14-71 Introduce: 6-16-14
TXT 14004

ORDINANCE NO. _____

AN ORDINANCE amending Title 27 of the Lincoln Municipal Code by amending Section 27.63.320 relating to special permits to allow community unit plans in the R-7 and R-8 zoning districts by special permit; amending Section 27.65.020 (Community Unit Plan Requirements) to allow community unit plans in the R-7 and R-8 zoning districts and providing for the calculation of the maximum permitted density thereof; amending the catchhead of Section 27.65.070 to reflect its applicability to community unit plans in the R-7 and R-8 zoning districts; amending Section 27.65.090 relating to parking within community unit plans to allow the Planning Commission to make certain modifications to the parking requirements set forth in Chapter 27.67; amending Section 27.67.040 to establish the parking requirement for Dwellings for Nonrelated Persons for four to six persons living as a single housekeeping unit permitted under a community unit plan as one space per resident; amending Section 27.67.065 to delete special parking requirements for community unit plans; and repealing Sections 27.63.320, 27.65.020, 27.65.070, 27.65.090, 27.67.040, and 27.67.065 of the Lincoln Municipal Code as hitherto existing.

Section 1. That Section 27.63.320 of the Lincoln Municipal Code be amended to read as follows:

27.63.320 Community Unit Plans.

Community unit plans may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, ~~and~~ R-6, R-7 or R-8 zoning districts in conformance with the provisions of Chapter 27.65.

Section 2. That Section 27.65.020 of the Lincoln Municipal Code be amended to read as follows:

27.65.020 Requirements.

(a) General Requirements. The owner or owners of any tract of land in the R-1, R-2, R-3, R-4, R-5, ~~or~~ R-6, R-7 or R-8 zoning district which is one acre or more in area; in the BTA Overlay District with underlying AG zoning which is forty acres or more in area; or in the BTA Overlay District with underlying AGR zoning which is ten acres or more in area, including and up to the centerline of existing public rights-of-way abutting the tract of land may submit a plan for the use and development thereof for residential purposes or for the repair and alteration of any existing residential development. The plan may propose a modification of height and area regulations of the district in which the community unit plan is located.

(b) Specific Requirements.

(1) In the R-1, R-2, R-3, R-4, R-5, or R-6 zoning district:

(i) A community unit plan may be permitted on a tract of land which is less than ten acres but more than five acres in area. The maximum permitted density on such a tract shall be calculated as provided in Section 27.65.080, and this maximum will be reduced by ten percent to accommodate the small size of the tract.

(ii) A community unit plan may be permitted on a tract of land which is not more than five acres but more than one acre in area. The maximum permitted density shall be calculated as provided in Section 27.65.080, and this maximum will be reduced by twenty percent to accommodate the small size of the tract.

(iii) A community unit plan may be permitted on a tract of land which is less than ten acres but more than one acre in area where such tract is bounded on at least two sides by one or more existing community unit plans. The maximum density of such a tract shall be calculated as in Section 27.65.080.

(iv) A community unit plan may be permitted on a tract of land which is ten or more acres in area. The maximum permitted density of such a tract shall be calculated as in Section 27.65.080.

(v) A community unit plan which complies with the energy conservation standards adopted by the City Council and on file with the City Clerk may receive a dwelling unit bonus in accordance with the standards adopted by resolution of the City Council.

(vi) Additional dwelling units may be granted for each dwelling unit subsidized by the state or federal government for low-income families or as a dwelling unit bonus for the provision of barrier-free units; however, the number of additional dwelling units shall not exceed those provided in the standards adopted by resolution of the City Council.

(2) In the R-7 or R-8 zoning district, a community unit plan may be permitted on a tract of land which is more than one acre in area. The maximum permitted density will be calculated as provided in Section 27.65.080.

(~~2~~3) In the BTA Overlay District the land within the community unit plan shall be divided into two components: an Acreage Development Component and an Urban Reserve Component, except as provided in subsection (ii) below. The Acreage Development Component may be subdivided in conformance with requirements of the City Land Subdivision Ordinance into residential lots for single-family dwellings. The Urban Reserve Component may not be subdivided or built upon but rather shall be reserved for future residential development until such time as City sanitary sewer and water utilities are extended to the Urban Reserve Component and the land within the community unit plan is annexed by the City of Lincoln.

(i) In the BTA Overlay District with underlying AG zoning, the Acreage Development Component shall not exceed twenty-five percent (25%) of the total area of the community unit.

(ii) In the BTA Overlay District with underlying AGR zoning, the Urban Reserve Component is not required and the total area of the community unit plan may be used for the Acreage Development Component if the single-family dwellings will utilize on-site wastewater systems and in such case the minimum lot size shall be three acres. The Acreage Development Component shall not exceed forty percent (40%) of the total area of the community unit plan if the single-family dwellings will utilize a community wastewater system and in such case the maximum lot size shall be one acre.

(c) A community unit plan located in the BTA Overlay District which will substantially protect an open space area as designated on the future land use plans included in the Lincoln City-Lancaster County Comprehensive Plan may receive a dwelling unit bonus provided that:

(1) The request for a dwelling unit bonus shall be accompanied by a showing of the need for protection of the open space, a description of the proposed use of the open space and any limitations there on, and the proposed method of protecting the open space which may include, but is not necessarily limited to, protective covenants, conservation or preservation easements, or similar restrictions of record.

(2) The proposed method of protecting the open space shall expressly (i) prohibit the construction or installation of any structures or other improvements in the open space for a period of 99 years, except minimal above ground structures or improvements reasonably necessary and incidental to the proposed use of the open space; and (ii) prohibit such uses as shooting ranges, basketball courts, baseball fields, football and soccer fields, racetracks, or other stadium uses,

facilities for spectator sports, and any activities that would unreasonably disturb the residents of the community unit plan or the surrounding neighborhoods.

(3) The open space shall be accessible to, and available for use by, the residents of the community unit plan;

For the purposes of this subsection, "open space" shall mean land or water which is undeveloped or which is set aside for public or private outdoor recreational uses, such as parks, trail systems, golf courses, or bodies of water for swimming, fishing, or boating.

(d) A community unit plan located in the BTA Overlay District with underlying AG zoning in consideration of providing for future subdivision of the lots within the Acreage Development Component as well as the Urban Reserve Component shall receive a twenty percent (20%) density bonus.

(e) A community unit plan located in the BTA Overlay District with underlying AGR zoning in consideration of providing for future subdivision of the Urban Reserve Component shall receive a twenty percent (20%) density bonus.

(f) A community unit plan located in either the AG Agriculture District or AGR Agricultural Residential District which utilizes a community wastewater disposal system rather than individual wastewater systems shall receive a twenty percent (20%) density bonus.

(g) A community unit plan located in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, or BTA Overlay zoning districts which will substantially protect floodplain or floodprone areas may receive a dwelling unit bonus if a permanent conservation easement or permanent deed restriction is dedicated to preserve the floodplain or floodprone area. The bonus allotment will be proportionally equal to the amount of floodplain preserved on the site and the size of the lot as in conformance with the design standards.

(h) The dwelling unit bonuses permitted under subsections (c), (d), (e) and (g) of this section shall not exceed a total of twenty percent (20%) in any community unit plan.

Section 3. That the catchhead of Section 27.65.070 of the Lincoln Municipal Code be amended to read as follows:

27.65.070 Form of Community Unit Plan in the R-1 through ~~R-6~~ R-8 Zoning Districts and AG and AGR Zoning Districts Not Within BTA Overlay District.

Section 4. That Section 27.65.090 of the Lincoln Municipal Code be amended to read as follows:

27.65.090 Parking.

Except as provided below, ~~A~~all parking within the community unit plan shall be regulated in conformance with the provisions of Chapter 27.67. Where appropriate and necessary to protect the health, safety and general welfare, the Planning Commission may increase the minimum parking requirements set forth in Chapter 27.67. In addition, the Planning Commission may adjust the location of required parking and/or reduce the parking requirements, except for dwellings for nonrelated persons, when the application includes information justifying requested modification.

Section 5. That Section 27.67.040 of the Lincoln Municipal Code be amended to read as follows:

27.67.040 Parking Requirements; Special Conditions.

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

(a) A fraternity or sorority shall provide 0.75 spaces per resident. Parking shall be provided either onsite or within 600 feet of the premises. Notwithstanding the above, no parking

shall be required for a fraternity or sorority located within the boundaries of 14th Street to 17th Street and Q Street to W Street.

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

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

(d) Elderly or retirement housing: One space/dwelling unit.

(e) Mini-warehouses:

(1) Two spaces for manager's quarters;

(2) One space for every 200 storage cubicles to be located at the project office for the use of clients; provided access lanes and roads to the storage area are twenty feet in width to allow vehicles to unload and pass. If access lanes and roads are less than twenty feet in width, parking at a rate of one space per ten storage cubicles shall be provided equally throughout the storage area.

(f) Doctors' and dentists' offices: One space/225 sq. ft. of floor area.

(g) Drive-in restaurants: One space/40 sq. ft. of floor area.

(h) Bowling alleys: 4 spaces/lane (plus required parking for affiliated uses.)

(i) Auditoriums, theaters, grandstands, stadia, amphitheaters, and other places of public assembly: One space/50 sq. ft. of seating area plus parking for affiliated uses within 300 ft. of the main use.

(j) Recreational uses:

(1) Racquetball and other court games: Four spaces/court (plus required spaces for affiliated uses);

(2) Swimming pools: One space/100 sq. ft. of water surface (plus parking for affiliated uses) as determined by the city;

(3) Golf courses: Two spaces/hole of course, plus parking for affiliated uses.

(k) Hospitals: One space/2.5 beds, plus one space/employee on the largest shift.

(l) Churches, chapels, public schools, private schools having a curriculum equivalent to a public elementary or public high school, and private business or commercial schools: One space/50 sq. ft. in largest assembly hall as determined by the City.

(m) Academies, such as gymnastic, karate, judo, dance, or music academies: One space for every three students allowed per class session plus one space for every employee. In those instances where two sessions of classes occur one after another, without at least one-half hour separation between sessions, the maximum number of students allowed at both sessions shall be combined in determining the amount of required parking per class session.

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

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

(p) Salvage yard: Six spaces, two spaces/acre of lot area or one space/1,000 square feet of floor area, whichever is greater.

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

(r) Warehouses:

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

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

(3) If the number of spaces required by the building ratio is greater than required by the employee ratio in (1) or (2) above, the additional parking spaces need not be provided physically, but sufficient areas shall be reserved for to

accommodate construction of the additional spaces. If the Building Official finds at any time that the character of the use of the warehouse is such as to require the full provision of parking facilities to be constructed, the Building Official shall report this fact to the City Council which may, after holding a hearing of which the owner shall be notified, require such additional parking to be installed.

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

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

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

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

(w) Residential Healthcare Facilities: One space for every four residents and two spaces for every three employees on the largest shift.

(x) Sale of alcoholic beverages for consumption on the premises: One space per 100 square feet of floor area.

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

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

(aa) Community Halls, Farm Wineries, and Market Gardens located in the AG and AGR zoning districts: There shall be adequate parking for vehicles compatible with the number of people using the facility.

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

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

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

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

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

(2) O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4 Zoning Districts. The uses shall be located in the following zoning districts: O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4, and may include uses in adjacent O-2 districts and adjacent churches and chapels outside the above districts. The aggregate parking requirement shall be computed on the basis of providing the parking required for that use or those uses having concurrent parking demand that have the largest parking demands as determined by the parking matrix (Section 27.67.020) and any additional conditions in this chapter; provided, however,

that the number of additional spaces that would be required in the absence of this paragraph need not be provided physically, but sufficient land shall be reserved in the event that future uses may not have nonconcurrent parking demand. For the purpose of determining the adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a written agreement between the city and all parties to such use.

(3) O-1 District. The uses shall be located in the O-1 District and may include adjacent churches or chapels located outside the O-1 District. Uses that have nonconcurrent parking demand may join their parking facilities. The aggregate parking requirement shall be computed on the basis of providing the parking required for that use or those uses having concurrent parking demands that have the largest parking demands as determined by the parking matrix and any additional conditions in this chapter; provided, however, that the number of additional spaces that would be required in the absence of this paragraph need not be provided physically, but sufficient land shall be reserved in the event the future uses may not have nonconcurrent parking demand. For the purpose of determining the adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a written agreement between the city and all parties to such use.

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

(ee) Urban Gardens greater than two acres in size shall provide three off-street parking stalls per every acre or part thereof over two acres.

(ff) Joint parking is a permitted use in the O-3, R-T, B-2, B-5 and I-3 zoning districts under the following conditions:

(1) The joint use of parking lots and garages shall be authorized by a cross access easement or by other written agreement between the parties to such joint parking ("Joint Use Agreement").

(2) The minimum aggregate number of parking stalls provided under the Joint Use Agreement shall be equal to the sum of the required parking for each use.

(3) The Joint Use Agreement shall be submitted to and approved by the City Law Department.

(4) The Joint Use Agreement shall be filed of record with the Register of Deeds for Lancaster County, Nebraska and indexed against the affected properties.

(gg) Dwellings for Nonrelated Persons, for four to six persons living as a single housekeeping unit permitted under a community unit plan: One space per resident.

Section 6. That Section 27.67.065 of the Lincoln Municipal Code be amended to read as follows:

27.67.065 Special Conditions; ~~Community Unit Plan and~~ O-3 Zoning District.

~~(a) In a community unit plan, the following parking regulations shall apply:~~

~~(1) Two parking spaces per dwelling unit, except that dwellings for nonrelated persons shall have one space for each resident. The City Council may reduce the community unit plan parking requirement to no less than one and one-half parking spaces per dwelling unit, except for dwellings for nonrelated persons, when the application includes information justifying the reduction;~~

~~(2) The location of required parking as set forth elsewhere in this chapter may be adjusted by the City Council;~~

~~(3) All other parking requirements in the district or districts in which a community unit plan is located shall apply.~~

~~(b)~~ In the O-3 zoning district, the following parking regulations shall apply:

(~~1~~a) Two parking spaces per dwelling unit, however, the City Council may reduce the parking requirement to no less than one and one-half parking spaces per dwelling unit when the application includes information justifying the reduction;

(~~2~~b) The location of required parking as set forth elsewhere in this chapter may be adjusted by the City Council;

(~~3~~c) All other parking requirements in the O-3 zoning district shall apply.

Section 7. That Sections 27.63.320, 27.65.020, 27.65.070, 27.65.090, 27.67.040, and 27.67.065 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 8. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall be posted on the official bulletin board of the City, located on the wall across from the City Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage and such posting to be given by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its passage and publication as herein and in the City Charter provided.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2014:

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Mayor