13-5

Introduce: 1-28-13

Change of Zone 12033

ORDINANCE NO. 19827

AN ORDINANCE amending Title 27 (the "Zoning Code") by amending Section 27.02.090 to revise the definitions of "Health Care Facility, Non-Residential" and "Health Care Facility, Residential"; amending Section 27.06.020 to add provisions regarding accessory uses, amending Sections 27.06.060, 27.06.070, 27.06.080, 27.06.100, 27.06.110, 27.06.130, 27.06.140, and 27.06.180 within Chapter 27.06, Use Groups, to modify the characteristics of the designated use groups and/or revise the associated use group table for the Agriculture, Household Living, Group Living, Civic Services, Education and Instruction, Retail Sales and Services, Food and Drink Establishments, and Manufacturing, Processing, Storage and Distribution Use Groups, respectively; amending Section 27.39.040 to delete an obsolete reference to "service stations" and to insert in lieu thereof the phrase "motorized fuel sales and repair facilities"; amending Section 27.62.100 to correct a reference in subsection (c)(2)(viii); amending Section 27.62.150 to provide parking requirements in subsection (d) for outdoor motorized vehicle storage; amending Section 27.63.075 to expand the list of special permitted uses allowed under that section; amending Section 27.63.210 and 27.63.530 to delete the O-3 district as a district in which a special permit may be granted for elderly or retirement housing and residential health care facilities, respectively; amending Section 27.63.610 to delete duplicative language; amending Section 27.69.260 to add a reference to Section 27.63.075 for post secondary schools; repealing Sections 27.72.010 through 27.72.090 within Chapter 27.72, Height and Lot Regulations, as adopted by Ordinance No. 19733 on June 25, 2012 and adding new sections 27.72.010, 27.72.020, 27.72.030, 27.72.040, 27.72.050 to provide Height and Lot Regulations for the AG, AGR, R-1 through R-9, R-T, O-1 through O-3, B-1 through B-5, H-1 through H-4, and I-1 through I-3 zoning districts; adding new Section 27.72.060 to designate uses permitted or prohibited within required yards; adding new Section 27.72.070 to provide additional

front yard requirements; adding new Sections 27.72.080, 27.72.090, 27.72.100, and 27.72.110 to provide exceptions to the front yard, side yard, rear yard and height requirements, respectively; adding new Section 27.72.120 to provide yard and height requirements for accessory buildings; adding new Section 27.72.130 to provide open space requirements; adding new Section 27.72.140 to provide regulations concerning the location and height of fences; adding new Section 27.72.150 to provide requirements for permitting single family dwellings located on small lots in the R-3 district; adding a new Section 27.72.160 to provide for the adjustment of yard and lot area requirements to allow the subdivision of a lot; adding a new Section 27.72.170 to provide regulations regarding the location of uses within the building line district, adding a new Section 27.72.180 to provide additional exceptions to the general requirements; and repealing Sections 27.02.090, 27.06,020, 27.06.060, 27.06.070, 27.06.080, 27.06.100, 27.06.110, 27.06.130, 27.06.140, 27.06.180, 27.39.040, 27.62.100, 27.62.150, 27.63.075, 27.63.210, 27.63.530, 27.63.610, 27.72.010, 27.72.020, 27.72.030, 27.72.040, 27.72.050, 27.72.060, 27.72.070, 27.72.080, and 27.72.090 of the Lincoln Municipal Code as hitherto existing.

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

Section 1. That Section 27.02.090 of the Lincoln Municipal Code be amended to read as follows:

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.

Health_c<u>C</u>are Facility, Non-Residential. Non-residential health_care facility shall mean a building or structure that generally includes a<u>n</u> office environment, outpatient services and little to no permanent residential component ~~and patients may be permitted to stay on the premises for recovery or observation~~ <u>but which may allow for a stay in the facility by patients receiving care for more than 24 hours</u>. These facilities shall be licensed or approved by the state or an appropriate

agency, if required. A hospital is an example of a ~~N~~non-~~R~~residential health_care facility ~~could include but would not be limited to the following types of facilities: Hospital, Surgical Center and Public Health Clinics~~.

Health_~~c~~Care Facility, Residential. Residential health_care 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 health_care 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.

Section 2. That Section 27.06.020 of the Lincoln Municipal Code be amended to read as follows:

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.

<u>(4) Production, manufacture, distribution, and storage of toxic, radioactive, flammable, or explosive materials, including chemicals and gases, fireworks, and explosives, except fireworks, shall be allowed in connection with a permitted commercial, business, or industrial purpose as incidental to the referenced permitted use without the requirement of obtaining a special permit.</u>

<u>(5) Early childhood care facilities and schools are not a permitted accessory use to a church in the I-1 Industrial District</u>.

(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.

Section 3. That Section 27.06.060 of the Lincoln Municipal Code be amended to read as follows:

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 stables, riding academies, 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

Section 4. That Section 27.06.070 of the Lincoln Municipal Code be amended to read as follows:

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~~ P	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	S	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.

Section 5. That Section 27.06.080 of the Lincoln Municipal Code be amended to read as follows:

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 P	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								

Section 6. That Section 27.06.100 of the Lincoln Municipal Code be amended to read as follows:

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~~,~~ <u>and</u> 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

Section 7. That Section 27.06.110 of the Lincoln Municipal Code be amended to read as follows:

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	P	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	P	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	P	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	P	C	C	P	C		C	C	S			~~P~~ S
All other uses in this Use Group															P	P	P	P	P		P	P	P		P	P

Section 8. That Section 27.06.130 of the Lincoln Municipal Code be amended to read as follows:

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~~ P	~~C~~ P	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

Section 9. That Section 27.06.140 of the Lincoln Municipal Code be amended to read as follows:

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~~ The Food and Drink Establishments Use Group 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

Section 10. That Section 27.06.180 of the Lincoln Municipal Code be amended to read as follows:

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

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
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
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	
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

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
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; Dyestuffs; Fertilizer; Glue, sizing, or gelatin; Oilcloth, linoleum, oiled rubber goods; Paint, shellac, turpentine, or oils; Paper or pulp, 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**

Section 11. That Section 27.39.040 of the Lincoln Municipal Code be amended to read as follows:

27.39.040 Accessory Uses.

Accessory uses permitted in the H-1 Interstate Commercial District are accessory buildings and uses customarily incident to the permitted uses. Hotels and motels may include as accessory uses dwellings for persons employed on the premises, and a shop or store for the sale of goods at retail primarily for the use of residents or guests of such hotel or motel when such uses are located entirely within the building with no separate entrance from the outside. ~~Service stations~~ Motorized fuel sales and repair facilities may include, as accessory uses, tire recapping provided that there is no manufacturing on the premises and the floor area of the premises devoted to tire recapping and tire repairs does not exceed 4,000 square feet, and the temporary storage of not more than twenty vehicles impounded by state, county, or local law enforcement officials.

Section 12. That Section 27.62.100 of the Lincoln Municipal Code be amended to read as follows:

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)~~ (vii) 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.

(4) In the I-1 zoning district, retail sales and service shall occupy no more than 20,000 square feet of floor area per business.

(NOTE: If conditions (2), (3) and (4) 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.

Section 13. That Section 27.62.150 of the Lincoln Municipal Code be amended to read as follows:

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.

(4) Parking shall be in conformance with Section ~~26.67.066(a)~~ 27.67.066(a).

Amended 2-11-13

(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.

Section 14. That Section 27.63.075 of the Lincoln Municipal Code be amended to read as follows:

27.63.075 Academies, Private Schools, Community Colleges, Colleges, or Other Post-Secondary Education Facilities.

(a) Academies, community colleges, colleges, or other post-secondary education facilities~~, including but not limited to 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, or I-3 zoning districts. ~~Academies shall not include:~~

~~(1) Early childhood care facilities;~~

~~(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 an academy shall be accompanied by the following information:

(1) Number of ~~children~~ students, 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 ~~academy~~ 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 area, and entrances/exits to such academy. The parking and the loading and unloading area for such academy must comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code.

(c) If the proposed ~~academy~~ facility 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.

Section 15. That Section 27.63.210 of the Lincoln Municipal Code be amended to read as follows:

27.63.210 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, 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:

(a) The height and yard requirements of the district in which the proposed use is located may be adjusted to provide flexibility in the placement of buildings and to provide compatibility with surrounding uses except that solar access to adjacent buildings or potential buildings on lands under other ownership shall not be reduced by such adjustment.

(b) The minimum lot area of the district, or density requirement, shall not apply; provided, however, that the maximum number of units allowed shall be the greater of those permitted in the underlying zoning district or the community unit plan without bonuses, unless modified by subsection (h) below.

(c) Parking areas or buildings that are of a substantially different character or size than those normally found in that district or neighborhood shall be landscaped and screened in conformance with the standards adopted by resolution of the City Council, and the requirements of Chapter 27.67.

(d) The proposed use shall not have any adverse or detrimental effect upon the values of the surrounding real property.

(e) One dwelling unit in an elderly housing project may be designated as a caretaker unit and the occupants thereof shall not be subject to the age requirements otherwise applicable to occupants of such a project.

(f) Ten percent of the dwelling units in an elderly or retirement housing project may be designated as units for handicapped persons and the occupants thereof shall not be subject to the age requirements otherwise applicable to occupants of such a project. All of the units designated as units for handicapped persons shall comply with the "Design Standards for Density Bonuses" relating to housing for the handicapped as adopted by the City Council.

(g) Any individual under sixty years of age who resides with an elderly person sixty years of age or more in an elderly or retirement housing project dwelling unit may continue to reside in that dwelling unit after such elderly person has died or due to health reasons has been relocated to a different residence.

(h) The Planning Commission may grant, dependent upon the character of the development and effect on adjacent land uses:

(1) An increase of up to fifty percent in dwelling units over the maximum number of units allowed in (b) above, provided that all of the elderly or retirement housing and related facilities (including bonus units approved in this subsection (1)) comply with section 2.1 (general standards) of the "Design Standards for Density Bonuses" as adopted by the City Council; or

(2) An increase of up to eighty percent in dwelling units over the maximum number of units allowed in (b) above; provided:

(i) That all of the elderly or retirement housing and related facilities (including bonus units approved in this subsection (2)) comply with section 2.1 (general standards) of the "Design Standards for Density Bonuses" as adopted by the City Council; and

(ii) All bonus units approved in excess of fifty percent in dwelling units over the maximum number of units allowed in (b) above comply with section 2.2 (individual unit standards) of the "Design Standards for Density Bonuses" as adopted by the City Council.

(3) An increase of up to one hundred percent in dwelling units over the maximum number of units allowed in (b) above, provided that all of the elderly or retirement housing and related facilities (including bonus units approved in this subsection (3)) comply with section 2.1 (general standards) and section 2.2 (individual unit standards) of the "Design Standards for

Density Bonuses" as adopted by the City Council, and the proposed site meets all of the following criteria:

(i) the minimum lot area is at least two acres;

(ii) the lot is less than 2,640 feet from a designated community or neighborhood center; and

(iii) the lot is contiguous with a designated arterial street.

(i) Parking shall be in conformance with Chapter 27.67 unless modified under Section 27.67.030(f) or under the conditions of the special permit. A parking stall with a minimum width of twelve feet shall be required at the rate of one space for every ten stalls required. Parking may be deferred or reduced where the developer substantiates the decreased need for parking. Plans shall show the location of deferred construction and shall meet city requirements for parking lot design.

Section 16. That Section 27.63.530 of the Lincoln Municipal Code be amended to read as follows:

27.63.530 Health Care Facilities, Residential.

Residential health_care facilities may be allowed 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-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) Residential health care facilities shall be licensed to comply with all state requirements.

(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.

Section 16. That Section 27.63.610 of the Lincoln Municipal Code be amended to read as follows:

27.63.610 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~~g) No such use shall be a store or shop for the sale of goods at retail.

Section 17. That Section 27.69.260 of the Lincoln Municipal Code be amended to read as follows:

27.69.260 Nonresidential Health Care Facilities and Post Secondary Schools.

Campuses of nonresidential health care 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 and 27.63.075 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 health care 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.

Section 28. That Chapter 27.72 of the Lincoln Municipal Code as adopted by Ordinance No. 19733 on June 25, 2012 be and the same is hereby repealed.

Section 29. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.010 to read as follows:

27.72.010 Height and Lot Regulations AG and AGR Districts.

The maximum height and minimum lot requirements within the AG and AGR Districts shall be as follows:

(a) **AG District General Requirements**. See Table 27.72.010(a) below:

Table 27.72.010(a)
Maximum Height and Minimum Lot Requirements for the AG District

		AG	AG (farmstead splits)
All Allowed Uses	Lot Area	20 acres	1 acre
	Avg. Lot Width	550'	150'
	Frontage	550'	120'
	Front Yard	50'	50'
	Side Yard	60'	15'
	Rear Yard	100'	Lesser of 50' or 20% of the depth
	Height	35'	30'

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) **AGR District General Requirements**. See Table 27.72.010(b) below:

Table 27.72.010(b)
Maximum Height and Minimum Lot Requirements for the AGR Districts

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

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 Minimum Lot Requirements in the AG and AGR Districts.**

(1) If a lot in the AG zoning district 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 conformance with Table 27.72.010(c) below.

(2) If a lot or tract of land in the AGR zoning district 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 per 27.72.010(c) column (b) below.

(3) In the AGR zoning district, if a lot has less area, width or frontage or any combination thereof than herein required, 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 or tract of land may be used per Table 27.72.010(c) column (a) below.

Table 27.72.010(c)

Use Type	(a) 10 acres or more*	(b) Less than 10 acres
Agriculture, except commercial feedlots	P	P
Breeding, raising, management, and sale of fur-bearing animals and the produce thereof; Dog Breeding Establishment and Kennels	P	
Stables and riding academies	P	
Public use	P	P
Single-family dwelling	P	P
Churches	P	P
Greenhouses	P	P**
Pet cemeteries	P	P***

* A lot which was 10 acres or more, 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 for 10 acres or more if the remaining area of such lot is nine or more acres.

** Greenhouses shall be on a minimum of two acres. In addition, in the AGR zoning district, a greenhouse shall be in conformance with the requirements in Section 27.62.030(c).

*** Pet cemeteries shall be on a minimum of five acres.

(4) In the AG zoning district: 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 which do not contain a minimum of two acres and an average lot width of 150 feet may be combined to meet these requirements. 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 (c)(1) and (c)(2) above, respectively.

(5) In the AG zoning district, a lot or tract of land of one acre or more may be used for a single-family dwelling or public utility and distribution system purposes provided that:

(i) For single-family dwelling use:

A. The dwelling has existed on such lot or tract of land for more than five years.
B. The dwelling is or has been used on the primary residence associated with a farm.
C. Such lot or tract of land and buildings shall be in conformance with the following maximum height and minimum lot requirements: General Requirements -- See Table 27.72.010(a) (farmstead splits).
D. However, if the lot or tract of land used for the dwelling do not meet the requirements of item Table 27.72.010(a) (farmstead splits), the single family dwelling shall be considered a non-standard use.
E. Such dwelling is in conformance with the other provisions of this title, the minimum housing code, and the minimum standards for water and sewage facilities.

(ii) For public utility and distribution system purposes:

A. Such lot or tract of land shall not be used, by itself, for any other purpose except agriculture

(6) 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.

Section 30. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.020 to read as follows:

27.72.020 Height and Lot Regulations R-1 through R-8 Zoning Districts.

The maximum height and minimum lot requirements within the R-1 through R-8 Districts shall be as follows:

(a) **R-1, R-2, R-3 and R-4 General Requirements.** See Table 27.72.020(a) below:

Table 27.72.020 (a)
Maximum Height and Minimum Lot Requirements for the R-1 through R-4 Districts

		R-1	R-2	R-3	R-4
Single-family Dwelling	Lot Area (sq. ft.)	9,000	6,000	6,000	5,000
	Avg. Lot Width	60'	50'	50'	50'
	Front Yard	30'	25'	20'	25'
	Side Yard	10'	5'	5'	5'
	Rear Yard	Smaller of 30' or 20% of the lot depth			
	Height	35'	35'	35'	35'
Two-family Dwelling	Lot Area per Family (sq. ft.)	7,200	5,000	5,000	2,500
	Avg. Lot Width per Family	48'	40'	40'	25'
	Front Yard	30'	25'	20'	25'
	Side Yard (0' if party wall)	20'	10'	5'	5'
	Rear Yard	Smaller of 30' or 20% of the lot depth			
	Height	35'	35'	35'	35'
Other Allowed Uses	Lot Area (sq. ft.)	9,000	6,000	6,000	5,000
	Avg. Lot Width	60'	50'	50'	50'
	Front Yard	30'	25'	20'	25'
	Side Yard	10'	5'	5'	5'
	Rear Yard	Smaller of 30' or 20% of the lot depth			
	Height	35'	35'	35'	35'

(b) **R-5, R-6, R-7 and R-8 General Requirements.** See Table 27.72.020(b) below:

Table 27.72.020(b)
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	Lot Area (sq. ft.)	5,000	4,000	4,000	4,000
	Avg. Lot Width	50'	50'	50'	50'
	Front Yard	20'	20'	20'	10'
	Side Yard	5'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'
Two-family Dwelling	Lot Area per Family (sq. ft.)	2,500	2,500	2,000	2,000
	Avg. Lot Width per Family	25'	25'	25'	25'
	Front Yard	20'	20'	20'	10'
	Side Yard (0' if party wall)	5'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'
Townhouses	Lot Area per Family (sq. ft.)	2,500	2,500	2,000	2,000
	Avg. Lot Width per Family	20'	20'	20'	20'
	Front Yard	20'	20'	20'	10'
	Side Yard (0' if party wall)	10'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'

		R-5	R-6	R-7	R-8
Multiple-Family Dwellings and Apartment Hotels	Lot Area per Unit (sq. ft.)	1,500	1,100	700	550
	Avg. Lot Width	50'	50'	50'	50'
	Front Yard	20'	20'	20'	10'
	Side Yard (0' if party wall)	7' or 10' if over 20' in ht.		Total 15'; minimum 7' per side *	10'**
	Rear Yard	Smaller of 30' or 20% of the lot depth *			20'
	Height	35'	35'	45'*	75'**
Other Allowed Uses	Lot Area (sq. ft.)	5,000	4,000	4,000	4,000
	Avg. Lot Width	50'	50'	50'	50'
	Front Yard	20'	20'	20'	10'
	Side Yard	5'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'

* In the R-7 zoning district for a building exceeding 35' in height, add one foot to the required side and rear yards for each additional two feet of height.

** In the R-8 zoning district 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'.

(c) **Exceptions to the Minimum Lot Requirements Residential.**

(1) In the R-1 through R-4 zoning districts 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 provided that:

(i) A side yard of at least five feet shall be provided when located in the R-1 district.

(ii) If the vacant lot or tract of land has less 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 two-family dwelling in the R-4 district.

(2) In the R-5 through R-8 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.

(3) If a vacant lot or tract of land under (c)(1) or (c)(2) above comes under common ownership with an abutting lot or tract of land, such vacant lot or tract of land may be used for a single-family dwelling provided said abutting lot or tract of land was occupied by a dwelling on the date such contiguous properties came under common ownership.

(4) If a vacant lot or tract of land under (c)(1) or (c)(2) above 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 premises.

(5) If an existing lot or tract of land in a residential zoning district 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 the existing residential 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.

(6) In those locations in the R-1 and R-2 zoning 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 zoning district.

(7) In those locations in R-4 zoning 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 zoning district.

(8) If an existing lot or tract of land in the R-1 or R-2 zoning district is lawfully occupied by a two-family dwelling which has a side yard setback of less than twenty feet in the R-1 zoning district or ten feet in the R-2 zoning 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 greater

of the existing side yard or a ten-foot side yard for the R-1 and five foot side yard for the R-2, is provided.

(9) If two or more abutting lots in the R-2 zoning 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 R-2 district average lot width requirements per family in Table 27.72.020(a).

Section 31. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.030 to read as follows:

27.72.030 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 Zoning Districts shall be as follows:

(a) **General Requirements.** See Table 27.72.030(a) below:

Table 27.72.030(a)
Maximum Height and Minimum Lot Requirements for the O, R-T and B Zoning 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	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 / Side Yard Abutting Residential	0'	10'	15'/ ******	0'/ 10'	0'/10'	20'	0'/ 5'	0'/******	0'/100'
	Rear Yard / Rear Yard Abutting Residential	0'	40'	40'	0'/ 10'	Smaller of 30' or 20% of depth	50'	0'/30'	0'/******	0'/100'
	Height	75' ****	25' or 28' **	35'	28'	40'	40'	45' or 35' ***	See Figure 27.72.030 (a)	40'

		O-1	O-2	O-3	R-T	B-1	B-2	B-3	B-4	B-5
Other Allowed Uses	Lot Area (sq. ft.)	0'	0'	4,000	4,000	0'	0'	0'	0'	0'
	Frontage	0'	*****	50'	50'	0'	0'	0'	0'	0'
	Front Yard	0'	20'	20'	10' ******	20'	20'	0' *******	0'	20'
	Side Yard/ Side Yard Abutting Residential	0'	0'/10' 0'/20' *****	15'/ ******	0'/10'	0'/10'	0'/20'	0'/5'	0'/******	0'/100'
	Rear Yard/ Rear Yard Abutting Residential	0'	40'	40'	0'/10'	Smaller of 30' or 20% of depth	0'/50'	0'/30'	0'/******	0'/100'
	Height	75' ****	25' or 28' **	45'	28'	40'	40'	45' or 35' ***	See Figure 27.72.030 (a)	40'

* In the O-3 zoning district the Minimum Lot Area shall be 1,500 square feet per multifamily dwelling unit; 2,500 square feet per Townhouse unit; and 4,000 square feet for single and two family dwellings.

** The maximum height of the buildings in the O-2 zoning district shall be 25 feet if the roof pitch is less than 2.5:12; and 28 feet for all other roofs.

*** In the B-3 zoning district the maximum height shall be 45 feet except that it shall be 35 feet if abutting the R-1, R-2 or R-3 zoning district.

**** The maximum height of O-1 zoning district shall be the least of 75' or the height limitation imposed by Chapter 27.56, the Capitol Environs District.

***** In the O-2 zoning district if the Lot Area is less than 15,000 square feet the frontage requirement shall be 50' and the side yard shall be 10' if abutting residential and 0' if abutting commercial or industrial. If the Lot Area is 15,000 or more the frontage requirement shall be 100' and the side yard shall be 20' if abutting residential and 0' if abutting commercial or industrial.

****** In the O-3, R-T and B-4 zoning district required yards are as in 27.72.030(a) or the same as the abutting zoning district whichever is greater. Townhouses in the O-3 zoning district shall have a required side yard of 0' or 10' on the nonparty wall side.

******* In the B-3 zoning district if block face is partially in a residential zoning district then the front yard setback shall be the same as the residential district.

(b) **Exceptions to the General Requirements.**

(1) **In the R-T District:**

(i) 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.

(ii) No building footprint shall exceed 5,000 square feet.

(2) **In the B-1 and B-3 Districts:**

(i) 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.

(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 following requirements shall apply:

A. The minimum building height shall be 20 feet adjacent to all street frontages.

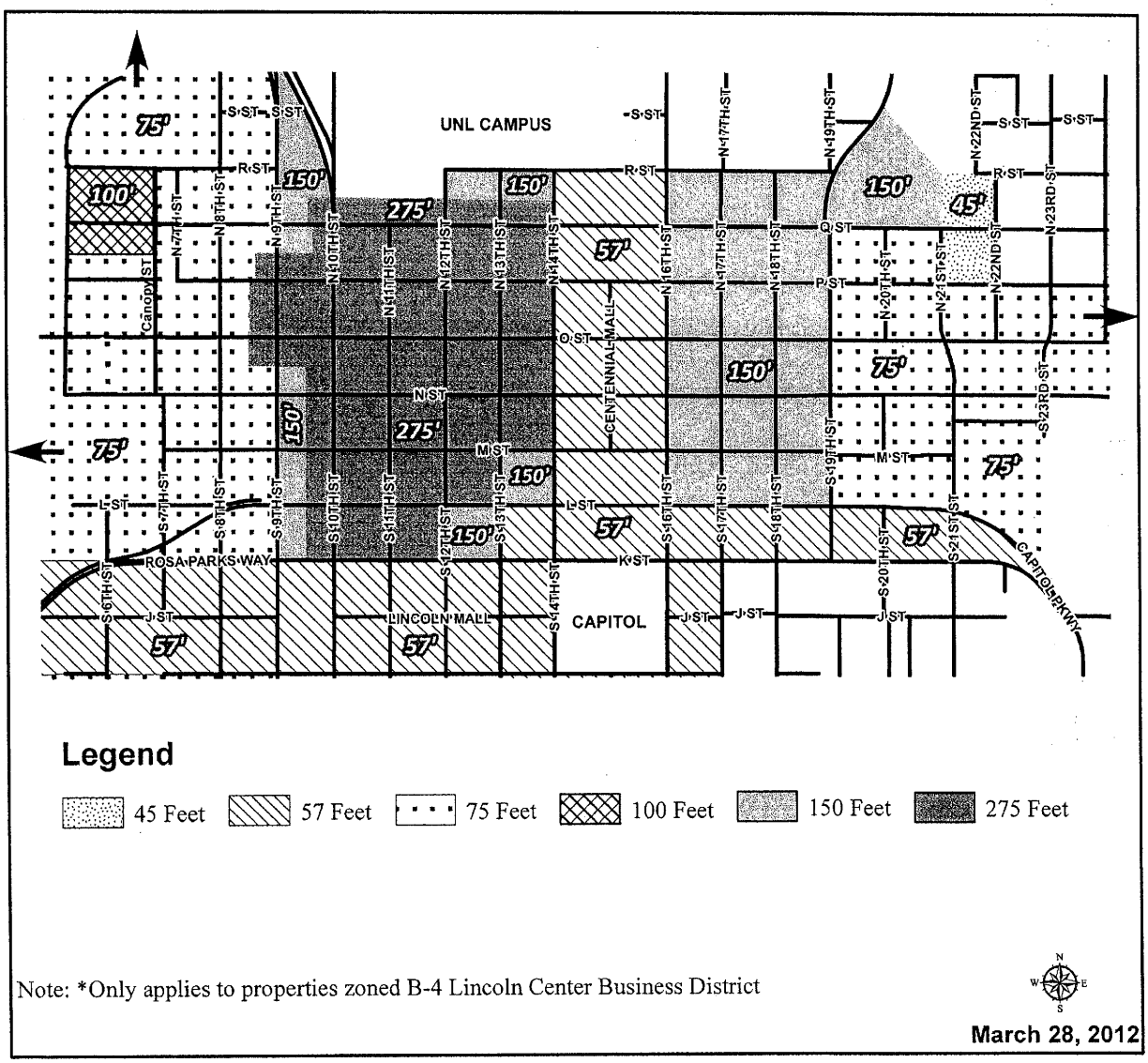
B. The minimum building height does not apply to building permits for existing buildings, and minor additions to existing buildings, less than 20 feet in height.

(ii) In all areas of the B-4 zoning district, 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.

Figure 27.72.030A on following page.

Figure 27.72.030(a)

B-4 LINCOLN CENTER BUSINESS DISTRICT HEIGHT REGULATIONS



Section 32. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.040 to read as follows:

27.72.040 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**. See Table 27.72.040(a) below.

Table 27.72.040(a):
Maximum Height and Minimum Lot Requirements for the H Districts

		H-1	H-2	H-3	H-4
Other Allowed Uses	Average Lot Width	50'	0'	0'	0'
	Lot Area (sq. ft.)	5,000	0	0	15,000
	Frontage	0'	0'	0'	75'
	Front Yard	20'	20'	20'	20'
	Side Yard / Side Yard Abutting Residential	5'	5'/20'	**	20'/50'
	Rear Yard	Smaller of 30' or 20% of depth			20'/50'
	Height	55'*	55'*	55'*	55'*

* In all H zoning districts, 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.

** The side yard shall be the smaller of 15' or 10% of the lot width. Minimum side yard of 5 feet or if abutting residential a minimum side yard of 20 feet.

Section 33. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.050 to read as follows:

27.72.050 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.** See Table 27.72.050(a) below.

Table 27.72.050(a)

Maximum Height and Minimum Lot Requirements for Industrial Zoning Districts

		I-1	I-2	I-3
All Allowed Uses	Lot Area acres	0	1	0
	Avg. Lot Width	0'	150'	0'
	Frontage	0'	0'	50'**
	Front Yard	15' *	20'	20'
	Side & Rear Yards / Side & Rear Yards Abutting Residential	0' / lesser of 20 feet or 10% of the lot width, min 5'	20' /50'	20' / 50'
	Height	75'	55'	35'***

* 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 zoning district and partly in a zoning 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.

** In the I-3 when the use of the property is for manufacturing or storage the minimum frontage requirement is 150 feet.

*** Manufacturing and storage: the maximum height shall be 55 feet. Retail or office: the maximum height shall be 45 feet. 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.

Section 34 That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.060 to read as follows:

27.72.060 Uses Permitted or Prohibited Within Required Yards.

(a) 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 may project twelve inches.

(4) In the R-4, R-5, R-6, R-7 and R-8 districts located in areas of the City annexed prior to January 31, 1949, 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 (d) below.

(b) **Outdoor Recreation Areas.** Outdoor recreation areas including but not limited to outdoor uses such as playgrounds and walking paths associated with early childhood care facilities, non-residential healthcare facilities, and residential healthcare facilities, may be located in any yard provided all structures requiring building permits meet setback requirements.

(c) **Landscaping.**

(1) In the R-T, O-2, O-3, B-2, B-5, H-4 and all I zoning districts, the entire front yard shall be entirely landscaped in conformance with the landscape design standards adopted by the City of Lincoln, 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;

(2) In all O, B, and H zoning districts, when a side and/or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

(3) In the R-T zoning 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.

(4) In the I-2 zoning district, the required rear yard shall be entirely landscaped in conformance with the landscape design standards adopted by the City of Lincoln when the rear yard abuts a residential district.

(d) **Porches.** 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.

(e) **Balconies.**

(1) A balcony may project into a required front yard for a distance not exceeding six feet.

(2) In the R-6, R-7 and R-8 zoning districts, a balcony is permitted in the required side yard, but no closer than seven feet from the side lot line.

(f) **Patios, Terraces, Uncovered Decks and Ornamental Features.**

(1) Patios, terraces, uncovered decks and ornamental features in the B-1, B-3, B-4, H-1, H-2 and H-3 zoning districts 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 terraces may project into a required front yard for a distance not to exceed fifteen (15) feet.

(2) Patios, terraces, 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 yard, provided these projections be distant at least two feet from the adjacent side lot line.

(3) Patios, terraces, 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 rear yard, provided these projections be distant at least two feet from the adjacent side lot line.

(g) **Vestibules.** 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.

(h) **Canopies**. 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.

(i) **Outdoor Dining.**

(1) 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.

(2) 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.

(j) **Loading Facilities.**

(1) In the I-2 zoning district no loading facilities shall be provided in any front or side yard adjacent to any residential district.

(2) In the I-3 zoning district no loading facility shall be located in any required yard.

(k) **Walkways.** In the O-1, B-1, B-2, B-3, H-1, H-2, H-3, and I-1 zoning districts, enclosed walkways not more than one story in height nor eight feet in width are permitted in the required rear yard within two feet of the rear lot line.

(l) **Accessory Buildings.** See Section 27.72.120

(m) **Air conditioners/heat pumps.**

(1) In all zoning districts except the R-1, R-2, R-3, and R-4 zoning 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.

(2) In R-1, R-2, R-3, or R-4 zoning districts, air conditioners or heat pumps not to exceed five tons or parts thereof may project into front and side 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.

(n) **Solar Collectors.** 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.

(o) **Ornamental siding and wall sheathing material.** Ornamental siding and wall sheathing material, not including brick veneer, may project a maximum of two inches into any required yard.

(p) **Fire Escapes, Fireproof Outside Stairways, Balconies Opening upon Fire Towers, Chimneys, and Flues and Fireplaces.**

(1) 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.

(2) 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.

(q) **Light Wells and Egress Windows**. 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.

(r) **Fences.** See Section 27.72.140.

(s) **Building Line District.** See Section 27.72.170.

(t) **Driveways and Vehicle Stacking.**

(1) 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 zoning districts the driveway shall be substantially perpendicular to the street and shall not be wider than thirty feet.

(2) Vehicle stacking for drive-in/drive through facilities shall be permitted within the required side yard if such side yard does not abut a residential district.

(u) **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.

Section 35. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.070 to read as follows:

27.72.070 Additional Front Yard Requirements.

(a) In all zoning districts there shall be a required front yard on each street side of a double-frontage lot.

(b) In all zoning districts, there shall be a required front yard, in those lots requiring a 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 in the AG, AGR, R-1, R-2, R-3, O-2, O-3 zoning districts;

Twenty-eight feet in R-4, R5, R-6, R-7, R-8, O-1, B-1, B-2, B-3, B-4, all H and I-1and I-2 zoning districts;

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

Section 36. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.080 to read as follows:

27.72.080 Exceptions to the Front Yard Requirements.

(a) In the R-3, R-5, R-6, and R-7 where corner lots 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.

(b) Any commercial district including R-T on the same block face as a residential district shall have the same front yard as the abutting residential district;

(c) In the AG and AGR zoning districts, 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 feet. The required front yard may be reduced, where necessary, to reach this total.

(d) In the I-1 zoning district, 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 zoning 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.

(e) 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.

Section 37. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.090 to read as follows:

27.72.090 Exceptions to the Side Yard Requirements.

(a) In the AG zoning district where a lot or tract of land on the effective date of this title has less width than herein required, 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.

(b) Where a lot of record in the AGR Zoning District 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.

(c) In the R-1 zoning 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.

(d) Three or more front yards. The requirements of side yard 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.

(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 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.

Section 38. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.100 to read as follows:

27.72.100 Exceptions to the Rear Yard Requirements.

(a) In the AG zoning district 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.

(b) Three or more front yards: The required 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 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 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.

Section 39. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.110 to read as follows:

27.72.110 Exceptions to the Height Requirements.

(a) **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) In the AGR district, in order restrict climbing access in or 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.

(b) **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.

(c) **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.

(d) **Buildings, Churches, Height of.** In all zoning 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.

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

Section 40. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.120 to read as follows:

27.72.120 Accessory Buildings.

(*Only applies to accessory structures associated with a main dwelling)

(a) Accessory buildings which are attached to or not located more than (1) six feet from the main building in the R-1 through R-8, O-1*, B-1*, B-3* zoning districts and (2) 10 feet from the main building in the AG, AGR, O-2, O-3, B-4, B-5 all H, I-2 zoning districts 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.

(b) In all commercial and industrial zoning districts accessory buildings shall not extend into any required yard, except as otherwise stated in this chapter.

(c) Accessory buildings not a part of the main building:

(1) 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 in the R-1 through R-8, O-1*, O-2, O-3, B-1*, B-3* B-4, all H, and the I-2 zoning districts.

(2) 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 in the AG, AGR, R-1 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning districts.

(ii) Shall not occupy more than the following percent of the required rear yard:

- Forty percent in the R-1 through R-6, O-1*, B-1*and B-3* zoning districts.
- Thirty percent in the AG, AGR, R-7, R-8, O2, O3, B-4, B-5, all H, and the I-2 zoning districts.

(iii) Shall not be more than fifteen feet in height in the R-1 through R-8, O-1*, O-2, O-3, B-1*, B-3* B-4, B5, all H, and the I-2 zoning districts;

(iv) 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 in the R-1 through R-8, O-1*, O-2, O3, B-1*, B-3*, B-4, B5, all H, and the I-2 zoning districts.

(v) Shall not abut a residential district in the O-2, O-3, B-5, H-4, and I-2 zoning districts.

(vi) Shall not be nearer than a distance equal to ten percent of the average lot width from the side lot line in the AG zoning district on lots 20 acres or more.

(3) May be located in the required front yard on double-frontage lots where at least one frontage is along a major street in the R-1, R-2 and R-3, provided such accessory buildings:

(i) Shall not occupy any portion of any required front yard along the local street.

(ii) 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.

(iii) 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.

(iv) Shall not have direct vehicular access from any major street along any major street frontage in the block.

(v) Shall not occupy more than 100 square feet for buildings and 600 square feet for structures of the required front yard along the major street.

(vi) 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.

Section 41. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.130 to read as follows:

27.72.130 Open Space Requirements.

(a) In the R5, R-6, R-7, R-8, O-1, O-2, O-3, B-1, B-2, B-3 and B-5 zoning districts, 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, except in the R-8 district which is zero feet;

In the R5, R-6, R-7 and R-8 districts: 80 square feet per unit for each additional dwelling beyond one.

In the O-1, O-2, O-3, B-1, B-2, B-3 and B-5 districts:
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.

(b) This open space requirement may be met in the following manner:

(1) In the R-5 zoning 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 Section 27.72.060(f);

(2) In the R-6, R-7, and R-8 zoning 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:

(i) Ground level or first floor porches, patios, and terraces located in front and side yards as permitted in this chapter and in Section 27.72.060(f) may be counted.

(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.

(3) In the O-2, O-3, B-1, B-2, B-3 and B-5 zoning 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 for porches, terraces and balconies as permitted in this Chapter.

(4) In the O-1, O-2, O-3, B-1, B-2, B-3 and B-5 zoning districts, 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.

(c) In the R5, R-6, R-7, R-8, O-1, O-2, O-3, B-1, B-2, B-3 and B-5 zoning districts, parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement.

(d) In the R5, R-6, R-7, R-8, O-1, O-2, O-3, B-1, B-2, B-3 and B-5 zoning districts, 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) Whenever an O-2 zoning district extends further from the street than an abutting B-1, B-3, B-4, H-2, H-3, or I-1 district, then no building, structure, parking, nor access drive shall be permitted further from the street than the adjacent boundary line that is parallel to the street of the abutting B-1, B-3, B-4, H-2, H-3, or I-1 district. That portion of the O-2 district further from the street than the B-1, B-3, B-4, H-2, H-3, or I-1 districts shall be maintained as open space and have landscaping improvements, such as trees, shrubs, grasses, paths, fountains, or benches. If the B-1, B-3, B-4, H-2, H-3, or I-1 district is located on a corner and the O-2 district completely bounds the B-1, B-3, B-4, H-2, H-3, or I-1 district, the open space may be included as part of the required rear yard even though each owner of the open space may not have the required depth for the required rear yard; provided, there is joint agreement between the property owners, satisfactory to the Director of Building and Safety, for the development and maintenance of the open space.

Section 42. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.140 to read as follows:

27.72.140 Fences.

(a) **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:

(1) 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;

(2) The fence is located within any commercial or industrial district;

(3) The fence is located on a common lot line between a residentially zoned district and a commercially or industrially zoned district; or

(4) 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.

(b) **Prohibited Locations.** No fence shall be erected within:

(1) 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."

(2) 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.

(c) **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.

(d) 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.

Section 43. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.150 to read as follows:

27.72.150 Small Lots in the R-3 Zoning District.

(a) Single-family dwellings which do not meet the required minimum lot area, average lot width, or yard requirements in Table 27.72.020(a) are permitted in the R-3 district under the following provisions:

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

(2) Such use meets the following 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 the main building and are primarily located to the side of or behind the main building 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.

Section 44. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.160 to read as follows:

27.72.160 Adjustment of Yard and Lot Area Requirements to Allow the Subdivision of a Lot.

(a) **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.

(b) **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.

(c) **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.

(d) 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.

(e) 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:

(1) 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;

(2) That such alteration meets all requirements of the city land subdivision ordinance;

(3) 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), except that the required side yard shall not be less than ten percent of the lot width or fifteen feet, whichever is greater; and

(4) 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 27.72.010(b), 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 subsection 27.72.010(c).

(f) 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:

(1) 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.

Section 45. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.170 to read as follows:

27.72.170 Building Line District.

(a) **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 27.72.170(b). 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.

(b) **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.

Section 46. That Title 27 of the Lincoln Municipal Code be amended to add a new section numbered 27.72.180 to read as follows:

27.72.180 Additional Exceptions to the General Requirements.

(a) Dwellings existing in all O, B, R-T and all H and I zoning 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.

(b) **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.

(c) **Minimum Separation Between Buildings and Pedestrian Way Easement**. The minimum separation between a building and a pedestrian way easement shall be ten feet.

(d) **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.

See new Section 47. on page -61A-

Amended 2-11-13

Section ~~47.~~ 48. That Sections 27.02.090, 27.06,020, 27.06.060, 27.06.080, 27.06.100, 27.06.110, 27.06.130, 27.06.140, 27.06.180, 27.39.040, 27.62.100, 27.62.150, 27.63.075, 27.63.210, 27.63.530, 27.63.610, 27.72.010, 27.72.020, 27.72.030, 27.72.040, 27.72.050, 27.72.060, 27.72.070, 27.72.080, and 27.72.090 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section ~~48.~~ 49. That this ordinance shall take effect and be in force from and after passage and publication in one issue of a daily or weekly newspaper of general circulation in the City, according to law.

See further Council Proceedings on next page.

Introduced by:

Dennis R. Schimek

AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.

Approved as to Form & Legality:

City Attorney

Approved this 14th day of Febr., 2013:

Mayor

PASSED

FEB 11 2013

BY CITY COUNCIL

Section 47. That Section 27.63.800 of the Lincoln Municipal Code be amended to read as follows:

27.63.800 Single-Family Dwellings.

Single-family dwellings which do not meet the minimum lot area, average lot width, or yard requirements in Table ~~27.15.080(a)~~ 27.72.020(a) may be allowed by special permit in the R-3 district under the conditions below:

(a) Such use shall be located on a lot inside the City of Lincoln's January 1, 2010 corporate limits.

(b) Minimum lot requirements. See Section ~~27.15.030(f)(2)~~ 27.72.150.

(c) There must be at least 22 contiguous feet of uninterrupted curb space abutting each lot measured along the face of the curb from the edge of the curb return to the lot line.

(d) 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.

(e) Garages facing and taking access from a street must have a minimum setback of 20 feet from the lot line.

(f) 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."

3. Renumber the remaining sections as Sections 48 and 49.

Amended 2-11-13

13-5

02/11/13 Council Proceedings:

CARROLL Moved MTA #1 to amend Bill No. 13-5 in the following manner:

1. On page 21, line 29, correct a typographical error by deleting section number 26.67.066(a) and inserting in lieu thereof section number 27.67.066(a).

2. On page 61, between the lines 15 and 16, insert a new section 47 to read as follows:

"47. That Section 27.63.800 of the Lincoln Municipal Code be amended to read as follows:

27.63.800 Single-Family Dwellings.

Single-family dwellings which do not meet the minimum lot area, average lot width, or yard requirements in Table ~~27.15.080(a)~~ 27.72.020(a) may be allowed by special permit in the R-3 district under the conditions below:

(a) Such use shall be located on a lot inside the City of Lincoln's January 1, 2010 corporate limits.

(b) Minimum lot requirements. See Section ~~27.15.030(f)(2)~~ 27.72.150.

(c) There must be at least 22 contiguous feet of uninterrupted curb space abutting each lot measured along the face of the curb from the edge of the curb return to the lot line.

(d) 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.

(e) Garages facing and taking access from a street must have a minimum setback of 20 feet from the lot line.

(f) 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."

3. Renumber the remaining sections as Sections 48 and 49.

Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.

13-5

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 13-5 in the following manner:

1. On page 21, line 29, correct a typographical error by deleting section number 26.67.066(a) and inserting in lieu thereof section number 27.67.066(a).

2. On page 61, between lines 15 and 16, insert a new section 47 to read as follows:

"47. That Section 27.63.800 of the Lincoln Municipal Code be amended to read as follows:

27.63.800 Single-Family Dwellings.

Single-family dwellings which do not meet the minimum lot area, average lot width, or yard requirements in Table ~~27.15.080(a)~~ 27.72.020(a) may be allowed by special permit in the R-3 district under the conditions below:

(a) Such use shall be located on a lot inside the City of Lincoln's January 1, 2010 corporate limits.

(b) Minimum lot requirements. See Section ~~27.15.030(f)(2)~~ 27.72.150.

(c) There must be at least 22 contiguous feet of uninterrupted curb space abutting each lot measured along the face of the curb from the edge of the curb return to the lot line.

(d) 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.

(e) Garages facing and taking access from a street must have a minimum setback of 20 feet from the lot line.

(f) 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."

3. Renumber the remaining sections as Sections 48 and 49.

Introduced by:

Eugene Carroll

AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.

Approved as to Form and Legality:

Rod Cooper

City Attorney

Requested by: Planning Department

Reason for Request: To delete obsolete references to Table 27.15.080(a) and Section 27.15.030(f)(2) and insert the correct citations to Table 27.72.020(a) and Section 27.72.150.

ADOPTED

FEB 11 2013

BY CITY COUNCIL