LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 15, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04045

PROPOSAL: To revise the text of Sections 27.27(O-3), 27.28 (R-T), 27.31 (B-2), 27.37 (B-5), 27.65 (CUP), 27.69 (Signs), and 27.70 (Additional Use Regulations).

CONCLUSION: In conformance with the Comprehensive Plan.

RECOMMENDATION: Approval

GENERAL INFORMATION:

COMPREHENSIVE PLAN SPECIFICATIONS:

Examine ways of simplifying the development regulations and supporting documentation to encourage a broader understanding of planning concepts and their relevance to neighborhoods' and businesses' continuity and viability. (F-52)

As these are applied in the future, consideration should be given to the continued use and possible expansion of "fast track" incentives. These incentives allow development proposals to be reviewed, and possibly approved in a shorter period of time than might normally occur. (F-53)

Another procedural technique currently in use is giving the City-County Planning Commission broader approval authority for selected types of administrative actions. In some cases, the Commission can give final approval to a development proposal, thus by-passing the City Council and County Board. This saves the developer time in the review process. Appeal procedures are also part of this process should additional review by the Council or Board be desired by the applicant or others. (F-53)

ANALYSIS:

1. This is a request to amend the Zoning Ordinance text in order to simplify and streamline the development process.

2. Section 27.27 O-3, Office Park, 27.28, R-T Residential Transition, 27.31 B-2, Planned Neighborhood Business, 27.35 B-5, Planned Regional Business
   a. Eliminates the requirement that signs and accessory units be shown on the site plan for use permits.

3. Section 27.63 Special Permits
   a. Allows all special permits without height or area waivers to be final action at Planning Commission, subject to appeal to City Council. The following specail permits have been changed: Early Childhood Care facilities, Mobile Home Courts, Recreational facilities, Parking lots, Elderly and retirement

housing, Expansion of a non-conforming use, Historic preservation, WECS, Greenhouses, Planned Service Commercial, Race Tracks for motorized vehicles, Nonprofit Religious Education and Philanthropic Institutions R-6, R-7 and R-8 Districts, and Temporary Storage of Construction Equipment and Materials.

4. Section 27.65, Community Unit Plan
   a. Allows Planning Commission to act on items previously reserved for City Council, indicated as follows.
   b. Planning Commission may grant dwelling unit bonuses based on subsidized housing.
   c. Planning Commission may have final consideration of CUPs that do not request setback waivers. CUPs may be appealed to City Council.
   d. Level of compliance with site plan is changed from “strict” to “substantial” in order to simplify the approval of very minor modifications.
   e. The Planning Director may increase dwelling units by 15% cumulative additional dwelling units up to the maximum allowed for the district.
   f. Planning Commission may modify parking regulations.

5. Section 27.70.050 Requirements After Approval (Use Permits)
   a. Removes outdated language due to recent text changes.
   b. Level of compliance with site plan changed from “strict” to “substantial”, and allows the Planning Director to approve minor variations at the time of building permit.
   c. Eliminates the requirement that signs and accessory units be shown on site plans.

6. Section 27.69.083, 27.69.085, 27.69.160, 27.69.220, Signs
   a. Eliminates the requirement that signs be shown on the use permit site plan.
   b. Eliminates the sign requirements for Corporate Office Park PUDs since they are now obsolete.

7. Eliminating the requirement that signs and accessory units be shown on the site plans of use permits, as they generally should not affect the aesthetics of a project. Signs and accessory units must continue to meet the standards for signs and accessory units of the district. Planning Commission and City Council continue to have the opportunity to restrict signs and accessory units on a case by case basis.

8. In all cases, the Planning Commission may restrict the Planning Director’s administrative discretion by amending the original approval at the time of the public hearing.

9. The Planning Commission has directed that standards for signs and lighting be reviewed in the future by staff to identify needed improvements.

Prepared by:

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DATE: September 1, 2004

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04- Introduce:

ORDINANCE NO. _____

AN ORDINANCE amending Chapter 27.63 of the Lincoln Municipal Code relating to special permits by amending Sections 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170, 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580, and 27.63.590 to modify provisions within said sections to allow special permits to be approved by the Planning Commission rather than the City Council; and repealing Sections 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170, 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580, and 27.63.590 of the Lincoln Municipal Code as hitherto existing.

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

Section 1. That Section 27.63.010 of the Lincoln Municipal Code be amended to read as follows:

27.63.010 Procedures.

Certain development or uses of land by their nature tend to be incompatible with other land uses in the same zoning district, but may be found acceptable in certain circumstances when conditioned in a manner to protect abutting land uses and to protect the character of the area. ~~Special uses listed in this chapter may be authorized by the Planning Commission except in those instances where City Council authorization is specifically required.~~

Applications for a special permit under this chapter shall be filed by the owner in writing with the Planning Department on a form provided by the city. Upon filing of the application, the City Council shall refer the application to the Planning Commission. The Planning Commission may authorize, by special permit after public hearing, any of the following buildings or uses desig-

nated in this chapter as permitted special uses. Such permitted special uses shall be restricted to the particular district or districts listed under the applicable provisions below. Said special permit shall require conformance with all regulations of the applicable sections of this chapter. The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the comprehensive plan and protect the health, safety, and general welfare in the issuance of any such special permits. Where specifically authorized under the applicable provisions below for any of the buildings or uses designated in this chapter as permitted special uses, the City Council may decrease the minimum regulations of the district in which the permitted special use is located or modify the specific conditions for approval of the special permit provided the public welfare and interest of the city and surrounding area are protected and the general interest and spirit of these regulations are preserved. Unless expressly modified by the terms of the special permit, all regulations of the district in which the permitted special use is located shall apply. Copies of a plot plan of the lot and proposed uses drawn to an accurate scale and showing all pertinent information shall accompany a request for a special permit.

Section 2. That Section 27.63.070 of the Lincoln Municipal Code be amended to read as follows:

27.63.070 Permitted Special Use: Early Childhood Care Facilities.

Early childhood care facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, H-4, I-1, I-2, or I-3 zoning districts under the following conditions:

(a) The application shall be accompanied by the following information:

(1) The number of children and number of staff members on the largest shift;

(2) A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading areas, fencing, play area, and entrances/exits to such facility.

(3) If the proposed facility is for twenty-one or more children and is located in a residential district, the application must also include a conversion plan which complies with the design standards for early childhood care facilities.

(b) Prior to occupancy, such facilities shall comply with all applicable state and local early childhood care and building requirements.

(c) Facilities with twenty-one to thirty children ~~shall~~ should be located on collector or arterial streets. Facilities with thirty-one or more children ~~shall~~ should be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities.

(d) The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities.

(e) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking and loading/unloading area shall comply with the design standards for early childhood care facilities.

(f) If the proposed facility is located in an industrial district, the applicant shall submit to the Health Department, for its review and recommendation, information on the storage and use of hazardous chemicals in the vicinity, evacuation plans and internal air quality control.

~~(g) The City Council may modify these conditions, except for condition (b).~~

Section 3. That Section 27.63.120 of the Lincoln Municipal Code be amended to read as follows:

27.63.120 Permitted Special Use: Mobile Home Courts.

Mobile home courts may be allowed by special permit in the R-1, R-2, R-3, and R-4 zoning districts under the following conditions:

(a) The mobile home court has a minimum site area of ten acres.

(b) The average lot per family within the court shall not be less than the lot area per family required in the district or districts in which the mobile home court is located.

(c) Twenty-five feet shall be maintained between mobile homes, and between mobile homes and buildings, in all horizontal directions, except as otherwise provided under Section 21.56.070 of the Lincoln Municipal Code.

(d) No mobile home shall be located closer than fifty feet to any exterior property line, except when the mobile home is located adjacent to a trailer court or another mobile home court. Land within said fifty-foot exterior open space shall be permanently landscaped in accordance with the landscape design standards adopted by the City of Lincoln, except for the necessary paving of roadways and walkways to reach the mobile home area; provided, however, such landscaping shall not create a traffic hazard by impairing visibility at street and roadway intersections.

(e) Mobile homes within the mobile home court shall be required to have a setback of at least twenty feet from the pavement of private roadways.

(f) The design and construction or installation of roadways, walkways, parking spaces, utilities, drainage facilities, storage facilities, recreational facilities, landscaping, and other improvements shall comply with the written design standards established by resolution of the City Council. Said design standards shall be filed with the City Clerk and made available upon request.

(g) No mobile home court shall be occupied or otherwise used until the appropriate city official has found the same is in compliance with the resolution ~~adopted by the City Council~~ approving said special permit and all other applicable laws, regulations, and requirements.

(h) A special permit for a mobile home court shall be temporary and shall be valid only so long as the mobile home court existing thereunder complies with the resolution ~~adopted by the City Council~~ approving said special permit and all other applicable laws, regulations, and requirements.

(i) The ~~City Council~~ Planning Commission may permit uses accessory to mobile homes and mobile home courts in the nature of off-street parking facilities, private recreational facilities, and storage and maintenance facilities.

(j) If the applicant requests a combination special permit for both a mobile home court and a community unit plan, the ~~City Council~~ Planning Commission may adjust the requirements set forth in subparagraphs (c), (d), (e) and (f) when such adjustments would be consistent with the intent and purpose of this title to promote public safety and general welfare. However, this paragraph does not allow the minimum court area to be reduced to less than ten acres.

(k) Individual lots in mobile home courts may be created under the following conditions:

(1) A combination special permit for both a mobile home court and a community unit plan is granted for such mobile home court;

(2) The lot area and average lot width for each proposed lot complies with the requirements of the underlying district, and no adjustments thereto are granted under the community unit plan provisions of the required special permit;

(3) The proposed subdivision complies with the land subdivision ordinance, being Title 26 of the Lincoln Municipal Code;

(4) The proposed mobile home lots shall not include all or any portion of the private roadways within said mobile home court; and

(5) Provisions for permanent and continuous maintenance and supervision of the common areas, and private utilities and facilities shall be incorporated in covenants and restrictions governing the subdivided property and shall be approved by the City Attorney prior to filing in the office of the Register of Deeds.

Section 4. That Section 27.63.130 of the Lincoln Municipal Code be amended to read as follows:

27.63.130 Permitted Special Use: Recreational Facilities.

Recreational facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, and B-3 zoning districts, in conformance with the following conditions:

(a) The application for such special permit shall provide the following information:

(1) A statement describing all proposed accessory uses and accessory buildings to be included as part of the recreational facility.

(2) A site plan showing the location, height, and use of all structures on the parcel.

(b) Yard requirements in excess of those required in the district may be imposed. In the AG district, the City Council may decrease the yard requirements with consideration given to both the recreational facilities and the adjacent environment.

(c) Parking shall be in conformance with Chapter 27.67; additional parking requirements may be imposed; no parking shall be permitted in any required yard. The application shall include the applicant's estimate of parking needed for the proposed facility.

(d) Outdoor lighting of the recreational facility may be permitted in conformance with the requirements for lighting of parking lots in Chapter 27.67 and any standards adopted by resolution of the City Council.

(e) All buildings, including accessory buildings, shall be located so that they will not adversely affect any existing or reasonably anticipated future uses in the surrounding area.

(f) The ~~City Council~~ Planning Commission may authorize temporary structures which exceed the maximum height requirements of the district in which they are located upon a finding by the ~~City Council~~ Planning Commission that there is sufficient justification for such an adjustment and that there will be no significant adverse affect on existing or reasonably anticipated future uses in the surrounding area.

(g) As part of the special permit for a recreational facility for a golf course or country club, the ~~City Council~~ Planning Commission may permit the sale of alcoholic beverages for consumption on the premises as an accessory use to the golf course or country club, provided the applicable locational requirements of Section 27.63.680 have been met or waived by the City Council.

Section 5. That Section 27.63.170 of the Lincoln Municipal Code be amended to read as follows:

27.63.170 Permitted Special Use: Parking Lots.

(a) Parking lots may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, and O-2 zoning districts in conformance with the provisions of Chapter 27.67 and under one of the following conditions:

(1) A. The premises upon which the parking lot is located shall not be located more than 300 feet from the boundary of one of the following districts: O-1, B-1, B-3, B-4, H-2, H-3, or I-1 and the following conditions shall be met:

(i) The parking lot shall not use a local residential street for access, unless access cannot be gained to the proposed parking lot from a non-residential street. If access is proposed from a local residential street, such access must be gained at a location that does not negatively impact adjacent residential zoned property.

(ii) Any adjacent alley serving the parking lot shall be paved.

(iii) Any lighting facility shall be orientated to eliminate light trespass on adjacent residentially zoned properties in accordance with adopted design standards.

B. In addition to the above conditions, the ~~City Council~~ Planning Commission, in passing upon applications for special permits under subparagraph (1), shall also consider the following criteria:

(i) There shall be no residential use located between the parking lot and the commercial or industrial establishment.

(ii) The parking lot shall not disrupt the continuity of the block face, and the character of the existing residential neighborhood shall be preserved.

(iii) The parking lot shall be allowed only if it can function as a transitional use while protecting the adjacent residential use.

(iv) The parking lot shall abut a commercial or industrial zoning district.

An adjustment to these criteria may be granted by the ~~City Council~~ Planning Commission upon a determination that there is a sufficient cause for such an adjustment and that there will be no significant impact on adjacent residential uses, or

(2) The land shall not be located more than 360 feet from property occupied by a college, university, or church; provided that the parking lots are used primarily in connection with the said college, university, or church.

(b) Parking areas consisting of less than six parking spaces may be allowed by special permit in the same zoning districts in conformance with the same provisions and under the same conditions applicable to parking lots as contained in paragraph (a) of this section.

Section 6. That Section 27.63.210 of the Lincoln Municipal Code be amended to read as follows:

27.63.210 Permitted Special Use: Elderly or Retirement Housing.

Housing and related facilities for the elderly, either individually or in groups including accessory uses, shall be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts under the following conditions:

(a) The height and yard requirements of the district in which the proposed use is located may be adjusted to provide flexibility in the placement of buildings and to provide compatibility with surrounding uses except that solar access to adjacent buildings or potential buildings on lands under other ownership shall not be reduced by such adjustment.

(b) The minimum lot area of the district, or density requirement, shall not apply; provided, however, that the maximum number of units allowed shall be the greater of those permitted in the underlying zoning district or the community unit plan without bonuses, unless modified by sub-section (h) below.

(c) Parking areas or buildings that are of a substantially different character or size than those normally found in that district or neighborhood shall be landscaped and screened in conformance with the standards adopted by resolution of the City Council, and the requirements of Chapter 27.67.

(d) The proposed use shall not have any adverse or detrimental effect upon the values of the surrounding real property.

(e) One dwelling unit in an elderly housing project may be designated as a caretaker unit and the occupants thereof shall not be subject to the age requirements otherwise applicable to occupants of such a project.

(f) Ten percent of the dwelling units in an elderly or retirement housing project may be designated as units for handicapped persons and the occupants thereof shall not be subject to the age requirements otherwise applicable to occupants of such a project. All of the units designated as units for handicapped persons shall comply with the "Design Standards for Density Bonuses" relating to housing for the handicapped as adopted by the City Council.

(g) Any individual under sixty years of age who resides with an elderly person sixty years of age or more in an elderly or retirement housing project dwelling unit may continue to reside in that dwelling unit after such elderly person has died or due to health reasons has been relocated to a different residence.

(h) The ~~City Council~~ Planning Commission may grant, dependent upon the character of the development and effect on adjacent land uses:~~, a dwelling unit bonus. Such bonus shall be a percentage of units allowed in (b) above.~~

(1) An increase of up to fifty percent in dwelling units over the maximum number of units allowed in (b) above, provided that all of the elderly or retirement housing and related facilities (including bonus units approved in this subsection (1)) comply with section 2.1 (general standards) of the "Design Standards for Density Bonuses" as adopted by the City Council; or

(2) An increase of up to eighty percent in dwelling units over the maximum number of units allowed in (b) above; provided:

(i) That all of the elderly or retirement housing and related facilities (including bonus units approved in this subsection (2)) comply with section 2.1 (general standards) of the "Design Standards for Density Bonuses" as adopted by the City Council; and

(ii) All bonus units approved in excess of fifty percent in dwelling units over the maximum number of units allowed in (b) above comply with section 2.2 (individual unit standards) of the "Design Standards for Density Bonuses" as adopted by the City Council~~.~~; or

(3) An increase of up to one hundred percent in dwelling units over the maximum number of units allowed in (b) above, provided that all of the elderly or retirement housing and related facilities (including bonus units approved in this subsection (3)) comply with section 2.1 (general standards) and section 2.2 (individual unit standards) of the "Design Standards for Density Bonuses" as adopted by the City Council,~~. This bonus may be granted, dependent upon the character of the development and effect on adjacent land uses, when the dwelling unit bonuses provided for in subsections (1) and (2) above are not granted~~ and the proposed site meets all of the following criteria:

(i) the minimum lot area is at least two acres;

(ii) the lot is less than 2,640 feet from a designated community or neighborhood center; and

(iii) the lot is contiguous with a designated arterial street.

(i) Parking shall be in compliance with Section 27.67.040(d)(2) unless modified under Section 27.67.030(f) or under the conditions of the special permit. A parking stall with a minimum width of twelve feet shall be required at the rate of one space for every ten stalls required. Parking may be deferred or reduced where the developer substantiates the decreased need for parking. Plans

shall show the location of deferred construction and shall meet city requirements for parking lot design.

Section 7. That Section 27.63.280 of the Lincoln Municipal Code be amended to read as follows:

27.63.280 Special Permits: Expansion of Nonconforming Uses.

In all zoning districts, except the B-5 zoning district, a special permit may be granted to authorize the issuance of a building permit to permit the enlargement, extension, conversion, reconstruction or structural alteration of any building located upon premises, the use of which constitute a nonconforming use. In consideration of applications for such special permits, the following criteria shall be given specific consideration:

(a) Effects on adjacent property, traffic, city utility service needs;

(b) Density of land use zoning for the subject property and adjacent property;

(c) The degree of hardship upon the applicant which would be caused by failure to grant such a permit.

Signs permitted in the most restrictive zoning district in which the nonconforming use is allowed as a permitted or a conditional permitted use may be approved as part of the enlargement, extension, conversion, reconstruction, or structural alteration of any building located upon premises, the use of which constitutes a nonconforming use; provided, that the total sign area permitted by the underlying district in which the nonconforming use is located shall not be exceeded unless the ~~City Council~~ Planning Commission finds that:

(1) The sign or signs and their illumination, if any, will not adversely affect the surrounding area; and

(2) The sign or signs are necessary for the expansion of the nonconforming use.

Section 8. That Section 27.63.400 of the Lincoln Municipal Code be amended to read as follows:

27.63.400 Permitted Special Use: Historic Preservation.

In any zoning district a special permit may be granted to allow the preservation of a historic structure or site and the reuse thereof. This permit shall be limited to structures or sites designated as landmarks under Chapter 27.57.

(a) The ~~City Council~~ Planning Commission may approve, by special permit, any use of a historic structure or site in any zoning district after review and consideration of the following:

(1) The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district;

(2) The extent to which economic factors necessitate the change in use;

(3) The extent of proposed exterior change to the structure or site;

(4) The impact on the surrounding area;

(5) The compatibility of the proposed use to the structure or site and the surrounding area; and

(6) The manner in which the public will be benefitted by such proposed use.

(b) The applicant shall submit with the application for a special permit the following:

(1) A plan of the existing and proposed grounds surrounding the structure or site, including outdoor furniture and plant material;

(2) A parking layout;

(3) Details regarding all proposed exterior modifications of the structure or site;

(4) Details of how the preservation of the structure or site is to be accomplished;

(5) Signs proposed for the structure or site; and

(6) Information concerning the economic use of the property.

(c) The Historic Preservation Commission shall review the proposal for reuse for the structure or site, including information regarding the above criteria, and for compliance with the guidelines developed for that landmark. The Preservation Commission shall make its recommendation to the Planning Commission prior to the public hearing required under Section 27.63.020~~; and after such hearing, the Planning Commission shall forward its recommendations and those of the Preservation Commission to the City Council~~. Upon approval of the special permit by the ~~City Council~~ Planning Commission, a certificate of appropriateness shall be deemed to have been granted for any changes needing a certificate under Chapter 27.57 and shown in the application for special permit.

(d) The parking requirements of Chapter 27.67 may be modified for a structure designated as a landmark under Chapter 27.57, where modifications to the requirements of Chapter 27.67 are necessary to ensure preservation of the landmark.

(e) The sign requirements of Chapter 27.69 may be modified as described in Section 27.69.160 of the Lincoln Municipal Code, varying yard requirements and permitted number of signs, provided the Historic Preservation Commission has granted a certificate of appropriateness for the proposed signs, and the ~~City Council~~ Planning Commission has considered the following:

(1) The impact of the sign or signs and their illumination, if any, on the surrounding area;

(2) The appropriateness of the sign or signs and their locations for the landmark and its site; and

(3) The necessity of the sign or signs for the proposed uses.

Section 9. That Section 27.63.420 of the Lincoln Municipal Code be amended to read as follows:

27.63.420 Permitted Special Use: Wind Energy Conversion Systems (WECS).

In any zoning district, except the AG and AGR, a special permit may be granted to allow wind energy conversion systems (WECS). For purposes of this section, a wind energy conversion system is defined as any device, such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of usable energy. A special permit may be granted by the ~~City Council~~ Planning Commission subject to the following conditions:

(a) The distance from all lot lines to any tower support base of the WECS shall be determined according to the following WECS setback table. Intermediate rotor size distances shall be interpolated. The ~~City Council~~ Planning Commission may grant a reduction in the specific setback table distance when it finds that such reduction shall not adversely affect surrounding property and is consistent with the intent of this title to promote the public health, safety, and general welfare.

WECS SETBACK TABLE

Rotor Diameter in Feet	Setback Distance
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40	385

(b) The distance from any tower support base of a WECS to any tower support base of another WECS under other ownership shall be a minimum of five rotor distances figured by the size of the largest rotor. The ~~City Council~~ Planning Commission may grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS.

(c) The WECS operation shall not cause interference to the radio and television reception on adjoining property.

(d) To limit climbing access to the WECS tower, a fence six feet high with a locking portal shall be placed around the WECS tower base or the tower climbing apparatus shall be limited to no lower than twelve feet from the ground, or the WECS tower may be mounted on a roof top.

(e) Data pertaining to the machine's safety and stability shall be filed with the application. Such data shall include safety results from tests conducted by the Rocky Flats testing facility or other testing facilities.

(f) The applicant shall provide covenants, easements, or similar documentation from the abutting owners providing access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on the site.

(g) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to WECS.

Section 10. That Section 27.63.430 of the Lincoln Municipal Code be amended to read as follows:

27.63.430 Permitted Special Use: Greenhouses.

Greenhouses are intended to be located in areas of special consideration such as designated flood plains and noise hazard districts or in urban fringe or large lot developments where such use will not have an adverse impact on surrounding residential uses. Greenhouses shall be allowed by special permit in the R-3 district under the following conditions:

(a) The minimum lot area is at least two acres;

(b) No retail sales shall be conducted on the premises;

(c) The greenhouse is an accessory use to a main residential use;

(d) All materials are stored inside buildings;

(e) Not more than twenty-five percent of the lot area may be devoted to such use;

(f) The proposed use shall not have any adverse or detrimental effect upon the values of the surrounding land uses;

(g) In order to assure such use is compatible with surrounding uses, the ~~City Council~~ Planning Commission may impose ~~such~~ more restrictive height, area, parking, and sign requirements as may be necessary.

Section 11. That Section 27.63.470 of the Lincoln Municipal Code be amended to read as follows:

27.63.470 Permitted Special Use: Planned Service Commercial.

Planned service commercial development may be allowed by special permit in the H-4 General Commercial District under the following conditions:

(a) The uses approved within a planned service commercial development shall be limited to:

(1) Automobile, motorcycle, and four-wheel truck sales;

(2) Warehouses;

(3) Mini-warehouses;

(4) Wholesale and distribution centers not exceeding 30,000 square feet in floor area per building, provided outside storage is permitted only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the stored material and equipment is less than the height of the fence, wall, and gates enclosing the storage area. The fence, wall, and gates shall be located where buildings are permitted;

(5) Service centers for the repair of household appliances and lawn and garden equipment, provided outdoor storage of items to be repaired are permitted only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the items to be repaired are less than the height of the fence, wall, and gates enclosing the storage area and no salvage or scrap processing operation shall be permitted. The fence, wall, and gates shall be located where buildings are permitted;

(6) Dwellings for caretakers employed and required to reside on the premises;

(7) Ambulance services;

(8) Hospitals and clinics for animals but not open kennels;

(9) Contractors' office and storage, including electrical, plumbing, heating, and air-conditioning contractors, provided outdoor storage of equipment and materials shall be permitted only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the stored equipment and material are less than the height of the fence, wall, and gates enclosing the storage area. The fence, wall, and gates shall be located where buildings are permitted;

(10) Restaurants;

(11) Service stations;

(12) Stores or shops for retail sales and services not exceeding 30,000 square feet in floor area per building; provided, there is at least four and one-half square feet of land area excluding other uses and their accessory uses within the approved special permit area per one square foot of floor area;

(13) Food storage lockers;

(14) Clubs, provided the activities are located no less than 150 feet from an abutting residential district;

(15) Private recreational facilities; provided they are located within the building and no less than 150 feet from an abutting residential district;

(16) Offices not exceeding 15,000 square feet of floor area per building; provided that there is at least four and one-half square feet of land area excluding other uses and their accessory uses within the approved special permit area per one square foot of floor area;

(17) Early childhood care facilities, provided that such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities. In addition, such facilities shall comply with all applicable state and local early childhood care requirements and all applicable building and life safety code requirements;

(18) Cabinet shops and stores; provided that the total floor area of the operation does not exceed 5,000 square feet and that all materials, both raw and finished, be stored inside;

(19) Churches;

(20) Automobile repair, including vehicle body repair shops, provided that all disabled vehicles and all new and used parts are stored inside the building only;

(21) Private schools;

(22) Banks, savings and loan associations, credit unions, and finance companies;

(23) Broadcast towers;

(24) Automobile/truck wash facility:

(i) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the Guidelines and Regulations for Driveway Design and Location as adopted by the City of Lincoln.

(ii) Self-service, coin-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the Guidelines and Regulations for Driveway Design and Location as adopted by the City of Lincoln..

(b) An applicant for a special permit under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established for those districts requiring use permits.

(c) Each application for a special permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas, and around proposed buildings. The applicable standards shall be those adopted by resolution of the City Council for those districts requiring use permits.

(d) The City Council may increase or decrease the height and area regulations and the floor area to land area ratios otherwise applicable in the H-4 General Commercial District, consistent with adequate protection of the environments of adjacent land uses;

(e) That the land surrounding the tracts for the proposed planned service commercial development will not be adversely affected;

(f) That upon approval of a planned service commercial development, the land proposed to be included within such development shall not be developed for or devoted to any other permitted use or specially permitted use of the H-4 General Commercial District, except those specifically approved in the special permit authorizing the planned service commercial development, unless an amendment thereto has been approved ~~by the City Council~~ in accordance with the procedures set forth for approving special permits generally.

Section 12. That Section 27.63.530 of the Lincoln Municipal Code be amended to read as follows:

27.63.530 Permitted Special Use: Domiciliary Care Facilities.

Facilities to provide domiciliary care may be allowed in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts under the following conditions:

(a) Parking shall be in conformance with Section 27.67.040(d)(13) unless modified under the condition of the special permit, provided that no parking shall be permitted in the required front or side yards.

(b) Domiciliary care facilities shall be licensed to comply with all state requirements for domiciliaries and/or residential care facilities.

(c) The total number of client or employee residents shall not exceed the lot area ratio below except as provided for in this section, and provided that all facilities may have up to four individuals sixty years of age or older and one family acting as the residential caretaker:

(i) R-1 zoning district: One person per 3,000 square feet of lot area;
(ii) R-2 zoning district: One person per 2,000 square feet of lot area;
(iii) R-3 zoning district: One person per 2,000 square feet of lot area;
(iv) R-4 zoning district: One person per 1,000 square feet of lot area;
(v) R-5 zoning district: One person per 750 square feet of lot area;
(vi) R-6 zoning district: One person per 750 square feet of lot area;

(vii) R-7 zoning district: One person per 750 square feet of lot area;

(viii) R-8 zoning district: One person per 750 square feet of lot area.

(d) Depending on the character of the development and impacts on adjacent land uses, the ~~City Council~~ Planning Commission may grant an increase in the number of residents allowed in (d) above where the site plan and building plans comply with the barrier-free standards in the design standards as adopted by the City Council. Such increase shall not exceed fifty percent.

(e) The height and yard requirements of the district in which the proposed use is located shall apply provided, however, that if the area of the lot is one acre or more, the height requirement of the district may be adjusted to provide flexibility in the design of buildings and to provide compatibility with surrounding uses except that solar access to adjacent buildings or potential buildings on land under other ownership shall not be reduced by such adjustment.

Section 13. That Section 27.63.570 of the Lincoln Municipal Code be amended to read as follows:

27.63.570 Permitted Special Use: Race Tracks For Motorized Vehicles.

Race tracks for motorized vehicles may be allowed by special permit in the AG and I-1 zoning districts in conformance with the following conditions:

(a) The application shall be accompanied by the following information:

(1) A plot plan drawn to an accurate scale showing the layout of the entire site including the track, seating area, restrooms, parking lot, concession stands, lighting facilities, and other pertinent information.

(2) Proposed water and sewer systems.

(3) Drainage and grading plan.

(4) Description of racing program including the type, number and average speed of motorized vehicles and time and frequency of operations.

(5) Landscaping and screening plan.

(6) Proposed measures to mitigate potential adverse environmental impacts, such as air quality, noise and glare.

(b) For sites located within the 65dB Ldn contour north of U.S. Highway 34 and any areas within the 70dB and 75dB Ldn contours of the Airport Environs Noise District as shown on the Airport Environs Noise District Map, the site shall contain at least twenty acres of land in the I-1 district and thirty acres of land in the AG district. For all other sites located within the city's zoning jurisdictions, except where race tracks are prohibited under Chapter 10.20, the site shall contain at least thirty-five acres of land in the I-1 district and fifty acres in the AG district.

(c) The proposed water, sewer and drainage facilities shall be reviewed and approved by the Department of Public Works and Utilities and the Health Department.

(d) The operation of the race track shall not create an A-weighted sound level (dBA) which exceeds 50 dBA, measured as a two minute equivalent A-weighted sound level (Leq) at any point beyond one mile from the center of the track. Longer or shorter Leq periods may be used that are appropriate to the type of racing event involved after consultation with the track operator. This restriction shall not apply to any area within the 65, 70, and 75 dB Ldn contours of the Airport Environs Noise District. To determine any noise level, a laboratory certified noise level meter meeting American National Standards Institute (ANSI) standards shall be used.

(e) The site shall not be located within the inner areas of approach zones to the runways at the Lincoln Municipal Airport as defined in Section 27.59.030 of this title.

(f) The site shall not be located in prime agricultural land and areas designated for residential use, rural use, parks and open space, and the major ecological and environmental protection areas in accordance with the Comprehensive Plan.

(g) The center of the race track shall be located at least one mile away from existing hospitals and churches, and residential areas, rural use areas, and parks and open space as designated by the Comprehensive Plan, provided that the ~~City Council~~ Planning Commission may adjust such distance criteria if the race track is located within the 65 dB Ldn contour in the Airport Environs Noise District. Such an adjustment shall be granted only upon a determination by the ~~City Council~~ Planning Commission that the proposed race track will not adversely affect adjacent land uses.

(h) The site shall be readily accessible from a major street or paved road with adequate access for law enforcement and emergency vehicles.

(i) The developer of a race track shall notify all residents within one mile of the center of the track if located in the AG district or within one-half mile of the center of the track if located in the I-1 district concerning the proposed race track. Receipts of such notice is mandatory as a condition precedent to the Planning Commission's public hearing.

(j) The site shall be located within reasonable reach of existing fire protection facilities. A report thereon shall be obtained from the fire protection district or authority in which the site is located.

Section 14. That Section 27.63.580 of the Lincoln Municipal Code be amended to read as follows:

27.63.580 Permitted Special Use: Nonprofit Religious, Educational and Philanthropic Institutions; R-6, R-7 and R-8 Districts.

Nonprofit religious, educational and philanthropic institutions may be allowed by special permit in the R-6, R-7 and R-8 zoning districts under the following conditions:

(a) The amount of parking required shall be equal to the amount which would otherwise be required for the use as set forth in Chapter 27.67 which is most analogous to the use proposed in connection with such religious, educational or philanthropic institution as determined by the

Planning Director. All required parking shall be located on the lot unless otherwise specifically approved by the ~~City Council~~ Planning Commission, but in no event shall required parking be located more than 300 feet from the lot upon which the use is located.

(b) No such use shall render a service which is customarily carried on as a business nor shall any such use be approved which involves printing, publishing, manufacturing, or other industrial uses on the premises.

(c) All signage shall be in conformance with the district regulations as set forth in Chapter 27.69 of this code.

Section 15. That Section 27.63.590 of the Lincoln Municipal Code be amended to read as follows:

27.63.590 Permitted Special Use: Temporary Storage of Construction Equipment and Materials.

Temporary storage of construction equipment and materials may be allowed by special permit in the AG zoning district under the following conditions:

(a) The site shall be located in or within one mile of the future urban area as designated in the Comprehensive Plan.

(b) Such use shall comply with the height, and area regulations of the AG district; except that the City Council may reduce the minimum lot area to seven acres.

(c) The combined area of indoor and outdoor storage on the site shall not exceed two acres and such area shall be fenced.

(d) The building and outdoor storage area shall be screened in accordance with city design standards.

(e) Such use shall be permitted for a limited period of time not to exceed fifteen years which shall be determined by the ~~City Council~~ Planning Commission with reference to the anticipated

urbanization of the surrounding area in accordance with the Comprehensive Plan and the Capitol Improvements Plan. The permittee may request one administrative amendment for an extension of the use up to five years.

Section 16. That Sections 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170, 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580 and 27.63.590 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

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

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2004:

_____
Mayor

04- Introduce:

ORDINANCE NO. _____

AN ORDINANCE amending Chapter 27.65 of the Lincoln Municipal Code relating to community unit plans by amending Section 27.65.020 to amend the general requirements to grant the Planning Commission to approve the special permit and to allow the plan to propose modifications to the height and area regulations of the district in which the community unit plan is located; by amending Section 27.65.030 to eliminate references to City Council approval of community unit plans, establishing standards for the Planning Commission to follow in approving or denying an application for a community unit plan, and providing for an appeal from the Planning Commission's decision to the City Council by an aggrieved party; by repealing Section 27.65.040 to eliminate City Council final action on the application; by amending Section 27.65.050 to revise provisions regarding development of the community unit plan after its approval; by amending Section 27.65.060 to grant the Planning Director limited authority to approve minor increases in the number of dwelling units and to approve minor internal changes to the applicable setback, yard or height requirements within a community unit plan; by amending Section 27.65.070 to delete the need for the City Clerk to sign a certificate showing approval or disapproval by the City Council; by amending Section 27.65.090 to allow the Planning Commission to modify parking requirements under specified conditions; and repealing Sections 27.65.020, 27.65.030, 27.65.050, 27.65.060, 27.65.070, and 27.65.090 of the Lincoln Municipal Code as hitherto existing.

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

Section 1. That Section 27.65.020 of the Lincoln Municipal Code be amended to read as follows:

27.65.020 General Requirements.

The owner or owners of any tract of land in the R-1, R-2, R-3, R-4, R-5, or R-6 zoning district which is one acre or more in area; in the AG zoning district which is seventy-five acres or more in area; or in the AGR zoning district which is ten acres or more in area, including and up to the centerline of existing public rights-of-way abutting the tract of land may submit ~~to the City Council~~ a plan for the use and development thereof for residential purposes or for the repair and alteration of any existing residential development~~; provided, however, that the City Council shall apply the standards contained in this chapter and in Chapter 27.63 in considering all applications for community unit plans~~. The plan may propose a modification of height and area regulations of the district in which the community unit plan is located.

(a) A community unit plan may be permitted on a tract of land which is less than ten acres but more than five acres in area. The maximum permitted density on such a tract shall be calculated as provided in Section 27.65.080, and this maximum will be reduced by ten percent to accommodate the small size of the tract.

(b) A community unit plan may be permitted on a tract of land which is not more than five acres but more than one acre in area. The maximum permitted density shall be calculated as provided in Section 27.65.080, and this maximum will be reduced by twenty percent to accommodate the small size of the tract.

(c) A community unit plan may be permitted on a tract of land which is less than ten acres but more than one acre in area where such tract is bounded on at least two sides by one or more

existing community unit plans. The maximum density of such a tract shall be calculated as in Section 27.65.080.

(d) A community unit plan may be permitted on a tract of land which is ten or more acres in area. The maximum permitted density of such a tract shall be calculated as in Section 27.65.080.

(e) Notwithstanding the provisions of (a) through (d) above, where permitted in the AG Agriculture District, any community unit plan shall contain a minimum area of seventy-five acres, and in the AGR Agricultural Residential District, a minimum area of ten acres.

(f) A community unit plan which complies with the energy conservation standards adopted by the City Council and on file with the City Clerk may receive a dwelling unit bonus in accordance with the standards adopted by resolution of the City Council.

(g) Additional dwelling units may be granted ~~by the City Council~~ for each dwelling unit subsidized by the state or federal government for low-income families or as a dwelling unit bonus for the provision of barrier-free units; however, the number of additional dwelling units shall not exceed those provided in the standards adopted by resolution of the City Council.

(h) A community unit plan located in the AG or AGR zoning districts which will substantially protect an open space area as designated on the future land use plans included in the Lincoln City-Lancaster County Comprehensive Plan may receive a dwelling unit bonus provided that:

(1) The request for a dwelling unit bonus shall be accompanied by a showing of the need for protection of the open space, a description of the proposed use of the open space and any limitations there on, and the proposed method of protecting the open space which may include, but is not necessarily limited to, protective covenants, conservation or preservation easements, or similar restrictions of record.

(2) The proposed method of protecting the open space shall expressly (i) prohibit the construction or installation of any structures or other improvements in the open space for a period of 99 years, except minimal above ground structures or improvements reasonably necessary and incidental to the proposed use of the open space; and (ii) prohibit such uses as shooting ranges, basketball courts, baseball fields, football and soccer fields, racetracks, or other stadium uses, facilities for spectator sports, and any activities that would unreasonably disturb the residents of the community unit plan or the surrounding neighborhoods.

(3) The open space shall be accessible to, and available for use by, the residents of the community unit plan;

For the purposes of this subsection, "open space" shall mean land or water which is undeveloped or which is set aside for public or private outdoor recreational uses, such as parks, trail systems, golf courses, or bodies of water for swimming, fishing, or boating.

(i) A community unit plan located in the AG or AGR zoning district which will protect natural environmentally sensitive areas, whether or not shown in the Lincoln City-Lancaster County Comprehensive Plan, may receive a dwelling unit bonus provided that:

(1) The request for dwelling unit bonus shall be accompanied by a showing of the need for the protection of the natural environmentally sensitive area including documents supporting the quality or value of the area to the community or ecosystem, the use proposed for the area and any limitations thereon, and the proposed method of protecting the area which may include, but is not necessarily limited to, protective covenants, conservation or preservation easements, or other restrictions of record which insure that such areas shall remain undeveloped and preserved and which expressly prohibit any structures or other improvements or change in use of the area for a period of at least 99 years; and

(2) The density bonus, if granted, will not cause any degradation of the natural environmentally sensitive area. Appropriate buffers shall be provided to insure that such degradation does not occur; and

(3) The natural environmentally sensitive area shall be accessible to residents of the community unit plan, and may also be accessible to the public, for very low passive recreation uses. Only those improvements specifically related to the use and enjoyment of such natural environmentally sensitive area, such as walkways and trails, which have been shown by the applicant to have no detrimental effect on said area shall be permitted.

For purposes of this subsection, "natural environmentally sensitive areas" shall mean areas such as wetlands, bodies of water, native prairie, woodlands, floodplains, or other wildlife habitats, or greenway corridors which are of substantial quality or value to the community and the ecosystem and which may include such natural buffers as are necessary and of sufficient quality to protect the integrity of the natural environmentally sensitive area.

In addition, natural environmentally sensitive areas may also include degraded natural areas that the applicant proposes to fully restore provided that:

(1) The applicant shows that there is a high likelihood for successful restoration of such area;

(2) The applicant demonstrates that he or she will dedicate sufficient resources to fully restore and maintain such area; and

(3) The applicant will commence restoration of such area no later than the time at which the construction of those dwelling units which require the dwelling unit bonus commences.

(j) A community unit plan in the AG zoning district where cultivated land and pasture land is preserved for agricultural use and no new public roads are created may receive a dwelling

unit bonus provided that such land shall remain undeveloped and preserved and that protective covenants, conservation or preservation easements, or other similar restrictions of record are in place to expressly prohibit any change in use for a period of at least 99 years.

(k) A community unit plan located in the R-1, R-2, R-3, R-4, R-5, R-6, AG or AGR zoning districts which will substantially protect floodplain or floodprone areas may receive a dwelling unit bonus if a permanent conservation easement or permanent deed restriction is dedicated to preserve the floodplain or floodprone area. The bonus allotment will be proportionally equal to the amount of floodplain preserved on the site and the size of the lot as in conformance with the design standards.

(l) The dwelling unit bonuses permitted under this section shall not exceed a total of twenty percent in any community unit plan.

Section 2. That Section 27.65.030 of the Lincoln Municipal Code be amended to read as follows:

27.65.030 Procedures.

An application and plot plan and plans for development of a community unit plan under this chapter shall be filed in writing with the department of building and safety. Upon the filing of an application, together with all information required by this chapter, the City Council will refer the application to the Planning Commission. The Planning Commission shall hold a public hearing upon such application and ~~make a report to the City Council regarding~~ shall consider the effect of the proposed use upon the surrounding neighborhood, the Comprehensive Plan of the City of Lincoln, the community as a whole, and other matters relating to the public health, safety, and general welfare. ~~The City Council shall take no final action upon any application for a community unit plan filed under this chapter until a report from the Planning Commission has been filed with~~

~~the City Clerk; provided, that in the event there is a delay in excess of sixty days from the date of referral on the part of the Planning Commission in reporting its recommendations to the City Council, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting. The report of the Planning Commission to the City Council shall include reasons for recommending approval or denial of any application and if approval is recommended, shall further include~~ The Planning Commission shall approve the application upon receipt of specific evidence and facts showing that the proposed community unit plan meets the following conditions:

(a) That the land surrounding the tracts for the proposed community unit plan will not be adversely affected;

(b) That the proposed community unit plan is consistent with the intent and purpose of this title to promote the public health, safety, and general welfare;

(c) That the buildings and land in the proposed community unit plan shall be used only for single-family dwellings, two-family dwellings, townhouses, multiple dwellings, or dwellings for non-related persons and accessory uses and any other uses permitted in the zoning district in which the land is located;

(d) That the average lot area per family within the proposed community unit plan will not be less than the lot area per family required in the zoning district or districts in which the tracts of the proposed community unit plan is located, except as otherwise provided in this chapter. The lot area per dwelling for non-related persons shall not be less than the lot area required under Section 27.70.020 for the zoning district in which the use is proposed to be located.

~~(e) If an application for the community unit plan located within a floodplain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the community unit plan.~~

If after public hearing the Planning Commission finds that the proposed community unit plan does not meet the above requirements for approval, the Planning Commission may deny the application or approve the application upon condition that the applicant make specific changes in the proposed community unit plan which will remove the objection. Approval of a community unit plan shall be by special permit in conformance with Chapter 27.63. In the event the Planning Commission fails to act upon the application within sixty days from the date the application is referred to the Planning Commission, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to act no later than the commission's next regularly scheduled meeting.

Section 3. That Section 27.65.040 of the Lincoln Municipal Code be and the same is hereby repealed:

~~**27.65.040 Council Consideration of Final Action.**~~

~~Upon receipt of a report from the Planning Commission, the City Council shall proceed to give final consideration to the application and require that certain conditions be fulfilled by the applicant in conjunction with the approval of the community unit plan applied for. Approval of a community unit plan shall be by a special permit in conformance with Chapter 27.63.~~

Section 4. That Section 27.65.050 of the Lincoln Municipal Code be amended to read as follows:

27.65.050 Requirements After Approval.

Upon approval of the community unit plan by the ~~City Council~~ Planning Commission, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan with all required amendments and revisions. Thereafter, building permits and certificates of occupancy shall be issued only upon ~~strict~~ substantial compliance with the community unit plan as approved, or as amended, regardless of any regulations to the contrary with regard to the height and location of buildings, yard requirements, open space requirements, type of dwelling unit, accessory uses and the fronting of lots upon public streets set forth elsewhere in this title and applying to the zoning district or districts in which the community unit plan is located.

Section 5. That Section 27.65.060 of the Lincoln Municipal Code be amended to read as follows:

27.65.060 Community Unit Plan Amendments.

After the ~~City Council~~ Planning Commission has approved a community unit plan, including the specific plot plan, the Planning Director is authorized to approve amendments in the community unit plan provided that:

(a) A request for amendment is filed with the Planning Director, and, if appropriate, accompanied by a plot plan drawn to an accurate scale and showing all pertinent information;

(b) ~~There is no increase in the number of dwelling units~~ Minor increases in the number of dwelling units originally authorized may be approved if such increases do not exceed the maximum density allowed and such increases will not cause a significant adverse impact on existing development within the community unit plan and adjoining properties. Minor increases shall not exceed more than fifteen percent (15%) cumulative additional dwelling units;

(c) No public land will be accepted as a result of the amendment;

(d) The amendment shall not be contrary to the general purposes of this chapter as set forth in Section 27.65.010;

(e) Such amendment shall not violate any regulations set forth in this title;

(f) No reduction is made to the applicable setback, ~~or~~ yard, or height requirements for lots along the perimeter of the community unit plan. Minor internal changes to the applicable setback yard or height requirements may be made within the community unit plan if they conform to the intent of the approved plan and do not adversely impact existing development within the community unit plan;

(g) Any amendment not in conformance with this paragraph shall be submitted to the ~~City Council~~ Planning Commission in the same manner as an original community unit plan.

Section 6. That Section 27.65.070 of the Lincoln Municipal Code be amended to read as follows:

27.65.070 Form of Community Unit Plan.

A plot plan shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall contain the following information:

(a) A surveyor's certificate certifying to the accuracy of the boundary survey shown thereon, and a certificate for showing the Planning Commission's approval or disapproval, ~~and a certificate for the City Clerk to show the approval or disapproval by City Council,~~ including the date and resolution number;

(b) Date prepared, north point, scale of plot plan, and location of section lines and section corners;

(c) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on a 100-foot grid shall be required to fully indicate the topography on flat land;

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

(e) Locations and widths of all existing and proposed easements for drainage, sewers, and other public utilities and, if appropriate, access easements;

(f) Location, width, and direction of flow of all watercourses in and adjacent to the community unit plan, including the limits of the floodplain and floodway as defined in Chapters 27.52 and 27.53;

(g) The location and size of all existing and proposed sanitary and storm sewers, culverts, water mains, fire hydrants, and existing power lines and other underground structures or cables within the tract of land and adjacent streets;

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

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

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

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

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

(m) A certified accurate boundary survey showing sufficient linear, angular, and curve data to determine the bearing and length of all boundary lines of the community unit plan. Where the tract of land abuts on an existing plat, the distances, angles, and bearing of any common lines shall be shown and any differences in measurement noted. The total calculated acres within the boundaries of the community unit plan shall be shown;

(n) The following data shall be shown on each sheet of the community unit plan:

(1) The name of the community unit plan;

(2) The name, address, and telephone number of the person or company responsible for preparation of the community unit plan;

(3) North arrow, scale, date;

(4) Sheet number and the total number of sheets comprising the community unit plan.

(o) Accompanying the community unit plan, the following information shall be submitted to the Planning Department with the number of copies requested by the Planning Director:

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

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

(3) Legal description of the proposed community unit plan, including the number of acres;

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

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

(6) The proposed method of providing sanitary sewer service to the area;

(i) If a public wastewater works or community wastewater works is established, the size and location of all proposed sanitary sewers, the proposed manhole locations, any necessary extension to the existing public system or to the proposed community wastewater works, and the location of the proposed community wastewater works;

(ii) If the use of an on-site wastewater treatment system is permitted, pursuant to Section 26.27.040 of the Lincoln Municipal Code, plans for the proposed disposal system and its location on each lot must be shown. If a septic tank system is proposed, soil and percolation data and plans which show the location of one main subsurface disposal field for each lot which is proposed to be served by a septic tank system shall be shown.

(7) The proposed method of providing an adequate potable water supply;

(i) If a public, or community water system, or rural water district is used, the location and size of all proposed water mains, the proposed hydrant locations, and any necessary extension of the proposed system to existing water mains or to a proposed community well, the location of the proposed community well, and the type of water treatment to be used;

(ii) If a community water system other than a rural water district is proposed, data on the quantity and quality of the water shall be obtained from a test well within the immediate vicinity of the proposed water supply well. If an individual water well system for each

lot is proposed, data on the quantity and quality of the water shall be obtained from test wells which shall be drilled on the ratio of one to each ten acres on a grid system. The results of these preliminary tests shall in no way be construed to guarantee the quantity or quality of water to individual lots in the proposed community unit plan and the data obtained from these tests shall not be used to imply that an adequate quantity or acceptable quality of water is available in the proposed community unit plan.

(8) A drainage study prepared in accordance with the current storm sewer design standards of the city on file with the City Clerk. The following items must be included in the drainage study:

(i) A map showing the drainage area and resulting runoff from any land lying outside the limits of the community unit plan which discharges storm water runoff into or through the community unit plan;

(ii) A map showing all internal drainage areas and resulting runoff;

(iii) Proposals as to how the computed quantities of runoff will be handled;

(iv) A copy of the drainage computations.

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

shall be made on the map showing which trees or tree masses are to remain and which trees or tree masses are to be removed;

(10) A vicinity sketch showing the general location of the community unit plan in relation to existing streets, section lines, and city limits;

(11) Site grading plan showing existing and proposed contour lines with intervals at no greater distance than five feet, and if necessary, spot elevations showing complete proposed grading of the community unit plan. Also, cross-sections may be required showing existing and proposed ground lines and buildings. Information as to where fill will be obtained and the amount of the fill shall be included if all or part of the property is located within the floodplain as defined in Chapters 27.52 and 27.53. If the proposed location from which said fill is obtained is later to be changed, the developer shall inform the Public Works and Utilities Department of the location of the proposed new borrow area and obtain approval thereof from the Director of Public Works and Utilities;

(12) All deviations from the provisions of this chapter shall be fully set forth and reasons given for said deviations;

(13) In the event that said real property is located within a floodplain, the developer shall comply with all requirements pertaining to floodplains contained in the Lincoln Municipal Code and applicable state statutes.

Section 7. That Section 27.65.090 of the Lincoln Municipal Code be amended to read as follows:

27.65.090 Parking.

All parking within the community unit plan shall be regulated in conformance with the provisions of Chapter 27.67; however, the ~~City Council~~ Planning Commission may modify the parking regulations for multi-family dwellings to allow a percentage of parking spaces located on a driveway behind a garage attached to a dwelling unit to be considered as required parking stalls for creative designs otherwise meeting the purpose and intent of this chapter, provided the minimum depth of the parking spaces is 22 feet.

Section 8. That Sections 27.65.020, 27.65.030, 27.65.050, 27.65.060, 27.65.070, and 27.65.090 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 9. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2004:

_____
Mayor

DRAFT REVISION
To Use Permit Provisions
As of June 23, 2004

(Proposed amendments to use permit provisions and two amendments in the sign ordinance to correct a problem with showing signs on the site plan which is also found in the Use Permit section.)

27.70.050 Requirements After Approval.
Upon approval of a Use Permit pursuant to Chapters 27.27, 27.28, 27.31, 27.37, or 27.51, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan with all required amendments and revisions. Thereafter, building permits, certificates of occupancy and subdivisions of the property shall be issued or approved ~~only~~ upon ~~strict~~ general compliance with the plot plan as approved, or as amended. ~~, regardless of any regulations to the contrary with regard to the height and location of buildings, yard requirements, open space requirements, type of dwelling unit, accessory uses, lot frontage requirements, and the location of required parking set forth elsewhere in this title and applying to the zoning district or districts in which the use permit is located.~~ In circumstances where there are minor variations from the final plan, the Planning Director or his designee, shall review the plan and determine if the proposal is in general conformance with the spirit and intent of the approved plan.

The final plot plan shall contain the following information:

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

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

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

(d) Location, width, and direction of flow of all water courses in and adjacent to the use permit area, including the limits of the flood plain and floodway as defined in Chapter 27.55;

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

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

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

used to designate outlots in alphabetical order;

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

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

(j) Location, height, and use of proposed and existing buildings and structures with an indication as to whether an existing building or structure is to be removed or to remain, ~~and free standing signs, if any, in accordance with the provisions of Chapter 27.69;~~ (accessory buildings need not be shown on the plan, as long as they comply with all setback, floor area and code requirements)

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

(1) The name, address, and telephone number of the person or company responsible for preparation of the plot plan;
(2) North arrow, scale, date;
(3) Sheet number and the total number of sheets comprising the plot plan;

(l) The following information shall accompany the plot plan:
(1) Name, address, and telephone number of developer;
(2) Certified record owner or owners and their address;
(3) Statement of present zoning and proposed use or uses of the property;
(4) Profiles along the centerline of the proposed streets and private roadways which show the existing ground surface elevations and the proposed street grades including the length of vertical curves between changes in grade with the profiles for stub streets ending at the boundary of the use permit to be extended 300 feet beyond the limits of the use permit into subdivided and unsubdivided land;
(5) The approved method of providing sanitary sewer service to the area;
(6) The approved method of providing an adequate potable water supply;
(7) The approved drainage study;
(8) A map or an aerial photograph showing the proposed streets, private roadways, driveways, parking areas, buildings and lots which includes the locating, and identifies, by common name, all existing trees within the area of the use permit. Single trees which are three inches in caliper or larger measured five feet above the ground must be shown. However, if five or more trees are located so that each is within approximately ten feet of the edge of another tree, they will be considered a tree mass and the outline of the tree mass may be shown with a list of the common names of the trees which are within the tree mass. If the above-stated procedure is followed, the individual location of each tree within the tree mass is not necessary. An indication shall be made on the map showing which trees or tree masses are to remain and which trees or tree masses are to be removed;
(9) A vicinity sketch showing the general location of the use permit in relation to existing streets, section lines, and city limits;
(10) The approved site grading plan showing existing and proposed contour lines with intervals at no greater distance than five feet based on NAVD 1988, and if necessary, spot elevations showing complete proposed grading of the use permit, including any cross-sections required as conditions of approval showing existing and proposed ground

lines and buildings. Information as to where fill will be obtained and the amount of the fill shall be included if all or part of the property is located within the flood plain as defined in Chapter 27.55. If the proposed location from which said fill is obtained is later to be changed, the developer shall inform the Public Works and Utilities Department of the location of the proposed new borrow area and obtain approval thereof from the Director of Public Works and Utilities;

(11) The approved landscape plan. (Ord. 17857 §9; June 4, 2001: prior Ord. 17232 §20; August 18, 1997: Ord. 16949 §7; March 11, 1996: Ord. 16284 §5; December 14, 1992).

27.69.083 Permitted Signs; R-T Residential Transition District.

In the R-T zoning district, the specific regulations are as follows:

(a) The following signs only identifying or describing the name of the building and the business or services offered on the premises shall be permitted:

(1) One wall sign per building is permitted. The wall sign shall not be located on the side of the building abutting a residential district or abutting a local or collector street, as defined in the "Land Subdivision Ordinance," when the land across such street is zoned residential;

(2) One ground sign shall be permitted in each development or center. To the extent feasible, the ground sign shall be located near the entrance driveway and separated from the abutting residential districts by such entrance driveway;

(b) No sign shall exceed twenty square feet of sign area;

(c) No sign shall be located in any required yard;

(d) The ground sign shall not be more than eight feet in height;

~~(e) The location, size, and illumination of all signs, if any, shall be shown on the use permit application and shall be specifically approved as a part of said application;~~

(e ~~f) All signs shall be in keeping with the character of the area in which they are located.~~

Notwithstanding the above, for specially permitted uses of historic structures or sites approved under the provisions of Section 27.63.400 of this title, two signs per entrance may be permitted, provided that the Historic Preservation Commission has deemed those signs appropriate. (Ord. 16735 §17; February 13, 1995: prior Ord. 16649 §1; August 1, 1994: Ord. 15317 §11; October 16, 1989).

Amend Chapter 27.27 O-3 Office Park District; 27.28 R-T Residential Transition District; 27.31 B-2 Planned Neighborhood Business District; 27.37 Planned Regional Business District as follows:

In the "Use Permit: Procedures and Requirements" section eliminate "Location of proposed free-standing signs" as one of the required items to be shown on the site plan.

27.69.160 Other Permitted Signs; Special Permitted Uses.

In all residential zoning districts, special permitted uses may have the greater of the district signs or a sign identifying or describing the name of the building and the business or services offered on the premises. One sign only per special use shall be permitted if it meets the following conditions and requirements:

(a) The sign shall not be more than twenty square feet in area;

(b) The sign shall not be located in any required yard;
(c) The sign shall not be more than eight feet in height if it is not a wall sign;

~~(d) The location, size, and illumination of the sign, if any, shall be shown on the special permit application and shall be specifically approved as a part of said application;~~

(d ~~e) The sign shall be in keeping with the character of the area in which it is located.~~ Notwithstanding the above, for specially permitted commercial uses of historic structures or sites approved under the provisions of Section 27.63.400 of this title, two signs per entrance may be permitted, one of which, limited to five feet in height, may be located in a required front yard, provided that the Historic Preservation Commission has deemed those signs appropriate. (Ord. 16735 §23; February 13, 1995: prior Ord. 15823 §2; February 11, 1991: Ord. 14613 §23; March 9, 1987).

27.69.220 Other Permitted Signs; Complex or Subdivision Area Signs.

(a) In all residential zoning districts, on-premises ground signs not exceeding thirty-two square feet in area or five feet in height shall be permitted to identify a multiple-dwelling complex or a subdivision area.

(b) ~~When part of a landscape screen approved by the Planning Director,~~ The following ground signs, not exceeding twenty square feet in area or six feet in height and identifying a multiple-dwelling complex or subdivision area, may be located in the required front yard or building line district:

(1) Up to two signs may be located at each entrance to the multiple-dwelling complex or subdivision area.

(2) If the multiple-dwelling complex or subdivision area abuts an intersection with an arterial street, one sign per arterial frontage may be located at the corner of the intersection with the arterial street.

Such signs may be illuminated by a ground light. Any sign located in the building line district shall be moved at the sole cost of the owner when necessary for public use. (Ord. 16959 §1; March 25, 1996: prior Ord. 16735 §28; February 13, 1995: Ord. 14613 §29; March 9, 1987).

~~**27.69.085 Permitted Signs; Corporate Office Park Planned Unit Development.**~~

~~In the R-3 district where a corporate office park planned unit development is applied, the specific regulations are as follows:~~

~~(a) Pole and roof signs. No pole or roof signs are allowed.~~

~~(b) Ground signs. One on-premises building identification ground sign shall be permitted per building per street frontage. Said sign shall not exceed seventy-five square feet in area, and shall have a maximum height of eight feet. Said sign shall include the building address.~~

~~(c) Wall signs.~~

~~(1) One on-premises building identification wall sign shall be permitted per building. The sign area of such wall sign shall not exceed ten percent of the building's largest facade, or 100 square feet, whichever is lesser.~~

~~(2) In addition to the above, each tenant shall be allowed one on-premises entrance wall sign not to exceed ten square feet of sign area, provided that the total sign area of all tenant wall signs shall not exceed thirty-two square feet per facade. Tenant wall signs shall be located no further than fifty feet from a building entrance door.~~

~~(d) Other signs.~~

~~(1) Office park area sign; signs for major entrances. One on-premises multiple-sided ground sign, not to exceed 100 square feet in area per side or 200 square feet total area, whichever is less; or, two on-premises single-sided ground signs, not to exceed 100 square feet in area per sign shall be permitted at each major entrance to the corporate office park planned unit development. Said ground signs shall have a maximum height of eight feet. Said ground signs may be located in a required yard if approved as part of the landscape plan and sign plan.~~

~~(2) Office park area sign; signs for minor entrances. One on-premises multiple-sided ground sign, not to exceed forty square feet in area per side or eighty square feet total area, whichever is less; or, two on-premises single-sided ground signs, not to exceed forty square feet in area shall be permitted at each minor entrance to the corporate office park planned unit development. Said signs shall have a maximum height of six feet. Said signs may be located in a required yard if approved as part of the landscape plan and sign plan.~~

~~(3) Internal directory ground signs. One on-premises internal directory sign shall be permitted at each major entrance to the corporate office park planned unit development. Said signs shall not exceed fifty square feet in area and six feet in height.~~

~~(e) Temporary identification signs.~~

~~(1) Real estate signs allowed under Section 27.69.100 shall not exceed twenty square feet in area and eight feet in height in the corporate office park planned unit development.~~

~~(2) Construction signs allowed under Section 27.69.130 shall meet the following provisions: One temporary sign per corporate office park planned unit development shall be permitted at the construction site upon commencement of construction to identify the nature of the construction and those persons or firms associated with it, including contractors, architects, finance companies, and owners. Such sign shall be permitted until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy, or the tenant is occupying such building(s), whichever occurs first. Such sign shall not exceed thirty-two square feet of area and eight feet in height. Such sign may be added to the future tenant identification sign.~~

~~(3) Future tenant identification sign. One temporary sign per corporate office park planned unit development shall be permitted at the construction site to identify the name of the future tenant. Such sign shall be permitted until such time as a final inspection of the building(s)~~

~~designates said structure(s) fit for occupancy, or the tenant is occupying such building(s), whichever occurs first. Such sign shall not exceed thirty-two square feet of area and eight feet in height.~~

~~(f) General conditions for corporate office park planned unit development signs.~~

~~(1) All signs ten square feet in area and over shall be shown as part of the sign plan approved as a part of the development. Said sign plan shall include covenants of sign design for the entire development.~~

~~(2) Signage in corporate office park planned unit developments shall provide for a system of signs with features that make an orderly and pleasant visual impact on the total development and area immediately adjacent to the park.~~

~~(3) Supporting and ancillary structures shall not be more than two times the allowed sign area.~~

~~(4) No off-premises signs are allowed. (Ord. 15164 §8, May 8, 1989).~~

Memo

Lincoln
Parks & Recreation

To: **Becky Horner, Planning Department**

From: **Mark Canney, Parks & Recreation**

Date: **April 21, 2004**

Re: **Text Change 27.70.050 Use Permits**

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

Memorandum

To:	Becky Horner, Planning Dept.
From:	Dennis Bartels, Engineering Services
Subject:	Text Change to 27.70.050 Use Permits
Date:	July 20, 2004
cc:	Randy Hoskins

The proposed text changes to 27.70.050 to allow minor changes to use permits without amendments and changes to the use permit sign requirements are satisfactory to Engineering Services.

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO:	Becky Horner	**DATE:**	July 22, 2004
DEPARTMENT:	Planning	**FROM:**	Chris Schroeder
ATTENTION:		**DEPARTMENT:**	Health
CARBONS TO:	EH File EH Administration	**SUBJECT:**	Misc #04009 CUP Design Standards

The Lincoln-Lancaster County Health Department has reviewed the proposed revised community unit plan design standards and does not object to the proposed modifications.