

Chapter 27.70

ADDITIONAL USE REGULATIONS

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27.70.010 Home Occupations.

A home occupation may be carried on within a dwelling unit or accessory building under the following conditions:

(a) There is no sign other than one nonanimated, nonilluminated, nonreflecting nameplate not more than two square feet in area, which nameplate designates the home occupation carried on within, in letters not to exceed two inches in height and attached to the building wherein the home occupation is conducted.

(b) There is no commodity sold upon the premises except that which is prepared on the premises in connection with such occupation or activity or which is sold in relation and incidental to such occupation or activity. This section shall not prohibit the sale of restored antique articles on premises for which a second-hand dealer's permit has been issued by the city and which permit was in force and effect on May 30, 1981; provided, however, that the discontinuance of such sales for a continuous period of six months or the failure to pay the required occupation tax and maintain a current permit shall constitute a termination of the rights granted under this exception and thereafter any home occupation conducted upon such premises shall strictly conform to the conditions applicable to home occupations generally. Welding, vehicle body repair, mechanical repair, or rebuilding or dismantling of vehicles are not permitted as a home occupation.

(c) There is no person engaged in the home occupation employed on the premises other than a member of the family residing on the premises; provided, that the building official may approve one nonresident employee upon application by the owner showing:

(1) Certification by the appropriate state or federal agency that the owner is physically disabled;

(2) Certification of an attending physician that the owner cannot perform the tasks required by the home occupation without assistance; and

(3) There are no other employees either resident or nonresident engaged in the home occupation on the premises.

(d) Any activities carried on outdoors in connection with the home occupation is screened and there is no outdoor storage of any equipment, machinery, parts, or other articles of any nature used in connection with such home occupation, except that day care centers may have permanent play equipment such as slides and swing sets located in the required side or rear yards.

The placement of play equipment in the required front yard of a day care center shall be permitted only by resolution of the City Council.

(e) There is no chemical, mechanical, or electrical equipment used which will cause noise or odors disturbing to the residents of surrounding property or interference with television or radio reception.

(f) The maximum allowable area that may be utilized in conducting such home occupation shall be equal to twenty percent of the floor area of the dwelling unit. (Ord. 14887 §1; May 31, 1988: prior Ord. 14537 §1; October 27, 1986: Ord. 13228 §1; October 12, 1981: Ord. 12571 §369; May 8, 1979).

27.70.020 Dwellings for Nonrelated Persons.

Dwellings for four to six persons not immediately related by blood, marriage, or adoption and living as a single housekeeping unit shall be permitted in the R-1, R-2, R-3, R-4 and R-5 districts under a community unit plan which is larger than ten acres, provided that the maximum number of persons occupying each dwelling and the total number of occupants shall not exceed the following lot area ratios:

- (a) R-1, 1 occupant/3,000 square feet of lot area;
- (b) R-2 and R-3, 1 occupant/2,000 square feet of lot area;
- (c) R-4, 1 occupant/1,000 square feet of lot area;
- (d) R-5, 1 occupant/750 square feet of lot area.

Notwithstanding the above, the maximum density of dwellings for nonrelated persons shall be subject to the overall maximum number of permitted dwelling units within the boundaries of the community unit plan as calculated in accordance with Section 27.65.020, including any reduction of density due to the size of the tract of land. (Ord. 20024 §2; June 2, 2014: prior Ord. 17949 §3; December 17, 2001: Ord. 12571 §370; May 8, 1979).

27.70.030 Subdivision Promotion Activity.

In areas of new construction or lot development, a subdivision promotion activity may be established in a residential zoning district for the purpose of selling lots or homes in the area under the following conditions:

- (a) The purpose of the subdivision promotion activity shall be to promote the sales of lots or homes in the subdivision or area in which the subdivision promotion activity is located or where similar homes are being constructed;
- (b) Any office or similar premises used in connection with the subdivision promotion activity shall be located within a subdivision display home and no exterior reconstruction or any permanent alteration of the said display home shall be permitted in establishing said office;
- (c) There shall be no sign on the premises other than those permitted in Chapter 27.69;
- (d) The subdivision promotion activity may continue for a period of one year from the issuance of the first occupancy permit to each builder, contractor, or subdivider within a subdivision or lot development area. At the expiration of one year, a permit shall be obtained from the Department of Building and Safety to allow continuation of the subdivision promotion activity. This permit may be granted after an evaluation of the location or proposed location of the subdivision promotion activity by the Department of Building and Safety with consideration given to the type of development in the immediate area of the promotion activity, and the effect of the promotion activity on the adjacent area;

(e) Subdivision display homes which do not contain any subdivision promotion activities, including offices or continuing sales activities or continuing displays, shall not be governed by these provisions. (Ord. 12571 §371; May 8, 1979).

27.70.040 Lots Fronting Upon Private Roadways.

Lots located in the AG, AGR, R-1, R-2, R-3, R-4, R-5, and R-6 zoning districts may front upon and take access to a private roadway if said lots are located within an approved community unit plan under Chapter 27.65 of this title. Lots located in other zoning districts may front upon and take access to a private roadway if said private roadway has been approved either in connection with a use permit under the provisions of this title or with a subdivision of property in conformance with all of the requirements of Title 26 of the Lincoln Municipal Code. All such lots shall also comply with all of the requirements of this title as applicable. (Ord. 12571 §372; May 8, 1979).

27.70.050 Requirements After Approval.

Upon approval of a use permit pursuant to Chapters 27.27, 27.28, 27.31, 27.37, or 27.51, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan with all required amendments and revisions. Thereafter, building permits, certificates of occupancy and subdivisions of the property shall be issued or approved upon substantial compliance with the plot plan as approved, or as amended. In circumstances where there are minor variations from the final plan, the Planning Director, or his designee, shall review the plan and determine if the proposal is in substantial conformance with the spirit and intent of the approved plan.

The final plot plan shall contain the following information:

(a) A certified boundary survey and legal description showing sufficient linear, angular, and curve data to determine the bearing and length of all boundary lines of the use permit, location of section lines and section corners, and gross acreage. If the use permit abuts an existing plat, the distances, angles, and bearing of any common lines shall be shown and any differences in measurement shown.

(b) A certificate for showing the final action of the Planning Commission or City Council including the date and resolution number.

(c) Locations, name, tangent lengths, centerline radius of each curve and its interior angle, and width of all proposed and existing streets, highways, private roadways, and other public ways within and adjacent to the development;

(d) Location, width, and direction of flow of all water courses in and adjacent to the use permit area, including the limits of the flood plain and floodway as defined in Section 27.52.020 or 27.53.020 for Existing Urban Areas and New Growth Areas, respectively;

(e) The location and size of all existing and proposed sanitary and storm sewers, drainage ways, culverts, watermains, fire hydrants, and existing power lines and other underground structures, cables, or other public utilities within the tract of land and adjacent streets, together with the location and width of existing and proposed easements, and, if appropriate, access easements;

(f) All lot lines, building setback lines for all lots, dimensions of all lot lines and building envelope lines. Chord distances shall be shown for lot lines abutting curvilinear streets;

(g) Lot numbers shall begin with the number (1) and shall continue consecutively through a block with no omission or duplication. Blocks shall be numbered in the same manner. Letters shall be used to designate outlots in alphabetical order;

(h) Proposed areas for parks and playgrounds. Any parcels other than streets which are to be dedicated or reserved for public use shall be clearly shown and said parcels shall be designated as outlots and assigned an alphabetical designation;

(i) The location of all proposed and existing sidewalks, walkways, and other pedestrian ways;

(j) Location, height, and use of proposed and existing buildings and structures with an indication as to whether an existing building or structure is to be removed or to remain, and free standing signs, if any, in accordance with the provisions of Chapter 27.69;

(k) The following data shall be shown on each sheet of the plot plan:

(1) The name, address, and telephone number of the person or company responsible for preparation of the plot plan;

(2) North arrow, scale, date;

(3) Sheet number and the total number of sheets comprising the plot plan;

(l) The following information shall accompany the plot plan:

(1) Name, address, and telephone number of developer;

(2) Certified record owner or owners and their address;

(3) Statement of present zoning and proposed use or uses of the property;

(4) Profiles along the centerline of the proposed streets and private roadways which show the existing ground surface elevations and the proposed street grades including the length of vertical curves between changes in grade with the profiles for stub streets ending at the boundary of the use permit to be extended 300 feet beyond the limits of the use permit into subdivided and unsubdivided land;

(5) The approved method of providing sanitary sewer service to the area;

(6) The approved method of providing an adequate potable water supply;

(7) The approved drainage study;

(8) A map or an aerial photograph showing the proposed streets, private roadways, driveways, parking areas, buildings and lots which includes the locating, and identifies, by common name, all existing trees within the area of the use permit. Single trees which are three inches in caliper or larger measured five feet above the ground must be shown. However, if five or more trees are located so that each is within approximately ten feet of the edge of another tree, they will be considered a tree mass and the outline of the tree mass may be shown with a list of the common names of the trees which are within the tree mass. If the above-stated procedure is followed, the individual location of each tree within the tree mass is not necessary. An indication shall be made on the map showing which trees or tree masses are to remain and which trees or tree masses are to be removed;

(9) A vicinity sketch showing the general location of the use permit in relation to existing streets, section lines, and city limits;

(10) The approved site grading plan showing existing and proposed contour lines with intervals at no greater distance than five feet based on NAVD 1988, and if necessary, spot elevations showing complete proposed grading of the use permit, including any cross-sections required as conditions of approval showing existing and proposed ground lines and buildings. Information as to where fill will be obtained and the amount of the fill shall be included if all or part of the property is located within the flood plain as defined in Section 27.52.020 or 27.53.020 for Existing Urban Areas and New Growth Areas, respectively. If the proposed location from which said fill is obtained is later to be changed, the developer shall inform the Public Works and Utilities

Department of the location of the proposed new borrow area and obtain approval thereof from the Director of Public Works and Utilities;

(11) The approved landscape plan. (Ord. 19172 §16; November 3, 2008; prior Ord. 18501 §2; February 14, 2005; Ord. 17857 §9; June 4, 2001; Ord. 17232 §20; August 18, 1997; Ord. 16949 §7; March 11, 1996; Ord. 16284 §5; December 14, 1992).

27.70.060 Temporary Buildings and Temporary Fences.

(a) Temporary buildings and temporary fences are allowed in any zoning district under the following conditions:

(1) Temporary buildings may be used in conjunction with the construction of buildings during the period of time that the building is being constructed. The temporary building shall be removed upon completion of the construction work.

(2) Temporary fences may only be used in conjunction with construction work and the temporary fence must meet the following requirements:

(i) Not to exceed ninety-six inches in height;

(ii) Be only used to protect construction work and materials;

(iii) The temporary fence may be located on any part of a lot but the fence may not encompass any greater area than necessary to provide protection to the construction work or materials and may encompass only that part of a lot necessary to allow construction activity and access around the structures;

(iv) The temporary fence shall be removed upon completion of the construction work or the availability of other protection within the lot. On lots or areas in which more than one building will be under construction, the area enclosed by the fence shall be reduced as construction proceeds;

(v) The temporary fence shall not obstruct the visibility of the construction site nor prevent access to the site by emergency vehicles;

(vi) No fence shall be erected within that triangular area required for sight distance of vehicles entering or exiting the property or entering an adjacent intersection in conformance with the City of Lincoln Access Management Policy. (Ord. 19970 §7; December 16, 2013; prior Ord. 19733 §35; June 25, 2012).

27.70.070 Outlots; Permitted Use.

An outlot reserved for future building or occupancy after replatting and subdivision may be used for agricultural uses, open space, or common facilities in all zoning districts until such replatting and subdivision occurs. Accessory buildings are not permitted on outlots reserved for future building or occupancy after replatting and subdivision.

An outlot reserved for agricultural uses, open space, or common facilities may be used for such designated purpose. Buildings that are accessory to the use of an outlot reserved for agricultural uses, open space, or common facilities shall be permitted in all zoning districts. (Ord. 19898 §3; July 29, 2013).