

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for January 7, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Miscellaneous #03013

**PROPOSAL:** Revise the City of Lincoln Design Standards Section 3.75 Neighborhood Design Standards consistent with changes proposed in Change of Zone #3428.

**CONCLUSION:** These text changes to the City of Lincoln Design Standards are in conformance with the Comprehensive Plan and consistent with changes proposed in Change of Zone #3428.

**RECOMMENDATION:**

Approval

## **GENERAL INFORMATION:**

### **HISTORY:**

May 2000 Change of Zone #3237 repealed the R-C Residential Conservation Overlay District, and adopted changes to the Neighborhood Design Standards and Zoning Ordinance requiring applications for building permits for new construction of principal buildings within the R-4, 5, 6, 7, and 8 Residential Districts to comply with the Neighborhood Design Standards.

Jan 1989 Change of Zone #2421 adopted the R-C Residential Conservation Overlay District, which applied only to the R-5, 6, and 7 Residential Districts to foster compatible new construction through design standards and height/area incentives.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

One ***Quality of Life Asset*** from the ***Guiding Principles from the Comprehensive Plan Vision*** states:

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. (F 15)

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods. (F 17)

The ***Guiding Principles for the Urban Environment: Residential Neighborhoods*** include:

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F 18)

The ***Overall Guiding Principles*** for future residential planning include:

One of Lincoln's most valuable community assets is the supply of good, safe, and decent single family homes that are available at very affordable costs when compared to many other communities across the country.

Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership. (F 65)

The ***Guiding Principles for Existing Neighborhoods*** include:

Preserve, protect, and promote city and county historic resources. Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements. (F 68)

**ANALYSIS:**

1. This is a request by the Planning Director to revise Lincoln Design Standards Section 3.75 Neighborhood Design Standards consistent with changes proposed in Change of Zone #3428.
2. Change of Zone #3428 is an application by the Lincoln Neighborhood Alliance, with the support of a coalition of neighborhoods, to add new sections to the Zoning Ordinance to require applications for building permits for new construction of principal buildings within the R-1, 2, and 3 Residential Districts to comply with the Neighborhood Design Standards.
3. The purpose of the Neighborhood Design Standards is to encourage rehabilitation of existing housing in certain enumerated areas, while allowing necessary new construction that is compatible with the surrounding development. The Neighborhood Design Standards focus on a limited number of design elements such as the orientation of windows and entrances to the street, height and massing, rhythm, and location of parking. A copy of the current Neighborhood Design Standards is attached for reference.
4. The standards currently apply to new construction of principal buildings within the R-4, 5, 6, 7, and 8 districts located within the city limits as of December 31, 1949.
5. This proposal is to make revisions to the Neighborhood Design Standards consistent with Change of Zone #3428. These revisions generally include adding R-1, R-2, and R-3 districts to the standards where applicable, and updating some language to apply more broadly to all areas that fall under these Design Standards. Under this proposal, application of these standards to the R-1, 2, and 3 districts will continue to be limited to those areas located within the city limits as of December 31, 1949. A copy of the proposed changes is attached.
6. These changes are consistent with those proposed in Change of Zone #3428.

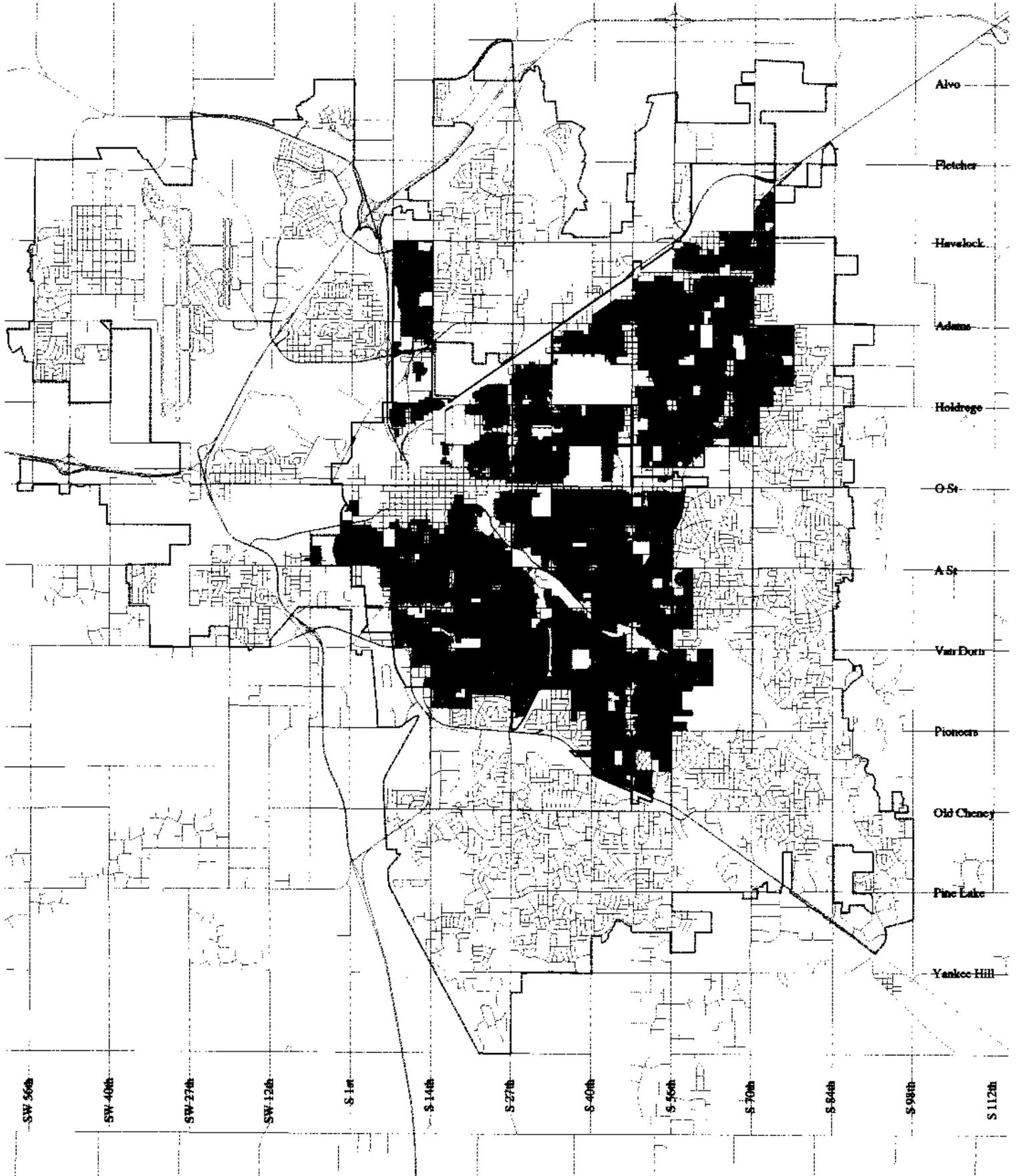
Prepared by:

Greg Czaplewski  
Planner

**Date:**           **December 22, 2003**

**Applicant:**           Director, Lincoln/Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

**Contact:**           Lincoln/Lancaster County Planning Department  
Planner Greg Czaplewski  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508  
441.7620



# Residential Zoning Inside Neighborhood Design District

- R-1 thru R-3 Zoning inside Jan 1, 1950 City Limits
- R-4 thru R-8 Zoning inside Jan 1, 1950 City Limits
- Jan 1, 1950 City Limits
- 2003 City Limits



# LINCOLN NEIGHBORHOOD ALLIANCE



## ADD NEIGHBORHOOD DESIGN STANDARDS INTO R1, R2, & R3

### Proposed Text Change to the Zoning Ordinance:

Adding the "Neighborhood Design Standards" for construction of new buildings (already in effect for R4 through R8) to R1, R2, & R3.

### Proposed text addition to R1, R2, & R3:

**"Each application for a building permit for new construction of a principal building within this district shall comply with the neighborhood design standards."**

*(Exact language as currently in R4 through R8)*

The purpose of the Neighborhood design standards is to encourage rehabilitation of existing houses, and promote compatibility in the design of new construction. The standards focus on basic design elements such as orientation of windows and doors to the street, height and massing, roof pitch, yards and open space, and location and quantity of parking. The standards are intended to encourage neighborhood associations, developers, and builders to look closely at the existing features of older areas. New construction should not detract from the existing character of neighborhoods, but should create residences that harmonize with the original architectural design elements.

### Basic design elements that have a significant effect on compatibility:

#### Orientation of windows and entrances towards the street.

Older residential structures within established neighborhoods share a common orientation to the street. New buildings shall provide windows oriented to the street and shall provide an entrance to a dwelling unit or to a hallway leading to a dwelling unit. Use of front porches is strongly encouraged.

#### Height, rooflines, and massing of buildings.

The rhythm of 35'-40' houses on 50' lots does much to establish the character of Lincoln's established residential areas. Large new buildings disrupt this character, unless design measures are employed to reduce their impact. Height of new buildings should be similar to that of older residences on the same and facing block fronts. New buildings shall utilize a roof type and pitch commonly found within the area.

#### Parking

Parking has become a major issue in established neighborhoods. Design standards placing parking in the rear of buildings-off the street, promote a greener, more open environment, and encourage a more walker/biker friendly community. For new construction, no parking space shall be allowed between the building and the front property line. Garage doors for not more than two stalls are permitted on a portion of the main building facing the front lot line.

# LINCOLN NEIGHBORHOOD ALLIANCE



Mr. Marvin Krout Planning Director  
Lincoln / Lancaster County Planning Department  
October 28, 2003

Dear Mr. Krout,

Please find enclosed our application to revise the text of the zoning code pertaining to the Neighborhood Design Standards. The changes continue the important revisions started with the Neighborhood Character Preservation Initiative.

This application is endorsed by the following neighborhood associations:

1. Near South
2. University Place
3. Country Club
4. Everett
5. North Bottoms
6. East Campus
7. Hartley
8. Landon's
9. Antelope Park
10. Witherbee
11. Arnold Heights
12. Hawley
13. Irvingdale
14. Hawthorne
15. 40<sup>th</sup> & A

These neighborhoods comprise the vast majority of the area that would be affected by this change. Their endorsement and financial contribution towards the application fee is indicative of the broad support for this important change.

Please contact LNA if you have questions or need further information.

Sincerely,

A handwritten signature in cursive script that reads "Carol Brown". The signature is written in black ink and is positioned below the word "Sincerely,".

Carol Brown – Lincoln Neighborhood Alliance Board Member  
2201 Elba Circle  
Lincoln, NE 68521  
(402)435-8932

lincolna@hotmail.com

**Proposed Text Amendment  
Miscellaneous #03013**

**Revisions to Neighborhood Design Standards:**

**Section 1. INTRODUCTION**

Certain areas of Lincoln within the well-established neighborhoods have evolved into relatively dense residential sections, ~~(typically zoned R-4, R-5, R-6, R-7, or R-8). Portions of those areas, despite their higher density use, which~~ retain much of the traditional physical character of their original lower density development. *These are areas of the City that were annexed prior to December 31, 1949, and are potentially eligible for the National Register of Historic Places.* The purpose of the Neighborhood Design Standards is to encourage rehabilitation of existing housing in such areas, while allowing necessary new construction that is compatible with the surrounding development.

The standards focus on a limited number of basic design elements which have significant effect on compatibility, such as orientation of windows and entrances toward the street, height and massing, and location of parking. The written standards are accompanied by a sketchbook which both illustrates the basic requirements and makes suggestions of additional means and ideas to achieve greater compatibility of multi-family construction. Together, the design standards and the sketchbook are intended to encourage neighborhood associations, developers, and builders to look closely at the existing features of older areas and to think about the effect new building design has in those neighborhoods. These standards and suggestions cannot guarantee good design—only the talents and efforts of owners, designers, and builders do that—but they hopefully will eliminate certain design features that most negatively impact the character of older neighborhoods.

**Section 2. WORK REQUIRING REVIEW**

The design standards apply within the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts located within areas of the City that were annexed prior to December 31, 1949, to new construction of principal buildings ~~within the R-4, R-5, R-6, R-7 and R-8 districts~~ and subsequent modifications to those buildings. The following categories of work do not require review under the Neighborhood Design Standard (although other building and zoning codes may apply):

1. Alterations to buildings existing at the date of enactment of these standards (date);
2. Landscape changes to existing developed sites;
3. Construction of accessory buildings on existing developed lots;
4. Any interior aspects of new or existing construction.

**Section 3. APPLICATION AND REVIEW PROCESS**

The review process in the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts is designed to parallel the current building permit review process. That is, review for compliance with the Neighborhood Design Standards will take place at the same time that other components of the building permit are examined. In doing so, all attempts are made to avoid increased time for review and approval. To facilitate this administrative review process, the applicant will be

requested to submit certain additional items with the normal building permit application. Those items are as follows:

1. At least one black or blue line print showing the principal street facade, the side facades, and the site plan of the proposed building.
2. A photograph or photographs showing the site and adjacent buildings.

#### **Section 4. GENERAL REQUIREMENTS**

##### **4.1 Building Elements**

1. New buildings shall utilize a roof type and pitch commonly found within the same and facing block front. Hipped or gable roofs with pitch of at least 22.5 degrees (6/12 pitch) are acceptable in any district. Roofs of lower pitch and other types may be compatible in specific districts, and can be proposed and approved on an individual basis. In such cases, the applicant should cite specific examples within the district comparable to the proposed building in height and to the proposed roof in type and pitch.
2. Older Existing residential structures within established neighborhoods typically share similar design features, such as a common orientation to the street, seen in the location of entrances, windows, and porches. New buildings shall provide windows oriented to the street and shall provide an entrance to a dwelling unit or to a hallway leading to a dwelling unit. Use of front porches is strongly encouraged on new construction. Garage doors for not more than two stalls are permitted on a portion of the main building facing a front lot line, provided such doors shall not occupy more than 40% of the length of the principal street facade.
3. Height of new buildings should be similar to that of older existing residences on the same and facing block fronts. New buildings shall be acceptable that are not taller than the tallest residential structure, nor shorter than the shortest residential structure, built prior to December 31, 1949 on the contiguous blockface, provided that:
  - a. the maximum allowable height shall not be reduced to less than twenty-eight (28) feet, and
  - b. if the height permitted under this section would exceed that permitted in the underlying district, the new building shall be no taller than an existing, adjacent building. Taller structures may be approved on a case-by-case basis, when a steeper roof would increase compatibility between the new building and adjacent older residences.
4. In order to encourage variation of the front elevation, up to twenty-five percent (25%) of the length of the principal street facade may be constructed up to two feet (2') into the required front yard. Use of this provision, however, cannot increase the extension of porches into a required front yard beyond that otherwise allowed in Sections 27.71.100 and 27.71.110 of the Zoning Ordinance.

5. The rhythm of ~~30-40'~~ similar width houses on ~~50'~~ similar width lots does much to establish the character of Lincoln's ~~older established~~ residential areas. Large new buildings disrupt this character, unless design measures are employed to reduce their apparent scale. New buildings over fifty feet (50') in length on the principal street facade should be designed to maintain the rhythm of the ~~smaller existing~~ adjacent buildings. Designs will be bound to meet this standard which offset the principal street facade and roof at intervals of fifty feet (50') or less. These offsets shall be at least six feet (6') in depth, and the portions of the facade offset shall equal at least 10% of the length of the facade. Alternate designs that maintain the rhythm of the block face by such means as shifts in materials with in the facade, use of multiple porches and/or dormers, and grouping of windows and entrances, may also be approved on a case-by-case basis.

## Chapter 3.75

### NEIGHBORHOOD DESIGN STANDARDS

*The Planning Department is assigned responsibility for administration of these design standards.*

#### Section 1. INTRODUCTION

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The standards focus on a limited number of basic design elements which have significant effect on compatibility, such as orientation of windows and entrances toward the street, height and massing, and location of parking. The written standards are accompanied by a sketchbook which both illustrates the basic requirements and makes suggestions of additional means and ideas to achieve greater compatibility of multi-family construction. Together, the design standards and the sketchbook are intended to encourage neighborhood associations, developers, and builders to look closely at the existing features of older areas and to think about the effect new building design has in those neighborhoods. These standards and suggestions cannot guarantee good design—only the talents and efforts of owners, designers, and builders do that—but they hopefully will eliminate certain design features that most negatively impact the character of older neighborhoods.

#### Section 2. WORK REQUIRING REVIEW

The design standards apply to new construction of principal buildings within the R-4, R-5, R-6, R-7 and R-8 districts, and subsequent modifications to those buildings.

The following categories of work do not require review under the Neighborhood Design Standards (although other building and zoning codes may apply):

1. Alterations to buildings existing at the date of enactment of these standards (date);
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2. A photograph or photographs showing the site and adjacent buildings.

### **Section 4. GENERAL REQUIREMENTS**

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- b. if the height permitted under this section would exceed that permitted in the underlying district, the new building shall be no taller than an existing, adjacent building. Taller structures may be approved on a case-by-case basis, when a steeper roof would increase compatibility between the new building and adjacent older residences.
4. In order to encourage variation of the front elevation, up to twenty-five percent (25%) of the length of the principal street facade may be constructed up to two feet (2') into the required front yard. Use of this provision, however, cannot increase the extension of porches into a required front yard beyond that otherwise allowed in Sections 27.71.100 and 27.71.110 of the Zoning Ordinance.
5. The rhythm of 30-40' wide houses on 50' lots does much to establish the character of Lincoln's older residential areas. Large new buildings disrupt this character, unless design measures are employed to reduce their apparent scale. New buildings over fifty feet (50') in length on the principal street facade should be designed to maintain the rhythm of the smaller adjacent buildings. Designs will be bound to meet this standard which offset the principal street facade and roof at intervals of fifty feet (50') or less. These offsets shall be at least six feet (6') in depth, and the portions of the facade offset shall equal at least 10% of the length of the facade. Alternate designs that maintain the rhythm of the blockface by such means as shifts in materials within the facade, use of multiple porches and/or dormers, and grouping of windows and entrances, may also be approved on a case-by-case basis.

#### **4.2 Yards and Open Space**

1. Walkways, or balconies serving more than one unit shall not be located on a portion of the building facing a front or side yard, nor shall open space credit be given for any walkways or balconies.
2. Entrances to the building shall not be located on a portion of the building facing a side lot line unless the entire building is at least ten feet (10') from that side lot line.
3. No more than one mechanical unit, such as air conditioning units, shall be located within each required front or side yard. Such accessory structures will be screened from adjacent properties if located within a required front yard or within ten feet (10') of a side lot line.
4. Care should be taken to preserve existing street trees. Any trees removed shall be replaced in accord with the city's Master Street Tree Plan, and additional trees shall be planted as necessary to reach a standard of one street tree per fifty feet (50') of street frontage.

#### **4.3 Parking**

1. No parking space shall be allowed between the building and the front property line in the R-5, R-6, R-7 and R-8 districts.
2. Trees in addition to any others required elsewhere shall be planted within five (5) feet of a parking area at the rate of one tree for every six (6) parking spaces.

#### **Section 5. APPEAL**

If the proposed building plan is found to be not in compliance with Neighborhood Design Standards, the applicant may appeal that finding to the Historic Preservation Commission. The applicant should provide the Commission with any information that demonstrates the proposed design is compatible with the affected underlying zoning district and meets the intent of the Neighborhood Design Standards.

The Historic Preservation Commission shall review the proposed design and any additional information, and shall make a written finding upholding or reversing the administrative decision. The Commission may find a design compatible that varies from specific design standards, but meets the overall intent of the Neighborhood Design Standards. If the Commission upholds an administrative finding that a design is not compatible, the Commission may recommend changes to the proposed building permit application in order to meet the intent and purpose of the Neighborhood Design Standards.

If the Historic Preservation Commission upholds a finding of non-compatibility, the applicant may appeal this finding to the City Council. The City Council shall review the Commission's recommendations in considering the applicant's request to modify or waive any of the Neighborhood Design Standards. If the Council approves a waiver(s) to these standards, the applicant may resubmit the building plans for building permit review. Should Council affirm the recommended changes by staff or Historic Preservation Commission, the applicant shall make such changes prior to resubmitting the building permit application.