

Last fall the Planning Department forwarded a series of text amendments addressing nonstandard uses to the City Council where they were approved on October 9, 2006. The main purpose of these amendments was to address some of the concerns in the past about downzoning and nonstandard uses. Previously, when a property was “downzoned” from one residential zoning district to another, it meant that some existing homes were now on lots that had a nonstandard lot area, lot width or setbacks, and potentially could no longer be expanded or rebuilt. In some cases, a financial institution or insurance company may require additional insurance on a home loan due to a house being classified as “nonstandard.”

Prior to last fall, the zoning ordinance already contained many provisions to allow nonstandard lots to have single family or two family homes rebuilt on them. The amendments approved last fall revised the standards to allow most existing homes to be rebuilt or vacant lots to be built with a single family home or a two family home – and eliminate their categorization as “nonstandard.”

Nonstandard Label Removed from Existing Single Family and Two Family Residences

The Height and Area Regulations in the R-1 through R-8 Residential zoning districts were amended to state that when an existing lot is occupied by a single or two family dwelling and has less lot area or width or both, it shall **not** be considered nonstandard.

The revision also permitted, in the R-2 district, an existing two family dwelling with less than the required 10 foot side yard setback to be enlarged, extended or rebuilt, as long as a minimum 5 foot side yard setback (or existing setback, whichever is greater) is provided. It also stated that an existing two family dwelling with at least a 5 foot side yard setback will **not** be considered as nonstandard. A similar provision for R-1 was approved as long as a 10 foot side yard setback is maintained.

Amended Nonstandard Provisions for Multi-Family

Another part of the amendment changed R-1, R-2, R-3 and R-4 Residential zoning districts to clarify that multiple-family residential uses made nonstandard through a downzoning, if destroyed, retain the right to rebuild the licensed number of units they had at the time the building was destroyed. The ordinance was also revised to specify that “grandfathering” of multiple-family units that become nonstandard due to the zoning change (downzoning) should apply to all multiple-family dwellings licensed at the time of the change, not just those built prior to May, 1978.

When are Lots Considered Combined

Finally, the revised text clarified previous interpretations regarding adjacent vacant lots under the same ownership for R-1 through R-8. The Height and Area Regulations in R-1, R-2, R-3, R-4 were clarified that when a vacant lot has less lot area or width or both, then it may be used to build a new single family home, as long as the property owner of that lot does not also own an adjacent vacant lot. When two vacant lots, with less lot area or width or both, are adjacent and owned by the same owner they are considered as one premise. In the R-4 this provision also applied to lot width to permit a two family residence on a lot, as long it is not owned in common with an adjacent vacant lot. In R-5, R-6, R-7 and R-8 a similar provision permits a lot with less lot area or width, or both, to be used for single family, two family or any nondwelling use permitted in the district, as long it is not owned in common with an adjacent vacant lot.

The specific text in the zoning ordinance, which is Chapter 27 of the Lincoln Municipal Code, can be found online at the City Attorney’s Office at <http://www.lincoln.ne.gov/city/attorn/lmc/contents.htm#27> .

If you have any questions, please feel free to contact the Planning Department at 441-7491.