

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for January 7, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Change of Zone #3428

**PROPOSAL:** Add Sections 27.11.090, 27.13.090, and 27.15.090 to the Zoning Ordinance to require applications for building permits for new construction of principal buildings within the R-1, 2, and 3 Residential Districts to comply with the Neighborhood Design Standards consistent with changes proposed in Miscellaneous #03013, and to establish the city limits as of December 31, 1949 as the boundary.

**CONCLUSION:** These text changes to the Zoning Ordinance, and the additional changes sponsored by the Planning Department, are in general conformance with the Comprehensive Plan and consistent with changes proposed in Miscellaneous #03013.

**RECOMMENDATION:**

Approval

## **GENERAL INFORMATION:**

### **HISTORY:**

May 2000 Change of Zone #3237 repealed the R-C Residential Conservation Overlay District, and adopted changes to the Neighborhood Design Standards and Zoning Ordinance requiring applications for building permits for new construction of principal buildings within the R-4, 5, 6, 7, and 8 Residential Districts to comply with the Neighborhood Design Standards.

Jan 1989 Change of Zone #2421 adopted the R-C Residential Conservation Overlay District, which applied to the R-5, 6, and 7 Residential Districts to foster compatible new construction through design standards and height/area incentives.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

One *Quality of Life Asset* from the *Guiding Principles from the Comprehensive Plan Vision* states:

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. (F 15)

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods. (F 17)

The **Guiding Principles for the Urban Environment: Residential Neighborhoods** include:

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F 18)

The **Overall Guiding Principles** for future residential planning include:

One of Lincoln's most valuable community assets is the supply of good, safe, and decent single family homes that are available at very affordable costs when compared to many other communities across the country. Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership. (F 65)

The **Guiding Principles for Existing Neighborhoods** include:

Preserve, protect, and promote city and county historic resources. Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements. (F 68)

### **ANALYSIS:**

1. This is a request by the Lincoln Neighborhood Alliance, with the support of a coalition of neighborhoods, to add new sections to the Zoning Ordinance to require applications for building permits for new construction of principal buildings within the R-1, 2, and 3 Residential Districts to comply with the Neighborhood Design Standards. The new sections being proposed copy existing language from other residential districts into the R-1, 2, and 3 districts.
2. The purpose of the Neighborhood Design Standards is to encourage rehabilitation of existing housing in certain enumerated areas, while allowing necessary new construction that is compatible with the surrounding development. The Neighborhood Design Standards focus on a limited number of design elements such as the orientation of windows and entrances to the street, height and massing, rhythm, and location of parking.
3. These standards currently apply to the R-4, 5, 6, 7, and 8 Residential Districts that lie within the city limits as of Dec. 31, 1949. This request is to apply the same standards as are already in effect to the R-1, 2, and 3 Residential Districts that lie within the city limits as of Dec. 31, 1949. A map is attached delineating these areas.
4. The following categories of work do not require review under the Neighborhood Design Standards (although other building and zoning codes may apply). The proposal does not change these categories.
  - A. Alterations to buildings existing at the date of enactment of these standards;
  - B. Landscape changes to existing developed sites;
  - C. Construction of accessory buildings on existing developed lots;
  - D. Any interior aspects of new or existing construction.

5. Review for compliance with the Neighborhood Design Standards takes place at the same time a building permit is reviewed. By conducting these reviews together, all attempts are made to avoid increased time for review and approval. This proposal does not change current procedure. Review will continue to be performed by the Historic Preservation Planner.
6. The Neighborhood Design Standards do provide for an appeal process for applications deemed non-compatible. An appeal can be taken to the Historic Preservation Committee. If the Historic Preservation Committee upholds a finding of non-compatibility, the applicant may appeal to the City Council.
7. A copy of the text of the Neighborhood Design Standards is attached to Miscellaneous #03013.
8. In the past three years, there have been approximately 89 building permits issued for new construction of primary structures within R-1, 2, and 3 districts inside of the Dec. 31, 1949 city limits. 40 of these building permits were issued within new townhouse developments, such as Vavak Ridge and Olympic Heights.
9. Review under the existing standards is not generally very time consuming. The Building and Safety Department and Planning Staff estimate they currently receive approximately 12 applications for review under these standards per year. Based upon data from the last three years, the amount of review work could potentially increase by 2-1/2 times, to almost 30 applications per year. However, the area these standards apply to has set limits and is generally built up. Further, new developments such as Vavak Ridge and Olympic Heights typically utilize a common architectural character, thereby reducing review time considerably once the first review has been completed.
10. There are several neighborhoods within the Dec. 31, 1949 city limits that have recently been downzoned from R-4 or above to R-2. As a result, those areas lost the protection of the Neighborhood Design Standards. Approval of this proposal will give this protection back to these areas.
11. A copy of the proposed text is attached. Also attached are additional changes, recommended by the Planning Staff, to the R-4, 5, 6, 7, and 8 districts to clarify those portions of these districts that fall under the Neighborhood Design Standards.

Prepared by:

Greg Czaplewski

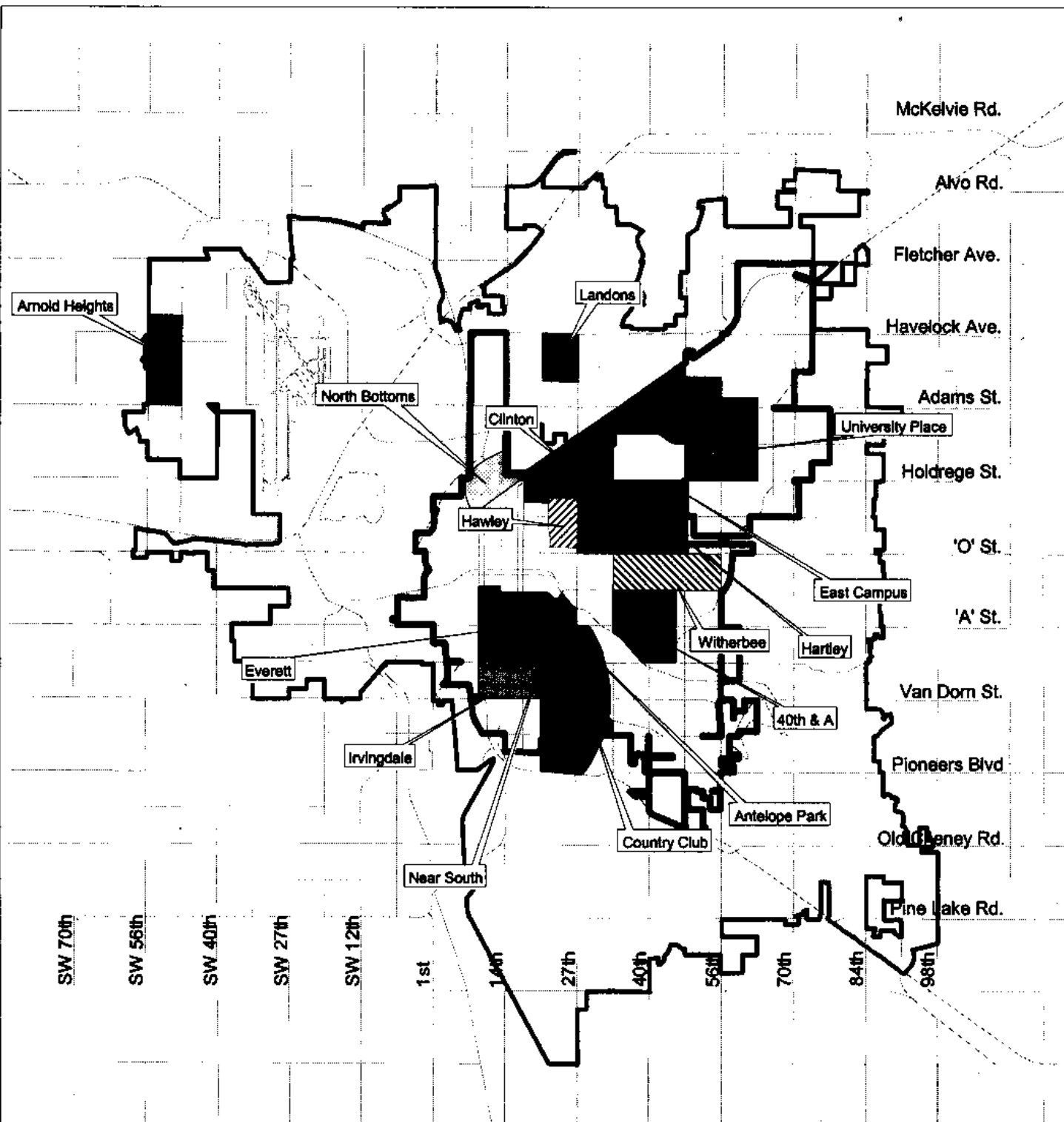
Planner

**Date:**           **December 22, 2003**

**Applicant:**           Lincoln Neighborhood Alliance, along with the following Neighborhood Organizations:

Antelope Park Neighborhood Association  
Arnold Heights Neighborhood Association  
Clinton Neighborhood Association  
Country Club Neighborhood Association  
East Campus Community Organization  
Eastridge Neighborhood Association  
Everett Neighborhood Association  
Hartley Neighborhood Association  
Hawley Neighborhood Association  
Hawthorne Neighborhood Association  
Irvingdale Neighborhood Association  
Landon's Neighborhood Association  
Near South Neighborhood Association  
North Bottoms Neighborhood Association  
University Place Community Organization  
Witherbee Neighborhood Association  
40<sup>th</sup> and A Neighborhood Association

**Contact:**           Carol Brown  
2201 Elba Circle  
Lincoln, NE 68521  
435.8932



## Change of Zone #3428 Sponsoring Neighborhoods

\* See attached list



Neighborhood



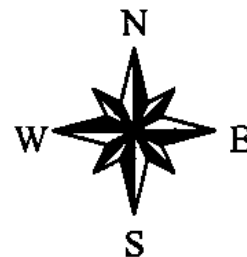
Major Streets

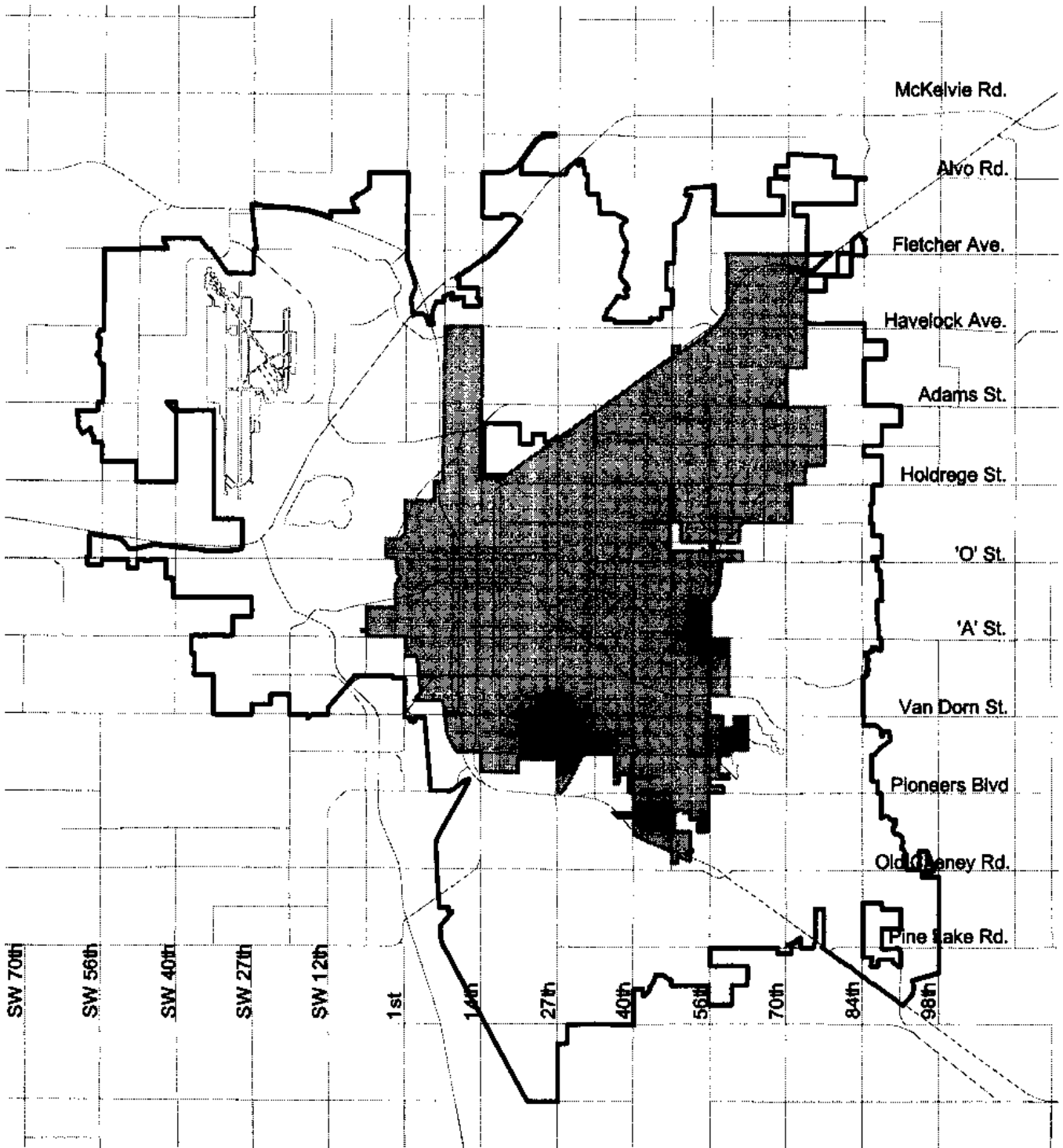


City Limit







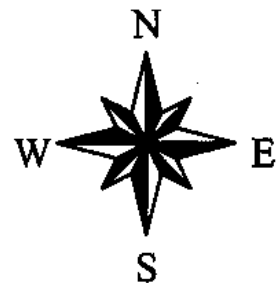
City Limit on Dec. 31, 1949

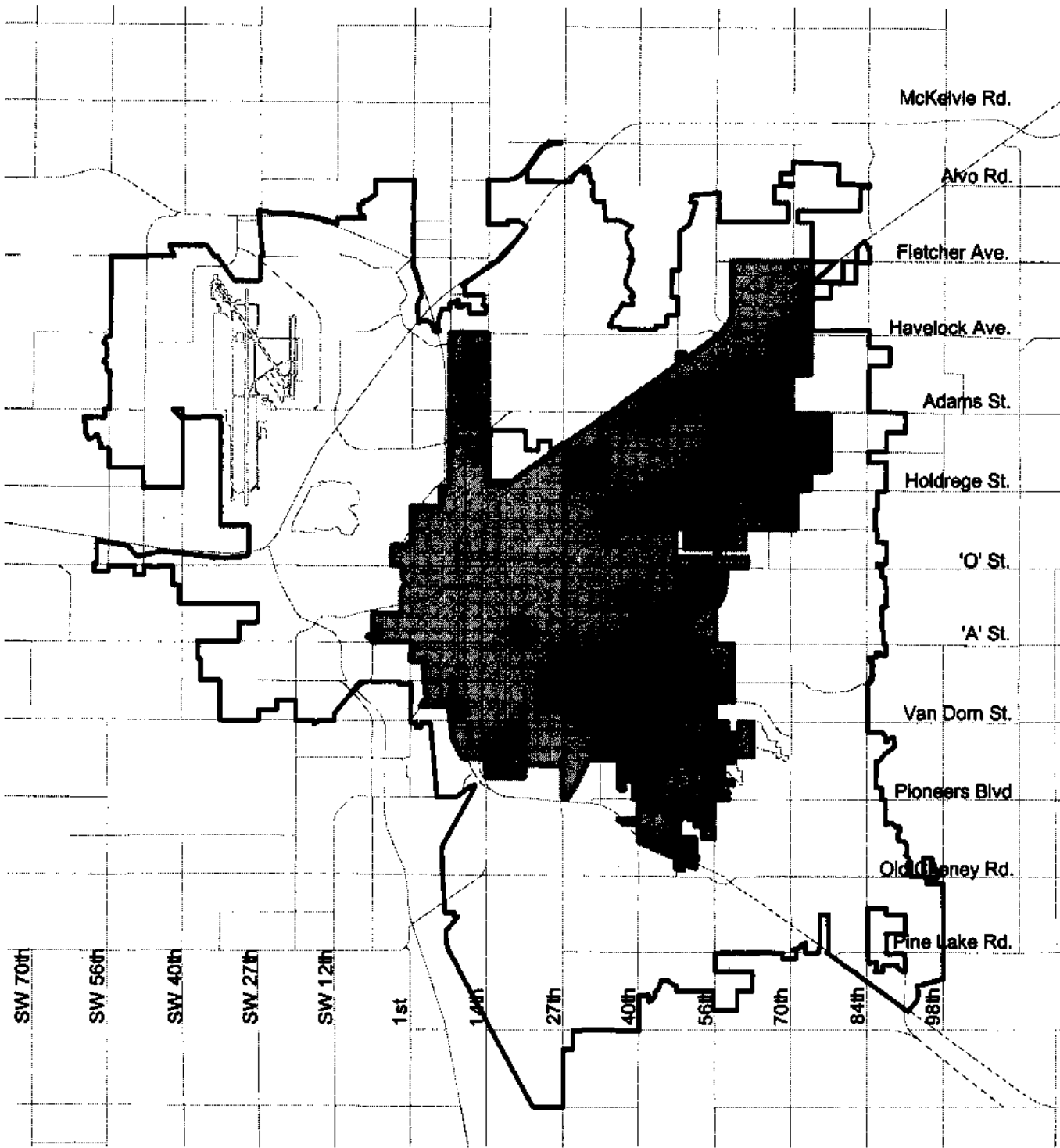








**Change of Zone #3428  
Residential Zone: R-1**

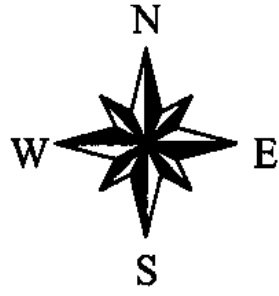
-  R-1 Zone
-  Major Streets
-  City Limit
-  City Limit on Dec. 31, 1949

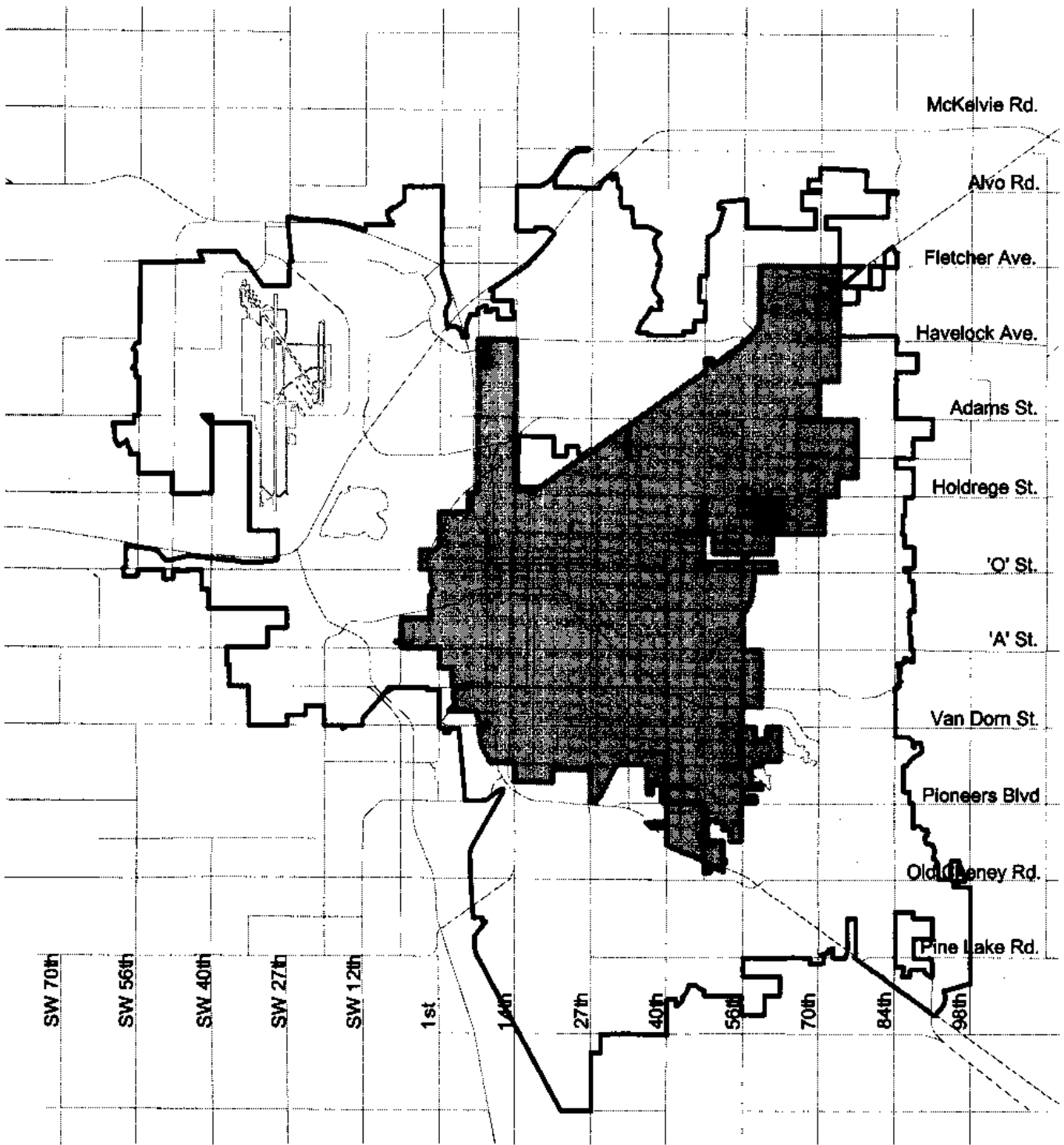








**Change of Zone #3428  
Residential Zone :R-2**

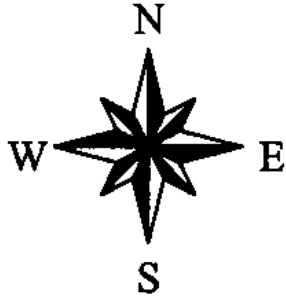
-  R-2
-  Major Streets
-  City Limit
-  City Limit on Dec. 31, 1949





**Change of Zone #3428  
Residential Zone: R-3**

-  R-3
-  Major Streets
-  City Limit
-  City Limit on Dec. 31, 1949





**Proposed Text Amendment**  
**Change of Zone #3428**

Revisions to Zoning Ordinance proposed by Applicant:

*R-1 Residential District:*

Section 27.11.090 Neighborhood Design Standards.

Each application for a building permit for new construction of a principal building within the Lincoln city limits as of December 31, 1949 shall comply with the neighborhood design standards.

*R-2 Residential District:*

Section 27.13.090 Neighborhood Design Standards.

Each application for a building permit for new construction of a principal building within the Lincoln city limits as of December 31, 1949 shall comply with the neighborhood design standards.

*R-3 Residential District:*

Section 27.15.090 Neighborhood Design Standards.

Each application for a building permit for new construction of a principal building within the Lincoln city limits as of December 31, 1949 shall comply with the neighborhood design standards.

Revisions to Zoning Ordinance proposed by Planning Director:

*R-4 Residential District:*

Section 27.17.090 Neighborhood Design Standards.

Each application for a building permit for new construction of a principal building within the Lincoln city limits as of December 31, 1949 shall comply with the neighborhood design standards.

*R-5 Residential District:*

Section 27.19.090 Neighborhood Design Standards.

Each application for a building permit for new construction of a principal building within the Lincoln city limits as of December 31, 1949 shall comply with the neighborhood design standards.

*R-6 Residential District:*

Section 27.21.090 Neighborhood Design Standards.

Each application for a building permit for new construction of a principal building within the Lincoln city limits as of December 31, 1949 shall comply with the neighborhood design standards.

***R-7 Residential District:***

**Section 27.23.090 Neighborhood Design Standards.**

Each application for a building permit for new construction of a principal building within the Lincoln city limits as of December 31, 1949 shall comply with the neighborhood design standards.

***R-8 Residential District:***

**Section 27.24.090 Neighborhood Design Standards.**

Each application for a building permit for new construction of a principal building within the Lincoln city limits as of December 31, 1949 shall comply with the neighborhood design standards.