

Change of Zone #3431

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code, the Zoning
2 Ordinance of the City of Lincoln, by amending Section 27.03.470 to include “medical testing
3 laboratory” in the definition of “office building”; amending Sections 27.27.030, 27.28.040,
4 and 27.37.020, to eliminate medical testing laboratories as a permitted use or special permit
5 use in the O-3 Office Park District, R-T Residential Transition District, and B-5 Planned
6 Regional Business District, respectively; amending Section 27.63.390 to eliminate medical
7 testing laboratories as a special permitted use in the O-3 zoning district; and repealing
8 Sections 27.03,470, 27.27.030, 27.28.040, 27.37.020, and 27.63.390 of the Lincoln
9 Municipal Code as hitherto existing.

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

11 Section 1. That Section 27.03.470 of the Lincoln Municipal Code be amended
12 to read as follows:

13 **27.03.470 Office Building.**

14 Office building shall mean a building designed for or used as the office of professional,
15 commercial, industrial, religious, institutional, public, or semipublic persons or organizations,
16 provided no goods, wares, or merchandise shall be prepared or sold on any premises except
17 that a portion of an office building may be occupied and used as a drugstore, barbershop,
18 beauty parlor, shoeshine shop, cosmetologists shop, cigar stand, or newsstand when such uses
19 are located entirely within the building with no entrance from the street nor visible from any
20 sidewalk and having no sign or display visible from the outside of the building indicating the

1 existence of such use. Broadcast stations, offices, and studios shall be considered to be office
2 buildings; broadcast towers as defined in this title shall not be so considered.

3 Office buildings shall also include the use of an office or clinic by a practitioner, or
4 group of practitioners, in the field of medicine, including other medical uses such as medical
5 testing laboratories that perform routine clinical diagnostic tests on human or animal
6 specimens, dentistry, or podiatry; provided, however, that patients upon whom surgical
7 procedures have been performed or who have otherwise received care or treatment at such
8 office or clinic shall not be permitted to stay on the premises for recovery or observation for
9 more than 24 hours. Medical testing laboratories shall exclude any laboratory which is
10 required by federal law to hold a certificate of registration for their activity in compliance with
11 CFR 42 Part 73, Selected Agents and Toxins.

12 Section 2. That Section 27.27.030 of the Lincoln Municipal Code be amended
13 to read as follows:

14 **27.27.030 Permitted Special Uses.**

15 A building or premises may be used for the following purposes in the O-3 Office Park
16 District if a special permit for such use has been obtained in conformance with the
17 requirements of this chapter and Chapter 27.63:

- 18 (a) Expansion of nonconforming uses;
- 19 (b) Historic preservation;
- 20 (c) Restaurants;
- 21 ~~(d) Medical testing laboratories;~~
- 22 (e d) Recreational facilities;

- 1 (f e) Clubs;
- 2 (g f) Church steeples, towers, and ornamental spires which exceed the maximum
3 height;
- 4 (h g) Broadcast towers;
- 5 (i h) Public utility purposes;
- 6 (j i) Wind energy conversion systems;
- 7 (k j) Health care facilities;
- 8 (l k) Motels and hotels;
- 9 (m l) Private schools;
- 10 (n m) Outdoor seasonal sales;
- 11 (o n) Early childhood care facilities with sixteen or more children, or with fifteen or
12 fewer children not meeting the specified conditions for a permitted conditional use under
13 Section 27.27.025;
- 14 (p o) Mail order catalog sales
- 15 (q p) Sale of alcoholic beverages for consumption on the premises in restaurants,
16 provided the locational requirements of Section 27.63.680 have been met or waived by the
17 City Council.

18 Section 3. That Section 27.28.040 of the Lincoln Municipal Code be amended
19 to read as follows:

20 **27.28.040 Permitted Special Uses.**

21 A building or premises may be used for the following purposes in the R-T Residential
22 Transition District if a special permit for such use has been obtained in conformance with the
23 requirements of this chapter and Chapter 27.63:

- 1 (a) Expansion of nonconforming uses;
- 2 (b) Historic preservation;
- 3 ~~(c) Medical testing laboratories;~~
- 4 (d) Public utility purposes;
- 5 (e) Private schools
- 6 (f) Early childhood care facilities with sixteen or more children, or with fifteen or
- 7 fewer children not meeting the specified conditions for a permitted conditional use under
- 8 Section 27.28.030;
- 9 (g) Broadcast towers.

10 Section 3. That Section 27.37.020 of the Lincoln Municipal Code be amended
11 to read as follows:

12 **27.37.020 Use Regulations.**

13 (a) General regulations. Any development, including building and open land uses,
14 except farming and the sale of farm produce, shall be prohibited in the B-5 Planned Regional
15 Business District prior to the approval of a use permit in conformance with the requirements
16 of this chapter. B-5 Planned Regional Business District zoning shall not be permitted or
17 granted upon any property having a total area of less than thirty acres.

18 (b) Permitted uses. A building or premises may be used only for the following
19 purposes in the B-5 Planned Regional Business District:

- 20 (1) Stores or shops for the sale of goods at retail, and shops providing service
- 21 for such goods;
- 22 (2) Business offices;

- 1 (3) Personal and professional services;
- 2 (4) Places of public assembly, entertainment, or recreation, except theaters;
- 3 (5) Hotels or motels;
- 4 (6) Banks and savings and loan associations, credit unions, and finance
5 companies;
- 6 (7) Private schools, including but not limited to business or commercial
7 schools, dance or music academies, and nursery schools;
- 8 (8) Restaurants;
- 9 (9) Service stations, and automobile washing services;
- 10 (10) Automobile sales establishments;
- 11 (11) Residential uses;
- 12 (12) Public or nonprofit community services;
- 13 (13) Dry cleaning or laundry establishment; provided, the floor area does not
14 exceed 2,000 square feet, exclusive of office and "pickup space";
- 15 (14) Enclosed commercial recreational facilities;
- 16 ~~(15) Medical testing laboratories;~~
- 17 ~~(16)~~ 15 Sale of alcoholic beverages for consumption on the premises, provided
18 the locational requirements of Section 27.63.680 have been met or waived by the City
19 Council;
- 20 ~~(17)~~ 16 Sale of alcoholic beverages for consumption off the premises, provided
21 the locational requirements of Section 27.63.685 have been met or waived by the City
22 Council;

1 (18 17) Tailor shops, shoe repair shops, upholstery shops, printing and
2 photocopying shops, or other, similar business establishments.

3 Section 4. That Section 27.63.390 of the Lincoln Municipal Code be amended
4 to read as follows:

5 **27.63.390 Permitted Special Use: Restaurants, ~~Medical Testing Laboratories,~~ Motels and**
6 **Hotels.**

7 Restaurants ~~and medical testing laboratories~~ may be allowed by special permit in the
8 O-3 zoning district. Motels and hotels may be permitted under the following conditions:

9 (a) The number of hotel or motel units shall not exceed the number obtained by
10 dividing the total square foot area of the site by 1,500;

11 (b) Each hotel or motel unit shall have a minimum enclosed floor area of 500
12 square feet; and

13 (c) Each hotel or motel unit shall be a single habitable unit with facilities which are
14 used or intended to be used for living, sleeping, cooking, and eating.

15 Section 5. That Sections 27.27.030, 27.28.040, 27.37.020 and 27.63.390 of
16 the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

17 Section 6. That this ordinance shall take effect and be in force from and after
18 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:

Mayor