

CITY PLANNING COMMISSION
LINCOLN CITY - LANCASTER COUNTY
PLANNING COMMISSION
CITY HALL, LINCOLN 8, NEBRASKA
No. 57

1953
REVISED ZONING
ORDINANCE
of the
CITY of LINCOLN
Nebraska

ORDINANCE NO. 5636

Effective November 17, 1953

Price
ONE DOLLAR

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ZONE ORDINANCE

for

Lincoln, Nebraska

ORDINANCE NO. 5636

An ordinance to regulate and restrict the location of trades and industries and the location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings; to regulate and determine the area of yards, courts and other open spaces and establish building lines including to require parking spaces to lessen congestion in the streets and to facilitate the adequate provision of transportation; the regulation of the intensity of land use to regulate the concentration of population; to regulate fences; to safeguard adequate provision for water, sewerage, schools, parks and other public requirements; to secure safety from fire and other dangers; to promote the public health and welfare; and for these purposes to divide the City and the area within three miles of the corporate limits thereof into districts and classify the same; to provide for the appointment of a Board of Adjustment; to prescribe penalties for the violation of said regulations, limitations and restrictions; to repeal Ordinance No. 4003 passed March 26, 1945, as amended by Ordinance No. 4077 passed January 14, 1946, Ordinance No. 4270 passed July 14, 1947, Ordinance No. 4279 passed July 28, 1947, Ordinance No. 4385 passed March 22, 1948, Ordinance No. 4557 passed February 7, 1949, Ordinance No. 4605 passed July 18, 1949, Ordinance No. 4712 passed February 14, 1950, Ordinance No. 4734 passed March 20, 1950, Ordinance No. 4757 passed April 24, 1950, Ordinance No. 5061 passed September 17, 1951, Ordinance No. 5089 passed October 15, 1951, Ordinance No. 5155 passed March 3, 1952 and Ordinance No. 5483 passed April 27, 1953, and all ordinances amending the Property Regulation Map attached to and made a part of said Ordinance No. 4003, and all ordinances and parts of ordinances in conflict herewith.

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

ARTICLE I

PURPOSE AND TITLE

Section 101. Purpose. This ordinance has been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations have been made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Lincoln and the area within three miles thereof.

Section 102. Title. This ordinance shall be known, referred to and recited as the 1953 Revised Zoning Ordinance of the City of Lincoln.

ARTICLE II

DEFINITIONS

Section 201. For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

Section 202. Accessory Buildings and Uses: A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

Section 203. Alley: A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

Section 204. Apartment: A room or suite of rooms in a multiple dwelling, or where more than one living unit is established above non-residential uses, intended or designed for use as a residence by a single family including culinary accommodations.

Section 205. Apartment Hotel: An apartment building under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, cosmetologists shop, cigar stand or news stand,

when such uses are located entirely within the building with no entrance from the street nor visible from any sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use.

Section 206. Apartment House: See Dwelling, Multiple.

Section 207. Basement: A story having part but not more than one-half ($\frac{1}{2}$) its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

Section 208. Boarding House: A building other than a hotel, where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons, including nursing homes with less than twenty-one (21) patients.

Section 209. Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property. Poles used for the support of wires and appurtenant equipment for supplying public utility services shall not be considered as buildings or structures under this ordinance.

Section 210. Buildings, Height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Section 211. Cellar: A story having more than one-half ($\frac{1}{2}$) of its height below grade. A cellar is not included in computing the number of stories for purpose of height measurement.

Section 212. Clinic: A Clinic is an establishment where patients are admitted for special study and treatment by a group of physicians practicing medicine together.

Section 213. District: A section or sections of the City of Lincoln and the area within three miles thereof for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Section 214. Dwelling: Any building or portion thereof which is designed and used exclusively for residential purposes.

Section 215. Dwelling, Single-Family: A building having accommodations for and occupied exclusively by one (1) family.

Section 216. Dwelling, Two-Family: A building having accommodations for and occupied exclusively by two (2) families.

Section 217. Dwelling, Multiple: A building having accommodations for and occupied exclusively by more than two (2) families.

Section 218. Family: One or more persons occupying a

premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.

Section 219. Floor Area: The total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements.

Section 220. Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Section 221. Garage, Private: An accessory building designed or used for the storage of not more than four (4) vehicles owned and used by the occupants of the building to which it is accessory.

Section 222. Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing vehicles.

Section 223. Garage, Storage: A building or portion thereof designed or used exclusively for housing more than four (4) vehicles.

Section 224. Grade:

(a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

(c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street and where no sidewalk exists the sidewalk grade shall be established by the City Engineer.

Section 225. Home Occupation: Any occupation or activity carried on by a member of the family residing on the premises, in connection with which there is used no sign other than a name plate not more than one (1) square foot in area, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises, except that which is prepared on the premises in connection with such occupation or activity; there is no person employed other than a member of the family residing on the premises; and there is no mechanical equipment used except of a type that is similar in character to that normally used for purely domestic or household purposes.

Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his profession.

Section 226. Hotel: A building used as a transient abiding place of more than twenty (20) persons who are for compensation lodged with or without meals.

Section 227. Institutions: A non-profit corporation or a non-profit establishment for public use.

Section 228. Lodging House: A building or place where lodging is provided (or which is equipped to provide lodging regularly) by prearrangement for definite periods, for compensation, for three (3) or more persons in contradistinction to hotels open to transients.

Section 229. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this ordinance, and having its principal frontage upon a street or upon an officially approved place.

Section 230. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

Section 231. Lot, Depth of: The main horizontal distance between the front and rear lot lines.

Section 232. Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Section 233. Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Lancaster County at the time of the adoption of this ordinance, provided that said lot has a frontage of not less than forty (40) feet; or, an Irregular Tract lot as described by a deed recorded with the Register of Deeds of Lancaster County at the time of the passage of this ordinance, provided such lot is numbered and described by the County Surveyor at the time of the passage of this ordinance and is not greater in area than one (1) acre at the time of the passage of this ordinance.

Section 234. Non-Conforming Use: Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto, which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated.

Section 235. Office Building: A building designed for or used as the offices of professional, commercial, industrial, religious institutional, public or semi-public persons or organizations, pro-

vided no goods, wares or merchandise shall be prepared or sold on any premises except that a portion of an office building may be occupied and used as a drug store, barber shop, cosmetologists shop, cigar stand or news stand, when such uses are located entirely within the building with no entrance from the street nor visible from any sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use.

Section 236. Parking Space: An area, enclosed or unenclosed, sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Section 237. Place: An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

Section 238. Rooming House: See Lodging House.

Section 239. Service Stations: Any building or premises where automotive fuels are stored underground and made available for sale and dispensing through fixed equipment into fuel supply tanks of motor vehicles and where automobile lubricants, supplies and accessories and related services to motorists may or may not be available except that if the sale and dispensing of automotive fuels is incident to the conduct of a public garage, the premises are classified as a public garage.

Section 240. Signs: Any outdoor advertising having a permanent location on the ground or attached to or painted on a building including bulletin boards, bill boards, and poster boards. A **Banjo Sign** is a sign having a total area of not more than thirty (30) square feet the advertising content of which is not closer than ten (10) feet to the surface of the ground.

Section 241. Street: All property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to public or private easement therefor.

Section 242. Street Centerline: A line midway between street lines.

Section 243. Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Section 244. Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than sixty (60) percent of the floor area is finished off for use.

Section 245. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.

Section 246. Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, and pergolas, provided the foregoing shall not apply to gasoline pumps and gasoline pump islands in the "G" Local Business and "H-1" Highway Business districts which shall be located not less than twelve (12) feet from the nearest property line.

Section 247. Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls.

Section 248. Tourist Home: A building in which not to exceed twenty (20) rooms are rented to transients.

Section 249. Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Section 250. Yard, Front: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projection of the usual steps, unenclosed balconies, or open porch.

Section 251. Yard, Rear: A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Section 252. Yard, Side: A yard between the main building and the side line of the lot being the minimum horizontal distance between the building and the side yard line, and extending from the front lot line to the rear yard line.

ARTICLE III

DISTRICTS AND BOUNDARIES THEREOF

Section 301. In order to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts,

and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, the City of Lincoln, Nebraska, and the area within three miles of the corporate limits thereof, is hereby divided into districts, of which there shall be fifteen (15) in number known as—

- “AA” Rural and Public Use District
- “A-1” Single-Family Dwelling District
- “A-2” Single-Family Dwelling District
- “B” Two-Family Dwelling District
- “C” Four-Family Dwelling District
- “D” Multiple Dwelling District
- “E” Multiple Dwelling District
- “F” Restricted Commercial District
- “G” Local Business District
- “H-1” Highway Business District
- “H-2” Highway Commercial District
- “I” Commercial District
- “J” Business District
- “K” Light Industrial District
- “L” Heavy Industrial District

Section 302. The boundaries of the districts are shown upon the maps which are attached hereto and made a part of this ordinance, which maps are designated as the “District Maps”. The district maps and all the notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if the district maps and all the notations, references and other information shown thereon were all fully set forth or described herein.

Section 303. Whenever any street, alley, or other public way is vacated by official action of the City Council of the City of Lincoln, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Section 304. All unincorporated territory which may hereafter come within three miles of the City limits by virtue of annexations to the City of Lincoln shall be immediately placed and continued in the “AA” Rural and Public Use District until otherwise changed by ordinance.

Section 305. Except as hereinafter provided:

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
2. No building shall be erected, converted, enlarged, recon-

structed or structurally altered to exceed the height limit or the floor area limit herein established for the district in which the building is located.

3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area and parking regulations of the district in which the building is located.

4. The minimum yards and other open spaces, including lot area per family, required by this ordinance for each and every building at the time of passage of this ordinance or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other buildings, nor shall any lot area be reduced beyond the district requirements of this ordinance.

5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as otherwise provided herein in Articles XX and XXI.

ARTICLE IV

“AA” RURAL AND PUBLIC USE DISTRICT REGULATIONS

Section 401. The regulations set forth in this Article or set forth elsewhere in this ordinance, when referred to in this Article, are the district regulations in the “AA” Rural and Public Use District.

Section 402. Use Regulations: A building or premises shall be used only for the following purposes:

1. Farming, truck gardening and nurseries.
2. Mining and extraction of minerals or raw materials.
3. Manufacturing, processing, treating and storing of materials or minerals, which are extracted from any portion of the district.
4. Publicly owned or operated properties.
5. Parks, playground, golf courses, and recreational uses.
6. Railroad tracks and yards and similar railroad facilities.
7. Single-Family dwellings.
8. Churches and other places of worship, Sunday School buildings and parish houses.
9. Public elementary and high schools, or private schools with a curriculum the same as ordinarily given in public elementary and high schools, and having no rooms regularly used for housing and sleeping rooms.
10. Cemeteries, including mausoleums; provided that mausoleums shall be distant at least two hundred (200) feet from every street line and adjoining lot lines, and provided further than any new cemetery shall contain an area of twenty (20) acres or more.

11. Hospitals and institutions of an educational, religious, charitable, philanthropic nature, provided, however, that such buildings shall not be located upon sites, containing an area of less than five (5) acres, may occupy not over ten per cent (10%) of the total area of the lot, that the buildings shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height.

12. Accessory buildings and uses customarily incident to any of the above uses, including bulletin boards and signs not exceeding twelve (12) square feet in area appertaining to the lease, hire, or sale of a building or premises or to any material that is mined, manufactured, grown, or treated within the district; provided, however, that such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed, or stored.

13. Signs, when located along but not closer than thirty (30) feet to the right-of-way of a State or Federal highway; provided, however, that this shall not require a sign to be located more than 100 feet from the edge of the pavement or traveled way of the highway.

Section 403. Height Regulations. No building shall exceed 2½ stories nor shall it exceed thirty-five (35) feet in height except as provided in Articles XX and XXI hereof.

Section 404. Area Regulations.

1. Front Yard:

(a) There shall be a front yard having a depth of not less than thirty (30) feet except as provided in Article XXI hereof.

(b) Where lots have double frontage, the required front yard shall be provided on both streets.

(c) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of the passage of this ordinance need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yard:

(a) Except as hereinafter provided in the following paragraph and in Article XXI, there shall be a side yard on each side of a building having a width of not less than fifteen (15) feet.

(b) Wherever a lot of record at the time of the passage of this ordinance has a width of one hundred (100) feet or less, the side yard may be reduced to a width of not less than ten (10) per cent of the width of the lot, but in no instance shall it be less than four (4) feet.

3. Rear Yard: Except as hereinafter provided in Article XXI,

there shall be a rear yard having a depth of not less than fifty (50) feet or twenty (20) per cent of the depth of the lot of record at the time of the passage of this ordinance, whichever amount is smaller.

4. Intensity of Use: Every lot or tract of land shall have an area of not less than one (1) acre and an average width of not less than one hundred fifty (150) feet, except that if a lot or tract has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this ordinance and have not since been changed, such parcel of land may be used for a single-family dwelling.

ARTICLE V

"A-1" SINGLE-FAMILY DWELLING DISTRICT REGULATIONS

Section 501. The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this Article, are the district regulations in the "A-1" Single-Family Dwelling District.

Section 502. Use Regulations. A building or premises shall be used only for the following purposes:

1. Single-Family dwellings.

2. Parks, playgrounds, and community buildings owned or operated by a public agency.

3. Public libraries.

4. Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary school or public high school and having no rooms regularly used for housing or sleeping purposes.

5. Churches, but any church that is on a new site shall provide off-street parking space upon the lot or within two hundred (200) feet thereof, which space is adequate to accommodate one (1) car for every ten (10) persons for which seating is provided in the main auditorium of the church exclusive of the seating capacity of Sunday School and other special rooms.

6. Golf courses, except miniature courses and driving tees.

7. Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business) including a private garage, home occupations, the use of a lot or portion thereof for a vegetable or flower garden, and the keeping of small animals and fowl, but not on a commercial basis or on a scale reasonably objectionable to adjacent property owners. Accessory uses shall also include church or public building bulletin boards and temporary signs appertaining to the lease, hire or sale of a building or premises, not exceeding ten (10) square feet in area.

Section 502-A. Use Regulations. Any accessory building that is not a part of the main structure shall be located not less than sixty (60) feet from the front lot line.

Section 503. Height Regulations. No building shall exceed three (3) stories nor shall it exceed thirty-five (35) feet in height except as provided in Articles XX and XXI hereof.

Section 504. Area Regulations.

1. Front Yard:

(a) There shall be a front yard having a depth of not less than thirty (30) feet except as provided in Article XXI hereof.

(b) Where lots have a double frontage, the required front yard shall be provided on both streets.

(c) Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of the passage of this ordinance need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street and the front yard line shall be separately computed for accessory buildings except that the buildable width for accessory buildings shall not be reduced to less than twenty-two (22) feet.

2. Side Yard:

(a) Except as hereinafter provided in the following paragraph and in Article XXI, there shall be a side yard on each side of a building, having a width of not less than ten (10) feet.

(b) Wherever a lot of record at the time of the passage of this ordinance has a width of one hundred (100) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten (10) per cent of the width of the lot, but in no instance shall it be less than four (4) feet.

3. Rear Yard: Except as hereinafter provided in Article XXI, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) per cent of the depth of the lot, whichever amount is smaller.

4. Intensity of Use: Every lot or tract of land shall have an area of not less than nine thousand (9,000) square feet and an average width of not less than sixty (60) feet, except that if a lot or tract has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this ordinance and have not since been changed, such parcel of land may be used for a single-family dwelling.

ARTICLE VI

"A-2" SINGLE-FAMILY DWELLING DISTRICT REGULATIONS

Section 601. The regulations set forth in this Article or set forth elsewhere in this ordinance when referred to in this Article, are the district regulations in the "A-2" Single-Family Dwelling District.

Section 602. Use Regulations. The use regulations are the same as those in the "A-1" Single-Family Dwelling District.

Section 602-A. Use Regulations. The use regulations for accessory buildings are the same as those in the "A-1" Single-Family Dwelling District.

Section 603. Height Regulations. No building shall exceed three (3) stories nor shall it exceed thirty-five (35) feet in height, except as provided in Articles XX and XXI hereof.

Section 604. Area Regulations.

1. Front Yard:

(a) There shall be a front yard having a depth of not less than twenty-five (25) feet except as hereinafter provided in Article XXI.

(b) Where lots have a double frontage, the required front yard shall be provided on both streets.

(c) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of passage of this ordinance need not be reduced to less than twenty-eight (28) feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yard:

(a) Except as hereinafter provided in the following paragraph and in Article XXI, there shall be a side yard on each side of a building, having a width of not less than five (5) feet.

(b) Whenever a lot of record at the time of the passage of this ordinance has a width of less than fifty (50) feet, the side yard on each side of a building may be reduced to a width of not less than ten (10) per cent of the width of the lot, but in no instance shall it be less than three (3) feet.

3. Rear Yard: Except as hereinafter provided in Article XXI hereof, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) per cent of the depth of the lot, whichever amount is smaller.

4. Intensity of Use: Every lot shall have an area of not less than six thousand (6,000) square feet and an average width of not

less than fifty (50) feet, except that if a lot has less area or width than herein required, and its boundary lines along their entire length touched lands under other ownership on the effective date of this ordinance and have not since been changed, such parcel of land may be used for a single-family dwelling.

ARTICLE VII

"B" TWO-FAMILY DWELLING DISTRICT REGULATIONS

Section 701. The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this Article, are the "B" Two-Family Dwelling District Regulations.

Section 702. Use Regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "A-1" Single-Family Dwelling District.
2. Two-Family Dwellings.
3. Accessory buildings and uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of business. If a garage is not a part of the main building it shall be located not less than sixty (60) feet from the front street line.

Section 703. Parking Regulations. Whenever a structure is erected, converted, or structurally altered for a two-family dwelling, one (1) parking space shall be provided and maintained on the lot for each dwelling unit in the structure.

Section 704. Height Regulations. No building shall exceed three (3) stories nor shall it exceed thirty-five (35) feet in height, except as provided in Articles XX and XXI hereof.

Section 705. Area Regulations.

1. **Front Yard:** The front yard regulations are the same as those in the "A-2" Single-Family Dwelling District.
2. **Side Yard:** The side yard regulations are the same as those in the "A-2" Single-Family Dwelling District.
3. **Rear Yard:** Except as hereinafter provided in Article XXI hereof, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) per cent of the depth of the lot, whichever amount is smaller.
4. **Intensity of Use:** Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed, shall be located upon lots containing the following areas:
 - (a) A lot on which there is erected a single-family dwelling shall contain an area of not less than five thousand (5,000) square feet.
 - (b) A lot on which there is erected a two-family dwelling

shall contain an area of not less than twenty-five hundred (2,500) square feet per family.

(c) Where a lot or tract has less area than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this ordinance and have not since been changed, such parcel of land may be used for a single-family dwelling.

ARTICLE VIII

"C" FOUR-FAMILY DWELLING DISTRICT REGULATIONS

Section 801. The regulations set forth in this Article or set forth elsewhere in this ordinance when referred to in this Article are the district regulations of the "C" Four-Family Dwelling District.

Section 802. Use Regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "B" Two-Family Dwelling District.
2. Multiple dwellings containing not more than four (4) families in the same structure.
3. Accessory buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling. If a garage is not a part of the main building it shall be located not less than sixty (60) feet from the front street line.

Section 803. Parking Regulations. Where a lot is occupied by a two-family or multiple dwelling, there shall be provided accessible parking space on the lot adequate to accommodate one (1) automobile for every dwelling unit provided in the main building.

Section 804. Height Regulations. No building shall exceed three (3) stories nor thirty-five (35) feet in height, except as provided in Articles XX and XXI hereof.

Section 805. Area Regulations.

1. **Front Yard:** The front yard regulations shall be the same as those in the "A-2" Single-Family Dwelling District except that the minimum front yard shall be twenty (20) feet.
2. **Side Yard:** The side yard regulations shall be the same as those in the "A-2" Single-Family Dwelling District.
3. **Rear Yard:** The rear yard regulations shall be the same as those in the "A-2" Single-Family Dwelling District.
4. **Intensity of Use:** Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:
 - (a) For single-family dwellings the lot shall contain an area of not less than five thousand (5,000) square feet.

(b) For two-family dwellings a lot shall contain not less than twenty-five hundred (2,500) square feet per family.

(c) For multiple dwellings a lot shall contain not less than fifteen hundred (1,500) square feet per family.

(d) Where a lot of record at the time of passage of this ordinance contains less area than herein required, that lot may be used for single-family dwelling purposes or for any other non-dwelling use permitted in this Article.

ARTICLE IX

"D" MULTIPLE DWELLING DISTRICT REGULATIONS

Section 901. The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this Article, are the district regulations in the "D" Multiple Dwelling District.

Section 902. Use Regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "C" Four-Family Dwelling District.

2. Multiple Dwellings.

3. Boarding and lodging houses.

4. Non-profit hospitals, religious, educational, and philanthropic institutions, but not penal or mental treatment institutions, animal hospitals, animal clinics, or mental hospitals.

5. Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service, customarily carried on as a business.

6. Accessory buildings and uses customarily incident to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, hospital or institutional building. If a storage garage is not a part of the main building, it shall be located not less than sixty (60) feet from the front street line.

Section 903. Parking Regulations. Where a lot is occupied by a two-family or multiple dwelling, there shall be provided accessible parking space on the lot adequate to accommodate one (1) car for every dwelling unit provided in the main building.

Section 904. Height Regulations. No building shall exceed four (4) stories nor forty-five (45) feet in height, except as provided in Articles XX and XXI hereof.

Section 905. Area Regulations.

1. **Front Yard:** The front yard regulations are the same as those in the "C" Four-Family Dwelling District.

2. **Side Yard:**

(a) The side yard regulations for buildings not exceeding three (3) stories in height are the same as those in the "A-2" Single-Family Dwelling District.

(b) There shall be a side yard which shall have a width of not less than ten (10) feet on each side of a four (4) story building.

3. **Rear Yard:** The rear yard regulations are the same as those in the "A-2" Single-Family Dwelling District.

4. **Intensity of Use:** Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:

(a) A lot on which there is erected a single-family dwelling shall contain an area of not less than four thousand (4,000) square feet.

(b) A lot on which there is erected a two-family dwelling shall contain an area of not less than two thousand (2,000) square feet per family.

(c) A lot on which there is erected a multiple dwelling shall contain an area of not less than one thousand (1,000) square feet per family, except that this regulation shall not apply to dormitories, or rooming and lodging houses where no cooking is done in individual rooms or apartments.

(d) Where a lot of record at the time of the passage of this ordinance contains less area than herein required, that lot may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this Article.

ARTICLE X

"E" MULTIPLE DWELLING DISTRICT REGULATIONS

Section 1001. The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this Article, are the regulations in the "E" Multiple Dwelling District.

Section 1002. Use Regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "D" Multiple Dwelling District.

2. Apartment hotels.

Section 1003. Parking Regulations. Where a lot is occupied by a multiple dwelling or an apartment hotel, there shall be provided accessible parking space on the lot adequate to accommodate one (1) car for each two (2) dwelling units provided in the main building.

Section 1004. Height Regulations. No building shall exceed four (4) stories nor forty-five (45) feet in height, except as provided in Article XX and XXI hereof.

Section 1005. Area Regulations.

1. **Front Yard:** The front yard regulations are the same as those in the "C" Four-Family Dwelling District.

2. **Side Yard:** There shall be a side yard on both sides of a building; for buildings not exceeding two and one-half (2½) stories, the width of such yards shall not be less than five (5) feet on each

side of the building; for buildings three stories in height the width of such yards shall not exceed seven and one-half (7½) feet, and for buildings exceeding three (3) stories in height an additional two and one-half (2½) feet shall be added to the required side yard for each story in excess of three (3).

3. **Rear Yard:** The rear yard regulations are the same as those in the "A-2" Single-Family Dwelling District.

4. **Intensity of Use:** The intensity of use regulations shall be the same as those in the "D" Multiple Dwelling District except that the minimum lot area per family for multiple dwellings and apartment hotels shall be reduced to five hundred (500) feet.

ARTICLE XI

"F" RESTRICTED COMMERCIAL DISTRICT REGULATIONS

Section 1101. The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this Article, are the regulations in the "F" Restricted Commercial District.

Section 1102. Use Regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "E" Multiple Dwelling District.
2. Office Buildings.
3. Accessory buildings and uses customarily incident to the above, including one sign not exceeding twenty (20) square feet in area for each main building, provided, however, that no neon or gas tubing be used in any sign, that all signs be attached to a building and not extend beyond the front wall of the building, and that the wording of signs be limited to identifying the name of the building or a person or organization housed therein.

Section 1103. Parking Regulations.

1. The parking regulations for dwellings shall be the same as those in the "E" Multiple Dwelling District.
2. Office buildings shall provide one off-street parking space on the lot or within nine hundred (900) feet thereof for each twelve hundred (1,200) square feet of floor space in the building exclusive of basement.

Section 1104. Height Regulations. No building shall exceed four (4) stories nor fifty (50) feet in height except as otherwise provided in Articles XX and XXI hereof.

Section 1105. Area Regulations.

1. **Front Yard:** The front yard regulations are the same as those in the "C" Four-Family Dwelling District, except that on the side street side of a corner lot and on Fifteenth Street the front yard need not exceed fifteen (15) feet in depth.

2. **Side Yard:** The side yard regulations for dwellings shall

be the same as those in the "E" Multiple Dwelling District. Office buildings shall provide a side yard on both sides of a building having a minimum width of ten (10) feet.

3. **Rear Yard:** The rear yard regulations for dwellings shall be the same as the "E" Multiple Dwelling District. Office buildings shall provide a rear yard having a minimum depth of ten (10) feet.

4. **Intensity of Use:** The intensity of use regulations shall be the same as in the "E" Multiple Dwelling District.

ARTICLE XII

"G" LOCAL BUSINESS DISTRICT REGULATIONS

Section 1201. The regulations set forth in this Article, or set forth elsewhere in this ordinance, when referred to in this Article, are the regulations in the "G" Local Business District.

Section 1202. Use Regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "F" Restricted Commercial District.
2. Medical and dental clinics.
3. Banks.
4. Receiving store for dry or steam cleaning, which cleaning shall be done elsewhere.
5. Barber shop, beauty parlor, chiropody, massage or similar personal service shops.
6. Business or commercial schools or dancing or music academies.
7. Service stations.
8. Hospital and clinics for animals, but not open kennels.
9. Laundry or launderette, employing not more than five (5) persons on the premises.
10. Messenger and telegraph service stations.
11. Offices.
12. Restaurants.
13. Custom dressmaking, millinery, tailoring, shoe repairing, household utility articles or similar trade, but not more than five (5) employees shall be engaged upon the premises at any one time.
14. Store or shop for the conduct of a retail business subject to the following limitations; in a retail store where bakery goods, confections, delicatessen or other food products are sold, all food that is prepared upon the premises shall be sold at retail thereon, and provided further that there shall be no slaughtering of animals or poultry upon the premises.
15. Undertaking establishments.
16. Photographer.
17. Bicycle sales and repair shop.

18. Shop for the repair of electrical, radio and television equipment and other similar commodities employing not more than five (5) persons on the premises, and not involving the conduct of any manufacturing on the premises.

19. Key shops.

20. Hotels and tourist homes.

21. Nurseries and greenhouses.

22. Parking lots.

23. Signs, provided however, that (a) where this district is within seventy-five (75) feet of "A-1", "A-2", "B", "C", "D", "E" and "F" Districts such signs shall not be closer to said district than seventy-five (75) feet except where the sign does not show directly toward such district; and, (b) no sign extend more than six (6) feet from the building line into the front yard, except that in the front yard there may be one (1) banjo sign for each lot or each fifty (50) feet of street frontage and there shall not be more than two for each business.

24. Accessory buildings and uses customarily incident to the above uses, including parking lots.

Any building used primarily for any of the above enumerated purposes may have not more than forty (40) per cent of the floor area devoted to storage purposes incidental to such primary use.

Section 1203. Parking Regulations.

1. The parking regulations for dwellings are the same as those in the "D" Multiple Dwelling District.

2. Where any structure is erected, reconstructed or converted for any of the business purposes permitted in this Article, parking spaces shall be provided in the ratio of not less than one (1) parking space for each three hundred (300) square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two or more owners of buildings may join together in providing this parking space.

Section 1204. Height Regulations. No building shall exceed three (3) stories nor shall it exceed forty (40) feet in height, except as otherwise provided in Articles XX and XXI hereof.

Section 1205. Area Regulations.

1. **Front Yard:** The front yard regulations are the same as those in the "C" Four-Family Dwelling Districts, except that on the side street side of a corner lot the front yard need not exceed ten (10) feet in depth.

2. **Side Yard:** The side yard regulations for dwellings are the same as those in the "D" Multiple Dwelling District. Where a lot is used for any of the commercial purposes permitted in this district a side yard is not required except on the side of a lot abutting

on a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. **Rear Yard:** The rear yard regulations for dwellings are the same as in the "D" Multiple Dwelling District. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than twenty (20) feet in depth.

4. **Intensity of Use:** When a lot is improved with a single-family dwelling, two-family dwelling, or a multiple dwelling, or when living facilities are erected above other uses, the intensity of use regulations are the same as those required in the "C" Multiple Dwelling District.

ARTICLE XIII

"H-1" HIGHWAY BUSINESS DISTRICT REGULATIONS

Section 1301. The regulations set forth in this Article, or set forth elsewhere in this ordinance, when referred to in this Article, are the regulations in the "H-1" Highway Business District.

Section 1302. Use Regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "G" Local Business District.

2. Sales and show rooms including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of a building.

3. Private recreational uses.

4. Food storage lockers.

5. Bakeries.

6. Bottling works.

7. Used car lots, provided none of the activities of junk dealer as defined in Article 2, Chapter 31, Lincoln Municipal Code of 1936, as amended, shall be carried on in this classification.

8. Auto repair garages, provided all displays and merchandise are within the enclosure walls of a building.

9. Laundries and dry cleaning establishments and laundrettes.

10. Printing shops.

11. Theatre, provided however, that no theatre shall be erected or reconstructed unless there is provided on the same lot within three hundred (300) feet thereof a space for off-street parking which contains an area adequate to accommodate one (1) automobile for every four (4) seats in the theatre.

12. Signs, provided however, that (a) where this district is within seventy-five (75) feet of "A-1", "A-2", "B", "C", "D", "E" and "F" Districts such signs shall not be closer to said district than seventy-five (75) feet except where the sign does not

show directly toward such district; and (b) no sign extend more than six (6) feet from the building line into the front yard, except that in the front yard there may be one (1) banjo sign for each lot or each fifty (50) feet of street frontage and there shall not be more than two for each business.

13. Any retail establishment and any other use pertaining to said retail establishment except those uses specifically excluded in Article XVI or which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, or noise and provided that at least thirty (30) per cent of the total area shall be a retail sales room for the display of products or services pertaining to said retail establishment, and any storage or display of any kind shall be within the enclosure walls of a building; provided further that there shall be no more than ten (10) employees.

14. Accessory buildings and uses customarily incident to the above uses, including parking lots.

Section 1303. Parking Regulations.

1. Parking regulations for dwellings are the same as those in the "D" Multiple Dwelling District.

2. Where any structure is erected, reconstructed, or converted for any of the business purposes permitted in this Article, parking spaces shall be provided in the ratio of not less than one (1) parking space for each two hundred (200) square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two or more owners of buildings may join together in providing this parking space.

Section 1304. Height Regulations. No building shall exceed four (4) stories nor shall it exceed fifty (50) feet in height, except as otherwise provided in Articles XX and XXI hereof.

Section 1305. Area Regulations.

1. **Front Yard:** The front yard regulations are the same as those in the "G" Local Commercial District.

2. **Side Yard:** The side yard regulations are the same as those in the "G" Local Commercial District.

3. **Rear Yard:** The rear yard regulations for dwellings are the same as in the "D" Multiple Dwelling District. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than ten (10) feet in depth for a one story building, twenty (20) feet in depth for a two story building and thirty (30) feet in depth for a three story building.

4. **Intensity of Use:** When a lot is improved with a single family dwelling, two-family dwelling, or a multiple dwelling, or when living quarters are erected above other uses, the intensity

of use regulations are the same as those required in the "D" Multiple Dwelling District.

ARTICLE XIV

"H-2" HIGHWAY COMMERCIAL DISTRICT REGULATIONS

Section 1401. The regulations set forth in this Article, or set forth elsewhere in this ordinance, when referred to in this Article, are regulations in the "H-2" Highway Commercial District.

Section 1402. Use Regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "G" Local Business District.

2. Signs, provided that those attached to a building or structure not extend more than six (6) feet into the front yard; and provided further that in the front yard there may be one banjo sign for each lot or each fifty (50) feet of street frontage, and there shall not be more than two for each business.

3. Garages and farm machinery sales establishments.

4. Laundries and dyeing and cleaning establishments.

5. Bakeries.

6. Creameries.

7. Bottling works.

8. Motor truck terminals.

9. Lumber and coal yards.

10. Contractor's offices and storage yards.

11. Sales barns.

12. Used car lots.

Section 1403. Parking Regulations.

1. For dwellings the parking regulations shall be the same as those in the "D" Multiple Dwelling District.

2. Any building that is erected, converted, or structurally altered for a commercial or industrial use shall provide on the lot one (1) parking space for each one hundred (100) square feet of floor space in the building.

Section 1404. Height Regulations. No building shall exceed three (3) stories nor thirty-five (35) feet, except as otherwise provided in Articles XX and XXI hereof.

Section 1405. Area Regulations.

1. **Front Yard:** The front yard regulations shall be the same as in the "A-1" Single-Family Dwelling District.

2. **Side Yard:** The side yard regulations for dwellings shall be the same as in the "A-1" Single-Family Dwelling District. Commercial and industrial buildings shall provide a side yard on both sides of the buildings of fifteen (15) or ten (10) per cent of the width of the lot, whichever is smaller, but in no case shall this be less than five (5) feet.

3. **Rear Yard:** There shall be a rear yard having a depth of not less than thirty (30) feet.

4. **Intensity of Use:** Every lot that is improved with a dwelling shall provide a lot area of not less than five thousand (5,000) square feet per family.

ARTICLE XV

"I" COMMERCIAL DISTRICT REGULATIONS

Section 1501. The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this Article, are the regulations in the "I" Commercial District.

Section 1502. Use Regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "G" Local Business District.
2. Bakery whose products are sold only on the premises.
3. Dyeing and cleaning works employing not more than five (5) persons on the premises.
4. Printing shops employing not more than five (5) persons on the premises.
5. Sales or showrooms.
6. Laundry employing not more than five (5) persons on the premises.
7. Launderettes.
8. Theatre, provided, however, that no theatre shall be erected or reconstructed unless there is provided on the same lot or within three hundred (300) feet thereof a space for off-street parking which contains an area adequate to accommodate one (1) automobile for every four (4) seats in the theatre.
9. Garage and automobile repair shops.
10. Upholstery shop not employing more than five (5) persons on the premises, and not involving any furniture manufacturing.
11. Signs, provided however, that (a) where this district is within seventy-five (75) feet of "A-1", "A-2", "B", "C", "D", "E" and "F" Districts such signs shall not be closer to said district than seventy-five (75) feet except where the sign does not show directly toward such district; and, (b) no sign extend more than six (6) feet from the building line into the front yard, except that in the front yard there may be one (1) banjo sign for each lot or each fifty (50) feet of street frontage and there shall not be more than two for each business.
12. Furnace, heating, and sheet metal shops or stores not employing more than five (5) persons on the premises. Not more than ten (10) per cent of the lot or tract occupied by such establishment shall be used for the open and unenclosed storage of materials and equipment.

13. Tire store sales and service including vulcanizing not employing more than five (5) persons on the premises and involving no manufacturing on the premises.

14. Milk distributing station, but not involving any bottling on the premises.

15. Food storage lockers.

16. Plumbing shop employing not more than five (5) persons on the premises.

17. Accessory buildings and uses customarily incident to the above uses, including parking lots.

Section 1503. Parking Regulations.

1. The parking regulations for dwellings are the same as those in the "D" Multiple Dwelling District.

2. Where any structure is erected, reconstructed, or converted for any of the business purposes permitted in this Article, parking space shall be provided in the ratio of not less than one (1) parking space for each six hundred (600) square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two or more owners of buildings may join together in providing this parking space.

Section 1504. Height Regulations. No building shall exceed four (4) stories nor shall it exceed forty-five (45) feet in height, except as otherwise provided in Articles XX and XXI hereof.

Section 1505. Area Regulations.

1. **Front Yard:** No front yard is required except where the frontage on one side of a street between two intersecting streets is partly in the "I" Commercial District and partly in a dwelling district, in which event the front yard regulations of the dwelling district shall apply.

2. **Side Yard.** The side yard regulations are the same as those in the "G" Local Commercial District.

3. **Rear Yard:** The rear yard regulations for dwellings are the same as in the "D" Multiple Dwelling District. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than twenty (20) feet in depth for a two-story building and thirty (30) feet in depth for a three-story building.

4. **Intensity of Use:** When a lot is improved with a single-family dwelling, two-family dwelling, or a multiple dwelling, or when living quarters are erected above other uses, the intensity of use regulations are the same as those required in the "D" Multiple Dwelling District.

ARTICLE XVI

"J" BUSINESS DISTRICT REGULATIONS

Section 1601. The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this Article, are the district regulations of the "J" Business District.

Section 1602. Use Regulations. A building or premises may be used for any purpose except the following:

1. Acetylene gas manufacture or storage.
2. Acid manufacture.
3. Alcohol manufacture.
4. Ammonia, bleaching powder or chlorine manufacture.
5. Arsenal.
6. Asphalt manufacture or refining.
7. Auto wrecking or salvage, except where the premises upon which such activities are conducted are wholly enclosed within a building or by a wooden fence not less than eight (8) feet in height and in which the openings or cracks are less than fifteen (15) per cent of the total area.
8. Blast furnaces.
9. Bag cleaning.
10. Boiler works.
11. Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft products only.
12. Cement, lime, gypsum, or plaster of paris manufacture.
13. Coke ovens.
14. Creosote manufacture or treatment.
15. Disinfectants manufacture.
16. Distillation of bones, coal or wood.
17. Dyestuff manufacture.
18. Explosives or fireworks manufacture or storage.
19. Fat rendering.
20. Fertilizer manufacture.
21. Forge plant.
22. Garbage, offal or dead animals reduction or dumping.
23. Gas manufacture or storage.
24. Glue, size or gelatin manufacture.
25. Iron, steel, brass or copper foundry or fabrication plant.
26. Junk, iron or rags storage or bailing, except where the premises upon which such activities are conducted are wholly enclosed within a building or by a wooden fence not less than eight (8) feet in height and in which the openings or cracks are less than fifteen (15) per cent of the total area.
27. Oilcloth or linoleum manufacture.
28. Oiled rubber goods manufacture.
29. Ore reduction.
30. Plant, oil, shellac, turpentine or varnish manufacture.
31. Paper and pulp manufacture.

32. Petroleum or its products, refining or wholesale storage of.

33. Rock crusher.
34. Rolling mill.
35. Rubber or gutta-percha manufacture or treatment.
36. Shoe polish manufacture.
37. Smelting of tin, copper, zinc or iron ores.
38. Stockyard or slaughter of animals or fowls.
39. Stone mill or quarry.
40. Tanning, curing or storage of raw hides or skins.
41. Tar distillations or manufacture.
42. Tar roofing or waterproofing manufacture.
43. Yeast plant.
44. Blacksmith shop.

45. And in general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.

46. Any use requiring large amounts of water to be disposed of in sanitary sewers unless a written certification is first obtained from the City Engineer, stating that the existing sanitary sewers are adequate to accommodate the proposed use, and provided further that uses listed in Article XX follow the requirements of this section.

Section 163. Height Regulations. No building shall exceed twelve (12) stories nor one hundred and fifty (150) feet in height, except as provided in Articles XX and XXI hereof.

Section 1604. Area Regulations.

1. **Front Yard:** No front yard is required for any building in the "J" Business District.

2. **Side Yard:** The side yard regulations for dwellings are the same as those in the "E" Multiple Dwelling District. In all other cases a side yard is not required.

3. **Rear Yard:** The rear yard regulations for dwellings are the same as those in the "E" Multiple Dwelling District. In all other cases a rear yard is not required.

4. **Intensity of Use:** The intensity of use regulations are the same as those in the "E" Multiple Dwelling District.

ARTICLE XVII

"K" LIGHT INDUSTRIAL DISTRICT REGULATIONS

Section 1701. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "K" Light Industrial District.

Section 1702. Use Regulations. The use regulations are the same as those in the "J" Business District.

Section 1703. Height Regulations. No building shall exceed seven (7) stories nor shall it exceed ninety (90) feet in height, except as otherwise provided in Articles XX and XXI hereof.

Section 1704. Area Regulations.

1. **Front Yard:** Where all the frontage on one side of the street between two intersecting streets is located in the "K" Light Industrial District, no front yard shall be required. Where the frontage on one side of the street between two intersecting streets is located partly in the "K" Light Industrial District and a dwelling, local commercial or highway commercial district, the front yard requirements of the dwelling or commercial district shall apply to the "K" Light Industrial District.

2. **Side Yard:** The side yard regulations for dwellings are the same as those in the "E" Multiple Dwelling District. In all other cases a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. **Rear Yard:** A rear yard shall be provided for dwellings that shall have a depth of not less than thirty (30) feet. In all other cases a rear yard is not required, except on the rear of a lot abutting on a dwelling district, in which case there shall be a rear yard of not less than twenty (20) feet in depth.

4. **Intensity of Use:** The intensity of use regulations for dwellings are the same as those in the "D" Multiple Dwelling District.

ARTICLE XVIII

"L" HEAVY INDUSTRIAL DISTRICT REGULATIONS

Section 1801. The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this Article, are the "L" Heavy Industrial District Regulations.

Section 1802. Use Regulations. Any building or premises may be used for any purpose not in conflict with any ordinance of the City of Lincoln regulating nuisances; provided, however, that no building shall be erected, reconstructed, or structurally altered for residential purposes except for resident watchmen and caretakers employed on the premises; provided, further, that uses listed in Section 2001 of Article XX follow the procedure of that paragraph; and provided further that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the City Council, after report by the Chief of the Fire Department and the City Planning Commission:

1. Acid manufacture.
2. Cement, lime, gypsum, or plaster of paris manufacture.
3. Distillation of bones.

4. Explosives manufacture or storage.
5. Fat rendering.
6. Fertilizer manufacture.
7. Gas manufacture.
8. Garbage, offal, or dead animals, reduction or dumping.
9. Glue manufacture.
10. Petroleum, or its products, refining of.
11. Smelting of tin, copper, zinc, or iron ores.
12. Stockyards or slaughter of animals.
13. Wholesale storage of gasoline.

Section 1803. Height Regulations. Except as hereinafter provided in Article XXI, a building may be erected to any height not in conflict with other ordinances.

Section 1804. Area Regulations.

1. **Front Yard:** Where all the frontage on one side of a street between two intersecting streets is located in the "L" Heavy Industrial District, no front yard shall be required. Where the frontage on one side of the street between two intersecting streets is located partly in the "L" Heavy Industrial District and partly in a dwelling or commercial district, the front yard requirements of the dwelling or local commercial district shall apply to the "L" Heavy Industrial District.

2. **Side Yard:** The side yard regulations are the same as in the "K" Light Industrial District.

3. **Rear Yard.** The rear yard regulations are the same as those in the "K" Light Industrial District.

ARTICLE XIX

NON-CONFORMING USES

Section 1901. The lawful use of a building and premises existing at the time of the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section 1902. Whenever the use of a building becomes a non-conforming use through a change in the zoning ordinance or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section 1903. In the event that a non-conforming use of any building or premises is discontinued, or its normal operation stopped, for a period of two (2) years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

Section 1904. No existing building devoted to a use not permitted by this ordinance in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building is located; provided, however, that during the ten (10) year period immediately following the passage of this ordinance, non-conforming light industrial uses in the "G", "H", and "I" Districts and non-conforming heavy industries in the "K" District may be extended or enlarged by not to exceed a fifty (50) per cent increase in the cubical contents of the building; and further provided, that all height and area regulations be observed in any such extension.

Section 1905. When a building, the use of which does not conform to the provisions of this ordinance, is damaged by fire, explosion, Act of God, or the public enemy, to the extent of more than sixty (60) per cent of its fair market value, it shall not be restored except in conformity with the district regulations of the district in which the building is situated, or as provided in Article XXI hereof.

Section 1906. Where land within the A-1, A-2 and B Districts contained no buildings and was used solely for open storage at the time of the passage of this ordinance use of such land for open storage shall be discontinued within two (2) years. Where land within the A-1, A-2 and B Districts contained no buildings and was used solely for signs at the time of the passage of this ordinance use of such land for signs shall be discontinued and the signs removed within two (2) years, unless such sign is at least five-hundred (500) feet away from any residence.

Section 1907. Nothing in this ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a building or premises in violation of zoning regulations in effect at the time of the effective date of this ordinance.

ARTICLE XX

ADDITIONAL USE REGULATIONS

Section 2001. The City Council of the City of Lincoln may, by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this ordinance, and may also permit an increase in the height of any such buildings.

1. Any public building erected or used by any department of a governmental agency.

2. Private schools, including nursery, pre-kindergarten, kindergarten, play and special schools.

3. Hospitals, clinics and institutions, including educational, religious and philanthropic institutions; provided, however, that such buildings occupy not over forty (40) per cent of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property, and provided, further, that the buildings shall be set back from all yard lines a distance of not less than one (1) foot for each foot of building height, and that adequate off-street parking space will be provided.

4. Cemetery.

5. Community buildings or recreation field.

6. Airport or landing field.

7. Greenhouses and nurseries.

8. Trailer and tourist camps and motels, but only in the "G", "H-1", "H-2", "I", "K" and "L" Districts, provided that:

(a) The number of trailers or tourist cabins, or both, shall not exceed the number obtained by dividing the total square foot area of the site by 1,200.

(b) A distance of at least twenty (20) feet be maintained between buildings, between trailers, and between trailers and buildings.

(c) Each tourist cabin unit have a minimum enclosed floor area of two hundred (200) square feet, and be provided with heating facilities, a lavatory, toilet, and tub or shower with hot and cold running water. Sanitary and water supply facilities installed shall be subject to approval of the Health Director of the Lincoln-Lancaster Department of Health.

(d) Each trailer camp provide sanitary facilities and water supply in accordance with the standards of and meeting the approval of the Health Director. No special permit for a trailer camp shall be granted until the plans have been approved by the Health Director. No certificate of occupancy shall be granted until after certification of compliance with the requirements of the Health Director. All special permits for trailer camps shall be temporary and shall be valid only during the period that the camp complies with the requirements of the Health Director.

9. Outdoor theatres, but only in the "G", "H-1", "H-2", "K" and "L" Districts.

10. Private recreational activities.

11. Riding stables and private stables.

12. Roadside stands for temporary or seasonable operation, but only in "A-A" District.

13. Radio and television towers and broadcasting stations.

- ✓ 14. Extraction of sand, gravel or other raw material.
15. Parking lots on land not more than three hundred (300) feet from the boundary of any local commercial or commercial districts.
16. Clubs, and semi-public buildings.
17. Nursing homes when approved by the City-County Health Department.
18. Truck terminals, but only in "I", "J" and "K" Districts.
19. Life insurance companies' home office buildings, but only in the "G", "H-1", "H-2", "I" and "J" Districts.
20. Bulk storage of petroleum products but only in the "H-2", "K" and "L" Districts.

Before issuance of any special permit of any of the above buildings or uses, the City Council shall refer the proposed application to the City Planning Commission, which Commission shall be given thirty (30) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public health, public safety and general welfare. If a contemplated use would require large amounts of water to be disposed of in sanitary sewers, the Planning Commission report shall include a certification by the City Engineer as required by Article XVI hereof. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the City Planning Commission has been filed; provided, however, that if no report is received from the Planning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the said Commission. An existing use of the type listed above lawfully established on the effective date of this ordinance shall be deemed to have received a special permit as herein required and shall be provided with such a permit by the Building Inspector upon request and shall not be a non-conforming use; provided, however, that such an existing use shall require a special permit for any enlargement, extension or relocation.

Section 2002. The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the City Council a plan for the use and development of all the tract of land for residential purposes or for the repair and alteration of any existing housing development on an area comprising ten (10) acres or more. The development or alteration plan shall be referred to the City Planning Commission for study and report and for public hearing. If the Commission approves the plans, they shall then be submitted to the City Council for consideration and approval. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets the following conditions:

1. That property adjacent to the area included in the plan will not be adversely affected.
2. That the plan is consistent with the intent and purpose of this ordinance to promote public health, safety, morals and general welfare.
3. That the buildings shall be used only for single-family dwellings, two-family dwellings or multiple dwellings and the usual accessory uses, such as garages and storage space.
4. That the average lot area per family contained in the site will not be less than the lot area per family required in the district or districts in which the development is located.

If the City Council approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

Section 2003. Two-family dwellings may be erected in those locations in the "A-1" and "A-2" Single-Family Dwelling Districts, where at the time of the effective date of this ordinance forty (40) per cent or more of the frontage on the same side of a street between two (2) intersecting streets is occupied by two-family dwellings or two-family and multiple family dwellings; provided, however, that the area and parking regulations of the "B" Two-Family District are complied with.

Section 2004. Three and four family dwellings may be erected in those locations in the "B" Two-Family Dwelling District, where at the time of the effective date of this ordinance, forty (40) per cent or more of the frontage on the same side of a street between two (2) intersecting streets is occupied by multiple dwellings; provided, however, that the area and parking regulations of the "C" Four-Family Dwelling District are complied with.

ARTICLE XXI

ADDITIONAL HEIGHT AND AREA REGULATIONS

The district regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

Section 2101. Public, semi-public, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

Section 2102. Chimneys, church steeples, cooling towers, ele-

vator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances, are exempt from the height regulations as contained herein.

Section 2103. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty (30) per cent of a rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building the garage shall be regarded as part of the main building for the purpose of determining the side and rear yards.

Section 2104. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.

Section 2105. Every part of a required yard shall be open to the sky, unobstructed by a building, except for accessory buildings in a rear yard, and except for the ordinary projection of sills, belt courses, cornices, and ornamental features projecting not to exceed twelve (12) inches.

Section 2106. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

Section 2107. Fences in which the openings between the materials of which the fence is constructed represent less than seventy (70) per cent of the total surface may be erected to a height not exceeding four (4) feet along the boundaries of a lot, except that no such fence shall be erected within thirty (30) feet of the intersection of the two street lines. Wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy (70) per cent of the total fence area may be erected to a height of six (6) feet, except within thirty (30) feet of the intersection of two (2) street lines. This section shall not apply to the fences required for certain uses in Article XVI.

Section 2108. Open lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3½) feet and where the same are so placed as not to obstruct light and ventilation.

Section 2109. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40)

square feet may project into a front yard for a distance not to exceed four (4) feet.

Section 2110. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.

Section 2111. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one (1) building occupying one (1) lot.

Section 2112. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion of the construction work.

Section 2113. Where a lot or tract is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

Section 2114. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential, institutional, or hotel purposes, there may be more than one (1) main building on the lot; provided, however, that open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one story buildings, thirty (30) feet for two story buildings, and forty (40) feet for three story buildings.

Section 2115. Where an open space is more than fifty (50) per cent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one story buildings, thirty (30) feet for two story buildings, and forty (40) feet for three story buildings.

Section 2116. No side yards are required where dwelling units are erected above commercial and industrial structures.

Section 2117. Whenever the number of employees is restricted in connection with any use in the Business and Commercial Districts, such maximum number applies only to employees engaged in processing or treating materials or products on the premises and not to employees engaged in selling, clerical, delivery or similar activities.

Section 2118. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such districts.

Section 2119. The front yards heretofore established shall be adjusted in the following cases:

1. Where forty (40) per cent or more of the frontage on the same side of a street between two intersecting streets is developed with buildings that have (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.

2. Where forty (40) per cent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that do not have a front yard as described above, then:

(a) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or,

(b) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

Section 2120. Building Line Districts. On the following streets and highways no building shall be erected closer to the centerline of the street or highway than as described below. This section shall not be construed to permit buildings to be erected with less than the required front yard as provided for by the appropriate district regulations.

Building Line District (1) Thirty-three (33) feet on 6th Street from Peach Street to "A" Street.

Building Line District (2) Thirty-three (33) feet on 13th Street from Arapahoe to Van Dorn.

Building Line District (3) Thirty-three (33) feet on 17th Street from Lake to South.

Building Line District (4) Forty (40) feet on 17th Street from "R" to Holdrege.

Building Line District (5) Thirty three (33) feet on 20th Street from "A" to "C".

Building Line District (6) Thirty-three (33) feet on 21st Street from Randolph to "O".

Building Line District (7) Thirty-three (33) feet on 48th Street from Van Dorn to Randolph.

Building Line District (8) Thirty-three (33) feet on Cotner Boulevard from Randolph to 70th.

Building Line District (9) Thirty-three (33) feet on Fremont Street from 46th to 48th.

Building Line District (10) Thirty-three (33) feet on "N" Street from 19th to 20th.

Building Line District (11) Seventy-five (75) feet on the presently designated U. S. 34 and State 2 from the West Corporate Limit line of the City of Lincoln, northwestward to a point three (3) miles from the said Corporate limit line.

Building Line District (12) Seventy-five (75) feet from the West Corporate limits of the City of Lincoln on the presently designated Holstein Street to the Junction of U. S. 34 and State 2.

Building Line District (13) Seventy-five (75) feet from the west approach of the "O" Street viaduct westward on West "O" Street on the presently designated U. S. 6 to a point three (3) miles from the West Corporate limits.

Building Line District (14) Seventy-five (75) feet on the presently designated By-pass U. S. 6 from West "O" Street to the Junction of 10th and Oak Streets.

Building Line District (15) Sixty (60) feet from the West Corporate limit line on the presently designated U. S. 34, U. S. 6, and State 2 to the East Corporate limit line.

Building Line District (16) A line that is parallel to and seventy-five (75) feet from the north right-of-way line of the presently designated U. S. 6 from the East Corporate limit line to 56th Street.

Building Line District (17) Fifty (50) feet from the presently designated U. S. 77 from the Cornhusker Highway to a point three (3) miles from Corporate limits.

Building Line District (18) Seventy-five (75) feet from the presently designated U. S. 6 from 56th Street to the Junction of City Route 6.

Building Line District (19) Seventy-five (75) feet from the east Corporate limits to a point three (3) miles from the Corporate limit line.

Building Line District (20) Sixty (60) feet on East "O" Street East of 27th Street to the Corporate limits.

Building Line District (21) Seventy-five (75) feet from the East Corporate limit line on the presently designated U. S. 34 to a point three (3) miles from the Corporate limit line.

Building Line District (22) Seventy-five (75) feet from 48th Street on the presently designated State Route 2 to a point three (3) miles from the East Corporate limits.

Building Line District (23) Fifty (50) feet on the proposed State 2 Highway from 14th Street to 48th Street.

Building Line District (24) Fifty (50) feet on the presently designated U. S. 77 from the South Corporate limits to a point three (3) miles from the said Corporate limits.

Building Line District (25) Forty-one (41) feet to the East line of 27th Street from the North line of "D" Street to the South line of Holdrege Street being in Sections 24 and 25, Township 10, Range 6 East.

Building Line District (26) Seventy-five (75) feet on 15th Street from "K" to "N" and from "P" to "R".

Building Line District (27) Fifty-three (53) feet on 48th Street from Holdrege to Leighton.

Building Line District (28) Eighty (80) feet on 48th Street from "O" to Holdrege.

ARTICLE XXII

BOARD OF ADJUSTMENT

Section 2201. A Board of Adjustment is hereby created. Such Board shall consist of five (5) members, all of whom shall be electors of the City of Lincoln. They shall be appointed by the Mayor and with the consent of the City Council. Not less than one (1) or more than two (2) members of the Board shall be members of the City Planning Commission. Members shall be appointed for a term of three (3) years. Vacancies shall be filled by appointment for the unexpired term only. Members of the Board shall serve without compensation.

Section 2202. The members of the Board of Adjustment shall meet at least once each month at such time and place as they may fix by resolution. They shall select one of their number as chairman and one as vice-chairman, who shall serve one (1) year and until their successors have been selected. Special meetings may be called at any time by the chairman or in his absence, by the vice-chairman. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall cause a proper record to be kept of its proceedings.

Section 2203. (a) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, or bureau of the City of Lincoln, affected by any decision of the Building Inspector. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Building Inspector and with the Board, a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

(b) An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Building Inspector on good cause shown.

(c) The Board shall fix a reasonable time for the hearing

of the appeal and decide the same within thirty (30) days. Upon the hearing, any party may appear in person, by agent or by attorney. Notice shall be given as provided in Article XXVI hereafter.

(d) The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the applicant upon any matter upon which it is required to pass under any such ordinance, or to affect any variation in such ordinance. Upon the hearing any party may appear in person or by agent or by attorney.

(e) A fee of ten dollars (\$10.00) shall be paid to the City Clerk at the time the notice of appeal is filed to be credited to the general revenue fund of the City of Lincoln.

Section 2204. The Board of Adjustment shall have the following powers:

1. **Powers Relative to Errors:** To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.

2. **Powers Relative to Variations:** Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the neighborhood, the strict application of the area regulations of this ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the Board is hereby empowered to authorize upon an appeal relating to such property, a variation from such strict application so as to relieve such difficulties or hardships.

3. **Powers Relative to Exceptions:** Upon appeal, the Board is hereby empowered to permit the following exceptions:

(a) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.

(b) To permit the reconstruction of a non-conforming building which has been destroyed, or partially destroyed, by fire or Act of God where the Board shall find some compelling public necessity requiring a continuance of the non-conforming use.

(c) To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare. Such uses lawfully existing on the effective date of this ordinance, shall be deemed to have received such a permit, shall be provided with such a permit by the Building Inspector upon request, and shall not be

non-conforming uses; provided, however, that a permit shall be required for the enlargement, extension or relocation of any of these existing uses.

(d) To interpret the provisions of the ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this ordinance.

(e) To vary the parking regulations of this ordinance whenever the character or use of a building is such as to make unnecessary the full provision of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

Section 2205. In exercising the above mentioned powers, such Board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals to this ordinance, the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the District Map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City of Lincoln. Every change granted or denied by the Board shall be accompanied by a written finding of fact, based on sworn testimony and evidence, specifying the reason for granting or denying the variation.

Section 2206. Actions of the Board of Adjustment, accompanied by the written findings of fact, shall be transmitted to the City Council by the Board within one week after such actions have been taken and such actions shall become effective thirty (30) days after the date of such transmittal unless changed or amended by the City Council. The City Council shall not make any change or amendment without holding one or more public hearings, due notice of which shall be given as provided in Article XXVI hereafter.

ARTICLE XXIII

OCCUPANCY PERMITS

Section 2301. Subsequent to the effective date of this ordinance, no change in the use or occupancy of land, nor any change of use or occupancy in an existing building other than for single-family dwelling purposes, shall be made, nor shall any new build-

ing be occupied until a certificate of occupancy has been issued by the Building Inspector. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this ordinance.

Section 2302. No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued.

Section 2303. A certificate of occupancy shall be required of all lawful non-conforming uses of land or buildings created at the time of passage of this ordinance. Application for such certificates of occupancy for non-conforming uses shall be filed with the Building Inspector by the owner or lessee of the land or building occupied by such non-conforming use within two (2) years from the effective date of this ordinance. It shall be the duty of the Building Inspector to issue a certificate of occupancy for a lawful non-conforming use, but failure to apply for such certificate of occupancy for non-conforming use, or failure of the Building Inspector to issue such certificate of occupancy for non-conforming use, may be considered evidence that such non-conforming use did not lawfully exist at the effective date of this ordinance.

Section 2304. A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.

ARTICLE XXIV

PLATS

Each application for a building permit shall be accompanied by a plat showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance. A record of applications and plats shall be kept in the office of the Building Inspector.

ARTICLE XXV

BOUNDARIES OF DISTRICTS

Section 2501. Rules Where Uncertainty May Arise. Where uncertainty exists with respect to the boundaries of the various districts shown on the district map accompanying and made a part of this ordinance, the following rules apply:

1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map

accompanying and made a part of this ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to coincide with the lot lines, and where the districts designated on the district map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

3. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

ARTICLE XXVI

GENERAL PROVISIONS; LEGISLATIVE PROVISIONS; PENALTY

Section 2601. Interpretation, purpose and conflict. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this ordinance imposes a greater restriction, this ordinance shall control.

Section 2602. Amendments. The City Council may from time to time on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or regulations, or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the City Planning Commission for its recommendations and report, such report to be made within thirty (30) days thereafter. Said report shall contain the findings of the Commission regarding the effect of the proposed amendment, supplement, change, modification or repeal upon adjacent property and upon the comprehensive zoning plan of the City of Lincoln. After the recommendations and report of the City Planning Commission have been filed, the City Council shall, before enacting any proposed amendment, supplement, change, modification or repeal, hold a public hearing in relation thereto, giving notice of the time and place of such hearing, as provided in Article XXVI hereafter.

Before any action shall be taken as provided in this Article, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the City Clerk the sum of twenty dollars (\$20.00) to cover the approxi-

mate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council. No deposit of money shall be required when any action is recommended by the City Council on its own motion or by any person or group officially designated to participate in the administration of this ordinance. In the event the proposed amendment or change is denied by the Council, no new request shall be made for the same or a substantially similar amendment or change within one year of said denial thereof.

Section 2603. Notice of Hearings. Hearings required under Articles XX, XXII and XXVI of this ordinance shall not be held until notice thereof has been given in compliance with the following provisions:

(a) A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen (18) inches in height and twenty-four (24) inches in width with a white background and black letters not less than one and one-half (1½) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street and shall be so posted at least five (5) days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

(b) At least five (5) days before the date of hearing the City Clerk shall have published in a daily newspaper having a general circulation in the City of Lincoln, a notice of the time, place, and subject matter of such hearing.

(c) It shall not be necessary to give further notice of adjourned or continued hearings.

Section 2604. Enforcement. It shall be the duty of the Building Inspector of the City of Lincoln to enforce this ordinance. Appeals from a decision of the Building Inspector may be made to the Board of Adjustment as provided in Article XXII.

Section 2605. Violation and Penalty. The owner or agent of a building or premises in or upon which a violation of any provision of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Hundred Dollars (\$100.00). Each and every day that such violation continues after notification may constitute a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any build-

ing, structure or land is used in violation of this ordinance, the appropriate authorities of the City of Lincoln in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

Section 2606. Validity. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 2607. Savings Clause. This ordinance shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any ordinance, or part of any ordinance, hereby repealed; this ordinance shall in no manner affect rights or causes of action, either civil or criminal not in suit that may have already accrued or grown out of any ordinance, or part of any ordinance hereby repealed.

Section 2608. Conflicting Ordinances Repealed. Any ordinances or parts of ordinances in conflict herewith are hereby repealed and particularly Ordinance No. 4003 passed March 26, 1945, as amended by Ordinance No. 4077 passed January 14, 1946, Ordinance No. 4270 passed July 14, 1947, Ordinance No. 4279 passed July 28, 1947, Ordinance No. 4385 passed March 22, 1948, Ordinance No. 4557 passed February 7, 1949, Ordinance No. 4605 passed July 18, 1949, Ordinance No. 4712 passed February 14, 1950, Ordinance No. 4734 passed March 20, 1950, Ordinance No. 4757 passed April 24, 1950, Ordinance No. 5061 passed September 17, 1951, Ordinance No. 5089 passed October 15, 1951, Ordinance No. 5155 passed March 3, 1952, and Ordinance No. 5483 passed April 27, 1953, and all ordinances amending the Property Regulation Map attached to and made a part of said Ordinance No. 4003.

Section 2609. Purpose of Catch Heads. The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of an index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this ordinance.

Section 2610. Publication. This ordinance shall be published in pamphlet form to be distributed in the City.

Section 2611....When Effective. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed Nov. 2, 1953

Attest
THEO. H. BERG,
(Seal) City Clerk

Introduced by
REES WILKINSON

CLARK JEARY,
Mayor

CERTIFICATE

State of Nebraska, }
County of Lancaster. } ss.

We, Clark Jeary, Mayor and Theo. H. Berg, City Clerk of the City of Lincoln, Nebraska, do hereby certify that Ordinance No. 5636 entitled:

“An Ordinance to regulate and restrict the location of trades and industries and the location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings; to regulate and determine the area of yards, courts and other open spaces to lessen congestion in the streets and to facilitate the adequate provision of transportation; the regulation of the intensity of land use to regulate the concentration of population; to regulate fences; to safeguard adequate provision for water, sewerage, schools, parks and other public requirements; to secure safety from fire and other dangers; to promote the public health and welfare; and for these purposes to divide the City and the area within three miles of the corporate limits thereof into districts and classify the same; to provide for the appointment of a Board of Adjustment; to prescribe penalties for the violation of said regulations, limitations and restrictions; to repeal Ordinance No. 4003 passed March 26, 1945, as amended by Ordinance No. 4077 passed January 14, 1946, Ordinance No. 4270 passed July 14, 1947, Ordinance No. 4279 passed July 28, 1947, Ordinance No. 4385 passed March 22, 1948, Ordinance No. 4557 passed February 7, 1949, Ordinance No. 4605 passed July 18, 1949, Ordinance No. 4712 passed February 14, 1950, Ordinance No. 4734 passed March 20, 1950, Ordinance No. 4757 passed April 24, 1950, Ordinance No. 5061 passed September 17, 1951, Ordinance No. 5089 passed October 15, 1951, Ordinance No. 5155 passed March 3, 1952 and Ordinance No. 5483 passed April 27, 1953, and all ordinances and parts of ordinances amending the Property Regulation Map attached to and made a part of said Ordinance No. 4003, and all ordinances and parts of ordinances in conflict herewith.”

Is published herewith in pamphlet form for distribution in the City of Lincoln, Nebraska, by and with the authority of the City Council of said City and in accordance with the provisions of the charter and ordinances of the said city.

WITNESS our hands and seal of said City of Lincoln, Nebraska, this 17th day of November, 1953.

CLARK JEARY,
Mayor

THEO. H. BERG,
City Clerk

(Seal)

CERTIFICATE

State of Nebraska, }
County of Lancaster. } ss.

I, Burnett W. Roberts, being first duly sworn on oath, say that I am Treasurer of McKelvie Publishing Company, a printing and publishing company in the City of Lincoln in the County of Lancaster and State of Nebraska; that Ordinance No. 5636, known as the 1953 Revised Zoning Ordinance of the City of Lincoln, Nebraska, was printed and published in pamphlet form in said City pursuant to the provisions of the charter and ordinances of the said City of Lincoln, Nebraska, and by order and under the authority of the City Council of said City by the said McKelvie Publishing Company, and was duly delivered to the City Clerk of said City on the 17th day of November, 1953, as provided by law.

BURNETT W. ROBERTS

Subscribed in my presence and sworn to before me this 17th day of November, 1953.

(Seal)

LOTTIE C. ERICKSON,
Notary Public