

ORDINANCE NO. _____

1 AN ORDINANCE amending provisions of the Lincoln Municipal Code related to
2 Zoning by amending Chapter 4.36 of the Lincoln Municipal Code relating to the Urban Design
3 Committee by amending Section 4.36.010 to capitalize the name City; by amending Section
4 4.36.030 to expand the duties of the Committee to include advising other public agencies and
5 acting as the Appeals Board for appeals of administrative decisions relating to the Downtown,
6 South Haymarket, and Neighborhood Design Standards for zoning regulations; by amending
7 Section 4.36.040 to clarify the Urban Design Committee review process is advisory and to
8 modify the process; by amending Section 4.36.050 to require the Committee when acting as the
9 Appeal Board to give notice of public hearing as provided in Chapter 1.00 of the City of Lincoln
10 Design Standards; by adding a new Section 4.36.070 to provide that findings and actions of the
11 Urban Design Committee acting as the Appeals Board may be appealed as provided in Chapter
12 1.00 of the City of Lincoln Design Standards; by amending Sections 27.06.070, 27.06.100,
13 27.06.130, 27.06.170, and 27.06.180 to update the Household Living, Civic Services, Retail
14 Sales and Services, Heavy Commercial Services, and Manufacturing, Processing, Storage and
15 Distribution Use Group Tables to delete certain commercial and industrial uses in the B-4
16 District; by amending Section 27.25.080, relating to O-1 Office District to provide that
17 applications for a building permit shall be reviewed for compliance with Subarea Design
18 Standards and to define an O-1 zoned area subject to the South Haymarket Design Standards; by
19 amending Section 27.35.080, relating to B-4 Lincoln Center Business District, to provide that
20 applications for a building permit shall be reviewed for compliance with Subarea Design
21 Standards, to define a B-4 zoned area subject to the South Haymarket Design Standards, and to
22 repeal Figure 27.35.070 (a) B-4 Lincoln Center Business District Height Regulations which has

1 been superseded by Figure 27.72.030 (a); by amending Section 27.56.017, relating to the Capitol
2 Environs District, to revise the definitions of Capitol Environs District and Capitol View
3 Corridors; by amending Sections 27.56.120 and 27.57.150, relating to the Capitol Environs
4 District and the Historic Preservation District respectively, to revise the timeframe for the
5 Nebraska Capitol Environs Commission and the Preservation Commission approving or denying
6 an application; by amending Section 27.56.160, relating to the Capitol Environs District, to
7 change street references from South 15th Street to Goodhue Boulevard and to clarify that new
8 buildings, facing one of the malls abutting Capitol Square, shall have an eave or cornice line of
9 at least 30 feet in height on Centennial Mall and Lincoln Mall and at least 20 feet in height on
10 Goodhue Boulevard and J Street; by amending Section 27.62.040, relating to the Household
11 Living Use Group, to delete dwelling units as a conditional use in the B-4 zoning district; by
12 amending Section 27.63.175, relating to Special Permits, to provide that parking garages allowed
13 by special permit in the O-1 District shall not abut Capitol Square or J Street West of 9th Street;
14 by amending Figure 27.67.020, relating to Parking, to provide that there is no required parking in
15 the B-4 District; by repealing Section 27.67.050, relating to Parking, to delete the B-4 district
16 special parking requirements; by amending Section 27.69.040, relating to signs, by amending
17 Table 3 Signs for Commercial and Industrial Zoning Districts to provide that beginning 150 feet
18 west of 9th Street and continuing to the western boundary of the B-4 District the maximum height
19 of any free standing sign is eight feet tall; by amending Section 27.72.030, relating to Height and
20 Lot Regulations in the B-4 district to expand the exception to the general building height
21 requirements to include all of the B-4 district, to modify the general yard requirement in the B-4
22 district to require a 5 foot yard adjacent to any wall of a building which contains windows for a
23 dwelling, to provide that an abutting street may be counted as part or all of the required yard; and
24 repealing Sections 4.36.010, 4.36.030, 4.36.040, 4.36.050, 27.06.070, 27.06.100, 27.06.130,

1 27.06.170, 27.06.180, 27.25.080, 27.35.080, 27.56.017, 27.56.120, 27.56.160, 27.57.150,
2 27.62.040, 27.63.175, 27.69.040, and 27.72.030 as hitherto existing.

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

4 Section 1. That Section 4.36.010 of the Lincoln Municipal Code be amended to
5 read as follows:

6 **4.36.010 Policy.**

7 The City of Lincoln recognizes the importance of the physical environment in making
8 Lincoln an attractive place in which to live and work, and the impact of physical development
9 upon the environment.

10 The eCity is desirous of improving the quality of life through improved urban design; to
11 protect and promote those qualities in the environment which bring value to the community; to
12 further the attractiveness of Lincoln as a place to live and work; to preserve the quality of areas
13 which have a distinct and desirable character; to protect and enhance public and private
14 investment; to raise the level of community expectations for the quality of its environment; to
15 encourage improved quality and functional utility of development, including the architecture,
16 landscape, and graphic design of said development.

17 The eCity further recognizes that it should encourage positive influences upon the
18 environment through its ordinances and regulations and ensure that public facilities set a high
19 standard of urban design. In order to provide guidance in attaining these goals, the city
20 acknowledges the advisability of creating an Urban Design Committee.

21 Section 2. That Section 4.36.030 of the Lincoln Municipal Code be amended to
22 read as follows:

23 **4.36.030 Duties and Powers.**

24 The committee shall advise the Mayor, City Council, Planning Commission, city boards,
25 ~~and~~ city departments, and other public agencies in matters relating to urban design, visual

1 relationships, architectural design, and aesthetics. However, the committee shall not review the
2 engineering or technical aspects of any project or standard.

3 The committee shall have the following responsibilities:

4 (a) Review aspects of city plans, such as sub-area plans in the Comprehensive Plan;
5 regulations, such as zoning and subdivision; and design standards and criteria only insofar as
6 they affect urban design.

7 (b) Recommend the coordination of the application of various regulations and
8 standards that may affect design, and for modification of rigid or insensitive regulations or
9 standards that can stifle efforts to achieve quality design, and provide whatever other guidance is
10 necessary and desirable in the absence of specific regulations or standards to promote and
11 encourage exemplary urban design.

12 (c) Review physical building or construction and building demolition projects within
13 the zoning jurisdiction of the city, limited to the following:

14 (1) Projects sponsored or initiated and financed by the City of Lincoln or
15 another public entity or a project in which the eCity or another public entity has made or will
16 make some financial contribution (herein referred to as public projects) when such project affects
17 urban design and aesthetics.

18 (2) Projects not described in item (1) above that will or are proposed to be
19 partially or wholly located on the city right-of-way or other city property (herein referred to as
20 private projects).

21 (3) Other projects with urban design impact on which the Committee may be
22 requested to render advice from time to time by public or private entities.

23 Notwithstanding (1) and (2) above, Urban Design Committee review of projects by any
24 utility company, public or private, shall be limited to (i) construction of buildings, distribution
25 substations, and ground-level switching stations; and (ii) construction located within an historic

1 district designated by the federal government or the City of Lincoln or within 300 feet of an
2 historic landmark as designated by the federal government or the City of Lincoln. ~~However, no~~
3 ~~project which is to be reviewed by the Historic Preservation Commission shall be reviewed by~~
4 ~~the Urban Design Committee.~~

5 (d) Promote public education and appreciation of urban design through the initiation
6 of programs such as an "Urban Design Awards Program."

7 (e) Recommend to the Mayor the initiation of projects and plans which would
8 improve urban design.

9 (f) Act as the Appeals Board for appeals of administrative decisions relating to the
10 Downtown Design Standards, South Haymarket Design Standards, Neighborhood Design
11 Standards, or other appeals as may be assigned to the Committee from time to time. Such
12 appeals shall be decided following a public notice and a public hearing as described in Section
13 4.36.050.

14 Section 3. That Section 4.36.040 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **4.36.040 Advisory Review Process.**

17 The Urban Design Committee shall draft "Aspects and Limitations of Review and
18 Submission Guidelines for Urban Design Review" to be adopted by resolution of the City
19 Council. The Urban Design Committee shall review said document periodically and propose any
20 amendments it deems necessary to the City Council.

21 (a) Selection of items for review.

22 (1) Capital improvements program. Within one month after the adoption of the
23 city budget, the Urban Design Committee shall meet to review the capital improvements
24 program. The committee shall determine which projects are visually significant, and those
25 projects to be reviewed.

1 (2) Non-capital improvement program items. The departments and boards of
2 the eCity shall select items for design review from among those items not included in the capital
3 improvement program over which the committee has review authority, as specified in Section
4 4.36.030. The committee may, with the assistance of the departments and boards, prepare and
5 approve guidelines for use in selecting those items for committee review.

6 (b) Submissions. The project director for a public project or the owner or the owner's
7 architect for private projects which require design review shall submit information to the ~~chair of~~
8 ~~the Urban Design Committee~~ Planning Department as follows and in accordance with
9 submission guidelines or urban design review adopted by the committee:

10 (1) A written description of the proposed project and its environs;

11 (2) A site plan showing the entire area of the proposed project and the project
12 environs (i.e., the area determined to have a visual or spatial relationship to the proposed project)
13 legibly drawn and of sufficient size and scale to clearly show the intent of the proposed project
14 and the project's relationship to existing and planned development within project environs;

15 (3) If a street project, typical cross sections through proposed project area and
16 project environs as necessary and drawn adequately to show design intent;

17 (4) If proposal includes the construction or exterior remodeling of a building
18 or shelter of a preliminary building floor plan and exterior elevations drawn adequately enough
19 to show design intent.

20 (c) Initial reviews.

21 (1) Public projects, including capital improvement program projects. Those
22 public projects selected for review ~~shall~~ are recommended to be reviewed at least twice, once at a
23 predesign conference with the department director or project director, and any consultant, and
24 once again when the proposed plans have been prepared. The purpose of the predesign

1 conference is to allow the Committee to provide advice before design concepts and program
2 objectives are finalized.

3 (2) Private projects. Prior to filing any submissions, the prospective applicant
4 and the applicant's architect are entitled to meet with the ~~committee chair~~ [Planning Department](#)
5 in order to obtain information on the review aspects and submission requirements.

6 (d) Final review. Final review of both public and private projects will consist of a
7 review of various aspects of design with specific emphasis on the applicable objectives in the
8 resolution adopted under Section 4.36.040.

9 (e) Statement of finding. Whenever the committee does not approve a proposal as
10 submitted, it will be obliged to specify in writing the conditions under which a majority of the
11 committee would approve the proposal. However, it is not the intent of this section to require the
12 committee to furnish the applicant with a design. The findings of the committee shall be
13 forwarded to the appropriate board, department, or governing authority for its consideration. The
14 findings of the committee shall not prevent the implementation of a proposal or be binding on the
15 affected board, department, or authority.

16 The committee may approve a proposal in a piecemeal fashion, e.g., the committee may
17 expressly reserve approval of detailed aspects of a proposal when the submission as provided by
18 applicant lacks sufficient detail. Once certain aspects of the proposal are approved, the
19 committee may not rescind its previous approval unless changes have been made in the proposal
20 that would affect previous approval.

21 Section 4. That Section 4.36.050 of the Lincoln Municipal Code be amended to
22 read as follows:

23 **4.36.050 Meetings, ~~and Rules,~~ [and Notice of Public Hearings.](#)**

24 The chair shall conduct the meetings of the committee. Minutes and a permanent record
25 of all resolutions, motions, and determinations shall be kept on file in the office of the City

1 Clerk. The committee shall prepare a full statement in writing to each applicant and to the City
2 Council and Mayor detailing and explaining the reasons and basis for their recommendations.
3 The committee shall meet as necessary to process all applications within ~~thirty~~ forty-five days
4 after receipt of application, ordinarily meeting monthly ~~and shall meet at least once a month~~. A
5 quorum shall be four members of the committee. The committee may adopt such rules, bylaws,
6 and procedures as it deems appropriate to carry out the purposes and goals of this chapter.

7 Public hearings to be held by the Urban Design Committee on appeals relating to
8 Downtown Design Standards, South Haymarket Design Standards, or Neighborhood Design
9 Standards shall not be held until notice thereof has been given as provided in Chapter 1.00 of the
10 City of Lincoln Design Standards.

11 (a) No decision or recommendation which the Urban Design Committee is required
12 to make under this title shall be void or invalidated or affected in any way, for any irregularity,
13 defect, error, or failure on the part of the Planning Director to cause notice to be given as
14 required above.

15 (b) It shall not be necessary to give further notice of adjourned or continued public
16 hearing.

17 (c) Other notice, as may be deemed appropriate by the public body conducting the
18 hearing, may be given in advance of public hearing. Such notice is not mandatory or required as
19 a condition precedent to any such public hearing.

20 Section 5. That Chapter 4.36 of the Lincoln Municipal Code be amended to add a
21 new section numbered 4.36.070 to read as follows:

22 **4.36.070 Appeals.**

23 Findings and actions of the Urban Design Committee regarding appeals of decision
24 regarding the Downtown Design Standards, South Haymarket Design Standards, or

[Neighborhood Design Standards may be appealed as provided in Chapter 1.00 of the City of Lincoln Design Standards.](#)

Section 6. 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	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	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.

1 Section 7. That Section 27.06.100 of the Lincoln Municipal Code be amended to
 2 read as follows:

3 **27.06.100 Civic Services Use Group.**

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

11 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
Places of Religious Assembly	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	S	P	P	P	S	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

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

14 **27.06.130 Retail Sales and Services Use Group.**

15 Characteristics: The Retail Sales and Services Use Group is characterized by uses that
 16 are involved in the sale, lease, or rental of new or used products to the general public. They may
 17 also provide personal services, or provide product service or repair for consumer and business
 18 goods. Services and repairs are typically performed on site. Small-scale production, assembly, or
 19 manufacturing of retail goods and crafts primarily sold on the premises is permitted as accessory
 20 to business activity. A portion of the premise may be used for outdoor storage of products

1 associated with the main use. These uses may be open 24 hours a day and may include drive up
 2 or drive thru facilities. These uses generally do not involve the use, storage, production, or
 3 manufacturing of hazardous chemicals. Such uses include but are not limited to retail sales,
 4 personal services, service and repair facilities, motorized vehicle repair and sales, hotels and
 5 motels, ambulance services, motorized fuel sales facility, parking lots, recycling drop-off
 6 facilities, and off-sale of alcoholic beverages. Parking as a primary use is part of this use group.

7 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
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	P	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	C	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

8 Section 9. That Section 27.06.170 of the Lincoln Municipal Code be amended to
 9 read as follows:

10 **27.06.170 Heavy Commercial Services Use Group.**

11 Characteristics: The Heavy Commercial Services Use Group is characterized by uses
 12 that are engaged in the repair or servicing of industrial, business, or consumer machinery,

1 equipment, products, or by-products. Firms that service consumer goods do so by mainly
 2 providing centralized services for separate retail outlets. Contractors, building maintenance
 3 services, and similar uses perform the majority of their services off-site. Outdoor storage and
 4 activity and a fleet of service vehicles and machinery are common. Heavy equipment or truck
 5 idling may occur for long periods of time. Few customers, especially the general public, come to
 6 the site on a regular basis. Such uses include but are not limited to private landing strips,
 7 building and construction contractor services, tree services, truck stops, truck terminals, truck
 8 wash facilities, mini-warehouse, and lumber yards.

9 Use Group Table:

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

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

12 **27.06.180 Manufacturing, Processing, Storage, and Distribution Use Group.**

13 Characteristics: The Manufacturing, Processing, Storage, and Distribution Use Group is
 14 characterized by uses that are involved in the manufacturing, processing, fabrication, packaging,
 15 assembly of goods, and/or storage or movement of goods. Goods are generally not displayed or
 16 sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the
 17 site. Goods are generally delivered to other firms or the final consumer, except for some will-
 18 call pickups. Activities commonly use trains or heavy trucks to ship and receive goods. Access
 19 to or near a highway is preferred. There is little on-site sales activity with the customer present.

1 Such uses include but are not limited to assembly facilities, concrete dispensing units, salvage
2 yards, grain elevators and mills, warehouses, and outdoor motorized vehicle storage.

3 Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3				
Assembly Facilities																		P				C	C		P	P	P			
Bag cleaning works																									S	P				
Bakeries (wholesale)																		P				P	P		P	P	P			
Blast furnaces, coke ovens, smelting, or ore reduction works																									S	P				
Boiler works or forge																									S	P				
Bottling works																		P				P	P		P	P	P			
Brewery (over 20,000 barrels)																									S	P				
Brick, tile, pottery, or terracotta manufacture, other than the manufacture of handicrafts																									P	P	P			
Coal yard																		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	C	C		
Creameries																		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		
Outdoor vehicle storage																										C	C	C		
Petroleum and petroleum products, bulk storage																										S	S	S	C	C
Production, manufacture, distribution, or commercial storage of toxic, flammable, or explosive materials, including chemicals and gases, fireworks and explosives, arsenals and magazines																										S				
Refining or bulk storage of petroleum or natural gas, or their products																										S	P			

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		
Refining The refining, distillation, or manufacture of: Acids or alcohols; Ammonia, bleach, or chlorine; Asphalt, tar, or products made therewith, including roofing or water-proofing; 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		
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

1 Section 11. That Section 27.25.080 of the Lincoln Municipal Code be amended
2 to read as follows:

3 | **27.25.080 Lincoln Downtown and Subarea Design Standards.**

4 Each application for a building permit shall be reviewed for compliance with the Lincoln
5 Downtown and other subarea Design Standards as adopted from time to time.

6 (a) The area of the O-1 District from 150 feet west of 9th Street to the western boundary
7 of the O-1 District and south of O Street shall be reviewed for compliance with the
8 South Haymarket Design Standards.

1 Section 12. That Section 27.35.080 of the Lincoln Municipal Code be amended
2 to read as follows:

3 | **27.35.080 Lincoln Downtown and Subarea Design Standards.**

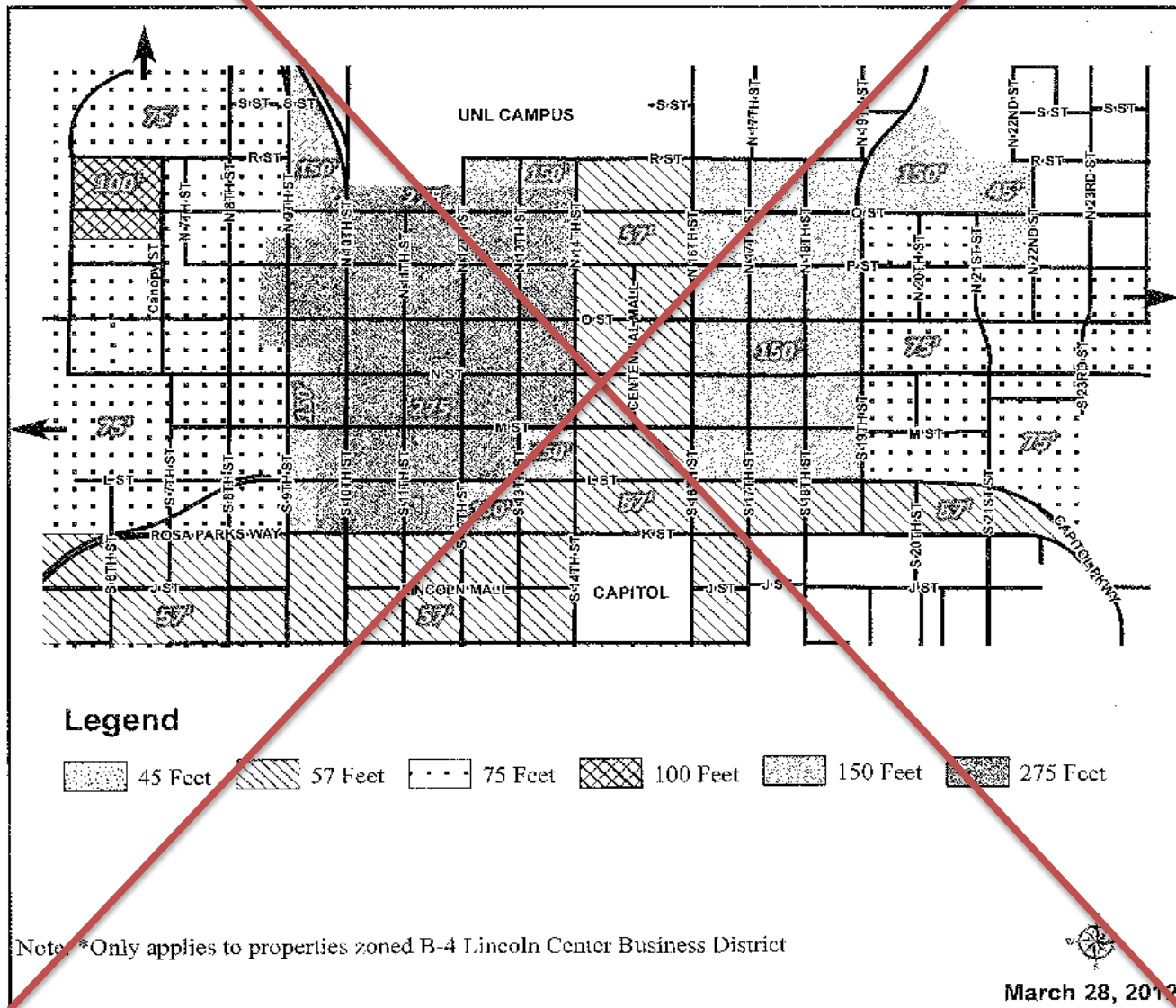
4 Each application for a building permit shall be reviewed for compliance with the Lincoln
5 Downtown and other subarea Design Standards as adopted from time to time.

6 (a) The area of the B-4 District from 150 feet west of 9th Street to the western boundary
7 of the B-4 District and south of O Street shall be reviewed for compliance with the
8 South Haymarket Design Standards.

9 Section 13. That Figure 27.35.070 (a) of the Lincoln Municipal Code be and the
10 same is hereby repealed:

Figure 27.35.070 (a)

B-4 LINCOLN CENTER BUSINESS DISTRICT HEIGHT REGULATIONS



m:\plan\ant\pl\dr4_HeightRegulations3.mxd

1 Section 14. That Section 27.56.017 of the Lincoln Municipal Code be amended
2 to read as follows:

3 **27.56.017 Definitions.**

4 For the purpose of this chapter, certain terms and words are hereby defined, as follows:

5 (a) Capitol Square shall mean the state capitol and its four square block site, bounded
6 by “K” Street on the north, “H” Street on the south, 14th Street on the west, and 16th Street on
7 the east.

8 (b) Capitol Environs District shall mean the area indicated on the City of Lincoln
9 Capitol Environs District Height Regulations Map.

10 (c) Capitol View Corridors shall mean those areas described in the [Lincoln-Lancaster](#)
11 [County Comprehensive Plan](#). ~~1977 Urban Design Plan for the Nebraska Capitol Environs as~~
12 ~~“Area 9: City View Corridors”; and “Area 10: Country View Corridors.”~~

13 Section 15. That Section 27.56.120 of the Lincoln Municipal Code be amended
14 to read as follows:

15 **27.56.120 Certificate; Approval or Denial.**

16 Within ~~forty-five~~^{thirty} days of the hearing, the Nebraska Capitol Environs Commission shall
17 approve or deny the application. The Commission may:

18 (a) Issue a certificate of “appropriateness” after adopting a finding that the proposed work
19 meets the Standards and would not unduly hinder the protection, enhancement, perpetuation, and
20 use of the Capitol Environs District;

21 (b) Issue a certificate of “exception on grounds of hardship” after adopting a finding that
22 refusal to issue the certificate would create an extreme hardship on the applicant, and that the
23 plight of the applicant is due to unique circumstances, and that the potential hardship is the result
24 of the application of the ordinance and is not the result of any act or omission by the applicant;

1 (c) Refuse to issue a certificate, after adopting a finding that the application is not consistent
2 with the purpose of this ordinance and of the Standards, and does not meet any of the above
3 criteria.

4 The Nebraska Capitol Environs Commission's decision must be accompanied by written findings
5 of fact. No change shall be made in the application for any building permit or in plans for other
6 regulated work after issuance of a certificate by the Commission or the Commission Chair
7 without resubmittal of the application and approval in the same manner as provided above.

8 Section 16. That Section 27.56.160 of the Lincoln Municipal Code be amended
9 to read as follows:

10 **27.56.160 Additional Height and Area Requirements.**

11 (a) In that portion of the Capitol Environs District south of H Street, the required front
12 yard adjacent to Goodhue Boulevard ~~South 15th Street~~ shall be eight feet. This shall be a “build-
13 to” line. The Goodhue Boulevard ~~South 15th Street~~ facade of buildings in that portion of the
14 District shall be located on a line parallel to the property line on Goodhue Boulevard ~~South 15th~~
15 ~~Street~~, and eight feet behind that property line.

16 (b) For new buildings constructed on property with frontage on “Capitol Square”
17 (properties on South 14th, “K”, South 16th, and “H” Streets opposite the Capitol grounds), a
18 minimum of four stories are required, with a maximum height of fifty-seven feet.

19 (c) For new buildings constructed on property in the Capitol Environs District not facing
20 Capitol Square, but facing one of the malls, an eave or cornice line at least thirty feet in height is
21 required on Centennial Mall and Lincoln Mall and at least twenty feet in height on Goodhue
22 Boulevard and J Street.

23 (d) For townhouses in the Capitol Environs District south of “H” Street zoned R-6
24 Residential District, the minimum required lot area shall be 2,000 square feet per family.

1 Section 17. That Section 27.57.150 of the Lincoln Municipal Code be amended
2 to read as follows:

3 **27.57.150 Certificate Approval or Denial.**

4 Within ~~forty-five~~^{thirty} days of the hearing, the Preservation Commission shall approve or
5 deny the application for the certificate for certain work on the landmark or in a landmark district.

6 The Preservation Commission:

7 (a) May issue a certificate of "appropriateness" if, after focusing upon aesthetic,
8 historical, and architectural values, it finds that the proposed work would not unduly hinder the
9 protection, enhancement, perpetuation, and use of the landmark or landmark district;

10 (b) May issue a certificate of "exception on the ground of insufficient return or
11 hardship" if it finds that the landmark or property within the landmark district cannot yield a
12 reasonable return if the proposed work is not permitted, that the plight of the applicant is due to
13 unique circumstances, and that the hardship is the result of the application of the ordinance and is
14 not the result of any act or omission by the applicant; or

15 (3) May refuse to issue a certificate, if it finds that the application does not meet any
16 of the above criteria.

17 The Preservation Commission's decision must be accompanied by written
18 findings of fact. No change shall be made in the application for any building permit after
19 issuance of a certificate by the Preservation Commission or the Planning Director without
20 resubmittal to the Preservation Commission or the Planning Director and approval in the same
21 manner as provided above.

22 Section 18. That Section 27.62.040 of the Lincoln Municipal Code be amended
23 to read as follows:

24 **27.62.040 Household Living Use Group.**

1 A building or premises may be used for the following use types as a permitted
2 conditional use in the designated zoning districts and in compliance with the conditions of
3 approval applicable for that use type.

4 (a) Dwelling units are allowed in the O-2, B-1, B-2, and B-3 ~~and B-4~~ zoning districts under
5 the following conditions:

6 ~~(1) — In the, O-2, B-1, B-2 and B-3 zoning districts:~~

7 (1i) Dwellings shall only be permitted above or below the first story of a building;

8 (2ii) The first story of the building shall be used for a nondwelling use allowed in
9 the district, except that first floor dwellings shall be permitted in buildings that
10 were originally constructed for a residential use prior to November 1, 1997.

11 The first floor nondwelling use shall not:

12 A. be an accessory use to the residential use;

13 B. be a parking lot or garage;

14 (3iii) The first story of the building shall not have more than twenty percent of its
15 height below grade.

16 ~~(2) — In the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the~~
17 ~~B-4 zoning district, single family and/or two family dwellings on the first floor or~~
18 ~~in the basement of a building are prohibited.~~

19 Section 19. That Section 27.63.175 of the Lincoln Municipal Code be amended to
20 read as follows:

21 **27.63.175 Parking Garages in O-1 District.**

22 Parking garages may be allowed by special permit under the following conditions:

23 (a) Such parking garages shall not abut Capitol Square as defined in Section 27.56.017,
24 Lincoln Mall, Centennial Mall, or J Street west of 9th Street. ~~the Capitol Square as defined in~~
25 ~~Section 27.56.017;~~

1 (b) Such parking garages shall be reviewed by the Nebraska State Capitol Environs
2 Commission if the proposed site for a parking garage is located in the twelve blocks adjacent to
3 Capitol Square (bounded by “G” Street on the south, “L” Street on the north, 17th Street on the
4 east, and 13th Street on the west).

5 Section 20. That Section 27.67.050 of the Lincoln Municipal Code be and the same
6 is hereby repealed:

7 ~~**27.67.050—Special Conditions; B-4 Zoning District.**~~

8 ~~—The following special parking requirements shall apply to the B-4 zoning district:~~

9 ~~—(a) In the area located from 150 feet east of 17th Street to the western boundary of the~~
10 ~~B-4 District, there will be no parking requirements. There will also be no parking requirements~~
11 ~~in the area located between the centerline of “N” Street and the centerline of “P” Street from 150~~
12 ~~feet east of 17th Street to the eastern boundary of B-4 District.~~

13 ~~—(b) In the area located from 150 feet east of 17th Street to the eastern boundary of the~~
14 ~~B-4 District, not specifically excepted in section (a) above, the following shall be provided on~~
15 ~~site or within 300 feet of the premises:~~

16 ~~—(1) Industrial and manufacturing uses: Two spaces per three employees on the~~
17 ~~largest shift, or one space per 1,000 square feet of floor area; provided,~~
18 ~~however, that if the number of spaces required by the building ratio is greater~~
19 ~~than that required by the employee ratio, the additional parking spaces need~~
20 ~~not be provided physically, but sufficient space shall be reserved for future~~
21 ~~physical development.~~

22 ~~—(2) Other commercial business and office uses: One parking space per 600 square~~
23 ~~feet;~~

24 ~~—(3) Residential uses: One parking space per dwelling unit.~~

1 Section 21. That Figure 27.67.020 of the Lincoln Municipal Code be amended to
2 read as follows:

**Figure 27.67.020
PARKING MATRIX**

Parking Spaces Required

	Dwellings				Office/Retail/Commercial Uses						Industrial Uses
	0.5 per dwelling unit	1 per dwelling unit	1.75 per dwelling unit	2 per dwelling unit	1 per 1,200 sq. ft.	2 per 3 persons on max. shift or 1 per 1,000 sq. ft. *	1 per 600 sq. ft.	1 per 500 sq. ft.	1 per 300 sq. ft.	1 per 150 sq. ft.	2 per 3 persons on maximum shift or 1 per 1,000 sq. ft. *
AG	AG District: None except uses with special parking requirements listed under Section 27.67.040 of the Lincoln Municipal Code.										
AGR				•							
R-1				•							
R-2				•							
R-3				•							
R-4				•							
R-5			•								
R-6			•								
R-7		•									
R-8		•						•			
R-T		•							•		
O-1	•				within 900'						
O-2		•							•		
O-3				•					•		
B-1		•							within 300'		
B-2		•							within 300'		
B-3		within 300'					within 300'				
B-4	B-4 District: There is no required parking in the B-4 District. Refer to special parking requirements under Section 27.67.050 of the Lincoln Municipal Code										
B-5				•					•		
H-1										•	
H-2								within 300'			
H-3								within 300'			
H-4								•			
I-1						within 300'					within 300'
I-2						within 300'					within 300'
I-3									•		•

* If the number of spaces required by the building ratio is greater than required by the employee ratio, an additional parking area shall be reserved to accommodate the construction of the additional spaces.
Refer to Figure 27.67.040 of the Lincoln Municipal Code for a list of uses with special parking requirements.
Refer to Section 27.67.040 of the Lincoln Municipal Code for uses with special parking requirements.
Refer to Section 27.67.066 of the Lincoln Municipal Code for uses in the H-3 district with special parking requirements.
Any parking requirement resulting in a partial parking space shall be rounded up to the next whole number as per Section 27.67.030(e) of the Lincoln Municipal Code.

Zoning Districts

1 Section 22. That Section 27.69.040 of the Lincoln Municipal Code be amended
 2 to read as follows:

3 **27.69.040 Sign Tables.**

4 General sign requirements for this title are as shown on Table 1 (Off-Premises Signs);
 5 Table 2 (Signs for Residential Zoning Districts); and Table 3 (Signs for Commercial and
 6 Industrial Zoning Districts).

7 **TABLE 1**
 8 **Off-Premises Signs**

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

1
2

**TABLE 2
Signs for Residential Zoning Districts**

AG & AGR			
RESIDENTIAL / NONRESIDENTIAL	SIGN CLASSIFICATION	NUMBER, LOCATION & SIGN TYPE	MAX. SIGN AREA AND HEIGHT
<u>RESIDENTIAL USES</u> To identify home occupations, block parents, name of the premises or occupants thereof, or similar information	WALL	1	2 sq. ft.
<u>NONRESIDENTIAL USES</u> Announcing the business or activity being conducted on the premise All freestanding signs must be spaced 150 feet apart	WALL	1 per frontage	70 sq. ft.
	OR		
	FREESTANDING	1 per frontage	70 sq. ft. 8 ft. tall
R-1 to R-4			
RESIDENTIAL	SIGN CLASSIFICATION	NUMBER, LOCATION & SIGN TYPE	MAX. SIGN AREA AND HEIGHT
<u>RESIDENTIAL</u> To identify home occupations, block parents, name of the premises or occupants thereof, or similar information	WALL	1	2 sq. ft.
R-5 to R-8			
USES	SIGN CLASSIFICATION	NUMBER, LOCATION & SIGN TYPE	MAX. SIGN AREA AND HEIGHT
<u>ALL USES</u> to identify home occupations, block parents, name of the premises or occupants thereof, or similar information	WALL	1	2 sq. ft.
<u>MULTIPLE FAMILY DWELLINGS</u> identifying name and use of the building	WALL	1	6 sq. ft.
	OR		
	FREESTANDING	1	6 sq. ft. 6 ft. tall
	AND		

MULTIPLE FAMILY DWELLINGS identifying the quarters of an on premise building manager or custodian	WALL	1	1 sq. ft.
	OR		
	FREESTANDING	1	1 sq. ft. 6 ft. tall
USES OTHER THAN DWELLINGS in the R-5, R-6 , R-7 and R-8	WALL	1 per building facade	32 sq. ft.
	OR		
R-8 to identify the building or activity being conducted on the premises	FREESTANDING	1 for each main building	32 sq. ft. 6 ft. tall
FRATERNITIES AND SORORITIES within ½ mile of an educational institution	WALL	1	20 sq. ft.

1
2

TABLE 3
Signs For Commercial and Industrial Zoning Districts

ZONING DISTRICT	SIGN TYPE	NUMBER OF PERMITTED SIGNS	INSIDE THE FRONT YARD	OUTSIDE THE FRONT YARD
B-1, B-3, B-4 *	FREESTANDING	1 per business per frontage	50 sq. ft. 15 ft. tall	100 sq. ft. 25 ft. tall
	OR			
	CENTER	1 per frontage	50 sq. ft. 15 ft. tall	150 sq. ft. 35 ft. tall
* Beginning 150 feet east of 17th Street and continuing to the eastern boundary of the B-4 District and beginning 150 feet west of 9th Street and continuing to the western boundary of the B-4 District , the maximum height of any freestanding signs (whether inside or outside the front yard) is 8 feet tall.				
B-2, B-5	FREESTANDING	1 per main building	50 sq. ft. 12 ft. tall	100 sq. ft. 18 ft. tall
	AND			
	CENTER	1 per frontage	50 sq. ft. 12 ft. tall	150 sq. ft. 35 ft. tall
H-1	FREESTANDING	1 per business per frontage	50 sq. ft. 15 ft. tall	100 sq. ft. 25 ft. tall
	AND			
	INTERSTATE <i>if within 660 ft of a designated interstate</i>	1	150 sq. ft. 15 ft. tall	300 sq. ft. 80 ft. tall

<u>ZONING DISTRICT</u>	<u>SIGN TYPE</u>	<u>NUMBER OF PERMITTED SIGNS</u>	<u>INSIDE THE FRONT YARD</u>	<u>OUTSIDE THE FRONT YARD</u>
H-2, H-3	FREESTANDING	1 per business per frontage	50 sq. ft. 15 ft. tall	100 sq. ft. 25 ft. tall
	OR			
	CENTER	1 per frontage	N/A	150 sq. ft. 35 ft. tall
	AND			
	INTERSTATE (H-3 ONLY) <i>if within 660 ft of a designated interstate</i>	1	150 sq. ft. 15 ft. tall	300 sq. ft. 80 ft. tall
H-4	FREESTANDING	1 per main building	50 sq. ft. 15 ft. tall	100 sq. ft. 25 ft. tall
	AND			
	CENTER	1 per frontage	N/A	150 sq. ft. 35 ft. tall
	AND			
	INTERSTATE <i>if within 660 ft of a designated interstate</i>	1	150 sq. ft. 15 ft. tall	300 sq. ft. 80 ft. tall
I-1	FREESTANDING	1 per business per frontage	50 sq. ft. 15 ft. tall	100 sq. ft. 25 ft. tall
	AND			
	CENTER	1 per frontage	N/A	150 sq. ft. 35 ft. tall
	AND			
		1 per entrance	50 sq. ft. 15 ft. tall	50 sq. ft. 15 ft. tall
I-2, I-3	FREESTANDING	1 per business per frontage	50 sq. ft. 12 ft. tall	100 sq. ft. 18 ft. tall
	AND			
	CENTER	1 per frontage	N/A	150 sq. ft. 18 ft. tall
	OR			
		2 per entrance	50 sq. ft. 12 ft. tall	50 sq. ft. 18 ft. tall
O-1, O-2	FREESTANDING	1 per main building	N/A	32 sq. ft. 8 ft. tall

<u>ZONING DISTRICT</u>	<u>SIGN TYPE</u>	<u>NUMBER OF PERMITTED SIGNS</u>	<u>INSIDE THE FRONT YARD</u>	<u>OUTSIDE THE FRONT YARD</u>
O-3	FREESTANDING	1 per main building	50 sq. ft. 12 ft. tall	50 sq. ft. 18 ft. tall
	AND			
	CENTER	1 per of frontage	50 sq. ft. 12 ft. tall	100 sq. ft. 35 ft. tall
R-T	FREESTANDING	1 per main building	N/A	32 sq. ft. 8 ft. tall

1 Section 23. That Section 27.72.030 of the Lincoln Municipal Code be amended
2 to read as follows:

3 **27.72.030 Height and Lot Regulations Commercial Zoning Districts.**

4 The maximum height and minimum lot requirements within the O-1 through O-3, R-T, [and](#)
5 B-1 through B-5 Zoning Districts shall be as follows:

6 (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'

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
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'
<p>* 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.</p> <p>** 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.</p> <p>*** 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.</p> <p>**** 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.</p> <p>***** 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.</p> <p>***** 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.</p> <p>***** 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.</p>										

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

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

- 3 (i) Parking lots, including driveways except for single-family and two-family
4 dwellings, shall not be located closer than twenty feet to any residential zoning

1 district, unless the abutting property is occupied by a parking lot.

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

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

4 (i) Where a yard is not otherwise required, a five foot yard shall be required
5 adjacent to the wall of a building which contains windows for a dwelling. The
6 yard shall be on the same premises on which the building is situated.

7 (3) **In the B-4 District:**

8 (i) ~~For the area of the B-4 Lincoln Center Business District located from 150 feet~~
9 ~~east of 17th Street to the eastern boundary of the B-4 Lincoln Center Business~~
10 ~~District~~ ¶ The following height requirements shall apply:

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

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

16 (ii) In all areas of the B-4 zoning district, where a yard is not otherwise required, a 5
17 foot yard shall be required adjacent to any wall of a building which contains
18 windows for a dwelling. ~~The yard requirement shall be five feet for structures~~
19 ~~under thirty-five feet in height, ten feet for structures thirty-five to fifty feet in~~
20 ~~height, and sixteen feet for those structures over fifty feet in height.~~ Depending
21 upon the location of said windows, this yard may be a side yard, a rear yard, or
22 located in or on an interior courtyard. If the required yard abuts a street or an
23 alley, the width of the street or alley may be counted as part or all of the

1 required yard. This yard need not start at the ground level but may begin on the
2 top surface of a building.

3 Section 24. That Sections 4.36.010, 4.36.030, 4.36.040, 4.36.050, 27.06.070,
4 27.06.100, 27.06.130, 27.06.170, 27.06.180, 27.25.080, 27.35.080, 27.56.017, 27.56.120,
5 27.56.160, 27.57.150, 27.62.040, 27.63.175, 27.69.040, and 27.72.030 of the Lincoln Municipal
6 Code as hitherto existing be and the same are hereby repealed.

7 Section 25. Pursuant to Article VII, Section 7 of the City Charter, this ordinance
8 shall be posted on the official bulletin board of the City, located on the wall across from the City
9 Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice
10 of passage and such posting to be given by publication one time in the official newspaper by the
11 City Clerk. This ordinance shall take effect and be in force from and after its passage and
12 publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2017:

Mayor