

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 27.58 of the Lincoln Municipal Code  
2 relating to the Airport Environs District by amending Section 27.58.010 to refer to the Airport  
3 Environs District as the Airport Environs Noise District, to delete an erroneous reference to  
4 subparagraphs (b) and (c) of Section 27.58.010, and to amend the reference from  
5 Comprehensive Plan Figure 21 to Airport Environs Noise District Map; amending Section  
6 27.58.020 to refer to the Airport Environs District 1 as the Airport Environs Noise District 1  
7 and to amend the reference from Comprehensive Plan Figure 21 to Airport Environs Noise  
8 District Map; and amending Sections 27.58.030, 27.58.040, 27.58.050, 27.58.060,  
9 27.58.070, 27.58.080 and 27.58.100 to amend references to Airport Environs District 1 and  
10 Airport Environs District 2 as Airport Environs Noise District 1 and Airport Environs Noise  
11 District 2 and amending the title of Chapter 27.58 from Airport Environs District to Airport  
12 Environs Noise District; and repealing Sections 27.58.010, 27.58.020, 27.58.030, 27.58.040,  
13 27.58.050, 27.58.060, 27.58.070, 27.58.080 and 27.58.100 as the Lincoln Municipal Code  
14 as hitherto existing.

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

16 Section 1. That Section 27.58.010 of the Lincoln Municipal Code be amended  
17 to read as follows:

18 **27.58.010 Scope of Regulations.**

19 The regulations set forth in this chapter, or set forth elsewhere in this title when referred  
20 to in this chapter, are regulations in the airport environs noise district. The regulations shall  
21 apply to the area in the vicinity of the Lincoln municipal airport ~~as described~~ defined as

1 Airport Environs Noise District 1 and Airport Environs Noise District 2 in sSections  
2 27.58.020(b) and (c). References to specific Ldn lines shall mean those Ldns as shown on the  
3 "~~Lincoln Municipal Airport Composite Noise Contours Map~~" shown as Figure 21 in the  
4 ~~Lincoln-Lancaster County Comprehensive Plan~~. "Airport Environs Noise District Map."

5 Section 2. That Section 27.58.020 of the Lincoln Municipal Code be amended  
6 to read as follows:

7 **27.58.020 Definitions.**

8 For the purpose of this chapter, certain terms and words are hereby defined:

9 **Airborne noise** shall mean noise radiated initially into and transmitted through air.

10 **Airport Environs Noise District 1** shall mean an area established on the "~~Lincoln~~  
11 ~~Zoning District Map~~" based on the "~~Lincoln Municipal Airport Composite Noise Contours~~  
12 ~~Map~~" shown as Figure 21 of the ~~Lincoln-Lancaster County Comprehensive Plan~~, Airport  
13 Environs Noise District Map dated June 1, 2000 (hereinafter Airport Environs Noise District  
14 Map), and more particularly described as follows:

15 Beginning at a point located on Southwest 12th Street at the  
16 southeast corner of the northern half of Section 9, Township 9  
17 North, Range 6 East, heading north approximately 8,100 feet  
18 along Southwest 12th Street, the eastern borders of Sections 9,  
19 Township 9 North, Range 6 East, and 4, Township 9 North,  
20 Range 6 East, and Section 33, Township 10 North, Range 6 East  
21 to the tracks of the Burlington Northern Railroad; heading then  
22 northeast approximately 2,000 feet along the railroad tracks; then  
23 heading north approximately 8,200 feet through the western half  
24 of Section 34, Township 10 North, Range 6 East, along Southwest  
25 9th Street and the western half of Section 27, Township 10  
26 North, Range 6 East to the tracks of the Burlington Northern  
27 Railroad, 500 feet south of West "O" Street; following the  
28 railroad tracks northeast to the eastern border of Section 22,  
29 Township 10 North, Range 6 East; following the tracks of the  
30 Union Pacific Railroad northwesterly to Northwest 12th Street;  
31 heading then north along Northwest 12th Street to the southeast  
32 corner of Section 28, Township 11 North, Range 6 East; heading  
33 then east approximately one mile to North 1st Street; heading

1 then north along North 1st Street to the city's three-mile zoning  
2 jurisdiction line; heading then west along the city's three-mile  
3 zoning jurisdiction line to Northwest 40th Street; heading then  
4 south to the southwest corner of Section 20, Township 11 North,  
5 Range 6 East; heading then west on McKelvie Road to the  
6 northwest corner of Section 25, Township 11 North, Range 5  
7 East; heading then south on Northwest 70th Street to Fletcher  
8 Avenue; heading then east along Fletcher Avenue to Northwest  
9 56th Street; heading then south on Northwest 56th Street  
10 approximately 19,400 feet to Interstate 80; heading then west  
11 along Interstate 80 to the western border of Section 24, Township  
12 10 North, Range 5 East; heading then south along the western  
13 borders of Sections 24, Township 10 North, Range 5 East and 25,  
14 Township 10 North, Range 5 East to West "A" Street; heading  
15 then east along West "A" Street to the southwest corner of  
16 Section 30, Township 10 North, Range 6 East; heading then  
17 south along the western border of Section 31, Township 10  
18 North, Range 6 East to Van Dorn Street; heading then east on  
19 Van Dorn Street to Southwest 40th Street; heading then south on  
20 Southwest 40th Street to West Claire Avenue; and then heading  
21 east along West Claire Avenue to its termination at Coddington  
22 Avenue and then further east approximately 2,700 feet to a point  
23 located at Southwest 12th Street at the southeast corner of the  
24 northern half of Section 9, Township 9 North, Range 6 East.

25 **Airport Environs Noise District 2** shall consist of three rectangular areas located within  
26 Airport Environs Noise District 1 shown as runway protection and special use zones on Figure  
27 ~~21 of the Lincoln-Lancaster County Comprehensive Plan. Said Figure 21~~ the Airport Environs  
28 Noise District Map. Said Airport Environs Noise District Map is incorporated herein by this  
29 reference. The Airport Environs Noise District Map is located in the office of the City Clerk  
30 with a copy located in the office by the Planning Director. The said runway protection and  
31 special use zones are more particularly described as follows:

32 (1) A rectangular area bounded on the north by the southern end of runway  
33 17R/35L of the Lincoln municipal airport and on the south by the northern boundary of the  
34 state reformatory, and extending 1,250 feet laterally to both east and west sides as measured  
35 from the extended central line of runway 17R/35L.

1                   (2)     A rectangular area bounded on the southeast by the northwestern end  
2 of runway 14/32 of the Lincoln municipal airport and extending northwesterly a distance of  
3 5,200 feet and extending 1,250 feet laterally to both northeast and southwest sides as  
4 measured from the extended central line of runway 14/32.

5                   (3)     A rectangular area bounded on the south by the northern end of runway  
6 17R/35L of the Lincoln municipal airport and extending north a distance of 5,200 feet and  
7 extending 1,250 feet laterally to both east and west sides as measured from the extended  
8 central line of runway 17R/35L.

9                   **Day-night average sound level (Ldn)** shall mean the sum of noise emission equivalent  
10 of A-weighted sound level during a 24-hour day typifying annual average conditions after  
11 addition of 10 decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

12                   **Exterior door** shall mean all exit doors of a building that are located between  
13 conditioned and unconditioned space. A basement, crawl space, or garage is considered  
14 unconditioned space unless it is provided with a positive heat supply to maintain a minimum  
15 temperature of 50 degrees F.;

16                   **Habitable space** shall mean space or room in a structure for living, sleeping, eating,  
17 or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar  
18 areas are not considered habitable space.

19                   **Noise-sensitive manufacturing and noise-sensitive communication facilities** shall  
20 include, but not be limited to, the manufacture and assembly of micro-electronics, technical  
21 and scientific instruments, photographic and optical goods, and other manufacturing sensitive  
22 to speech interference or vibration, and radio and television broadcasting studios.

23                   Section 3. That Section 27.58.030 of the Lincoln Municipal Code be amended  
24 to read as follows:

1       **27.58.030    Use Regulations.**

2           Any use permitted in the underlying zoning district in which the proposed use is  
3 located shall be allowed in the Airport Environs Noise District 1 and Airport Environs Noise  
4 District 2 except as prohibited within the provisions of this chapter and, provided that  
5 additional requirements set forth in this chapter are met. References to allowable uses as  
6 provided within this chapter are conditioned upon the said use being in compliance with  
7 allowable uses within the underlying zoning district.

8           Section 4. That Section 27.58.040 of the Lincoln Municipal Code be amended  
9 to read as follows:

10       **27.58.040    Prohibited Uses; Airport Environs Noise District 1.**

11           Within the Airport Environs Noise District 1 at Ldn 65 line and above, no building shall  
12 be erected, converted, reconstructed, or structurally altered for use as a church, library, school,  
13 health care facility, housing for the elderly, mobile home court, auditorium, concert hall, and  
14 music shell.

15           Section 5. That Section 27.58.050 of the Lincoln Municipal Code be amended  
16 to read as follows:

17       **27.58.050    Permitted Uses in Relation to Noise Exposure Levels.**

18           A use of a building or premises for the following purposes may be allowed in the  
19 Airport Environs Noise District 1 if it lies within the specified noise exposure levels shown  
20 below, but outside of Airport Environs Noise District 2, conditioned upon compliance with  
21 Section 27.58.080 of this chapter.

22           (a)    Mobile home courts, schools, libraries, churches, health care facilities, audit-  
23 oriums, concert halls, housing for the elderly, and music shells, not to exceed Ldn 65 line.

1 (b) Residential uses which comply with Section 27.58.060, hotels and motels,  
2 playgrounds, neighborhood parks, noise-sensitive manufacturing, and noise-sensitive  
3 communication facilities, not to exceed Ldn 70 line.

4 (c) Cemeteries, mausoleums and undertaking establishments, riding, water sports,  
5 tennis courts, skating rinks, bowling alleys and other recreational facilities, theaters, spectator  
6 sports, and veterinary facilities and kennels, not to exceed Ldn 75 line.

7 (d) Office buildings, personal business, governmental services, communication  
8 facilities, extensive natural recreational areas, financial institutions, retail trade, restaurants,  
9 bars, amusements, sports arenas, golf courses and related support facilities, wholesale,  
10 manufacturing, construction services, repair services, livestock farming, animal breeding,  
11 utilities, agriculture, mining, fishing, forestry, warehouses, storage facilities, historical  
12 preservation, wind energy conversion systems, transportation facilities, no noise-related  
13 restrictions.

14 Where property is undeveloped, only such portion of it as is actually within the Ldn  
15 lines shall be considered at or within that Ldn line. However, at such time as said property  
16 shall be subdivided or platted, any platted buildable lots intersected by an Ldn line shall be  
17 deemed to be wholly within the highest Ldn line.

18 Section 6. That Section 27.58.060 of the Lincoln Municipal Code be amended  
19 to read as follows:

20 **27.58.060 Conditional Residential Uses.**

21 A building or premises may be used for residential purposes except mobile home  
22 courts, health care facilities, and housing for the elderly, in areas between Ldn 65 line and Ldn  
23 70 line, except within Airport Environs Noise District 2, in conformance with the requirements  
24 of Section 27.58.080 of this title and the conditions prescribed herein:

1 (a) Prior to applying for a building permit, an applicant shall prepare and submit  
2 to the Planning Director for his review and approval a site plan for the proposed building or  
3 buildings which shall be designed to minimize the impact of noise. This may include, but  
4 need not be limited to:

5 (1) Placing as much distance as possible between the noise source and  
6 noise-sensitive activities;

7 (2) Placing noise-compatible activities, such as parking lots and open space,  
8 between the noise source and the sensitive activities;

9 (3) Using buildings as noise barriers;

10 (4) Orienting buildings so that nonhabitable space, such as utility rooms,  
11 laundry rooms and garages, are located between the noise source and the habitable space;

12 (5) Utilizing the site's natural shape and contours or constructing noise  
13 barriers between noise sources and noise-sensitive areas. Such noise barriers may include but  
14 need not be limited to berms made of sloping mounds of earth, walls and fences constructed  
15 of a variety of material, dense plantings of trees and shrubs, e.g., 100-foot depth, and any of  
16 these combinations.

17 (b) The site plan submitted to the Planning Director shall be accompanied by the  
18 following information:

19 (1) An accurately drawn plan showing location of existing and proposed  
20 structures on the property, open space, parking areas, location of existing trees, proposed  
21 landscape plans, sidewalks, floor plan identifying bedrooms, kitchens, living rooms, garages,  
22 etc., lot lines and building setback lines;

23 (2) Contour lines at intervals not to exceed five feet based on city data, if the  
24 site has not been platted;

25 (3) Location of site with relation to specific Ldn lines;

- 1 (4) Grading plan, if any;
- 2 (5) Discussion of additional steps to minimize the noise impact, if any;
- 3 (6) Date prepared, scale, and north point;
- 4 (7) Name, address and telephone number of applicant;
- 5 (8) Other relevant information, if any, relating to noise attenuation.

6 (c) Within twenty days from the receipt of a site plan with the required information,  
7 the Planning Director shall notify the applicant and the Director of Building and Safety  
8 whether or not the site plan has been approved or disapproved. If the site plan is disapproved,  
9 the Planning Director shall specify the reasons for such disapproval. A site plan shall be  
10 approved if it reflects a reasonably effective method of minimizing the impact of the noise to  
11 which the proposed building or buildings would be subjected.

12 (d) If the site plan is approved by the Planning Director, a building permit may be  
13 issued by the Director of Building and Safety provided that the building plan shows a design  
14 that incorporates acoustical features described below in addition to all other applicable  
15 requirements of the Lincoln Building Code as now existing or hereinafter amended:

- 16 (1) All exterior doors shall be either:
  - 17 (i) solid-core or metal-clad construction of at least 1 3/4 inches thick,
  - 18 or
  - 19 (ii) separately equipped with wood or metal storm door.
- 20 (2) Storm or multiple-glazed windows shall be provided for all habitable  
21 space.
- 22 (3) Through-the-wall/door mailboxes, window or dome skylights, jalousie  
23 windows, or other direct openings from the interior to the exterior of the building shall be  
24 prohibited.



1                   (4) Mechanical ventilation shall be provided of a type and design to provide  
2 adequate environmental comfort with all doors and windows closed during all seasons.  
3 Window and through-the-wall ventilation units shall not be used.

4                   (5) Workmanship on doors and windows must be such that they are as close-  
5 fitting as possible or weather-stripping seals shall be incorporated on all edges to eliminate  
6 gaps.

7                   (e) In the event that the Planning Director disapproves the site plan, the applicant  
8 may, within ten days after notification of such disapproval, appeal the decision of the Planning  
9 Director to the City Council. The City Council shall, by resolution, affirm, reverse, or modify  
10 the decision of the Planning Director.

11                   Section 7. That Section 27.58.070 of the Lincoln Municipal Code be amended  
12 to read as follows:

13 **27.58.070 Prohibited Uses, Airport Environs Noise District 2.**

14 All residential use is prohibited within Airport Environs Noise District 2, except for  
15 resident security guards, caretakers or supervisory personnel employed and residing on the  
16 premises, and pre-existing uses as provided in Section 27.58.090. All regulations contained  
17 herein with regard to uses within Airport Environs Noise District 1 shall be applicable to  
18 Airport Environs Noise District 2.

19                   Section 8. That Section 27.58.080 of the Lincoln Municipal Code be amended  
20 to read as follows:

21 **27.58.080 Avigation and Noise Easements; Covenant, Notice and Acknowledgment.**

22                   (a) All uses allowed within Airport Environs Noise District 2 except as provided in  
23 Section 27.58.090 shall be conditioned upon an acknowledgment by the property owner of  
24 the airport noise and overflight impact by the grant of an avigation and noise easement to the  
25 airport authority of the City of Lincoln, Nebraska, providing for disclosure of the impact to

1 future purchasers, as a condition of subdivision, community unit plan, use permit, or building  
2 permit. Avigation easements submitted pursuant to the terms of this chapter shall conform to  
3 the provisions contained in the model avigation and noise easement, a copy of which shall  
4 remain on file in the office of the Executive Director of the Lincoln Airport Authority and the  
5 City Clerk of the City of Lincoln.

6 (b) All uses allowed within Airport Environs Noise District 1, except as provided  
7 in Section 27.58.090 shall be conditioned upon the grant by the property owner of a  
8 covenant, notice, and acknowledgment that the property is located in Airport Environs Noise  
9 District 1, providing for the disclosure of the airport noise and overflight impact to future pur-  
10 chasers, as a condition of subdivision, community unit plan, special permit, use permit, or  
11 building permit. Covenant, notice, and acknowledgment that property is located in Airport  
12 Environs Noise District 1 to be submitted pursuant to the terms of this chapter shall conform  
13 to the provisions contained in the model covenant, a copy of which shall remain on file in the  
14 office of the Executive Director of the Lincoln Airport Authority and the City Clerk of the City  
15 of Lincoln.

16 Section 9. That Section 27.58.100 of the Lincoln Municipal Code be amended  
17 to read as follows:

18 **27.58.100 Enforcement and Exemption.**

19 (a) Prior to the issuance of a building permit or other certificate, the Director of  
20 Building and Safety shall receive either the executed avigation and noise easement for prop-  
21 erty in Airport Environs Noise District 2 or the executed covenant, notice, and acknowledg-  
22 ment for property in Airport Environs Noise District 1 which shall then be forwarded to the  
23 Airport Authority or shall have received evidence that the executed easement or covenant was  
24 previously furnished to the Airport Authority. All easements and covenants shall be forwarded

1 to the Airport Authority, which shall then be filed with the Register of Deeds at Authority's  
2 expense.

3 (b) Uses in connection with the operation of the Lincoln municipal airport, and  
4 properties owned or leased by the City of Lincoln, the Airport Authority of the City of Lincoln,  
5 military units, or other governmental agencies are hereby declared compatible and shall be  
6 exempted from the requirements of this chapter.

7 Section 10. That Sections 27.58.010, 27.58.020, 27.58.030, 27.58.040,  
8 27.58.050, 27.58.060, 27.58.070, 27.58.080 and 27.58.100 of the Lincoln Municipal Code  
9 as hitherto existing be and the same are hereby repealed.

10 Section 11. The Airport Environs Noise District Map dated June 1, 2000, is  
11 attached hereto, marked as Attachment A.

12 Section 12. That this ordinance shall take effect and be in force from and after  
13 its passage and publication according to law.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Staff Review Completed:

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Administrative Assistant