of produce shall:

- (i) Be located outside the city limits;
 - (ii) Be allowed in addition to any other main use, regardless of lot size;
 - (iii) Be allowed in a required yard, provided that such roadside stand shall be located no closer than thirty feet to the edge of a traveled roadway;
 - (iv) Not be operated for more than 180 days in any one calendar year.
- (g) Parking as a primary use is allowed in the O-2 and B-4 zoning districts under the following conditions:
- (1) In the O-2 zoning district provided that no part of the street frontage within the block face on which a parking lot is proposed to be located may be zoned residential.
 - (2) In the area of the B-4 zoning district bounded by 10th Street, 150 feet north of “P” Street, 14th Street, and “N” Street, parking as a primary use is prohibited;
- (NOTE: If the above conditions cannot be met, the use may be allowed upon approval of a special permit pursuant to Chapter 27.63).
- (h) Personal Services are allowed uses in the O-1, O-2, O-3, and R-T zoning district under the following conditions:
- (1) In the O-1 and O-3 zoning districts:
 - (i) The services shall be located entirely within a building containing office or residential uses.
 - (ii) The services shall not exceed twenty percent of the total square feet of floor area in such building.
 - (2) In the O-2, and R-T zoning districts, the floor area of said building shall not exceed 5,000 square feet.
- (i) Retail sales including mail order catalog sales are allowed in the O-1, O-3, H-3, H-4 and I-1 zoning districts under the following conditions:
- (1) In the O-1 and O-3 zoning districts:
 - (i) The retail sales shall be located entirely within a building containing office or residential uses.
 - (ii) Retail sales shall not exceed twenty percent of the total square feet of floor area in such building.

- (iii) Retail sales shall occupy no more than 10,000 square feet of floor area per business.
- (2) In the H-3 zoning district, retail sales shall occupy no more than 20,000 square feet of floor area per business.
- (3) In the H-4 zoning district, retail sales shall occupy no more than 30,000 square feet of floor area per business.

(NOTE: If conditions (2) and (3) above cannot be met, the use may be allowed if a special permit is approved pursuant to Chapter 27.63).

(j) Sale of alcoholic beverages for consumption off the premises is allowed in the B-2 and B-5 zoning districts under the following conditions:

- (1) Parking shall be in conformance with the provisions of Chapter 27.67; provided that in the B-5 zoning district no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.
- (2) Any exterior door opening must meet the following conditions:
 - (i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.
 - (ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, “exterior door opening” shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licenses premises. “Exterior door opening” shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.

- (3) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.
- (4) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.
- (5) Notwithstanding any contrary provision contained in Section 27.64.010(h), the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.
- (6) In addition, in the B-2 zoning district, all exterior door openings of the licensed premises shall be located more than 100 feet away from any parking spaces located in a side or rear yard adjacent to a residential district. For the purpose of this measurement, the side yard shall be 50 feet. In addition, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to any parking spaces located in a side or rear yard adjacent to the residential district.
- (7) In addition, in the B-5 zoning district when the building containing the licensed premises abuts a residential district, the required yards shall be met.
- (k) Service and repair facilities are allowed in the R-T, B-1, B-3, and H-2 zoning districts under the following conditions:
- (1) The floor area of said premises not devoted to sales or office space shall not exceed 5,000 square feet; and
- (2) All displays and merchandise shall be within the enclosure walls of the buildings.
- (3) In addition, in the B-3 zoning district, appliance service and repair shall comply with the following additional conditions:
- (i) No appliance sales and repair facility shall be permitted to locate within 100 feet of any residential use or district;
- (ii) Any appliance service and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood,

or of a substitute material found acceptable to the Director of Building and Safety;

- (iii) The locational or screening requirements of (i) and (ii) above shall not apply when said residential use or district is across a public street from the appliance sales and repair facility, but shall apply if said residential use or district is across an alley or private drive from the appliance sales and repair facility;

27.62.110 Food and Drink Establishments Use Group

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- (a) Restaurants are allowed in the O-1 zoning district under the following conditions:

- (1) Such use shall be located entirely within a building containing office or residential uses.
- (2) Such use shall not exceed twenty percent of the total square feet of floor area in such building.

- (b) Sale of alcoholic beverages for consumption on the premises is allowed in the B-2 and B-5 zoning districts under the following conditions:

- (1) Parking shall be in conformance with the provisions of Chapter 27.67, provided that in the B-5 zoning district no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.

- (2) Any exterior door opening must meet the following conditions:

- (i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.
- (ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped

open during the hours of operation. For purposes of this section, “exterior door opening” shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licenses premises. “Exterior door opening” shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.

- (3) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.
- (4) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.
- (5) Notwithstanding any contrary provision contained in Section 27.64.010(h), the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.
- (6) In addition, in the B-2 zoning district, all exterior door openings of the licensed premises shall be located more than 100 feet away from any parking spaces located in a side or rear yard adjacent to a residential district. For the purpose of this measurement, the side yard shall be 50 feet. In addition, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to any parking spaces located in a side or rear yard adjacent to the residential district.
- (7) In addition, in the B-5 zoning district when the building containing the licensed premises abuts a residential district, the required yards shall be met.

27.62.120 Commercial Recreation and Entertainment Facilities Use Group.

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- (a) Social halls are allowed in the B-1, B-2, B-3, B-5, H-2, H-3 and H-4 under the following conditions:
 - (1) There shall be no amplified sound or noise source of any kind outside of the social hall;

- (2) Except as provided in (ii) and (iii) below, any exterior door opening must meet the following conditions:
- (i) Either be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the social hall between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.
 - (ii) If the exterior door opening is less than 100 feet from a residential district, it must face the opposite direction from that district.
 - (iii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation.

For purposes of this section, “exterior door opening” shall mean (a) that portion of the exterior wall face of the building containing the social hall that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for access in the ordinary course of business.

27.62.130 Major Entertainment and Event Use Group. (Reserved)

27.62.140 Heavy Commercial Services Use Group.

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- (a) Contractor services and cabinet shops are allowed in the B-3 and H-2 zoning districts under the following conditions:
 - (1) In the B-3 zoning district, the floor area of said premises not devoted to sales or office space shall not exceed 8,000 square feet;

- (2) In the B-3 zoning district, not more than ten percent of the premises occupied by the establishment shall be used for open and unenclosed storage of material and equipment;
- (3) In the B-3 and H-2 zoning districts, all outside storage of material and equipment shall be screened by an opaque six foot tall fence constructed of wood, or a substitute material found acceptable by the Director of Building and Safety.
- (b) Mini-warehouses in the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district are prohibited;
- (c) Truck wash facilities are allowed in the H-2, H-3 and B4 zoning districts under the following conditions:
 - (1) Self-service, coin-operated wash facilities shall not exceed six wash bays.
 - (2) Stacking space shall not be located within the required front yard.
 - (3) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, truck wash facilities are prohibited.

27.62.150 Manufacturing, Processing, Storage and Distribution Use Group.

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- (a) Assembly facilities, including but not limited to the assembly of equipment, instruments and appliances such as computers and musical instruments are allowed in the H-2 and H-3 zoning districts under the following condition: All storage and display of merchandise shall be screened from public view by a fence, walls, shrubs, or all such storage and display shall be within the enclosure walls of a building.
- (b) Liquefied petroleum gas and similar gas used for fuel stored above ground is allowed in the I-2 and I-3 zoning districts under the following conditions:
 - (1) Tanks may not exceed 30,000 gallon capacity;
 - (2) The storage of gas shall be for use on the premises, and not for resale;
 - (3) All other combustible material shall be stored in such a way as to permit free access of fire-fighting equipment.
 - (4) Open storage of any other material is allowed only in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six feet in height.

- (5) In the I-2 zoning district tanks shall be adequately screened from public view by a fire-resistant ventilated barrier which shall be at least six feet in height;
- (c) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable liquids and chemicals are allowed in the I-2 and I-3 zoning districts under the following conditions:
- (1) Such use shall be adequately screened from public view;
 - (2) Storage of such materials shall be for use on the premises and not for resale, except that resale of such stored material at retail only is allowed in conjunction with the operation of a fuel sales facility or similar retail outlet.
- (d) Outdoor motorized vehicle storage is allowed in the H-3, H-4 and I-2 zoning districts under the following conditions:
- (1) The outdoor storage shall be screened in conformance with the requirements for screening open storage in Chapter 3.50 of the City of Lincoln Design Standards.
 - (2) There shall be no dismantling, wrecking, or disassembling of any vehicles.
 - (3) Vehicles may not be stacked upon each other.
- (e) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, warehouses are prohibited except that pre-existing warehouses in said area may remain, regardless of time unoccupied, but must cease once the building is demolished.
- (f) Temporary paving plants used for the paving of federal or state highways or county roads are allowed in any zoning district during the project construction period under the following conditions:
- (1) The plant shall be located outside the city limits on premises abutting the specific construction project and having access to a paved road.
 - (2) The boundaries of the property used for the plant shall be located no closer than 300 feet from an occupied dwelling or from any school, church, library, early childhood care facility, hospital, motel, or park.
 - (3) The permittee shall require its suppliers to use paved roads or other designated truck routes approved by the County Engineer for the delivery of supplies to the paving plant.
 - (4) Paving material prepared at the plant shall not be transported to any location other than the abutting project.
 - (5) The plant shall be removed upon substantial completion of the construction project.

(g) Temporary concrete paving plants. Temporary concrete paving plants are permitted in any zoning district by administrative permit issued by the Planning Director. The Planning Director shall not issue a permit or renew a permit without written approval by the Director of the Lincoln- Lancaster County Health Department and the Director of the Public Works and Utilities Department.

(1) Applications for an administrative permit shall include:

- (i) A site plan showing the entire limits of the permit area including the plant location, material storage areas, and the ingress/egress;
- (ii) A dust control and suppression plan including the plant operations and haul roads to and from plant to project;
- (iii) A description or manufacturer's specification regarding particulate control equipment;
- (iv) A copy of a signed contract or other verification that the applicant is under contract to supply concrete for a city arterial street paving project;
- (v) A noise control plan that will allow the operation to comply with Chapter 8.24 of the Lincoln Municipal Code;
- (vi) A copy of a signed lease or other verification that the applicant has permission of the owner of the land upon which the plant shall be located to locate the plant thereon.

(2) The administrative permit shall be issued under the following conditions:

- (i) The plant site shall be approved by the City Engineer or if outside the city limits by the County Engineer and shall be located in the general vicinity of the specific arterial street paving project or projects and have access to a paved road;
- (ii) The boundaries of the property used for the plant shall be located no closer than 300 feet from an occupied dwelling or from any school, church, library, early childhood care facility, hospital, motel, or park;
- (iii) The permittee shall require its suppliers to use only paved roads approved by the Director of Public Works or the County Engineer as the case may be, for the delivery of supplies to the plant. The permittee shall further require that the drivers of concrete trucks leaving the plant also use said paved roads. EXCEPTION: The use of nonpaved roads may be approved on a case-by-case basis by the Director of Public Works or the County Engineer;
- (iv) The permit site shall be cleaned up and restored to its pre-permit condition within thirty days following the completion of the project. Restoration includes

replanting of vegetation and maintenance of erosion and sediment control until the site is reestablished. Any paved or unpaved road damaged by the permittee's use of such road, including permittee's suppliers and concrete trucks entering and/or leaving the plant, shall be repaired at permittee's cost and expense;

(v) All concrete produced by this plant shall be used to complete the project. The concrete shall not be provided for concrete work to be performed by persons other than the permittee;

(vi) The anticipated set up and removal dates shall be identified on the application. Amendments to these dates must be requested to the Planning Director in writing;

(vii) The applicant shall submit a performance bond satisfactory to the City Attorney in the minimum amount of \$5,000, or an amount determined by the City to be sufficient, to guarantee performance and clean up of the permit site and to pay for repairs to paved and unpaved roads damaged by permittee's use of such roads.

(3) Permits issued pursuant to this section shall expire on the completion date of the project as set forth in the permit application. The Planning Director may extend the expiration date by administrative amendment upon a showing that the project completion is delayed or that the permittee has contracted for another project in conformance with subparagraph (a) above.

(h) Temporary concrete batch plants. Temporary concrete batch plants are permitted in any zoning district by administrative permit issued by the Planning Director. The Planning Director shall not issue a permit or renew a permit without written approval by the Director of the Lincoln- Lancaster County Health Department.

(1) Applications for the administrative permit shall include:

(i) A site plan showing the entire limits of the permit area including the plant location, material storage areas, and the ingress/egress;

(ii) A dust control and suppression plan including the plant operations and haul roads to and from plant to project;

(iii) A statement indicating the typical hours of operation. The plant may operate no more than fourteen hours per day, except on New Year Day, Memorial Day, the 4th of July, Labor Day, Thanksgiving Day, and Christmas when the operation shall not begin before noon;

(iv) A description or manufacturer's specification regarding particulate control equipment;

- (v) A copy of a signed contract or other verification that the applicant is under contract to supply concrete for a project requiring at least 3,000 yards of concrete located within the same section or one mile of the permitted plant. The contract or other verification shall include the commencement and ending dates of the project. The Planning Director may increase the one- mile distance limit to no more than two miles if necessary to avoid routing trucks through local streets or inadequate county roads, or locations near occupied dwellings, schools, libraries, churches, or other noise or dust sensitive uses; and
 - (vi) A noise control plan that will allow the operation to comply with Chapter 8.24 of the Lincoln Municipal Code.
 - (vii) A copy of a signed lease or other verification that the applicant has permission of the owner of the land upon which the plant shall be located to locate the plant thereon.
- (2) The administrative permit shall be issued under the following conditions:
- (i) The plant shall be located on premises in the same section or within one mile of the project identified on the application or as authorized under subparagraph (d)(1)(v) above;
 - (ii) The silo, batch plant, and aggregate storage shall be located no closer than 300 feet from an occupied dwelling or from any school, church, library, early childhood care facility, hospital, motel, or park;
 - (iii) The permittee shall require its suppliers to use only paved roads approved by the Director of Public Works or the County Engineer as the case may be, for the delivery of supplies to the concrete batch plant. The permittee shall further require that the drivers of concrete trucks leaving the plant also use said paved roads. EXCEPTION: The use of nonpaved roads may be approved on a case-by-case basis by the Director of Public Works or County Engineer. Additional bonding may be required to pay for repairs of damage to such nonpaved roads;
 - (iv) The plant shall be removed upon completion of the project identified in the application; or upon construction and occupancy resulting in a violation of subparagraph (d)(2)(ii) above. The permit site shall be cleaned up and restored to its pre-permit condition within thirty days following the completion of the project;
 - (v) All concrete produced by this plant shall be used to complete the project, except that the permittee may use the concrete product for sidewalks, driveways, foundations, parking lots, and other small concrete work to be performed by the permittee. The concrete shall not be provided for concrete work to be performed by persons other than the permittee. The amount of concrete produced for small concrete work shall not exceed fifty percent of that produced for the project;

- (vi) The plant shall be recalibrated to the satisfaction of the Public Works and Utilities Department prior to construction of any public improvement using concrete produced by this plant;
 - (vii) The anticipated set up and removal dates shall be identified on the application. Amendments to these dates must be requested to the Planning Director in writing;
 - (viii) The applicant shall submit a performance bond satisfactory to the City Attorney in the amount of \$5,000 to guarantee performance and clean up of the permit site.
- (3) Permits issued pursuant to this section shall expire on December 31 of the year of issuance or the completion date of the project as set forth in the permit application, whichever is earlier. The Planning Director may extend the expiration date by an administrative amendment upon a showing that the project completion date is delayed by weather or other causes beyond control of the permittee, or that the permittee has contracted for another project in conformance with subparagraph (a) above; provided, however, no extension of the expiration date may extend the permit beyond December 31 of the year of issuance. Renewal of a previously issued permit shall be by application in the same form as the original permit.
- (4) The Planning Director may revoke the temporary permit for any one or more of the following violations:
- (i) Failure to operate the facility in accordance with the provisions of this section or with the approved application;
 - (ii) A violation of any city, county, state, or federal law;
 - (iii) Denial of access to the site to determine compliance with this section;
 - (iv) Unreasonable noise or disturbance to the surrounding neighborhood;
- (5) The action of the Planning Director in approving, denying, refusing to renew or revoking a permit pursuant to this section may be appealed. Any aggrieved person may appeal the action of the Planning Director to the Planning Commission by filing notice of appeal with the Planning Director within fourteen days following the decision of the Planning Director. Final action by the Planning Commission may be appealed to the City Council by any aggrieved person by filing notice of appeal with the City Clerk within fourteen days following the action by the Planning Commission.

27.62.160 Waste Management and Extractive Services Use Group. (Reserved)

Chapter 27.63
SPECIAL PERMITS

27.63.010 Procedures.

Certain ~~development or uses of land~~ use types by their nature tend to be incompatible with other land uses in the same zoning district, but may be found acceptable in certain circumstances when conditioned in a manner to protect abutting ~~land uses~~ use types and to protect the character of the area.

Applications for a special permit under this chapter shall be filed by the owner in writing with the Planning Department on a form provided by the city. Upon filing of the application, the City Council shall refer the application to the Planning Commission. The Planning Commission may authorize, by special permit after public hearing, any of the following ~~buildings or uses~~ use types designated in this chapter as permitted special uses. Such permitted special uses shall be restricted to the particular district or districts listed under the applicable provisions below. Said special permit shall require conformance with all regulations of the applicable sections of this chapter. The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the comprehensive plan and protect the health, safety, and general welfare in the issuance of any such special permits. Where specifically authorized under the applicable provisions below for any of the ~~buildings or uses~~ use types designated in this chapter as permitted special uses, the City Council may decrease the minimum regulations of the district in which the permitted special use is located or modify the specific conditions for approval of the special permit provided the public welfare and interest of the city and surrounding area are protected and the general interest and spirit of these regulations are preserved. Unless expressly modified by the terms of the special permit, all regulations of the district in which the permitted special use is located shall apply. Copies of a plot plan of the lot and proposed uses drawn to an accurate scale and showing all pertinent information shall accompany a request for a special permit.

27.63.075 Permitted Special Use: ~~Private Schools~~ Acadamies.

(a) ~~Private schools~~ Acadamies, including but not limited to ~~business or commercial schools~~, dance or music academies; gymnastic or martial arts schools; and special schools, when not otherwise permitted in the district, may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-T, O-2, O-3, or I-1 zoning districts. ~~Private schools~~ Acadamies shall not include:

- (1) Early childhood care facilities; ~~or~~
- (2) Public or private schools that meet the State of Nebraska requirements for elementary or secondary education; or
- (3) Community colleges, colleges, or other post-secondary education facilities.

(b) The application for a special permit for ~~a private school~~ an academy shall be accompanied by the following information:

(1) Number of children, time separation between classes, number of staff members on the largest shift, and limitations on hours and classes to minimize the number of persons on site at any one time.

(2) A physical description of the ~~facility~~ academy and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading area, and entrances/exits to such ~~facility~~ academy. The parking and the loading and unloading area for such ~~facility~~ academy must comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code.

(c) If the proposed ~~facility~~ academy is located in an industrial district, the applicant shall submit information on the storage and use of hazardous chemicals in the vicinity, evacuation plans, and internal air quality control to the Health Department for its review and recommendation.

27.63.080 Permitted Special Use: Health Care Facilities; Non-Residential.

~~Non-residential H~~health care facilities may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, ~~O-2~~, O-3, ~~R-T~~, B-1, B-2, B-3, ~~B-5~~, ~~H-2~~, H-3, ~~H-4~~, or I-13 zoning districts under the following conditions:

(a) Parking. Parking shall be in conformance with Chapter 27.67; additional parking requirements may be imposed. Traffic may be required to be discharged into a major street as designated in the Comprehensive Plan, or into a classified collector. No parking shall be permitted in required front or side yards; all parking shall be screened.

(b) Yard and area regulations.

(1) Buildings shall not occupy over thirty-five percent of the total land area covered by the special permit.

(2) Yards abutting a nonresidential district shall be the same as those required in said abutting district.

(3) Any yard abutting a residential district or located wholly or partially in a residential district shall be the greater of ten feet or that required in the said abutting district, plus an additional one foot setback for each one foot of height shall be provided between the yard line and the wall nearest the yard line for that portion of the building exceeding twenty feet in height.

(4) Required front and side yards shall be landscaped.

(5) The City Council may increase or decrease these requirements with consideration given to both facilities and adjacent environment.

(c) The proposed non-residential health care facility shall conform to all applicable state and federal requirements.

~~(d) The location of health care facilities shall be readily accessible to the area served. Such facilities should be located on major streets near the center of the area to be served.~~

~~(e) On-site pedestrian circulation sidewalk systems shall be constructed in conformance with the provisions of Section 27.81.010.~~

27.63.100 Permitted Special Use: Farm Chemicals.

Facilities for the commercial storage and sale of fertilizer and toxic or flammable agricultural chemicals such as herbicides, insecticides, and fungicides may be allowed in the AG, AGR, ~~and H-4~~ and I-1 zoning districts.

27.63.180 Permitted Special Use: B-4 District.

(a) Parking lots, storage garages, and other off-street parking facilities may be allowed by special permit in that portion of the B-4 zoning district bounded by 10th Street, “P” Street, 14th Street, and “N” Street, in conformance with the provisions of Chapter 27.67.

(b) ~~Service stations~~ Motor fuel sales facilities or car washes may be permitted in that portion of the B-4 zoning district bounded by 10th Street, 150 feet north of “P” Street, 14th Street, and “N” Street; provided that:

(1) Such use is located wholly within and is accessory to a storage garage permitted under (a) above;

(2) Such use is so located that service and access are from within said storage garage.

(c) Drive-in teller windows may be permitted in that portion of the B-4 zoning district bounded by 10th Street, “P” Street, 14th Street, and “N” Street; provided, that such use is so designed that all customers waiting to be served, and all auto-storage lanes, are wholly within a parking lot or a storage garage.

(d) ~~Service stations~~ Motor fuel sales facilities may be permitted in that portion of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 Lincoln Center Business District.

27.63.200 Permitted Special Use: Clubs.

Clubs may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, and O-1; ~~and O-3~~ zoning districts under the following conditions:

...

27.63.210 Permitted Special Use: Elderly or Retirement Housing.

Housing and related facilities for the elderly, either individually or in groups including accessory uses, shall be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, ~~and~~R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, and B-5 zoning districts under the following conditions:

...

27.63.215 Permitted Special Use: Housing Facilities for the Physically Handicapped.

Housing and related facilities for the physically handicapped, either individually or in groups, including accessory uses, shall be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7 ~~and~~R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, and B-5 zoning districts under the following conditions: ...

27.63.216 Permitted Special Use: Connection of Single-Family Dwelling to Accessory Building for the Physically Handicapped.

Connection of an existing single-family dwelling to an existing accessory building for the purpose of providing enclosed access from the main building to the accessory building may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts under the following conditions:

- (a) Both the existing dwelling and the existing accessory building comply with the yard requirements of the zoning district in which they are located; and
- (b) The enclosed area of the structure attaching the two buildings shall not exceed the greater of 200 square feet or ten percent of the floor area of the main floor of the dwelling and shall not be served by a heating system, cooling system, or plumbing; and
- (c) The enclosure shall be constructed in accordance with all applicable building and life safety codes; and

(d) The height and yard requirements of the district in which the single-family dwelling is located shall apply; however, the provisions of sections ~~27.11.080, 27.13.080, 27.15.080, 27.17.080, 27.19.080, 27.21.080, 27.23.080 and 27.24.080~~ Chapter 27.72 which require accessory buildings to comply with the yard requirements of the main building shall not apply. The use of the accessory portion of the structure must remain as an accessory use; and

(e) The single-family dwelling shall be occupied by at least one person who is physically handicapped as defined within ~~Section 27.03.335~~. Chapter 27.02 The permittee shall certify such occupancy annually to the Department of Building and Safety; and

(f) Any permit issued pursuant to this section shall be conditioned upon the removal of the enclosed access structure within sixty days of the date on which the dwelling is no longer occupied by at least one person who is physically handicapped.

27.63.290 Permitted Special Use: I-1 District.

~~The uses listed in Section 27.47.030 may be allowed by special permit in the I-1 zoning district. Any use type listed as a permitted special use in the I-1 district under Chapter 27.06 and not separately listed as a special permitted use in the I-1 district under this chapter may be allowed by special permit in the I-1 zoning district.~~

~~**27.63.330 Permitted Special Use: Veterinary Facilities.**~~

~~Veterinary facilities may be allowed by special permit in the AG and AGR zoning districts.~~

~~**27.63.390 Permitted Special Use: Restaurants, Motels and Hotels.**~~

~~Restaurants may be allowed by special permit in the O-3 zoning district. Motels and hotels may be permitted under the following conditions:~~

~~(a) The number of hotel or motel units shall not exceed the number obtained by dividing the total square foot area of the site by 1,500;~~

~~(b) Each hotel or motel unit shall have a minimum enclosed floor area of 500 square feet; and~~

~~(c) Each hotel or motel unit shall be a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.~~

27.63.420 ~~Permitted Special Use:~~ Wind Energy Conversion Systems (WECS) Over the District Height.

In any zoning district, except the AG and AGR, a special permit may be granted to allow wind energy conversion systems (WECS) to exceed the height provisions of the district. A special permit may be granted by the Planning Commission subject to the following conditions:

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

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

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

(d) To limit unauthorized climbing on the WECS tower, a fence six feet high with a locking portal shall be placed around the WECS tower base unless the tower climbing apparatus is located no lower than twelve feet above the ground beneath the tower climbing apparatus. In lieu of the above, the WECS tower may be mounted on a rooftop.

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

27.63.470 Permitted ~~Special Use~~: Planned Service Commercial.

Planned service commercial development may be allowed by special permit in the H-4 General Commercial District under the following conditions:

(a) The uses approved within a planned service commercial development shall be limited to:

(1) ~~Automobile, motorcycle, and four-wheel truck~~ Motorized vehicle sales;

(2) Warehouses;

(3) Mini-warehouses;

(4) Wholesale and distribution centers not exceeding 30,000 square feet in floor area per building, provided outside storage is permitted only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the stored material and equipment is less than the height of the fence, wall, and gates enclosing the storage area. The fence, wall, and gates shall be located where buildings are permitted;

(5) Service centers for the repair of household appliances and lawn and garden equipment, provided outdoor storage of items to be repaired are permitted only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the items to be repaired are less than the height of the fence, wall, and gates enclosing the storage area and no salvage or scrap processing operation shall be permitted. The fence, wall, and gates shall be located where buildings are permitted;

(6) Dwellings for caretakers employed and required to reside on the premises;

(7) Ambulance services;

(8) ~~Indoor animal hospitals~~ Veterinary facilities;

(9) ~~Contractors' office and storage, including electrical, plumbing, heating, and air-conditioning contractors~~ services, provided outdoor storage of equipment and materials shall be permitted only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the stored equipment and material are less than the height of the fence, wall, and gates

enclosing the storage area. The fence, wall, and gates shall be located where buildings are permitted;

(10) Restaurants;

(11) ~~Service stations~~ Motor fuel service facilities;

(12) Stores or shops for retail sales and services not exceeding 30,000 square feet in floor area per building; provided, there is at least four and one-half square feet of land area excluding other uses and their accessory uses within the approved special permit area per one square foot of floor area;

(13) Food storage lockers;

(14) Clubs, provided the activities are located no less than 150 feet from an abutting residential district;

(15) ~~Private~~ Outdoor and enclosed commercial recreational facilities; provided ~~they are located within the building and~~ that outdoor recreational facilities are no less than 150 feet from an abutting residential district;

(16) Offices not exceeding 15,000 square feet of floor area per building; provided that there is at least four and one-half square feet of land area excluding other uses and their accessory uses within the approved special permit area per one square foot of floor area;

(17) Early childhood care facilities, provided that such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities. In addition, such facilities shall comply with all applicable state and local early childhood care requirements and all applicable building and life safety code requirements;

(18) Cabinet shops and stores; provided that the total floor area of the operation does not exceed 5,000 square feet and that all materials, both raw and finished, be stored inside;

(19) Churches;

(20) ~~Automobile~~ Motor vehicle repair, including vehicle body repair shops, provided that all disabled vehicles and all new and used parts are stored inside the building only;

(21) ~~Private schools~~ Academies;

(22) Banks, savings and loan associations, credit unions, and finance companies;

(23) Broadcast towers;

(24) Indoor kennels;

(25) Outdoor exercise area associated with an indoor animal hospital or indoor kennel; provided that such facilities comply with the requirements of Section 27.63.780.

(26) ~~Automobile/~~ Motorized vehicle and/or truck wash facility:

(i) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the Guidelines and Regulations for Driveway Design and Location as adopted by the City of Lincoln.

(ii) Self-service, coin-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the Guidelines and Regulations for Driveway Design and Location as adopted by the City of Lincoln.

(27) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes.

(28) Motels and hotels. ~~A distance of at least twenty feet shall be maintained between buildings on the lot and each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.~~

(29) Sale of alcohol for uses that meet the conditions of Sections 27.63.680 and 27.63.685.

(30) Non-residential healthcare facilities per the conditions of Section 27.63.080.

(b) An applicant for a special permit under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established for those districts requiring use permits.

(c) Each application for a special permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas, and around proposed buildings. The applicable standards shall be those adopted by resolution of the City Council for those districts requiring use permits.

(d) The City Council may increase or decrease the height and area regulations and the floor area to land area ratios otherwise applicable in the H-4 General Commercial District, consistent with adequate protection of the environments of adjacent land uses;

(e) That the land surrounding the tracts for the proposed planned service commercial development will not be adversely affected;

(f) That upon approval of a planned service commercial development, the land proposed to be included within such development shall not be developed for or devoted to any other permitted use or specially permitted use of the H-4 General Commercial District, except those specifically approved in the special permit authorizing the planned service commercial development, unless an amendment thereto has been approved in accordance with the procedures set forth for approving special permits generally.

27.63.500 ~~Permitted Special Use: Scrap Processing Operations, Salvage Yards, and Enclosed Disassembly Operations.~~

~~Scrap processing operations and s~~Salvage yards may be allowed by special permit in the I-1 zoning district ~~and enclosed disassembly operations may be allowed by special permit in the I-1 and I-2 zoning districts~~ under the following conditions:

(a) Construction and operation shall comply with Chapters 5.41 and 8.26 of the Lincoln Municipal Code and any other applicable codes or requirements;

(b) Receiving areas for salvage material shall be designed to avoid the depositing of salvage material outside a building or outside screened storage areas;

(c) ~~Scrap processing operations and s~~Salvage yards shall contain a minimum of two acres, except that the site may be as small as 20,000 square feet where the site abuts one or more

existing scrap processing or salvage yards that exceed two acres in total, or where the site is located no closer than 100 feet to the boundary of the I-1 zoning district except where said boundaries are common with H-3 zoning district;

(d) Salvage and/or recycling material kept outside a building or buildings shall not be located closer than 500 feet from any of the following entrance corridors, except where existing land forms completely obstruct the view by the traveling public of the salvage material:

- (1) Interstate 80 and 180;
- (2) West Bypass and “K” and “L” extension;
- (3) U.S. 77 north of Morton Street;
- (4) U.S. 77 and Nebraska Highway 2 south of High Street;
- (5) Nebraska Highway 2 east of South 14th Street;
- (6) U.S. 6 east of a point one-fourth mile west of 70th Street;
- (7) U.S. 6 west of Salt Creek;
- (8) Cornhusker Highway west of Interstate 180;
- (9) North 27th Street north of Leighton Street;
- (10) West “O” Street and “O” Street west of 9th Street.

(e) Salvage/recyclable material kept outside a building or buildings shall not be located in the required front yard;

(f) Salvage/recyclable material kept outside a building or buildings shall be located at least 100 feet from the boundaries of the I-1 or I-2 zoning district except where said boundaries are common with the H-3 zoning district and shall be at least 500 feet from any residential zoning district;

(g) Salvage/recyclable materials may be stored in enclosed semi-trailers provided that the semi-trailers are properly licensed and are operable to be drawn by a motor vehicle upon the streets and highways of the City of Lincoln and the State of Nebraska and the semi-trailer shall not be located in the required front yard. Where the side yard or rear yard of the salvage yard abuts a

residential district, the semi-trailers shall be located at least twenty feet from the respective side lot line or rear lot line and the openings to the trailer shall not face the residential district.

(h) The City Council may decrease the setback requirements in (c) and (f) above upon finding that there is sufficient justification for such modification and that there will be no significant adverse effect on the adjacent property.

27.63.530 ~~Permitted Special Use: Domiciliary Care~~ Healthcare Facilities, Residential.

~~Facilities to provide domiciliary care~~ Residential healthcare facilities may be allowed in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, ~~and R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, and B-5~~ zoning districts under the following conditions:

(a) Parking shall be in conformance with Chapter 27.67 unless modified under the condition of the special permit, provided that no parking shall be permitted in the required front or side yards.

(b) ~~Domiciliary care~~ Residential healthcare facilities shall be licensed to comply with all state requirements ~~for domiciliaries and/or residential care facilities.~~

(c) The total number of client or employee residents shall not exceed the lot area ratio below except as provided for in this section, and provided that all facilities may have up to four individuals sixty years of age or older and one family acting as the residential caretaker:

- (i) R-1 zoning district: One person per 3,000 square feet of lot area;
- (ii) R-2 zoning district: One person per 2,000 square feet of lot area;
- (iii) R-3 zoning district: One person per 2,000 square feet of lot area;
- (iv) R-4 zoning district: One person per 1,000 square feet of lot area;
- (v) R-5 zoning district: One person per 750 square feet of lot area;
- (vi) R-6 zoning district: One person per 750 square feet of lot area;
- (vii) R-7 zoning district: One person per 750 square feet of lot area;
- (viii) R-8 zoning district: One person per 750 square feet of lot area.

(d) Depending on the character of the development and impacts on adjacent land uses, the Planning Commission may grant an increase in the number of residents allowed in (d) above where the site plan and building plans comply with the barrier-free standards in the design standards as adopted by the City Council. Such increase shall not exceed fifty percent.

(e) The height and yard requirements of the district in which the proposed use is located shall apply provided, however, that if the area of the lot is one acre or more, the height requirement of the district may be adjusted to provide flexibility in the design of buildings and to provide compatibility with surrounding uses except that solar access to adjacent buildings or potential buildings on land under other ownership shall not be reduced by such adjustment.

~~27.63.580 Permitted Special Use: Nonprofit Religious, Educational and Philanthropic Institutions; R-6, R-7 and R-8 Districts.~~

~~Nonprofit religious, educational and philanthropic institutions may be allowed by special permit in the R-6, R-7 and R-8 zoning districts under the following conditions:~~

~~(a) The amount of parking required shall be equal to the amount which would otherwise be required for the use as set forth in Chapter 27.67 which is most analogous to the use proposed in connection with such religious, educational or philanthropic institution as determined by the Planning Director. All required parking shall be located on the lot unless otherwise specifically approved by the Planning Commission, but in no event shall required parking be located more than 300 feet from the lot upon which the use is located.~~

~~(b) No such use shall be a retail store.~~

~~(c) All signage shall be in conformance with the district regulations as set forth in Chapter 27.69 of this code.~~

27.63.610 Permitted Special Use: Neighborhood Support Services.

Neighborhood support services are those human, social, educational, counseling, health, and other support services provided primarily for the support of persons residing in adjacent residential areas, which occur frequently and so require facilities in relative proximity to places of residence. Neighborhood support services may be allowed by special permit in the R-1, R-2, R-3, R-4, and R-5, R-6, R-7, and R-8 zoning districts under the following conditions:

(a) The use shall be operated by a nonprofit religious, educational, or philanthropic institution and shall be strictly restricted to administrative offices and assembly associated with such neighborhood support services.

(b) The site upon which the use is located shall be an existing structure adjacent, contiguous, or separated by an alley or street to a park, school, church, or neighborhood center.

(c) The use shall be restricted to the operation and administration of those neighborhood support services designed to primarily serve the local neighborhood and adjacent areas and not the entire city.

(d) The amount of parking required shall be equal to the amount which would otherwise be required for the use as set forth in Chapter 27.67 which is most analogous to the use proposed in connection with such neighborhood support services as determined by the Planning Director. All required parking shall be located on the lot unless otherwise specifically approved by the City Council, but in no event shall required parking be located more than 300 feet from the lot upon which the use is located.

(e) No such use shall render a service which is customarily carried on as a business nor shall any such use be approved which involves printing, publishing, manufacturing, or other industrial uses on the premises.

(f) All signage shall be in conformance with the requirements set forth in Chapter 27.69 of this code.

(g) The amount of parking required shall be equal to the amount which would otherwise be required for the use as set forth in Chapter 27.67 which is most analogous to the use proposed in connection with neighborhood support services as determined by the Planning Director. All required parking shall be located on the lot unless otherwise specifically approved by the Planning Commission, but in no event shall required parking be located more than 300 feet from the lot upon which the use is located.

(h) No such use shall be a store or shop for the sale of goods at retail.

27.63.630 ~~Permitted Special Use: Theaters, Indoor.~~

Indoor ~~Theaters~~ may be allowed in the B-5 District by special permit under the following conditions:

(a) A use permit for 400,000 square feet or more of commercial floor area has been issued;

(b) A Certificate of Occupancy has been issued for 300,000 square feet or more of commercial floor area; provided, however, that the City Council may decrease or waive this requirement upon a finding that the proposed theaters will have no significant adverse impact upon the property values and existing uses in the B-4 Lincoln Center Business District, with particular emphasis upon the effect of such proposed indoor theaters on the entertainment and cultural uses in the B-4 Lincoln Center Business District; and

(c) Not more than one indoor theater complex shall be allowed for each B-5 District, consisting of not more than six movie screens.

27.63.740 ~~Permitted Special Use: Adult Care Center Day Service Facility.~~

~~Adult care centers~~ day service facilities may be allowed by special permit in the R-2, R-3, or R-4 zoning districts under the following conditions as an accompaniment to a health care facility:

(a) The facility must be located on property abutting upon or directly across the street from and fronting on the same street as property used for a health care facility.

(b) The application shall be accompanied by the following information:

(1) The number of adults and number of staff members on the largest shift;

(2) A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading areas, fencing, and entrances/exits to such facility;

(3) If the proposed facility is for six or more adults and is located in a residential district, the application must also include a conversion plan which complies with the design standards for early childhood care facilities.

(c) Prior to occupancy, such facilities shall comply with all applicable state and local ~~adult care center~~ day service facility and building requirements.

(d) Facilities with six to ten adults shall take access from a collector or arterial street. Facilities with eleven or more adults shall be take access from an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities. Notwithstanding the above, a facility located upon a corner lot which satisfies the above access requirements may take access from either abutting street.

(e) The site plan for such facilities shall comply with the design standards for early childhood care facilities.

(f) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking and loading/unloading areas shall comply with the design standards for early childhood care facilities.

(g) Before granting a special permit for the ~~adult care center~~ day service facility, the proposed use must be found to not detrimentally affect the residential or historic character of the surrounding area.

27.63.780 ~~Permitted Special Use: Outdoor Exercise Area Associated with an Indoor Animal Hospital or Indoor a Veterinary Facility or Kennel.~~

Outdoor exercise areas associated with ~~an indoor animal hospital~~ a veterinary facility or ~~indoor~~ kennel may be allowed by special permit in the H-3 and H-4 zoning districts under the following conditions:

(a) All outdoor exercise areas and fences surrounding outdoor exercise areas shall meet the setbacks of the zoning district, except the outdoor exercise area must be at least 200 feet from any R-1 through R-8 zoning district as measured to the closest point of the outdoor exercise area.

(b) All outdoor exercise areas shall be screened 100% from the ground to six feet in height with an opaque fence or wall. Slats in chain link fence are not acceptable.

(c) Use of outdoor exercise areas between the hours of 10:00 p.m. and 7:00 a.m. is prohibited.

(d) An outdoor exercise area associated with ~~an indoor animal hospital~~ a veterinary facility or ~~indoor~~ kennel is only allowed in conjunction with such ~~indoor animal hospital~~ veterinary facility or ~~indoor~~ kennel.

(e) The Planning Commission may limit the number of animals allowed in the outdoor exercise area at any one time.

(f) The Planning Commission may increase these requirements dependent upon the character of the facilities and the effect on adjacent land uses.

(g) Animals in the outdoor exercise area shall be under the supervision of handlers at all times.

27.63.790 ~~Permitted Special Use: Indoor Animal Hospital or Indoor Veterinary Facility or Kennel.~~

~~Indoor animal hospitals and indoor~~ Outdoor areas for three or less animals associated with a veterinary facility kennels may be allowed by special permit in the AG, AGR, B-1, B-2, B-3, H-2, H-3, and H-4 zoning districts.

Outdoor areas for three or less animals associated with a kennel may be allowed by special permit in the B-1, B-2, B-3, H-2, H-3, and H-4 zoning districts.

CHAPTER 27.64

USE PERMITS

Sections:

27.64.010 Procedures and Requirements.**27.64.010 Procedures and Requirements.**

- 1
- 2 (a) Application: Applications for a use permit under this chapter for development in the O-3,
3 R-T, B-2, B-5, and I-3 zoning districts shall be filed by the owner in writing with the
4 Planning Department on a form provided by the City. Upon filing the application, the City
5 Council shall refer the application to the Planning Commission for its consideration and final
6 action as provided in subsection (g) below.
7
- 8 (b) Preliminary plan: The Planning Director may require a preliminary plan that may include
9 the following information:
- 10
- 11 (1) Boundary survey and gross acreage;
- 12
- 13 (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
14 elevations on 100-foot grid shall be required to fully indicate the topography on flat
15 land;
- 16
- 17 (3) Street right of way;
- 18
- 19 (4) Utility easements;
- 20
- 21 (5) Adjacent land use and zoning classifications;
- 22
- 23 (6) Location of structures on property to be removed;
- 24
- 25 (7) Vicinity map;
- 26
- 27 (8) Date prepared, scale and north point;
- 28
- 29 (9) Schematic and location of existing buildings;
- 30
- 31 (10) Parking areas and capacity;
- 32
- 33 (11) Open space for residential uses (except in the R-T District);
34

1 (12) Use of buildings, such as retail, service, restaurant, office, residential and other uses;

2
3 (13) Height of buildings;

4
5 (14) Location of existing trees and proposed landscape plan;

6
7 (15) Proposed vehicular and pedestrian circulation system including egress and ingress;

8
9 (16) Building and parking setback lines;

10
11 (17) Grading plan;

12
13 (18) On-site and off-site water and sanitary sewer improvements;

14
15 (19) On-site and off-site drainage and storm sewer improvements;

16
17 (20) Location of proposed free-standing signs;

18
19 (21) Cross-section for paving of parking lots and sidewalks;

20
21 (22) In the B-2 and B-5 districts, proposed name of the shopping center;

22
23 (23) Name, address, and telephone number of developer; certified record owner or owners
24 and addresses; and legal description of the proposed use permit area, including the
25 number of acres.

26
27 (c) Environmental performance standards: Any applicant for a use permit under the provisions
28 of this section shall comply with environmental performance standards relating to noise,
29 emission, dust, odor, glare, and heat as shall be from time to time established by various
30 municipal departments and approved by resolution of the City Council.

31
32 (d) Environmental impact statement and market analysis: If any application for a change of
33 zone to the B-5 Planned Regional Business District or for a use permit in the B-5 district
34 under the provisions of this section substantially deviates from the Comprehensive Plan in
35 terms of location or size, as determined by the Planning Director, the applicant shall submit
36 an environmental impact statement and a market analysis in accordance with Chapters 3.05
37 and 3.10 of the City of Lincoln Design Standards for Zoning Regulations which shall serve
38 as a guide to the Planning Commission for evaluation of such application in terms of need,
39 desirability, supportability, and its implications for the overall growth of the community.

40
41 (e) Planning Commission review: The Planning Commission shall hold a public hearing upon
42 such application and shall consider the effect of the proposed use upon the surrounding
43 neighborhood, the community as a whole, and other matters relating to public health, safety,
44 and general welfare.

1 (f) Planning Commission action: After holding at least one public hearing, the Planning
2 Commission shall proceed to give final consideration to the application. The Planning
3 Commission shall impose such conditions as are appropriate and necessary to ensure
4 compliance with the Comprehensive Plan and protect the health, safety, and general welfare
5 in the issuance of any such use permits. Such conditions may include an increase in the
6 minimum parking and yard requirements and decrease in the maximum height restrictions
7 set forth in this chapter. Lots fronting on private roadways may be permitted. Unless
8 expressly modified by the terms of the use permit, all regulations of the applicable R-T, O-3,
9 B-2, B-5, or I-3 District shall apply. The Planning Commission may require that certain
10 conditions be fulfilled by the applicant in conjunction with approval of the use permit
11 applied for which may include the requirement that applicant grant additional right of way
12 in accordance with the Comprehensive Plan. The Planning Commission may also require the
13 execution of a written agreement with the city relating to the installation of public
14 improvements by the applicant, together with the execution of performance bonds or
15 provision of other appropriate surety relating thereto. The installation of all public
16 improvements shall be accomplished in compliance with existing city standards as provided
17 by ordinance or by departmental publications approved by resolution of the City Council.
18 In the event the Planning Commission fails to act upon the application within ninety days
19 from the date of the Council's referral of the application to the Planning Commission, the
20 applicant may file a written request with the Planning Director requesting the Planning
21 Commission to take final action on the application. If the Planning Commission fails to take
22 such final action within thirty days following the Planning Director's receipt of the written
23 request, the Planning Director shall schedule the application on the City Council's agenda
24 for public hearing and final action.

25
26 (g) Appeal of Planning Commission action:

27
28 (1) Any aggrieved person or any person or group officially designated to participate in
29 the administration of this title may appeal any action of the Planning Commission to
30 the City Council by filing notice of appeal with the City Clerk within fourteen days
31 following the action of the Planning Commission.

32
33 (2) Upon receipt of the appeal by the City Council, the council shall hold a public
34 hearing thereon within thirty days from the date of appeal. Notice of the public
35 hearing shall be given as provided in Chapter 27.81.

36
37 (3) In exercising its appellate jurisdiction, the action appealed from shall be deemed
38 advisory and the City Council may, after public hearing, in conformity with the
39 provisions of this title make such decision as ought to be made.

40
41 (h) Adjustment of minimum subdivision requirements and zoning sign, parking, height and lot
42 requirements and height restrictions: Upon request of the applicant, the City Council may,
43 after report and recommendation of the Planning Commission, adjust the minimum
44 subdivision requirements, minimum parking, height and lot requirements, and sign regula-
45 tions for location, height and area of a sign set forth in Title 26 and this chapter provided the

1 public welfare and interest of the City and surrounding area are protected and the general
2 interest and spirit of the regulations are preserved and provided further that in the R-T
3 district, the maximum height of a building shall not exceed the height of the tallest residence
4 on the same and facing block fronts. The Planning Commission shall hold a public hearing
5 upon the requested adjustment at the same time that it hears the application for the use
6 permit and shall make a report to the City Council regarding the effect the proposed use and
7 adjustment has upon the surrounding neighborhood, the community as a whole, and other
8 matters relating to public health, safety, and general welfare. Upon receiving a report from
9 the Planning Commission, the City Council shall take final action upon the use permit and
10 the adjustment.

11
12 (j) Amendment: The Planning Director is authorized to approve amendments to the use permit
13 provided that:

14
15 (1) A request for amendment is filed with the Planning Director and, if appropriate,
16 accompanied by a plot plan showing all pertinent information;

17
18 (2) Minor increases in the number of dwelling units or total floor area originally
19 authorized by the Planning Commission or City Council may be approved if such
20 increases will not cause a significant adverse impact on the public infrastructure,
21 existing development within the use permit and adjoining properties. Minor
22 increases shall not exceed more than fifteen percent (15%) cumulative additional
23 dwelling units or total floor area;

24
25 (3) Amendments shall preserve the intent and spirit of the approved development plan;

26
27 (4) Amendments shall not violate any regulation set forth in this title;

28
29 (5) No change is made to the applicable setback, yard, or height requirements for lots
30 along the perimeter of the use permit;

31
32 (6) Minor internal changes to the applicable setback, yard, or height requirements may
33 be made within the use permit if they conform to the intent of the approved use
34 permit and do not adversely impact existing development within the use permit;

35
36 (7) Any amendment not in conformance with this paragraph shall be submitted to the
37 Planning Commission in the same manner as a formal application for use permit.

38
39 (k) Building permits, certificates of occupancy, and certificates of compliance: Upon the
40 approval of a use permit as provided for under this section, building permits and certificates
41 of occupancy may be issued. Certificates of compliance shall not be issued until there has
42 been compliance with all conditions of a use permit and subsequent amendments within each
43 phase of development of a use permit.
44

- 1 (l) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully
2 established in this district on the effective date of this title shall be deemed to have received
3 a use permit as herein required and shall be provided with such permit by the Director of
4 Building and Safety upon request, and it shall not be a nonconforming use; provided,
5 however, for any enlargement, extension, or relocation of such existing use, an application
6 in conformance with this section shall be required.
7
- 8 (m) If an application for a use permit located within a flood plain is granted approval by the city,
9 it shall not be necessary for the applicant to make an application for a special permit to be
10 approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-
11 57540. It shall be presumed that the applicant has received all such approvals as may be
12 required by the foregoing resolutions by virtue of the city granting approval to the use
13 permit.
14
- 15 (n) Expiration of Application. All applications for a use permit which have been placed on
16 pending by an applicant shall automatically expire and become null and void one year
17 thereafter. At least thirty days before the date of expiration, the Planning Director shall cause
18 notice of expiration to be sent to the applicant by regular United States mail, postage
19 prepaid. Said notice shall advise the applicant that the application shall automatically expire
20 unless prior to the expiration date, the Planning Director receives a request from the
21 applicant to remove the application from pending and reschedule the matter on the Planning
22 Commission or City Council agenda as appropriate.
23
24

Chapter 27.67

PARKING

27.67.040 Parking Requirements; Special Conditions.

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

(a) A fraternity or sorority shall provide 0.75 spaces per resident. Parking shall be provided either onsite or within 600 feet of the premises. Notwithstanding the above, no parking shall be required for a fraternity or sorority located within the boundaries of 14th Street to 17th Street and Q Street to W Street.

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

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

~~(d) Nursing homes: One space/3 beds.~~

~~(e d)~~ Elderly or retirement housing: One space/dwelling unit.

~~(f e)~~ Mini-warehouses:

(1) Two spaces for manager's quarters;

(2) One space for every 200 storage cubicles to be located at the project office for the use of clients; provided access lanes and roads to the storage area are twenty feet in width to allow vehicles to unload and pass. If access lanes and roads are less than twenty feet in width, parking at a rate of one space per ten storage cubicles shall be provided equally throughout the storage area.

(g f) Doctors' and dentists' offices: One space/225 sq. ft. of floor area.

(h g) Drive-in restaurants: One space/40 sq. ft. of floor area.

(i h) Bowling alleys: 4 spaces/lane (plus required parking for affiliated uses.)

(j i) Auditoriums, theaters, grandstands, stadia, amphitheaters, and other places of public assembly: One space/50 sq. ft. of seating area plus parking for affiliated uses within 300 ft. of the main use.

(k j) Recreational uses:

(1) Racquetball and other court games: Four spaces/court (plus required spaces for affiliated uses);

(2) Swimming pools: One space/100 sq. ft. of water surface (plus parking for affiliated uses) as determined by the city;

(3) Golf courses: Two spaces/hole of course, plus parking for affiliated uses.

(l k) Hospitals: One space/2.5 beds, plus one space/employee on the largest shift.

(m l) Churches, chapels, public schools, private schools having a curriculum equivalent to a public elementary or public high school, and private business or commercial schools: One space/50 sq. ft. in largest assembly hall as determined by the City.

(n m) Academies, such as Ggymnastic, karate, judo, dance, or music, and other similar academies: One space for every three students allowed per class session plus one space for every employee. In those instances where two sessions of classes occur one after another, without at least one-half hour separation between sessions, the maximum number of students allowed at both sessions shall be combined in determining the amount of required parking per class session.

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

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

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

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

(s r) Warehouses:

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

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

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

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

(~~t~~ t) Restaurants and Social Halls: one space per 100 square feet.

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

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

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

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

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

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

(~~bb~~ aa) Community Halls, Farm Wineries, and Market Gardens located in the AG and AGR zoning districts: There shall be adequate parking for vehicles compatible with the number of people using the facility.

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

- (1) Six hundred square feet for the first 10,000 square feet of floor area;
- (2) An additional 600 square feet for each additional 20,000 square feet of floor area.

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

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

(2) O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4 Zoning Districts. The uses shall be 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 include uses in adjacent O-2 districts and adjacent churches and chapels outside the above districts. The aggregate parking requirement shall be computed on the basis of providing the parking required for that use or those uses having concurrent parking demand that have the largest parking demands

as determined by the parking matrix (Section 27.67.020) and any additional conditions in this chapter; provided, however, that the number of additional spaces that would be required in the absence of this paragraph need not be provided physically, but sufficient land shall be reserved in the event that future uses may not have nonconcurrent parking demand. For the purpose of determining the adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a written agreement between the city and all parties to such use.

(3) O-1 District. The uses shall be located in the O-1 District and may include adjacent churches or chapels located outside the O-1 District. Uses that have nonconcurrent parking demand may join their parking facilities. The aggregate parking requirement shall be computed on the basis of providing the parking required for that use or those uses having concurrent parking demands that have the largest parking demands as determined by the parking matrix and any additional conditions in this chapter; provided, however, that the number of additional spaces that would be required in the absence of this paragraph need not be provided physically, but sufficient land shall be reserved in the event the future uses may not have nonconcurrent parking demand. For the purpose of determining the adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a written agreement between the city and all parties to such use.

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

(ee) Urban Gardens greater than two acres in size shall provide three off-street parking stalls per every acre or part thereof over two acres.

(ff) Joint parking is a permitted use in the O-3, R-T, B-2, B-5 and I-3 zoning districts under the following conditions:

(1) The joint use of parking lots and garages shall be authorized by a cross access easement or by other written agreement between the parties to such joint parking (“Joint Use Agreement”).

(2) The minimum aggregate number of parking stalls provided under the Joint Use Agreement shall be equal to the sum of the required parking for each use.

(3) The Joint Use Agreement shall be submitted to and approved by the City Law Department.

(4) The Joint Use Agreement shall be filed of record with the Register of Deeds for Lancaster County, Nebraska and indexed against the affected properties.

Chapter 27.69**SIGNS****27.69.180 ~~Service Station~~ Motorized Vehicle Fuel Sales Facility Signs.**

In those zoning districts where ~~service stations~~ motorized vehicle fuel sales facilities are permitted, the following signs are permitted on the premises used as ~~service stations~~ motorized vehicle fuel sales facilities in addition to those signs otherwise permitted in the zoning district in which such ~~service station~~ motorized vehicle fuel sales facility is located:

- (a) Gasoline Price Sign: One gasoline price sign per frontage, not to exceed thirty-two square feet of sign area. Said gasoline price sign shall be attached to the permitted freestanding sign structure.
- (b) Canopy/Fascia Sign: Two canopy/fascia signs per canopy face; not to exceed a combined total of fifty square feet of sign area for an emblem, logo, and/or business name. Stripes and graphics may be allowed on the remaining area of the canopy fascia.
- (c) Pump Island Signs: Each pump island may have one pump island sign per pump cabinet not to exceed twenty square feet of sign area.
- (d) Full- and self-service island identification, air, restroom, garbage cans, and dispenser identification will not be counted as signs.).

27.69.220 Complex or Subdivision Area Signs.

In all residential zoning districts, freestanding signs identifying a complex for multiple family dwellings, ~~domiciliary care facilities~~ residential healthcare facilities, or elderly or retirement housing or subdivision area shall be permitted under the following conditions:

- (a) Freestanding signs shall not exceed thirty-two square feet in area or six feet in height.
- (b) Freestanding signs may be located in the required front yard or building line district adjacent to an arterial street.
- (c) Two freestanding signs may be located at each entrance.
- (d) If the complex for multiple family dwellings, domiciliary facilities, or elderly or retirement housing or the subdivision area fronts upon but does not have access to an arterial street, one additional freestanding sign per arterial street frontage without access may be located abutting such arterial street.
- (e) Freestanding signs may be illuminated by a ground light, internally or by downlighting methods if located at least 100 feet from the side lot line of an abutting residential zoned lot; provided that if the abutting residential zoned lot is used for multi-family use or a special permitted use, the above 100-foot setback does not apply.
- (f) Freestanding signs located in the building line district shall be moved at the sole cost of the owner when necessary for public use.

27.69.260 Non-Residential Healthcare Facilities and Post Secondary Schools.

Campuses of non-residential healthcare facilities and private post secondary schools having more than one building and two acres of land, may have a campus signing plan approved under the provisions of Section 27.63.080 to provide for public safety and to accommodate the unique requirements for services, provided:

- (a) The signing plan shall be designed to minimize adverse impact on surrounding properties;
- (b) Any signs proposed in required yards shall be approved as part of the landscaping plan;
- (c) No freestanding sign shall exceed eight feet in height or fifty square feet in sign area if on a major street, and six feet in height and thirty-two square feet on any other street;
- (d) Sign shall have no exposed illumination, except one "emergency" sign may have direct lighting;
- (e) All wall signs over fifty square feet in sign area shall be approved in the permit.

Said campus signing plan may be approved by administrative amendment as provided in Section 27.63.030 if a special permit is existent for the healthcare facility or secondary school and plot plan.

The campus signing plan regulations in subparagraphs (c), (d), and (e) above may be modified by the City Council in connection with the granting of a special permit in conformance with the requirements of Chapter 27.63.

Chapter 27.70

ADDITIONAL USE REGULATIONS

Adding a new section numbered 27.70.060 to read as follows:

27.70.060 Temporary Buildings and Temporary Fences.

(a) Temporary buildings and temporary fences are allowed in any zoning district under the following conditions:

(1) Temporary buildings may be used in conjunction with the construction of buildings during the period of time that the building is being constructed. The temporary building shall be removed upon completion of the construction work.

(2) Temporary fences may only be used in conjunction with construction work and the temporary fence must meet the following requirements:

(i) Not to exceed ninety-six inches in height;

(ii) Be only used to protect construction work and materials;

(iii) The temporary fence may be located on any part of a lot but the fence may not encompass any greater area than necessary to provide protection to the construction work or materials and may encompass only that part of a lot necessary to allow construction activity and access around the structures;

(iv) The temporary fence shall be removed upon completion of the construction work or the availability of other protection within the lot. On lots or areas in which more than one building will be under construction, the area enclosed by the fence shall be reduced as construction proceeds;

(v) The temporary fence shall not obstruct the visibility of the construction site nor prevent access to the site by emergency vehicles;

(vi) No fence shall be erected within that triangular area required for sight distance of vehicles entering or exiting the property or entering an adjacent intersection in conformance with the “design standards” and “guidelines and regulations for driveway design” of the city.

Chapter 27.72

HEIGHT AND LOT REGULATIONS

Sections:

- 27.72.010 Height and Lot Regulations AG District.
- 27.72.020 Height and Lot Regulations AGR District.
- 27.72.030 Height and Lot Regulations R-1, R-2, R-3, R-4 Zoning Districts.
- 27.72.040 Height and Lot Regulations R-5, R-6, R-7, R-8 Zoning Districts.
- 27.72.050 Height and Lot Regulations Commercial Zoning Districts.
- 27.72.060 Height and Lot Regulations Highway Commercial Zoning Districts.
- 27.72.070 Height and Area Regulations Industrial Zoning Districts.
- 27.72.080 Special Height and Lot Requirements.

27.72.010 Height and Lot Regulations AG District.

The maximum height and minimum lot requirements within the AG District shall be as follows:

(a) General Requirements.

- (1) See Table 27.72.010(a) below:

<u>Table 27.72.010(a)</u>			
<u>Maximum Height and Minimum Lot Requirements for the AG District</u>			
		<u>AG</u>	<u>AG (less than 20 acres with existing single family and farmstead splits)</u>
<u>All Allowed Uses</u>	<u>Lot Area</u>	<u>20 acres</u>	<u>1 acre</u>
	<u>Avg. Lot Width</u>	<u>550'</u>	<u>150'</u>
	<u>Frontage</u>	<u>550'</u>	<u>120'</u>
	<u>Front Yard</u>	<u>50' *</u>	<u>50'</u>
	<u>Side Yard</u>	<u>60'</u>	<u>15'</u>
	<u>Rear Yard</u>	<u>100'</u>	<u>Lesser of 50' or 20% of the depth</u>
	<u>Height</u>	<u>35'</u>	<u>30'</u>
* <u>The sum of (1) the distance from the centerline of abutting road to the property line, plus (2) the required front yard need not exceed 80'. The required front yard may be reduced, where necessary, to reach this total.</u>			

- (2) There shall be a required front yard on each street side of a double-frontage lot.
- (3) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953 need not be

reduced below thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

- (4) Accessory buildings which are attached to or not located more than ten feet from the main building shall be considered a part of the main building and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main building may be located in the required rear yard, provided that such accessory buildings (i) shall not be nearer than two feet to the side or rear lot line; and (ii) shall not occupy more than thirty percent of the required rear yard.

(b) Exceptions to the General (Minimum Lot) Requirements.

- (1) Where a lot or tract of land on the effective date of this title has less width than required under subsection (a) of this section, the required side yard may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than fifteen feet.
- (2) Where a lot or tract of land with an area of less than two acres on the effective date of this title has an average depth of not more than 300 feet, there shall be a required rear yard having a depth of not less than fifty feet or twenty percent of the depth of the lot, whichever is smaller.
- (3) If a lot has less area, width, or frontage or any combination thereof, than herein required, and its entire boundary was under different ownership on the effective date of this title and has not since been changed, such lot may be used in the following manner:
- (i) If the area of the lot is ten acres or more, such lot may be used for:
 - A. Agriculture, except commercial feedlots;
 - B. Breeding, raising, management, and sale of fur-bearing animals and the produce thereof;
 - C. Dog-breeding establishment and kennel;
 - D. Stables and riding academies;
 - E. Public use including, but not limited to, public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools or private schools having a curriculum equivalent to a public elementary or public high school, and public utilities and utility distribution systems;
 - F. A single-family dwelling;
 - G. Churches.

- (ii) A lot which otherwise qualified under (3)(i) above, but which has since been reduced in area by public acquisition for right-of-way purposes, may be devoted to any of the uses permitted in (3)(i) above if the remaining area of such lot is nine or more acres.
- (iii) If the area of the lot is less than ten acres, such lot may be used for:
- A. Agriculture, except commercial feedlots;
 - B. Public use including, but not limited to, public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools or private schools having a curriculum equivalent to a public elementary or public high school, and public utilities and utility distribution systems;
 - C. A single-family dwelling;
 - D. Churches.
- (4) If two or more abutting lots in common ownership exist on the effective date of this title, each of such lots may be used for a single-family dwelling; provided, that each such lot shall contain a minimum area of two acres and shall have an average lot width of 150 feet. If any of the abutting lots in common ownership have less width or depth than herein required, the required side and rear yard may be adjusted as provided in (b)(1) and (b)(2) above, respectively.
- (5) A lot or tract of land of one acre or more may be used for a single-family dwelling provided that:
- (i) the dwelling has existed on such lot or tract of land for more than five years;
 - (ii) the dwelling is or has been used on the primary residence associated with a farm;
 - (iii) such lot or tract of land and buildings shall be in conformance with the following maximum height and minimum lot requirements:
 - A. General Requirements:
 - 1. See Table 27.72.010(b)(5)(iii)A. below

<u>Table 27.72.010(b)(5)(iii)A</u> <u>Maximum Height and Minimum Lot Requirements</u>							
	<u>Lot Area</u>	<u>Avg. Lot Width</u>	<u>Frontage</u>	<u>Req'd Front Yard</u>	<u>Req'd Side Yard</u>	<u>Req'd Rear Yard</u>	<u>Height</u>
<u>All Permitted Uses</u>	<u>1 acre</u>	<u>150'</u>	<u>120'</u>	<u>50'</u> *	<u>15'</u>	<u>Lesser of 50' or 20% of depth</u>	<u>30'</u>
* <u>The sum of (1) the distance from the centerline of abutting road to the property line, plus (2) the required front yard need not exceed 80'. The required front yard may be reduced, where necessary, to reach this total.</u>							

2. There shall be a required front yard on each street side of a double-frontage lot;
3. There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced below thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.
4. Accessory buildings which are attached to or not located more than ten feet from the dwelling shall be considered a part of the dwelling and shall comply with the front, side, and rear yard requirements of the dwelling. Accessory buildings not a part of the dwelling may be located in the required rear yard, provided that such accessory building (i) shall not occupy more than thirty percent of the required rear yard and (ii) shall not be nearer than two feet to the side or rear lot line.
5. The dwelling is in conformance with the other provisions of this title, the minimum housing code, and the minimum standards for water and sewage facilities.

However, if the lot or tract of land used for the dwelling and/or dwelling do not meet the requirements of item (5) above, the single family dwelling shall be considered a non-standard use.

- (6) A lot or tract of land of one acre or more may be used for public utility and distribution system purposes; provided, that such lot or tract of land and any buildings located thereon meet the maximum height and minimum lot requirements set forth in (5)(iii)a. above; and provided, further, that such lot or tract of land shall not be used, by itself, for any other purpose except agriculture.

(7) In the AG zoning district, in all interior sections of a township, the minimum area for a buildable lot shall be one-half of the total acreage contained in that quadrant of the quarter section in which said lot is located. In all closing sections (any section of land bordering on the north or west line of a township) except those which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be as follows:

(i) For those lots located within a Government Lot (a lot created by the original government survey and recorded in the surveyor's records of Lancaster County), the minimum required area shall be one-half of the total acreage contained in said Government Lot;

(ii) For those lots which are not located within a Government Lot, the minimum required area shall be one-half of the total acreage contained in that quadrant of the quarter section in which said lot is located.

(iii) In those closing sections which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be twenty acres, provided, however that the Board of Zoning Appeals, in conformance with the terms of Chapter 27.75, may hear and decide upon petitions to vary strict application of this requirement. For purposes of this section, minimum lot area, county section, and one-half section line road right-of-way are included for the purpose of determining area.

(c) **Exceptions to the General (Height) Requirements.** (Reserved)

27.72.020 Height and Lot Regulations AGR District.

The maximum height and minimum lot requirements within the AGR District shall be as follows:

(a) **General Requirements.**

(1) See Table 27.72.020(a) below.

<u>Table 27.72.020(a)</u> <u>Maximum Height and Minimum Lot Requirements for the AGR Districts</u>		
All Allowed Uses	Lot Area	3 acres
	Avg. Lot Width	<u>220'</u>
	Frontage	<u>175'</u>
	Front Yard	50'
	Side Yard	<u>15'</u>
	Rear Yard	<u>Lesser of 50' or 20% of the depth</u>
	Height	<u>35'</u>

(2) There shall be a required front yard on each street side of a double-frontage lot.

- (3) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953 need not be reduced below thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.
- (4) Accessory buildings which are attached to or not located more than ten feet from the main building shall be considered a part of the main building and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main building may be located in the required rear yard, provided that such accessory buildings (i) shall not be nearer than two feet to the side or rear lot line, and (ii) shall not occupy more than thirty percent of the required rear yard.

(b) **Exceptions to the General (Minimum Lot) Requirements.**

- (1) Where a lot of record on November 2, 1953, has a width of 100 feet or less, the required side yard may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet.
- (2) If a lot or tract of land has less area or width, or both less area and width, than herein required, and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such lot or tract of land may be used in the following manner:
 - (i) Agriculture, except confined feeding facilities for livestock or poultry;
 - (ii) Public use including but not limited to public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools, and public utilities and utility distribution systems;
 - (iii) Churches;
 - (iv) A single-family dwelling.
- (3) If a lot has less area, width or frontage or any combination thereof than required under subsection (a) of this section, and if on January 16, 1989, the area of the lot was one acre or more, and the average lot width of the lot was 150 feet or more and the frontage of the lot was 120 feet or more, such lot may be used for:
 - (i) Agriculture, except confined feeding facilities for livestock or poultry;
 - (ii) Dog-breeding establishments and kennels;
 - (iii) Stables and riding academies;
 - (iv) Public uses; and publicly owned and operated uses including but not limited to public parks, playgrounds, golf courses, and recreational uses; fire stations; public

elementary and high schools; and public utilities and utility distribution systems; and airports;

(v) Churches;

(vi) A single-family dwelling.

(4) If such lot abuts a cul-de-sac, the above requirements for average lot width and frontage may be met by providing a frontage of 175 feet measured at the required front yard line.

(c) Exceptions to the General (Height) Requirements. (Reserved)

27.72.030 Height and Lot Regulations R-1, R-2, R-3, R-4 Zoning Districts.

The maximum height and minimum lot requirements within the R-1, R-2, R-3, R-4 Districts shall be as follows:

(a) General Requirements.

(1) See Table 27.72.030(a) below:

<u>Table 27.72.030 (a)</u> <u>Maximum Height and Minimum Lot Requirements for the R-1 through R-4 Districts</u>					
		<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
Single-family Dwelling	<u>Lot Area (sq. ft.)</u>	<u>9,000</u>	<u>6,000</u>	<u>6,000</u>	<u>5,000</u>
	<u>Avg. Lot Width</u>	<u>60'</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>
	<u>Front Yard</u>	<u>30'</u>	<u>25'</u>	<u>20'</u>	<u>25'</u>
	<u>Side Yard</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
	<u>Rear Yard</u>	<u>Smaller of 30' or 20% of the lot depth</u>			
	<u>Height</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
Two-family Dwelling	<u>Lot Area per Family (sq. ft.)</u>	<u>7,200</u>	<u>5,000</u>	<u>5,000</u>	<u>2,500</u>
	<u>Avg. Lot Width per Family</u>	<u>48'</u>	<u>40'</u>	<u>40'</u>	<u>25'</u>
	<u>Front Yard</u>	<u>30'</u>	<u>25'</u>	<u>20'</u>	<u>25'</u>
	<u>Side Yard (0' if party wall)</u>	<u>20'</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>
	<u>Rear Yard</u>	<u>Smaller of 30' or 20% of the lot depth</u>			

		<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
	<u>Height</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
<u>Other Allowed Uses</u>	<u>Lot Area (sq. ft.)</u>	<u>9,000</u>	<u>6,000</u>	<u>6,000</u>	<u>5,000</u>
	<u>Avg. Lot Width</u>	<u>60'</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>
	<u>Front Yard</u>	<u>30'</u>	<u>25'</u>	<u>20'</u>	<u>25'</u>
	<u>Side Yard</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
	<u>Rear Yard</u>	<u>Smaller of 30' or 20% of the lot depth</u>			
	<u>Height</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>

- (2) There shall be a required front yard on each street side of a double-frontage lot.
- (3) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than 35 feet in the R-1, R-2, and R-3 districts and 28 feet in the R-4 district except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards. Where corner lots in the R-3 district are separated by a common rear lot line, the minimum required front yard shall be ten feet on the side along the street adjacent to both corner lots.
- (4) Accessory buildings which are attached to or not located more than six feet from the main building shall be considered a part of the main building and shall comply with the height, front, side, and rear yard requirements of the main building.
- (5) Accessory buildings not a part of the main building:
- (i) May be located in the required rear yard, but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be closer than two feet to any side or rear lot line nor more than fifteen feet in height. Notwithstanding the above, an accessory building used as a garage and taking access from an alley shall not be located closer than ten feet to the alley line.
- (ii) May, if located not less than sixty feet from the front lot line, extend into the required side yard though not closer than two feet to the side lot line.
- (iii) May, in the R-1, R-2, and R-3 districts, be located in the required front yard on double-frontage lots where at least one frontage is along a major street, provided such accessory buildings:
- A. Shall not occupy any portion of any required front yard along the local street.

- B. Shall not be closer than two feet to the side lot line, closer than two feet to the front lot line along the major street, or closer than two feet to an area specified as a building line district.
- C. Shall not occupy any portion of the required front yard along any major street except when a landscape screen is located along all front lot lines of such lot adjacent to any major street in conformance with the "Design Standards for Screening and Landscaping" adopted by the City of Lincoln.
- D. Shall not have direct vehicular access from any major street along any major street frontage in the block.
- E. Shall not occupy more than 100 square feet of the required front yard along the major street.
- F. Shall not exceed fifteen feet in height and any accessory building or portion thereof within twenty feet of the front lot line along the major street shall not exceed eight feet in height.

(b) Exceptions to the General (Minimum Lot) Requirements.

- (1) If a vacant lot or tract of land has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such lot or tract of land may be used for a single-family dwelling in the R-1, R-2, and R-3 districts or a single- or two-family dwelling in the R-4 district, as long as a side yard of at least five feet is provided when located in the R-1 district.
 - (i) If such vacant lot or tract of land comes under common ownership with an abutting lot or tract of land, such vacant lot or tract of land may continue to be used for a single-family dwelling provided said abutting lot or tract of land was occupied by a dwelling on the date such vacant lot or tract of land and the abutting lot or tract of land came under common ownership.
 - (ii) If such vacant lot or tract of land comes under common ownership with an abutting vacant lot or tract of land which has less area or width or both less area and width than herein required, such lots and tracts of land shall be merged together and constitute a single premise.
- (2) If an existing lot or tract of land lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to this district has less area or width or both less area and width than herein required, such lot or tract of land shall not be considered nonstandard due to this condition.

- (3) In those locations in the R-1 and R-2 districts where, on November 2, 1953, and continuing thereafter, forty percent or more of the frontage on the same side of a street between two street intersections is lawfully occupied by two or more buildings consisting of two-family dwellings or two-family and multiple-family dwellings, two-family dwellings may be erected in conformance with the height, minimum lot requirements, and parking regulations of the R-4 district.
- (4) In those locations in R-4 district where, on November 2, 1953, and continuing thereafter, forty percent or more of the frontage on the same side of a street between two street intersections is lawfully occupied by two or more buildings consisting of multiple-family dwellings, three- and four-family dwellings may be erected in conformance with the height, minimum lot requirements, and parking regulations of the R-5 district.
- (5) If an existing lot or tract of land in the R-1 or R-2 district is lawfully occupied by a two-family dwelling which has a side yard setback of less than twenty feet in the R-1 district or ten feet in the R-2 district and said use becomes nonstandard through a change in district boundaries from another zoning district to this district, the two-family dwelling may be enlarged, extended or reconstructed as long as the existing side yard or a ten-foot side yard, whichever is greater, is provided.
- (6) If two or more abutting lots in the R-2 district existing on or before November 2, 1953, have an aggregate width of at least 75 feet, such lots may be used for a two-family dwelling, notwithstanding the average lot width requirements of subparagraph (a) of this section.
- (7) In the R-1 district, wherever a lot of record on November 2, 1953, had a width of 100 feet or less, the required side yard for a single-family dwelling may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet.
- (8) Single-family dwellings which do not meet the required minimum lot area, average lot width, or yard requirements in Table 27.72.013(a) are permitted in the R-3 district under the following provisions:
 - (i) Such use shall be located outside the City of Lincoln's January 1, 2010 corporate limits.

(ii) Such use meets the following minimum lot requirements:

<u>Average Lot Width</u>	<u>33 feet</u>
<u>Lot Area</u>	<u>3,300 square feet</u>
<u>Front Yard</u>	<u>15 feet to the main building</u> <u>20 feet from the garage door to the lot line</u>
<u>Side Yard</u>	<u>5 feet or 0 feet if party wall</u>
<u>Rear Yard</u>	<u>20 feet or 20% the depth of the lot</u> <u>which ever is less</u>

(iii) There must be at least 22 contiguous feet of uninterrupted curb space abutting the lot measured along the face of the curb from the edge of the curb return to the lot line.

(iv) Any garage door or doors facing the street shall not occupy more than 40% of the width of the building facade, except that the garage door or doors may occupy up to 60% of the width of the building facade if there is living area or a covered balcony above the majority of the garage. Notwithstanding the above, detached garages which are not considered a part of the main building and are primarily located to the side of or behind the main building are exempt from this requirement.

(v) Garages facing and taking access from a street must have a minimum setback of 20 feet from the lot line.

(vi) The principal street facade of each dwelling shall have at least one door. The principal street facade of each dwelling shall also have a minimum of one window per story oriented to the street. If the dwelling is two stories in height, both required windows may be located on the second floor. The minimum glazed area of a window shall be five square feet.

(c) **Exceptions to the General (Height) Requirements.** (Reserved)

27.72.040 Height and Lot Regulations R-5, R-6, R-7, R-8 Zoning Districts.

The maximum height and minimum lot requirements within the R-5 through R-8 Districts shall be as follows:

(a) **General Requirements.**

(1) See Table 27.72.040(a) below:

Table 27.72.040(a) Maximum Height and Minimum Lot Requirements for the R-5 through R-8 Districts					
		R-5	R-6	R-7	R-8
Single-family Dwelling	<u>Lot Area (sq. ft.)</u>	<u>5,000</u>	<u>4,000</u>	<u>4,000</u>	<u>4,000</u>
	<u>Avg. Lot Width</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>
	<u>Front Yard</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>10'</u>
	<u>Side Yard</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>10'</u>
	<u>Rear Yard</u>	<u>Smaller of 30' or 20% of the lot depth</u>			<u>20'</u>
	<u>Height</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
Two-family Dwelling	<u>Lot Area per Family (sq. ft.)</u>	<u>2,500</u>	<u>2,500</u>	<u>2,000</u>	<u>2,000</u>
	<u>Avg. Lot Width per Family</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>
	<u>Front Yard</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>10'</u>
	<u>Side Yard (0' if party wall)</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>10'</u>
	<u>Rear Yard</u>	<u>Smaller of 30' or 20% of the lot depth</u>			<u>20'</u>
	<u>Height</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
Townhouses	<u>Lot Area per Family (sq. ft.)</u>	<u>2,500</u>	<u>2,500</u>	<u>2,000</u>	<u>2,000</u>
	<u>Avg. Lot Width per Family</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
	<u>Front Yard</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>10'</u>
	<u>Side Yard (0' if party wall)</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>10'</u>
	<u>Rear Yard</u>	<u>Smaller of 30' or 20% of the lot depth</u>			<u>20'</u>
	<u>Height</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>

		<u>R-5</u>	<u>R-6</u>	<u>R-7</u>	<u>R-8</u>
Multiple-Family Dwellings	<u>Lot Area per Unit (sq. ft.)</u>	<u>1,500</u>	<u>1,100</u>	<u>700</u>	<u>550</u>
	<u>Avg. Lot Width</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>
	<u>Front Yard</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>10'</u>
	<u>Side Yard (0' if party wall)</u>	<u>7' or 10' if over 20' in ht.</u>		<u>Total 15'; minimum. 7' per side</u>	<u>10'</u>
	<u>Rear Yard</u>	<u>Smaller of 30' or 20% of the lot depth</u>			<u>20'</u>
	<u>Height</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
Other Allowed Uses	<u>Lot Area (sq. ft.)</u>	<u>5,000</u>	<u>4,000</u>	<u>4,000</u>	<u>4,000</u>
	<u>Avg. Lot Width</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>
	<u>Front Yard</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>10'</u>
	<u>Side Yard</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>10'</u>
	<u>Rear Yard</u>	<u>Smaller of 30' or 20% of the lot depth</u>			
	<u>Height</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>

- (2) There shall be a required front yard on each street side of a double-frontage lot.
- (3) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards. Where corner lots in the R-5, R-6, and R-7 districts are separated by a common rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both corner lots.
- (4) Balconies in the R-6, R-7, and R-8 districts may be allowed in the required side yard, but no closer than seven feet from the side lot line.
- (5) A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:
- 125 square feet for the first dwelling in the R-5, R-6, and R-7 district;
80 square feet per unit for each additional dwelling beyond one.

This open space requirement may be met in the following manner:

- (i) In the R-5 district, the required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space

requirement; except for ground level or first floor level porches, patios, and terraces as permitted in Sections 27.72.080(g) and 27.72.080(h);

- (ii) In the R-6, R-7, and R-8 districts, the required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space requirement; except as follows:
 - A. Ground level or first floor porches, patios, and terraces as permitted in this chapter and in Sections 27.72.080(g) and 27.72.080(h);
 - B. The required front yard and side yard may be counted where the distance between the main building and said lot line exceeds the required yard by more than seven feet.
- (iii) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;
- (iv) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less.
- (6) Accessory buildings which are attached to or not located more than six feet from the main building shall be considered a part of the main building and shall comply with the height, front, side, and rear yard requirements of the main building.
- (7) Accessory buildings not a part of the main building:
 - (i) may be located in the required rear yard, provided that such accessory buildings:
 - A. shall not occupy more than forty percent of the required rear yard in the R-5 or R-6 district or more than thirty percent of the required rear yard in the R-7 or R-8 district, and
 - B. shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height.
 - (ii) may, if located not less than sixty feet from the front lot line, extend into the required side yard though not nearer than two feet to the side lot line.

Notwithstanding the above, an accessory building used as a garage which is not part of the main building and which takes access from an alley shall not be located closer than ten feet to the alley line.

(b) **Exceptions to the General (Minimum Lot) Requirements.**

- (1) Where a vacant lot or tract of land has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, the lot or tract of land may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in this chapter.
- (i) If such vacant lot or tract of land comes under common ownership with an abutting lot or tract of land, such vacant lot or tract of land may continue to be used for a single-family dwelling provided the said abutting lot or tract of land was occupied by a dwelling on the date the contiguous properties came under common ownership.
- (ii) If such vacant lot or tract of land comes under common ownership with an abutting vacant lot or tract of land which has less area or width or both less area and width than herein required, such lots and tracts of land shall be merged together and constitute a single premise.
- (2) If an existing lot or tract of land lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to this district has less area or width or both less area and width than herein required, such lot or tract of land shall not be considered nonstandard due to this condition.

(c) **Exceptions to the General (Height) Requirements. (Reserved).****27.72.050 Height and Lot Regulations Commercial Zoning Districts.**

The maximum height and minimum lot requirements within the O-1 through O-3, R-T, B-1 through B-5 Districts shall be as follows:

(a) **General Requirements.**

- (1) See Table 27.72.050(a) below:

Table 27.72.050(a) Maximum Height and Minimum Lot Requirements for the O, R-T and B Districts										
		O-1	O-2	O-3	R-T	B-1	B-2	B-3	B-4	B-5
Dwellings	Lot Area (sq. ft.)	220 (per unit)	4,000	4,000	4,000	2,000 (per unit)	2,000 (per unit)	1,000 (per unit)	0	0
	Frontage	50'	50'	50'	50'	50'	0'	0'	0'	0'
	Front Yard	0'	20'	30'	10'	20'	20'	0'	0'	20'
	Side Yard	0'	10'	15'	10'	0'	20'	0'	0'	0' or 100' if abutting residential
	Rear Yard	0'	40'	40'	10'	Smaller of 30' or 20% of depth	50'	0'	0'	0' or 100' if abutting residential
	Height	75'	25' or 28' *	35'	28'	40'	40'	45' or 35' **	See Figure 27.35.070 (a)	40'
Other Allowed Uses	Lot Area (sq. ft.)	0'	50' or 100'	4,000	4,000	0'	0'	0'	0'	0'
	Frontage	0'	0'	50'	50'	0'	0'	0'	0'	0'
	Front Yard	0'	20'	20'	10'	20'	20'	0'	0'	20'
	Side Yard	0'	10' or 20'	15'	10'	0'	0'	0'	0'	0'
	Rear Yard	0'	40'	40'	10'	Smaller of 30' or 20% of depth	0'	0'	0'	0'
	Height	75'	25' or 28' *	45'	28'	40'	40'	45' or 35' **	See Figure 27.35.070 (a)	40'
<p>* The maximum height of the buildings in the district shall be 25 feet if the roof pitch is less than 2.5:12; and 28 feet for all other roofs.</p> <p>** The maximum height shall be 45 feet except that it shall be 35 feet if abutting the R-1, R-2 or R-3 district.</p>										

- (2) Dwellings existing in the district on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses and may be continued in conformance with the provisions of Chapter 27.61.
- (3) There shall be a required front yard on each street side of a double frontage lot;
- (4) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on April 29, 1963, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards;
- (5) Accessory buildings shall not extend into any required yard;
- (6) When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln;
- (7) Any commercial district on the same block face as a residential district shall have the same front yard as the abutting residential district;
- (8) In the O-3, B-2 and B-5 districts the entire front yard shall be entirely landscaped, except for necessary paving of walkways and driveways to reach parking and loading areas, provided that any driveway in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet;
- (9) In the O-1, O-3, B-1, B-2 and B-5 districts, the following minimum amount of usable and accessible open space must be provided for each residential use:
 - 125 square feet for the first dwelling unit;
 - 80 square feet per unit for the next four dwelling units;
 - 25 square feet per unit for the next four dwelling units;
 - 20 square feet per unit for each additional dwelling unit beyond nine.

This open space requirement may be met in the following manner:

- (i) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, balconies, and terraces as permitted in Sections 27.72.080(g) and 27.72.080(h);
- (ii) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;
- (iii) Required open space may be provided either on a balcony four or more feet in depth or on a rooftop; provided, the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation, and other

uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.

(iv) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one if the smallest dimension of the open space is twelve feet or less.

(10) In the O-2 and O-3 districts:

(i) Accessory buildings which are attached to or are located not more than ten feet from the main building shall be considered a part of the main building and shall comply with the height, and front, side, and rear yard requirements of the main building.

(ii) Accessory buildings not a part of the main building may be located in the required rear yard if such yard does not abut a residential district, but such accessory buildings:

A. shall not occupy more than thirty percent of the required rear yard;

B. shall not be nearer than two feet to any side or rear lot line; and

C. shall not exceed fifteen feet in height.

(iii) Accessory buildings not a part of the main building, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line.

Notwithstanding the above, an accessory building used as a garage which takes access from an alley shall not be located closer than ten feet to the alley line;

(11) In the O-1 and B-1 districts:

(i) Dwellings existing in these districts on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses and may be continued in conformance with the provisions of Chapter 27.61.

(ii) Accessory buildings for such dwellings considered a non-standard use shall not extend into any required yard except as follows:

A. Accessory buildings which are attached to or not located more than six feet from the such non-standard dwelling shall be considered a part of the dwelling and shall comply with the height, front, side and rear yard requirements of the dwelling.

B. Accessory buildings not a part of such non-standard dwelling may be located in the required rear yard provided that such accessory buildings:

1. shall not occupy more than forty percent of the required rear yard;
2. shall not be nearer than two feet to any side or rear lot line; and
3. shall not be more than fifteen feet in height.

(iii) Accessory buildings not a part of such non-standard dwelling, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line.

Notwithstanding the above, a building used as a garage which is not part of such non-standard dwelling and which takes access from an alley shall not be located closer than ten feet to the alley line.

(12) In the R-T District:

(i) Accessory buildings shall comply with the height, front, side, and rear yard requirements.

(b) Exceptions to the General (Minimum Lot) Requirements.

(1) In the O-2 District:

(i) Uses other than a dwelling in the O-2 District shall have a 0-foot side yard when abutting a commercial or industrial district.

(2) In the O-3 District:

(i) The required side yard in the O-3 District is 15 feet or the same as the abutting zoning district whichever is greater.

(ii) Lot area requirements for multiple family dwellings shall be 1,500 square feet per unit and Townhouses shall be 2,500 square feet per unit.

(3) In the R-T District:

(i) The side yard in the R-T District shall be 0 feet when abutting a commercial or residential district.

(ii) The front yard shall be 10 feet or same as abutting residential district, whichever is greater.

- (iii) When abutting a residential district, the side and rear yard shall be devoted entirely to trees, shrubs, and grasses, and secondary sidewalks in conjunction with landscaping; unless the abutting property is occupied by a parking lot.
 - (iv) There shall be a required front yard on each street side of a lot and the required front yard shall be devoted entirely to trees, shrubs, and grasses except for driveways which are substantially perpendicular to the street.
 - (v) Parking lots, including driveways except for single-family and two-family dwellings, shall not be located closer than twenty feet to any residential zoning district; unless the abutting property is occupied by a parking lot.
 - (vi) No building footprint shall exceed 5,000 square feet.
- (4) In the B-1 District:
- (i) The side yard in the B-1 District shall be 0 feet unless it is abutting a residential zoning district then the side yard shall be 10 feet.
 - (ii) Accessory buildings shall not extend into any required yard except accessory buildings to nonstandard residential uses may be allowed in the required rear yard when no more than thirty percent of such yard is occupied and such accessory building is not nearer than two feet to any side or rear lot line.
 - (iii) Where a yard is not otherwise required, a five foot yard shall be required adjacent to the wall of a building which contains windows for a dwelling. The yard shall be on the same premises on which the building is situated.
- (5) In the B-2 District:
- (i) The side yard in the B-2 District shall be 0 feet unless it is abutting residential then the side yard shall be 20 feet.
 - (ii) The rear yard shall be 0 feet unless it is abutting a residential zoning district then the side yard shall be 50 feet.
 - (iii) Accessory buildings shall not extend into any required yard.
- (6) In the B-3 District:
- (i) The side yard in the B-3 District shall be 0 feet unless it is abutting a residential zoning district then the side yard shall be 5 feet.
 - (ii) The rear yard shall be 0 feet unless it is abutting a residential zoning district then the rear yard shall be 30 feet.

(7) In the B-4 District:

(i) For the area of the B-4 Lincoln Center Business District located from 150 feet east of 17th Street to the eastern boundary of the B-4 Lincoln Center Business District the following requirements shall apply:

A. The front, side and rear yard setbacks are zero (0) feet. When any yard is abutting a residential zoning district, the yard requirement shall be that of the abutting residential zoning district.

(ii) For the area of the B-4 Lincoln Center Business District not included in section (i) above, the following lot requirements shall apply:

A. The front, side and rear yard setbacks are zero (0) feet. When any yard is abutting a residential zoning district, the yard requirement shall be that of the abutting residential district.

B. Where a yard is not otherwise required, a yard shall be required adjacent to any wall of a building which contains windows for a dwelling. The yard requirement shall be five feet for structures under thirty-five feet in height, ten feet for structures thirty-five to fifty feet in height, and sixteen feet for those structures over fifty feet in height. Depending upon the location of said windows, this yard may be a side yard, a rear yard, or located in or on an interior courtyard. If the required yard abuts an alley, the width of the alley may be counted as part or all of the required yard. This yard need not start at the ground level but may begin on the top surface of a building.

C. Accessory buildings which are attached to or located not more than ten feet from the main building shall be considered a part of the main building and shall comply with the height and front, side, and rear yard requirements of the main building.

D. Accessory buildings not a part of the main building may be located in any required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard, and shall not be nearer than two feet to any side or rear lot line.

E. Accessory buildings not a part of the main building, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line.

Notwithstanding the above, an accessory building used as a garage which is not part of the main building and which takes access from an alley shall not be located closer than ten feet to the alley line.

(8) In the B-5 District:

- (i) In the B-5 zoning district there shall be a required yard of 100 feet wherever a lot abuts a residential district.

(c) **Exceptions to the General (Height) Requirements.**

(1) In the O-1 District:

- (i) Notwithstanding the maximum height within the O-1 District, no building located on O-1 zoned land within the Capitol Environs District shall exceed the maximum building height shown on the Height Regulations Map.

(3) In the B-4 District:

- (i) For the area of the B-4 Lincoln Center Business District located from 150 feet east of 17th Street to the eastern boundary of the B-4 Lincoln Center Business District, the minimum building height shall be 20 feet adjacent to all street frontages. The minimum building height does not apply to building permits for existing buildings, and minor additions to existing buildings, less than 20 feet in height.
- (ii) For the area of the B-4 Lincoln Center Business District not included in section (i) above, accessory buildings not part of a main building located in any rear yard shall not exceed fifteen feet in height.

27.72.060 Height and Lot Regulations Highway Commercial Zoning Districts.

The maximum height and minimum lot requirements within the H-1, H-2, H-3 and H-4 zoning districts shall be as follows:

(a) **General Requirements.**

- (1) See Table 27.72.060(a) below.

<u>Table 27.72.060(a):</u> <u>Maximum Height and Minimum Lot Requirements for the H Districts</u>					
		<u>H-1</u>	<u>H-2</u>	<u>H-3</u>	<u>H-4</u>
Other Allowed Uses	<u>Lot Area (sq. ft.)</u>	<u>5,000</u>	<u>0</u>	<u>0</u>	<u>15,000</u>
	<u>Frontage</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>75'</u>
	<u>Front Yard</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
	<u>Side Yard</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>20' or 50'</u>
	<u>Rear Yard</u>	<u>Smaller of 30' or 20% of depth</u>			<u>20' or 50'</u>
	<u>Height</u>	<u>55'*</u>	<u>55'*</u>	<u>55'*</u>	<u>55'*</u>
<p><u>* If the height of the building is over 45 feet but not more than 55 feet, that portion of the building in excess of 45 feet shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 zoning residential district for each one foot of building height in excess of 45 feet.</u></p>					

- (2) There shall be a required front yard on each street side of a double frontage lot;
- (3) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on April 29, 1963, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards;
- (4) The H-1 district shall have an average lot width of 50 feet;
- (5) In the H-2 district the side yard shall be 5 feet except when abutting a residential zoning district, then it shall be 20 feet;
- (6) In the H-4 district the side and rear yards shall be 20 feet except when abutting a residential zoning district, then they shall be 50 feet.
- (b) **Exceptions to the General (Minimum Lot) Requirements.** (Reserved)
- (c) **Exceptions to the General (Height) Requirements.** (Reserved)

27.72.070 Height and Area Regulations Industrial Zoning Districts.

The maximum height and minimum lot requirements within the industrial zoning districts shall be as follows:

- (a) **General Requirements.**
- (1) See Table 27.72.070(a) below.

<u>Table 27.72.070(a):</u> <u>Maximum Height and Minimum Lot Requirements for Industrial Zoning Districts</u>				
		<u>I-1</u>	<u>I-2</u>	<u>I-3</u>
<u>All Allowed Uses</u>	<u>Lot Area</u>	<u>0</u>	<u>1 acre</u>	<u>0</u>
	<u>Avg. Lot Width</u>	<u>0'</u>	<u>150'</u>	<u>0'</u>
	<u>Frontage</u>	<u>0'</u>	<u>0'</u>	<u>50'</u>
	<u>Front Yard</u>	<u>15'</u>	<u>20'</u>	<u>20'</u>
	<u>Side Yard</u>	<u>*</u>	<u>**</u>	<u>***</u>
	<u>Rear Yard</u>	<u>*</u>	<u>**</u>	<u>***</u>
	<u>Height</u>	<u>75'</u>	<u>55'</u>	<u>35'</u>
<p><u>*</u> <u>In the I-1 district, the side and/or rear yard shall be the lesser of 20 feet or 10% of the lot width, provided that side yard is not reduced to less than 5 feet.</u></p> <p><u>**</u> <u>In the I-2 district, the side and/or rear and front yard shall be 50 feet.</u></p> <p><u>***</u> <u>In the I-3 district, the side and/or rear yard shall be 50 feet.</u></p>				

- (2) Accessory buildings shall not extend into any required yard.
- (3) Dwellings existing in the I-1, I-2, and I-3 districts on the effective date of this title shall be considered nonstandard uses and may be continued in conformance with the provisions of Chapter 27.61.
- (4) There shall be a required front yard on each street side of a double frontage lot.
- (5) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.
- (6) The required front yard shall be entirely devoted to landscaped area except for necessary paving of walkways and driveways to reach parking and loading areas, and provided, further, that any driveways in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.

(b) Exceptions to General (Minimum Lot) Requirements.

- (1) For lots developed with buildings on the effective date of this title, the front yard shall be none except where the frontage on one side of a street between two intersecting streets is located partly in the I-1 district and partly in a district that requires a front yard, in which case the front yard requirements of the adjacent district shall apply to the I-1 zoning district from the place where it abuts the other district to the next intersecting street, or for 300 feet, whichever is less.

- (2) In the I-2 district the front yard shall be 50 feet when abutting a residential zoning district.
- (3) There shall be no required side and rear yards except when a side or rear yard abuts a residential zoning district, in which case the required yards shall be as follows:
- (4) In the I-1 district the front yard setback is 0 feet if lot has been developed with buildings before 1979. If a partial block face requires a front yard, that front yard shall extend 300 feet or to intersecting street whichever is less.
- (5) In the I-3 when the use of the property is for manufacturing or storage the minimum frontage requirement is 150 feet.

(c) **Exceptions to General (Height) Requirements.**

- (1) In the I-3 District:
 - (i) Manufacturing and storage the maximum height shall be 65 feet.
 - (ii) Retail or office the maximum height shall be 45 feet.
 - (iii) When a rear or side yard abuts a residential district, then the maximum height of any improvement within 150 feet of the residential district shall be no greater than 35 feet.

27.72.080 Special Height and Lot Requirements.

- (a) **Front and Side Yards; Driveways.** A driveway shall be permitted within the required front and side yards only if the driveway provides a connection to a parking space that is or will be located as permitted in this title, provided that in the O-2, O-3, B-2, B-5, H-4, I-1, I-2, and I-3 districts the driveway shall be substantially perpendicular to the street and shall not be wider than thirty feet. Vehicle stacking for drive-in facilities shall be permitted within the required side yard if such side yard does not abut a residential district.
- (b) **Projections From Buildings.** Every part of any required yard shall be open to the sky, unobstructed by a building, except:
 - (1) Eaves may project into a front or rear yard thirty-six inches, exclusive of gutters.
 - (2) Eaves may project into a side yard twenty-four inches, or two-fifths of the required side yard, whichever projection is greater, exclusive of gutters.
 - (3) Ordinary projection of sills, belt courses, cornices, vertical solar screens, and ornamental features which may project twelve inches.

- (4) Except in the R-1, R-2, R-3, and R-4 districts, air conditioners or heat pumps, not to exceed five ton units or parts thereof, may project into a required side yard, provided that such projection shall be distant at least two feet from the adjacent lot line and shall not extend more than three feet from the building. Such air conditioners may project into a required front yard but shall not extend more than three feet from the building, and such air conditioner or heat pump may extend into one side of a corner lot. In R-1, R-2, R-3, or R-4 districts, air conditioners or heat pumps not to exceed five tons or parts thereof may project into such yards not more than four feet from the building it serves, and in no event shall be closer than one foot to the adjacent lot line, and such air conditioner or heat pump may extend into one side of a corner lot.
- (5) Solar collectors which are a part of the main building may extend into a required rear yard for a distance not to exceed ten feet, and solar collectors may extend into a required side yard, provided that they have a minimum seven foot clearance from grade; and provided, further, that such extension shall be distant at least three feet from the adjacent lot line and may project into a side yard forty-eight inches, or two-fifths of the required side yard, whichever projection is greater.
- (6) Ornamental siding and wall sheathing material, not including brick veneer, may project a maximum of two inches into any required yard.
- (7) As otherwise provided in this title.
- (c) **Walkways in the Rear Yard.** In the required rear yards of the O-1, B-1, B-2, B-3, H-1, H-2, H-3, and I-1 districts, enclosed walkways not more than one story in height nor eight feet in width are permitted within two feet of the rear lot line.
- (d) **Fences.**
- (1) **Permitted Locations and Heights.** Notwithstanding the area regulations of this title with respect to the requirements for open space for front yard, side yard, and rear yard, fences may be erected to a height not to exceed seventy-six inches on any part of a lot or premises. In addition, fences may be erected to a height not to exceed one hundred two inches on any part of a lot or premises under one of the following conditions:
- (i) The fence is located in a required front yard of a lot in a residentially zoned district which has more than one required front yard;
- (ii) The fence is located within any commercial or industrial district;
- (iii) The fence is located on a common lot line between a residentially zoned district and a commercially or industrially zoned district; or
- (iv) The fence is located in the rear or side yard of a residentially zoned district; provided that no fence over seventy-six inches shall be located within four feet from any main structure on an abutting lot.

- (2) Prohibited Locations. No fence shall be erected within:
- (i) The triangular area required for sight distance of vehicles entering or exiting the property or entering an adjacent intersection, in conformance with the design standards of the city and the “guidelines and regulations for driveway design and approach.”
 - (ii) Ten feet from the opening side of all padmounted equipment (the side with decals on the lid), three feet from the opening side of the power pedestals (the side with the padlock), or twelve inches from the other non-opening sides of the padmounted equipment or power pedestals.
- (3) Measurement. The height of a fence shall be determined by a measurement from the ground beneath the fence. Swales and other earth depressions up to six feet wide shall not be used when measuring the fence’s height. Man-made earth berms, terraces, and retaining walls that elevate the fence shall be considered a part of the fence. Notwithstanding the above, if a lot or premises is lower than an adjacent major street, as defined in Section 26.07.190 of the Land Subdivision Ordinance, then the height of the fence shall be determined by a measurement from the street grade at a ninety degree angle from the fence; provided, however, the total vertical measurement from the ground beneath the fence to the top of the fence shall not exceed twelve feet.
- (4) The height limitation herein provided for fences permitted on any part of a lot or premises, notwithstanding the area regulation of this title with the requirements for open space from front yard, side yard, and rear yard, shall not apply to fences required by the city for uses permitted by the city. It is not intended that any structure other than a fence is permitted on any part of a lot or premises by this section, and all other structures must comply with area and use regulations of this title.
- (e) **Fire Escapes and Chimneys; Projection Into Yards.** Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the building inspector for a distance of not more than three and one-half feet and where the same are so placed as not to obstruct light and ventilation of adjacent dwellings.
Chimneys, flues, and fireplaces may be permitted by the director of building and safety to project into any required yard for a distance of not more than two feet where the same are so placed as not to obstruct light and ventilation.
- (f) **Light Wells and Egress Windows; Projection into Required Yards.** Any light well or egress window may be located in any required front, side or rear yard, provided:
- (1) No such light well or egress window may be placed within two feet of any property line;
 - (2) Any light well or egress window located in any required yard must have a safety railing that meets all requirements for safety railings of the International Building Code as

adopted by the Lincoln Municipal Code if it is within five feet of any sidewalk, walkway, or driveway;

- (3) The construction of the light wells or egress windows meets the requirements of the International Building Code as adopted by the Lincoln Municipal Code;
- (4) The well does not extend more than one foot above the finished grade.

The requirements of (2) above may be waived by the City Council.

(g) **Porches, Balconies, Patios, and Terraces in Front Yards.** An open, unenclosed porch may project into a required front yard for a distance not exceeding ten feet; provided, however, such porches on residences in the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 zoning districts which project into the required front yard no closer than ten feet from the street line may be enclosed under the following conditions:

- (1) The enclosed porch shall not be served by a heating system, cooling system, or plumbing;
- (2) At least forty percent of the other residences on the same frontage in the same zoning district extend into the required front yard a distance equal to or greater than the applicant's porch (for the purpose of this section, extensions into the front yard may be a porch, balcony, vestibule, or the main part of the building);
- (3) The applicant's porch shall not be located within any building line district; and
- (4) At least fifty percent of each exterior wall shall be transparent.

Balconies may project into a required front yard for a distance not exceeding six feet. In the B-1, B-3, B-4, H-1, H-2 and H-3 zoning districts, patios and paved terraces may project into a required front yard. In the O-3, B-2, B-5, H-4, I-1 I-2 and I-3 zoning districts, patios and paved terraces may project into a required front yard for a distance not to exceed fifteen (15) feet. An enclosed vestibule containing not more than forty square feet may project into a required front yard for a distance not to exceed four feet. This section shall not be interpreted as establishing a different required front yard in that district, nor shall this section be used to adjust front yard setbacks under subsection (l) below.

(h) **Projection of Terraces, Patios, Decks, and Ornamental Features.** Terraces, patios, uncovered decks, and ornamental features which do not extend more than three feet above or below the adjacent ground level may project into a required side or rear yard, provided these projections be distant at least two feet from the adjacent side lot line.

(i) **Canopies in Front Yard.** In O-3, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2 and I-3 zoning districts, canopies may project into a required front yard; provided, that a five foot setback shall be maintained from the property line, and such canopies shall not cover more than six square feet of ground area per each foot of frontage, and no portion of the canopy shall be lower than nine feet above grade.

- (j) **Projection of Building Facades into the Required Front Yard in the R-4, R-5, R-6, R-7, and R-8 Districts in Areas of the City Annexed Prior to January 31, 1949.** The following provisions shall apply to the R-4, R-5, R-6, R-7 and R-8 districts in areas of the City annexed prior to January 31, 1949. In order to encourage variation of the front elevation, up to twenty-five percent of the length of the principal street facade of a building may project up to two feet into the required front yard. Notwithstanding the above, a porch may not project into a required front yard beyond that otherwise allowed by subsection (g) or subsection (h) above.
- (k) **Outdoor Lighting.** All outdoor lighting shall be designed, installed, and maintained in accordance with all applicable lighting design standards adopted by resolution of the City Council.
- (l) **Adjustment of Front Yard Requirements.** The front yards located within the same zoning district may be adjusted in the hereinafter-stated circumstances. This section shall not apply to the R-3, O-3, B-2, B-5, H-4, and I-3 zoning districts.
- (1) Where any forty percent (40%) or more of the frontage in the same zoning district is developed with two or more main buildings that have (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the greater of the front yards established by the existing main building nearest the street line.
- (2) Where any forty percent (40%) or more of the frontage in the same zoning district is developed with two or more buildings that have a front yard of less depth than herein required, then:
- (i) Where a building is to be erected on a parcel of land that is within 100 feet of existing main buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent main building on each side; or
- (ii) Where a building is to be erected on a parcel of land that is within 100 feet of an existing main building on one side only, such building may be erected as close to the street as the existing adjacent main building.
- (m) **Adjustment of Yard and Lot Area Requirements to Allow the Subdivision of a Lot.**
- (1) Subdivision of a Two-Family Dwelling on a Corner Lot. In the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts, the Planning Director may adjust the required side yard, rear yard, or lot area for a single-family dwelling to permit the subdivision of a corner lot occupied by a two-family dwelling constructed as two attached single-family dwellings within a single structure into two lots each occupied by one of the two single-family dwellings; provided, however, the two-family dwelling must have conformed to the required lot area and yard regulations prior to the subdivision.

- (2) Subdivision of a Two-Family Dwelling on an Interior Lot. In the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts, the Planning Director may adjust the lot area, lot width, or both, for a single-family dwelling to permit the subdivision of an interior lot occupied by or to be occupied by a two-family dwelling constructed as two attached single-family dwellings within a single structure into separate lots each occupied by one of the single-family dwellings within said two-family dwelling; provided, the lot to be subdivided conforms to the required lot area regulations for the two-family dwelling prior to the subdivision.
- (3) Subdivision of a Townhouse on an Interior Lot. In the R-5, R-6, R-7, and R-8 zoning districts, the Planning Director may adjust the lot area, lot width, or both, for a single-family dwelling to permit the subdivision of an interior lot occupied by or to be occupied by a townhouse into two or more separate lots each occupied by one of the single-family dwellings within said townhouse; provided, the lot to be subdivided conforms to the required lot area regulations for the townhouse prior to the subdivision.
- (n) **Side and Rear Yard Requirements.** The requirements of side or rear yards on lots that are required to provide three or more front yards or their equivalent may be modified in the following circumstances:
- (1) A lot in a dwelling district need provide only a side yard on an interior lot line when the required yard on the adjacent property is also a side yard. A rear yard shall be required on an interior lot line when the required yard on adjacent property is a rear yard.
- (2) A lot in a business, commercial, or industrial district need provide only a side yard on an interior lot line unless the lot is occupied by a dwelling other than a hotel or motel, or the adjacent property is in a dwelling district, in which case the rules of subsection (a) of this section shall apply.
- (o) **Building Line District.** On those streets and highways shown on the “Lincoln Building Line District Map,” dated November 1, 1985, which is adopted as a part hereof and incorporated by reference herein, and as the same may be from time to time amended, no structure, sign, parking, or required vehicle stacking shall be located, constructed, or erected within an area designated as a building line district, except as permitted under Section 27.72.080(p). At intersections that are designated as being within a building line district, the district shall extend for a distance of 650 feet from the centerline of the intersecting street or to the next lot line beyond 650 feet, but not to exceed 700 feet. The street centerlines referred to in this section and on the “Lincoln Building Line District Map” refer to the street centerlines as they existed on the effective date of this title.
- (p) **Location of Uses Within Building Line Districts; Adjustments.**
- (1) The City Council may authorize by resolution the location or placement of accessory buildings and structures, not including main buildings or accessory buildings which are part of a main building, within a building line district; provided that such location or placement otherwise meets the requirements of all applicable ordinances, codes, and

- design standards. Where such uses are not otherwise permitted in the required yard by the applicable district regulations, such uses may not be located within a building line district but the city council, by resolution, may allow such uses to encroach into the required yard, measured from the yard line, a distance equal to the width of the building line district, but in no event beyond the required yard. The applicant for such building or structure shall agree in writing that it shall be moved at the sole cost of the applicant whenever necessary for public use.
- (2) Parking spaces, other than required parking, and signs may be located within a building line district and shall not require authorization by the City Council if the applicable district regulations otherwise permit the location of such uses in the required yard. Where such uses are not otherwise permitted in the required yard by the applicable district regulations, such uses may not be located within a building line district but may encroach into the required yard, measured from the yard line, a distance equal to the width of the building line district, but in no event beyond the required yard. Such parking spaces or signs shall comply with all other applicable ordinances, codes, and design standards relating thereto. Signs authorized by this section shall be removed at the sole cost of the property owner whenever necessary for public use. In the case of parking authorized by this section, the property owner shall agree to reimburse the city for the costs of removal of the parking which exceed the costs the city would normally incur in the widening of such street without the existence of such parking spaces.
- (3) The City Council may modify the building line district along the frontage in a block to permit reasonable use of individual property; provided, however, that such a modification shall be granted only when the City Council finds that the modification will not interfere with reasonably anticipated future right-of-way requirements. Any such modification shall first be submitted to the Planning Commission for its recommendation and report and, prior to action by the Planning Commission, all property owners of the frontage in the block for which the modification is requested shall be notified of such request by United States mail. This notice shall be in addition to, and not in lieu of, the notice requirements of Chapter 27.81 of this code.
- (4) For purposes of this section, the yard line and the required yard shall be measured from the building line district line rather than the lot line or property line.

(q) **Enlargement and Alteration of Lots.**

- (1) Any lot or premises which does not meet the area, width, or frontage requirements, or any combination thereof, of the district in which it is situated, may be enlarged without affecting the purposes for which it may be used; provided, that such enlargement does not result in the creation of an additional lot which does not conform to the applicable requirements of this code.
- (2) In the AG or AGR zoning district, the common lot lines of two or more adjoining lots, both or all of which do not meet the area, width, or frontage requirements, or any

combination thereof, of the district in which such lots are situated, may be altered without affecting the purposes for which such lots may be used, provided:

- (i) That such alteration does not result in the creation of a lot which does not meet the minimum standards for water and sanitary sewage disposal systems as required by applicable state, county, and city regulations;
 - (ii) That such alteration meets all requirements of the city land subdivision ordinance;
 - (iii) That the newly created lots in the AG zoning district shall have a required front yard, side yard and rear yard that conforms to Section 27.72.010(a)(1); except that the required side yard shall not be less than ten percent of the lot width or fifteen feet, whichever is greater; and
 - (iv) That the newly created lots in the AGR zoning district shall have a required front yard, side yard and rear yard that conforms to Section 27.72.020(a)(1); except that the required side yard may be adjusted for corner lots or lots with a width of 100 feet or less as provided in subsections 27.72.010(a)(3) or 27.72.020(b)(1), respectively.
- (3) In those instances where a governmental agency acquires land for the purposes of road right-of-way from lots which were legally existing on the effective date of this title, or lots which were lawfully created after the effective date of this section, the acquisition of said right-of-way shall not affect the status of said lot as a buildable lot with respect to minimum lot area, width, or frontage requirements of this title provided:
- (i) That all new construction, enlargements, extensions, or conversions of any buildings, structures, or uses including open land uses shall comply with all applicable provisions of this title.
 - (ii) That such lots located in AG and AGR districts contain a minimum of one acre and have an average lot width of not less than 150 feet.
 - (iii) That such lots located in an “R” residential district contain a lot area of not less than 4,000 square feet and an average lot width of not less than forty feet.
- (r) **Replacing Non-standard Accessory Building on Narrow Lot.** In the R-1, R-2, R-4, R-5, R-6, R-7, and R-8 zoning districts, a new or replacement accessory building may be erected on the site of an existing detached accessory building constructed on or before November 2, 1953, on a lot of record with an average lot width of less than fifty feet although the site does not meet the required minimum setback from a side, rear, or side and rear lot line(s), provided:
- (1) Such new or replacement accessory building does not extend beyond the exterior perimeter of the existing accessory building; and

- (2) Such new or replacement accessory building shall otherwise comply with all applicable city ordinances.
- (s) **Minimum Separation Between Buildings and Pedestrian Way Easement.** The minimum separation between a building and a pedestrian way easement shall be ten feet.
- (t) **Yard Accessories in Required Yards.** Poles, posts, and other customary yard accessories, ornaments, and furniture may be located in any yard subject to requirements limiting obstruction of visibility and height limitations.
- (u) **Buildings, Churches, Height of.** In all districts where churches are allowed, the main church building including church steeples, towers, and ornamental spires, used for the conduct of worship or religious services, may exceed the district height limit by the addition of one foot for each foot that such building is set back from all required yards.
- (v) **Premises That Do Not Meet the Minimum Acreage Requirement of the O-3, B-2, B-5, or I-3 District.** A use permit may be granted upon a premises which does not meet the minimum total acreage requirement for approval of a use permit in the O-3, B-2, B-5, or I-3 zoning district, provided that:
- (1) The premises was legally created prior to January 1, 2000;
 - (2) The premises has remained under separate ownership from adjoining properties formerly in the applicable district; and
 - (3) The zoning district in which the premises is located has been reduced in size by other changes of zone isolating the premises from similarly zoned properties.
- (w) **Outdoor Dining.** Outdoor dining is permitted in the O-3, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts. In the B-1, B-3, B-4, H-1, H-2 and H-3 zoning districts outdoor dining is permitted in the required front yard. In the O-3, B-2, B-5, H-4, I-1, I-2 and I-3 zoning districts, outdoor dining is permitted in the required front yard; provided, that a five foot setback shall be maintained from the property line. No outdoor dining is permitted in any side or rear yard.
- (x) **Wind Energy Conversion Systems Over the District Height.** Wind energy conversion systems over the district height are a permitted use in the AG and AGR zoning district, provided they meet the following conditions:
- (1) The distance from all lot lines to any tower support base of the WECS shall be equal to the height of the tower plus the radius of the rotor. The City Council may grant a reduction in the specific setback table distance when it finds that such reduction shall not adversely affect surrounding property and is consistent with the intent of this title to promote the public health, safety, and general welfare.

- (2) The distance from any tower support base of a WECS to any tower support base of another WECS under other ownership shall be a minimum of five rotor distances figured by the size of the largest rotor. The City Council may grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS.
 - (3) The WECS operation shall not cause interference to the radio and television reception on adjoining property.
 - (4) To limit climbing access to the WECS tower, a fence six feet high with a locking portal shall be placed around the WECS tower base or the tower climbing apparatus shall be limited to no lower than twelve feet from the ground, or the WECS tower may be mounted on a roof top.
 - (5) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to WECS.
- (y) **Necessary Mechanical Appurtenances.** All necessary mechanical appurtenances located on top of a building are exempt from the height regulations contained in this title as follows:
- (1) No such appurtenances may exceed twenty feet in height above the maximum permitted in the district in which they are located;
 - (2) All of said appurtenances must be set back a minimum of fifteen feet from all faces of a building when said faces are adjacent to a street.
- (z) **Chimneys, Antenna Towers, and Grain Elevators.** Chimneys, cooling towers, elevator bulkheads, grain elevators, fire towers, stage towers or scenery lofts, amateur radio antenna installations not exceeding sixty-five feet in height (which includes a tower not exceeding fifty feet in height), noncommercial radio towers not exceeding fifty feet in height, wind energy conversion systems over the height of the district authorized by conditional use or special permit, or water towers are exempt from the height regulations as contained herein.

NOTE: Additional provisions regarding waivers of height restrictions may be found under Chapter 27.63 for the following uses:

- (1) Amateur radio antennas exceeding 65 feet; see §27.63.670
- (2) Wind Energy Conversion Systems over the district height; see §27.63.420
- (3) Church Steeples, Towers, and Ornamental Spires; see §27.63.220
- (4) Permitted Use Exceeding the Maximum Height Permitted in the District; see §27.63.250
- (5) Expansion of Nonconforming and Nonstandard Uses; see §27.63.280
- (6) Community Unit Plans; see §27.63.320