City Council Introduction: August 15, 2016
Public Hearing: August 22, 2016, 3:00 p.m.

Bill No. 16-87

FACTSHEET

TITLE: TEXT AMENDMENT NO. 16007
(Amend various section of the Lincoln Municipal Code throughout Title 27).

BOARD/COMMITTEE: Planning Commission

APPLICANT: Planning Director

RECOMMENDATION: Approval (5-0: Lust, Corr, Sunderman, Scheer and Hove; Cornelis, Harris, and Weber absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:
Amending various sections of the Lincoln Municipal Code throughout Title 27, including Sections 27.02.030, 27.02.040, 27.02.080, 27.02.090, 27.02.140, 27.02.160, 27.02.170, 27.02.220, 27.06.060, 27.06.090, and 27.06.170; Chapter 27.28; Sections 27.28.020, 27.60.060, 27.61.090, 27.62.030, 27.62.040, 27.63.430, 27.63.590, 27.65.020, 27.65.060, 27.65.075, 27.67.030, and 27.67.040; Figures 27.67.020 and 27.67.040; Sections 27.69.035, 27.72.080, and 27.72.190 of the Lincoln Municipal Code, and revising the term "church" to "place of religious assembly" where it appears throughout Title 27, including but not limited to amendments to the definitions, parking regulations, height and lot regulations, and special permits regulations, adding a new Section 27.63.065, and repealing Sections 21.52.010, 27.63.430, and 27.63.590, of the Lincoln Municipal Code as hitherto existing.

DISCUSSION/FINDINGS OF FACT:

1. The staff recommendation of approval is based upon the "Analysis" as set forth on pp.3-13, concluding that the proposed changes are in conformance with the 2040 Comprehensive Plan, and should not have a significant negative impact on surrounding properties affected by these amendments. The staff presentation is found on p.14.

2. This is a set of proposed text amendments to the Title 27, the Zoning Ordinance and remove one chapter from Title 21, the Housing Ordinance, of the Lincoln Municipal Code. These revisions have been collected by City staff over the past several years, and range from correction of errors, to clarification of unclear terms and concepts, to more substantive changes that streamline approval processes for City staff and the public and eliminate burdensome requirements.

3. This text amendment has been posted on the Planning Department website since May 1. It was sent out to neighborhood organization representatives and the development community requesting comments on May 5, and presented to the Clinton Neighborhood Association by request on June 6. The amendment was also presented at the Mayor's Neighborhood Roundtable on June 13. One public comment in support was received at the Planning Commission meeting on July 20, 2016.

4. There was no public testimony is support; however, one letter of support was submitted - see p.16.

5. There was no testimony in opposition of this text amendment.

6. On August 3, 2016, the Planning Commission agreed with the staff recommendation and voted 5-0 to recommend approval of this text amendment.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: August 5, 2016

REVIEWED BY: David R. Cary, Planning Director

DATE: August 5, 2016

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 3, 2016 PLANNING COMMISSION MEETING

PROJECT #: Text Amendment No. 16007

PROPOSAL: This is a set of proposed text amendments to Lincoln Municipal Code Title 21, the Housing Ordinance, and Title 27, the Zoning Ordinance.

CONCLUSION: The proposed changes are in conformance with the 2040 Comprehensive Plan, and should not have a significant negative impact on surrounding properties affected by these amendments.

RECOMMENDATION:	Approval

GENERAL INFORMATION:

These revisions have been collected by City staff over the past several years, and range from correction of errors, to clarification of unclear terms and concepts, to more substantive changes that streamline approval processes for City staff and the public and eliminate burdensome requirements.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.2 - LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 1.7 - The area of transition from one land use to another is often gradual. LPlan 2040 also encourages the integration of compatible land uses, rather than a strict segregation of different land uses.

P. 2.7-2.9 - Guiding Principles for Community Form - The Urban Environment

- Transition of uses; less intense office uses near residential areas
- Near and long term growth areas for the City of Lincoln should be preserved in order to facilitate future urban development. Acreages will be directed to areas outside of the future urban growth areas, or designed to easily accommodate future "build-through" of urban services and densification, in order to minimize conflicts between urban and acreage uses and 2.8 Lincoln/Lancaster County Comprehensive Plan so that the City may provide urban services as efficiently as possible

P. 3.12 - Production of food closer to the urban center, if not within it, reduces the distance food must be transported, increases the freshness of food available, supports the local agricultural economy, and provides nutritious food to those who might not otherwise be able to obtain it.

P. 3.12 - Local food may be produced in the rural area of the county, or counties nearby; or it may also be produced within the urban area itself.

P. 3.12 - Strategies for Local Food

- Promote more community gardens.
- Allow community gardens in all zoning districts at appropriate locations and with appropriate standards.

P. 5.6 - Transitional uses (such as offices or commercial uses) should develop between Moderate to Heavy Industrial Centers and residential uses.

P. 5.7 - Strategies for Commercial Centers

- Develop Commercial Centers as compact clusters or mixed use nodes with appropriate site design features to accommodate shared parking and ease of pedestrian movement, to minimize impacts on adjacent areas, and encourage a unique character.

P. 6.11 - Strategies for Facilitating Mixed Use Redevelopment

- Revise the Zoning Ordinance to provide more flexibility, particularly in commercial districts.
  - Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.

P. 7.2 Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.7 - Encourage shared parking wherever possible.

P. 7.10 - Detailed Strategies for Existing Neighborhoods

- Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

P. 7.11 - Utilize streets for commercial and residential parking.

P. 8.2 - Health Care Guiding Principles

- Medical services, including physical and mental health care services, should be integrated and accessible within the community.
- Many of the existing medical facilities are located near existing residential neighborhoods and are expected to remain the vital core of health care services in the county and region.

P. 8.6 - Health Care Strategies

- Provide for accessible physical and mental health care services in appropriate areas in and around residential neighborhoods.

P. 12.10 - Zoning is a legal means cities and counties use for deciding how land can be used, the intensity of those land uses, and the relationships between various land uses. Nebraska State law, as with most states, requires zoning to be developed in accordance with the community's adopted Comprehensive Plan.

ANALYSIS:

This is a set of proposed text amendments to the Title 27, the Zoning Ordinance and remove one chapter from Title 21, the Housing Ordinance, of the Lincoln Municipal Code. These revisions have been collected by City staff over the past several years, and range from correction of errors, to clarification of unclear terms and concepts, to more substantive changes that streamline approval processes for City staff and the public and eliminate burdensome requirements.

Text changes proposed as part of the Planning Department's 2013 proposed ReFORM package are not included, with the exception of two amendments reducing the parking requirements for doctors' and dentists' offices and commercial uses in the B-5 district. These two parking requirement reductions have been approved on a case by case basis to this point. Regarding the B-5 district parking reduction, several major shopping centers within the B-5 zoning district have had the proposed parking reduction approved individually as part of amendments to their use permits (Gateway Mall, East Park Plaza, Edgewood Shopping Center, and SouthPointe Pavilions).

These text amendments have been posted on the Planning Department website for public review since May 1, 2016. They were sent out to neighborhood organization representatives and the development community requesting comments on May 5, 2016 and presented to the Clinton Neighborhood Association by request on June 6, 2016. The amendments were also presented at the Mayor's Neighborhood Roundtable on June 13, 2016. Since these meetings, no additional public comments have been received.

The revisions proposed with this application are summarized below. The amendments are listed in full legislative format on the attached draft ordinance.

Remove "Housing Above Second Story" Chapter 21.52
Housing Above Second Story - Chapter 21.52

This chapter prohibits housing for inmates or patients above the second story of specific uses. According to the Building and Safety Department, which is responsible for enforcing this chapter, these provisions are no longer used, so the proposal is to remove this chapter from the Lincoln Municipal Code.

Amend definition of "Mini-warehouse"
Definitions - Section 27.02.140

Amend the definition of "Mini-warehouse" to remove unnecessarily restrictive language and clarify that these facilities typically serve multiple renters. The removal of provision (a) would clarify that outdoor storage is allowed as an accessory use as part of a mini-warehouse use. Provision (a) is removed because it is unnecessarily restrictive, and outdoor storage is an appropriate accessory use to a mini-warehouse. Provision (c) is removed because indoor mini-warehouses occasionally have loading docks, and so they should not be excluded from this use category based on having a loading dock. However, provision (b) is retained because one of the distinguishing features of mini-warehouse versus warehouse is that mini-warehouses are intended to have separate compartments that serve many renters. If the interior of the storage bays were connected, the use would more closely approximate a warehouse use.

Amend definition of "Health Care Facility, Residential"
Definitions - Section 27.02.090

Amend the definition of "Health Care Facility, Residential" to note that independent living units, assisted living units, and/or memory care are permissible as part of a combined multi-level service facility. This more closely follows the business model today that offers multiple services and housing types within the same facility.

Amend definition of "Outdoor Dining”
Definitions - Section 27.02.160

Amend the definition of "Outdoor Dining" to clarify that a permanent roof can cover outdoor dining areas and may be surrounded by a fence. Recently there have been restaurants requesting a permanent roof over their outdoor dining area, which did not fit the definition.

Amend definitions of "Grade" and "Buildings, Height of" and minor height adjustments per these changes.

Definitions - Sections 27.02.030, 27.02.080

Revise the definitions of "Buildings, Height of" and "Grade" to match the definitions used in the Building Code. Lincoln appears to be relatively unique in the region in measuring the height from the height point, as long as that point is not more than ten feet above grade. The proposed revision is to measure the height from the average grade rather than the highest point.

For some older buildings on a lot with a significant sloping grade built under the current measurement, the new definition might result in them being 3 to 5 feet over the height limit due to the new way of calculating height. A provision is included below to automatically adjust the height of any building lawfully existing when this amendment is approved. Most houses would not likely be affected, as most are <u>not</u> built to the maximum height. This change is most likely to impact very tall commercial buildings that have significant grade changes between the elevations at the front and back of the building, such as those with walk out basements. In general, most commercial buildings are on a relatively flat grade.

As mentioned above, in accordance with the revised definitions of "Grade" and "Buildings, Height of," a new provision is proposed to be added to the Nonconforming and Nonstandard Uses chapter that would automatically adjust the height of all lawfully buildings that would be made nonstandard under the revised definitions, so they remain conforming.

Planned Unit Development District - Section 27.60.060
Community Unit Plan - Section 27.65.060
Nonconforming and Nonstandard Uses - Section 27.61.090
Height and Lot Regulations - Section 27.72.190

Accompanying revisions are proposed that would allow minor administrative height modifications for most buildings approved under the current definitions, but not yet constructed, within Planned Unit Developments (PUDs) and Community Unit Plans (CUPs). There is already a provision in place for minor administrative height adjustments for buildings interior to Use Permits (as opposed to on the perimeter). The revisions slightly expand the height modifications that may be approved administratively, while keeping with the intent of the current language.

Currently, minor height adjustments may be approved administratively for all buildings on the interior of PUDs and CUPs, and for multi-family dwellings on the perimeter. The proposed revisions would also allow minor height adjustments for single or two family dwellings on the perimeter of PUDs and CUPs.

A provision would also be added to the Height and Lot Regulations chapter to allow minor administrative height increases for buildings not within such development plans. Currently, minor modifications are permitted to the rear yard setback in this instances.

Amend definitions of "Garden Center," "Greenhouse," and "Urban Garden"; add a use for Agriculture, amend use restrictions for Urban Gardens, and remove the Greenhouses use from the Agriculture Use Group table.

Definitions - Sections 27.02.080 and 27.02.220

Amend the definitions for "Garden Center" and "Urban Garden" to further clarify these terms, which often cause confusion.

"Greenhouses" as a standalone use will be removed from Title 27 because a greenhouse is a building rather than a use, and can exist as an accessory building within the Garden Center and Agriculture uses. The definition for "Greenhouse" will be retained to reflect the commonly understood definition of a greenhouse as an accessory building rather than a standalone use. Because a greenhouse will now refer to the building rather than the use, the references to a "premises" and to retail sales are no longer necessary.

Construction of a greenhouse will still be possible as part of the Garden Center and Agriculture uses. Greenhouses will be excluded from Urban Gardens because a greenhouse building would not fit with the character of the residential, office, and commercial neighborhoods where Urban Gardens are permitted.

Use Groups - Section 27.06.060

In accordance with removing references to the "Greenhouses" use from Title 27, the proposal also removes its listing from the Agriculture Use Group table. There is only one known approved Special Permit for a Greenhouse in the R-3 zoning district, approved in 1983, but it was never constructed.

In addition, the proposal amends the Agriculture Use Group table to add "Agriculture" as a use listing permitted by right in the AG, AGR, and all B, H, and I zoning districts. Currently, Agriculture is permitted in the AG, AGR, and I districts under the "All other uses" category. This change would additionally permit Agriculture in all B and H districts. In accordance with typical agricultural activities, the raising and selling of animals would be permitted anywhere the Agriculture use is permitted. The types and number of animals permitted within the City limits would continue to be regulated per Lincoln-Lancaster County Health Department Regulations.

Currently, urban gardens are a conditional use in all districts except the AG and AGR districts, where they are not permitted. The Urban Garden use would also be added as a conditional use in the AGR zoning district, as it is also a suitable use for the character of agricultural residential areas. Urban Gardens will be kept as a conditional use in the AGR district as elsewhere, as it is appropriate for the Health Department to have oversight to help prevent negative impacts to neighborhoods and ensure soil safety. Urban Gardens are proposed to be permitted by right in the AG district without Health Department oversight, as urban gardens in that district would have a rural agricultural setting similar to the permitted Agriculture use in that district, and the Health Department does not conduct soil sampling for commercial agriculture.

Conditional Uses - Section 27.62.030

In accordance with removing references to the "Greenhouses" use from Title 27, remove related language on Greenhouses from the Conditional Uses chapter. In addition, revise this section in accordance with the changes to the districts in which Urban Gardens are permitted.

Change "Church" to "Place of Religious Assembly"; add a definition for "Place of Religious Assembly"

Definitions - Section 27.02.170

Add a definition for "Place of Religious Assembly" based on the state tax code for property tax exemption for religious organizations. The Nebraska Property Tax Exemption Regulations state that the following property that is exempted from property taxes: “Property owned by educational, religious, charitable, or cemetery organizations or any organization created for the exclusive benefit of any qualified organization, and used exclusively for educational, religious, charitable, or cemetery purposes. The property cannot be (1) owned or used for financial gain or profit to either the owner or user, (2) used for the sale of alcoholic liquors for more than 20 hours per week, or (3) owned or used by an organization which discriminates in membership or employment based on race, color, or national origin.” (Title 350, Chapter 40 of the Nebraska Administrative Code).

The term "Church" is used many times throughout the Zoning Ordinance but is not defined, and the more inclusive term "Place of Religious Assembly" should be substituted. There are a number of related amendments to sections where "church" will be changed to "place of religious assembly" throughout Title 27. The term “Church” will also be added to cover any instances of the term that inadvertently remain, but will direct readers to “Place of Religious Assembly.”

Remove definition of "Boarding House"

Definitions - Section 27.02.030

Remove the definition for "Boarding House." This term was previously removed from Title 27 and appears nowhere else in the Title except in the Definitions chapter.

Change "Campsite" definition to "Campground"

Definitions - Section 27.02.040

"Campgrounds" is listed as a special permitted use in the AG and AGR zoning districts. The term "Campsite" is defined in Chapter 27.02, Definitions, but the only place this term appears in the description for the Special Permit for "Campgrounds", Section 27.63.260. The term "Campsite" should be changed to "Campground" in the Definitions chapter in accordance with the Special Permit for Campgrounds.

Remove the Special Permit for Broadcast Stations in the AG district and amend the use from Special Permitted to Permitted in the H-4 district.

Use Groups - Section 27.06.090

Broadcast stations were mistakenly listed as a special permitted use in the AG zoning district under the Utilities Use Group. There is no corresponding reference in Chapter 27.63, Special Permits, so the "S" for Broadcast stations in the AG district should be removed from the table.

Broadcast stations should also be changed in the H-4 district from an "S" special permitted use to a "P" permitted use to match the other H districts. Broadcast stations are treated as office uses. It was originally envisioned that broadcast stations in the H-4 district would be allowed through the Special Permit for Planned Service Commercial. However, office uses are permitted by right in the H-4 district. Therefore, broadcast stations should be permitted by right in that district.

Add a catch-head to the R-T Residential Transition District chapter; clarify that it is a commercial district.

R-T Residential Transition District - Chapter 27.28

Add a catch-head to this chapter to clarify that the R-T zoning district is envisioned as a commercial district rather than a residential district.

R-T Residential Transition District - Section 27.28.020

Clarify that the R-T zoning district is a commercial district. Although the district title includes the word "Residential," this district is meant to be a commercial district acting as a buffer between residential areas and more intensive commercial areas.

Adjust the setback automatically when the City acquires right-of-way so those properties are not considered nonstandard.

Nonconforming and Nonstandard Uses - Section 27.61.090

Adjust the setback automatically when the City obtains property for right-of-way so that a property will not be considered as nonstandard. There are several circumstances where right-of-way acquisition along arterial streets has reduced setbacks to existing structures. A few homeowners have objected to becoming nonstandard due to government action and have concerns about lending or implications for resale.

Remove an incorrect reference to a special permit.

Conditional Uses - Section 27.62.040

The note at the end of Section 27.62.040(a)(1) refers the reader to a special permit for dwelling units in the O-2, B-1, B-2, and B-3 zoning districts. There is no special permit that would apply, so this language should be removed.

Remove the Special Permit for Temporary Storage of Construction Equipment and Materials.

Use Groups - Section 27.06.170

This change eliminates the "Temporary storage of construction equipment and materials" use from the Heavy Commercial Services Use Group table. This use is a special permitted use in the AG zoning district and a permitted use in the B-4, I-1, I-2, and I-3 zoning districts. The special permit has only been approved once, for the permittee that it was created for in 1989, and that special permit has since been subsumed under a Planned Unit Development. There are no other known instances of this use. This temporary storage of construction equipment and materials is still allowed as part of a construction project.

Special Permits - Section 27.63.590

In accordance with eliminating the use for "Temporary Storage of Construction Equipment and Materials," remove the special permit for this use from the Special Permits chapter.

Clarify that lots separated by a street can be treated as a single premises for purposes of a special permit.

Special Permits - New Section 27.63.065

Create a new section in the Special Permits chapter to clarify that lots separated by a street may be treated as a single premises and included under the same special permit, provided that some portion of the lots or tracts on each side of the street are directly opposite one another.

There are several existing special permits that include lots separated by a street within the overall boundary. This new section is proposed clarify that such a circumstance is permissible.

Restrict the "40% rule" related to increasing front yard setbacks beyond the district minimum to the R-1 district only.
Height and Lot Regulations - Section 27.72.080

Amend the Exceptions to the Front Yard Requirements to remove the requirement that new buildings in all districts except the R-3, O-3, B-2, B-5, H-4, and I-3 districts must meet a greater front yard depth than is required by the Zoning Ordinance if 40% or more of the frontage is developed with front yards greater than required. The rule should be retained for the R-1 district, but is not necessary in any other district, especially in dense neighborhoods with smaller lots that limit building envelopes such as those typical of the R-2 and R-4 districts.

There have been several cases in the R-2 and R-4 zoning districts where there are two to four houses on a short block face. Two of the houses happen to be set further back than the zoning, which causes a new house being built to be placed further back than the district requires. It denies the property owner the ability to use the entire buildable area because 40% of the houses happen to be further back. In the R-1 district, there are whole blocks in the Country Club or Piedmont neighborhoods, for example, where all the houses are substantially further back. This provision should be kept for the R-1 districts, but not the other districts.

Clarify that parking for accessory buildings for retail sales is not required if they are not fully enclosed or left open during business hours.
Parking - Section 27.67.040

Add a provision clarifying that parking for accessory buildings for retail sales is not required to be provided, when they are not fully enclosed. This is implied in the definition of "Floor Area" on which parking requirements are based, but it is not specifically stated.

This issue arises most commonly with storage of lumber and other building materials by home improvement stores. These storage areas may have a roof with open sides or they may be essentially a storage building with large doors left open during business hours. Regardless, it should be made clear that accessory buildings are not considered floor area for purposes of parking requirements because they do not contribute to customer traffic and parking demand in the same way that the size of the store itself does.

Require a minimum amount of guest parking for two-family or attached single-family dwellings approved in CUPs, PUDs, and Use Permits.
Parking - Section 27.67.040

Require a minimum amount of guest parking at 1 guest stall per 2 dwelling units in developments with two-family or attached single-family dwellings on lots having a width of less than 35 feet, and where garages take direct access from a public street or private roadway.

It has been a requirement to show minimum guest parking in Community Unit Plans and Planned Unit Developments on a case-by-case basis. The lack of guest parking has proved to be a problem in attached single family and two-family developments with narrow lots because there is not enough curb space for on-street parking if each garage also has a driveway, causing guests to park blocking driveways or necessitate parking several blocks away. It is proposed to add this guest parking requirement of one guest stall per two dwelling units to the Zoning Ordinance, rather than requesting it on a case-by-case basis.

Reduce the required parking for office, retail, and commercial uses in the B-5 district.
Parking - Section 27.67 (Figure 27.67.020)

Require a reduced parking ratio of 1 stall per 300 sq. ft. for Office/Retail/Commercial Uses in the B-5 zoning district instead of 4.5 stalls per 1,000 sq. ft. Several shopping centers in Lincoln in the B-5 district have recently decreased their parking requirement to 1:300 based on reduced parking needs, including East Park Plaza in July 2012, Edgewood Shopping Center in August 2013, Gateway Mall in January 2016, and SouthPointe Pavilions in February 2016. This parking ratio should be made standard for all commercial uses in the B-5 district. The entire column for "4.5 per 1,000 sq. ft." can be removed from the table, as no other uses use this standard.

This amendment was proposed in the 2013 ReFORM package.

Parking - Section 27.67.040

In accordance with revising the parking requirement for Office/Retail/Commercial Uses in the B-5 zoning district, amend the reference to this requirement in the Joint Parking section of the Parking chapter for the use having the largest floor area in a nonconcurrent parking arrangement.

Specify outdoor use areas are not considered floor area for parking requirements.
Parking - Section 27.67.030

Today, no parking is required to be provided for outdoor dining areas. This amendment clarifies that outside open use areas (such as for sales/display, patios with and without restaurant seating, beer gardens, etc.) are not considered floor area for purposes of the parking calculation. This is implied in the definition of "Floor Area" on which parking requirements are based, but it is not specifically stated.

Amend the parking requirement for Domestic Shelters.
Parking - Section 27.67.030

Amend the parking requirement for Domestic Shelters to remove the reference to maximum occupancy of the lot area, as this requires an unnecessary amount of parking for domestic shelters located on very large lots.

Remove the special parking requirement for doctors' and dentists' offices.
Parking - Section 27.64.040

Remove the special parking requirement for doctors' and dentists' offices. This special parking requirement was added in 1979. Doctors’ and dentists’ offices have a higher requirement than other types of office uses, at one stall per 225 square feet. With this change, the medical office parking requirement would be based upon the Parking Matrix at the end of the Parking chapter, which lists a standard parking requirement for office/retail/commercial uses in each zoning district.

When an office building and parking are constructed, medical offices often come and go over the years. It creates a problem to have two different parking requirements for medical office and general office. Therefore, this special parking requirement will be removed and parking for these uses will be per the standard office parking requirement for each zoning district.

With the proposed reduction of the B-5 district parking requirement, this will reduce the parking requirement for doctors' and dentists' offices in every district where they are permitted. In most districts, the requirement will become 1 stall per 300 square feet. An added benefit of this amendment is that it should encourage doctors' and dentists' offices to locate in older districts near neighborhoods because it is more likely they could meet the new lower parking requirement in the densely developed areas of town.

Parking requirements for medical office have generally been decreasing in recent decades. This is reflected in the Institute of Transportation Engineers (ITE) Parking Generation manual. The most recent edition of the manual, the 4th Edition published in 2010, lists an average peak parking demand of 1 stall per 313 square feet. The ratio is based on a nationwide study of 86 medical office users. The 3rd Edition (2004) shows parking demand at 1 stall per 283 square feet, and the 2nd Edition (1987) shows 1 stall per 243 square feet. The reduction in required medical office parking is therefore supportable based on a roughly equivalent demand to the standard office parking required in the code today.

This amendment was proposed in the 2013 ReFORM package.

Reduce required parking for restaurants in the B-1 and B-3 districts.
Parking - Section 27.67.040

Amend the special parking requirement for restaurants to allow a reduced parking requirement of one space per 200 square feet when located in the B-1 and B-3 zoning districts. Areas within the B-1 and B-3 districts are typically smaller establishments that are in close proximity to neighborhoods. More customers would have the option of walking or parking on the street, so the parking requirement could be reasonably reduced.

The special parking requirement for Restaurants and Social Halls at one space per 100 square feet was added in 2007, which was an increase over the previous 1:300 required ratio in the B-1 district and the 1:600 ratio in the B-3 district. Because restaurants have a much higher parking requirement than other commercial uses, restaurants locating in existing commercial areas often encounter difficulty in providing enough parking due to limited space. In addition, the 2007 text change was very recent compared to the age of many commercial buildings in the B-3 district, which tend to be located in older areas of town. Many older commercial buildings were built with sufficient parking provided for restaurant uses based on the prior requirement. However, the text change implementing the 1:100 restaurant parking ratio took away the option for restaurants to locate in many of those buildings because the areas were fully developed and there was no space to construct additional parking.

This change, while not lowering the restaurant parking requirement in these districts to the ratio for other commercial uses, reduces it somewhat to create less of a disparity. The 200 square foot figure is proposed for this parking reduction because it is half of the current requirement. Parking reductions have often been determined by halving the requirement, similarly to how the standard B-3 parking ratio (1 per 600 sq. ft.) is half of the B-1 ratio (1 per 300 sq. ft.)

Amend the required parking for mini-warehouses.
Parking - Section 27.67.040

This change would amend the parking requirement for mini-warehouses. Most mini-warehouses provide the required one space per 200 cubicles near their office if access lanes are less than 20 feet wide. But parking at the office is rarely needed at modern self-storage where reservation is online, so office parking is less important.

We also now have mini-warehouses with a mix of outdoor units accessed directly from parking and "indoor storage" accessed via a hallway. Indoor storage today (i.e., those with access lanes less than 20 feet wide) requires one space per 10 storage cubicles, which is excessive compared to usage. Based on actual usage, one stall per 60 cubicles is proposed for indoor use. For storage accessed from the outdoors (those with access lanes at least 20 feet wide), there is generally no need for additional parking because people park at the unit door.

This amendment would also note that the requirement to provide two parking spaces for manager's quarters would also apply to an office, as not all mini-warehouses have a manager's quarters.

Remove outdated references from the General Provisions chapter.
General Provisions - Section 27.81.030

This section refers to illustrations at the end of Chapter 27.03, Definitions, and Section 27.71.190, but there are no such illustrations in the Definitions chapter currently. Chapter 27.71, Additional Height and Area Regulations, no longer exists as of 2012. Revise this section to remove references to illustrations and chapter that no longer exist.

Remove a requirement from the siting regulations for off-premises signs.
Signs - Section 27.69.035

Amend the off-premises siting location requirements to remove a requirement related to the sign setback from residential districts. This change would not remove the requirement for a setback to residential districts, but would set the minimum at 150 feet rather than the greater of 150 feet OR one-half the depth of the zoning district where the sign will be located.

This section was added in 2000. The clause proposed to be removed does not appear to serve a significant purpose, and has created problems for several proposed signs wherein one-half the width of the district was greater than 150' and therefore became the required setback. For example, a sign locating across the street from a residential district that had a required 300' setback from the residential district based on the width of its own zoning district could not even be easily seen from the road. There is not a reason to increase the setback simply because the zoning district is deeper. The 150 foot setback should provide a sufficient buffer to residential areas.

It is anticipated that this change would tend to make existing off-premises signs more conforming because there are likely a number of older signs that were installed prior to 2000 which would not be set back a sufficient distance to meet the requirement today.

Revise the Build Through Acreage Overlay District regulations to encourage smaller lots of 1 acre or less wherein a future final plot plan for conversion would not be required to be provided for such small lots.

Community Unit Plan - Section 27.65.020

Amend Section 27.65.020(b)(3)(i) to add the word "plan" which was mistakenly left out.

Community Unit Plan - Section 27.65.020

Amend Section 27.65.020(h) to clarify that the 20% maximum dwelling unit bonus for community unit plans is a cumulative total of all possible density bonus calculations.

Community Unit Plan - Section 27.65.075

Revise the Community Unit Plan chapter provisions in Section 27.65.075(b) for Build Through Acreages (BTA) and lot sizes in the Acreage Development Component to encourage smaller lots in the Acreage Development area. Experience has shown that acreage owners are rarely interested in future subdivision of one to three acre lots. So the preferred method would be to develop a plan which doesn't plan for the future subdivision of the acreage owners lots and instead starts with lots of one acre or less.

Prepared by:

Rachel Jones, Planner

DATE: July 26, 2016

APPLICANT: Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

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TEXT AMENDMENT NO. 16007

Members present: Corr, Lust, Scheer, Sunderman, and Hove present; Cornelius, Harris and Weber absent.

Staff recommendation: Approval.

Corr disclosed that she attended the Mayor's Neighborhood Roundtable meeting on June 13, 2016. Both Text Amendments on today's agenda were briefly presented at that meeting.

Staff Presentation: **Rachel Jones of the Planning Department** stated these amendments have been collected by Staff over the last few years. Many are corrections to clerical errors and clarifications, but there are some that are more substantive. These were posted on the Planning website for public review on May 1, 2016. They were subsequently emailed to neighborhood and homeowner organizations and the development community on May 5th, asking for comment and input. At the request of the Clinton Neighborhood, staff attended a neighborhood meeting to present the proposed amendments on June 6th. These were presented at a Mayor's Neighborhood Roundtable meeting on June 13, 2016, and, finally, there was a more in-depth public briefing for Planning Commissioners held June 22, 2016.

Since the time of that briefing, a few changes were made. In response to comments from a Planning Commissioner regarding the requirement for guest parking for 2-family and single-family attached units in PUD, CUP and Use Permit situations, it was decided that this requirement would not be appropriate in certain areas, such as South Haymarket, where there is easy access to nearby parking facilities. It will only apply when the structures include garages. The reasoning is that they take direct access from the street and the driveway can cause problems with on-street parking because of some narrow lots. This requirement can still be requested to be waived in appropriate situations.

There were also changes made to height and grading definitions in order to create consistency with the building codes. These changes would not cause lawful buildings to become non-standard.

There was an amendment regarding major entertainment and event venues, but it was removed so that it could have a separate public hearing to account for potential public concerns regarding noise and other impacts.

There was one letter of support received regarding the expansions to agricultural and urban garden definitions. No other public comment was received.

There was no public testimony on these items.

TEXT AMENDMENT NO. 16007
ACTION BY PLANNING COMMISSION: **August 3, 2016**

Lust moved approval, seconded by Scheer.

Lust stated that just prior to the meeting, she asked Staff to look into a reference made to "catch-heads" in section 27.81.030. She has been unable to find a legal definition for that term and wonders if it would be cleaner to say "headings" or "table of contents" if that was the intended meaning. Otherwise, she supports all of the amendments.

Hove said these are standard, clean-up items and he will support the amendments.

Motion carried 5-0: Corr, Lust Scheer, Sunderman, and Hove voting 'yes'; Cornelius, Harris and Weber absent. This is a recommendation to the City Council.

SUPPORT

TEXT AMENDMENT NO. 16007
Text Amendments
PUBLIC HEARING/ACTION 8/3/16)

August 2, 2016

City of Lincoln Planning Department
555 S 10th St, Ste 213
Lincoln, NE, 68508 USA

Dear Members of the Lincoln City/Lancaster County Planning Commission,

The Lincoln-Lancaster County Food Policy Council is a diverse group of farmers, gardeners, businesses, organizations, and individuals with one with thing in common: we care about improving the local food system. We develop integrated policies that promote a healthy and sustainable local food system.

The Lincoln-Lancaster County Food Policy Council would like to voice its support for Text Amendment No. 16007. Specifically, we believe the text amendments related to agriculture and urban gardens under Amendment 6 are appropriate and will have a positive effect on the community's ability to support urban agriculture.

Our organization has paid special attention to how land use policy impacts food production in our community. We have an established Land Use Committee that regularly reports to our larger organization. That committee has been working for many months to better understand the rules and regulations surrounding food production in our community's zoning ordinances. We have found the City of Lincoln's Planning Department to be very helpful in furthering our understanding of these issues and we thank them for their assistance.

Our organization voted to officially endorse these text amendments because we believe they are a positive step towards creating clearer and more accessible policies on land use for food production. Whether a citizen is growing food for their personal consumption or would like to grow food for sale, we believe these text amendments will make it easier for them to do so while following city and county rules and regulations. We hope you will approve these changes and thank you for your careful consideration of this issue.

Sincerely,

The Lincoln-Lancaster County Food Policy Council
http://letsgrowlincoln.wix.com/home
LincolnLancasterFPC@gmail.com