

ZONING
TITLE 27
ZONING⁷

Chapter 27.02

PURPOSE AND TITLE

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27.02.010 Purpose. This title 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 overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, 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. (Ord. 5636 §101; November 2, 1953).

27.02.020 Name and citation of title. This title shall be known, referred to and cited as the 1953 Revised Zoning Ordinance of the City of Lincoln. (Ord. 5636 §102; November 2, 1953).

⁷For general powers of city relative to zoning, see R.R.S. Nebraska, §§15-901 to 15-903. See also City Charter, Article 2 §15 1/2.

DEFINITIONS

Chapter 27.04

DEFINITIONS

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27.04.010 Definitions—General provisions. For the purpose of this title, 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. (Ord. 5636 §201; November 2, 1953).

27.04.020 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. (Ord. 5636 §202; November 2, 1953).

27.04.030 Alley. A public or private thoroughfare which affords only a secondary means of access to property abutting thereon. (Ord. 5636 §203; November 2, 1953).

27.04.040 Apartment. A room or suites 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. (Ord. 5636 §204; November 2, 1953).

27.04.050 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 newsstand, 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. (Ord. 5636 §205; November 2, 1953).

27.04.060 Apartment house. See Dwelling, Multiple. (Ord. 5636 §206; November 2, 1953).

27.04.070 Basement. A story having part but not more than one-half 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. (Ord. 5636 §207; November 2, 1953).

27.04.080 Boarding house. A building other than a hotel or a motel, where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons including nursing homes with less than twenty-one patients, and tourist homes accommodating not more than twenty persons. (Ord. 10583 §1; October 2, 1972; prior Ord. 5636 §208 as amended by Ord. 7095; February 15, 1960).

27.04.090 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 title. (Ord. 5636 §209; November 2, 1953).

27.04.100 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 the eaves and ridge for gable, hip and gambrel roofs. (Ord. 5636 §210; November 2, 1953).

27.04.105 Campsite. A parcel of land occupied or intended for occupancy by only one of the following: tent, tent trailer, pickup camper, or camping trailer. (Ord. 8901 §1; January 3, 1966).

27.04.110 Cellar. A story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for purpose of height measurement. (Ord. 5636 §211; November 2, 1953).

27.04.130 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. (Ord. 5636 §213; November 2, 1953).

27.04.140 Dwelling. Any building or portion thereof which is designed and used exclusively for residential purposes. (Ord. 5636 §214; November 2, 1953).

27.04.150 Dwelling, single-family. A building having accommodations for and occupied exclusively by one family. (Ord. 5636 §215; November 2, 1953).

27.04.160 Dwelling, two-family. A building having accommodations for and occupied exclusively by two families. (Ord. 5636 §216; November 2, 1953).

27.04.170 Dwelling, multiple. A building having accommodations for and occupied exclusively by more than two families. (Ord. 5636 §217; November 2, 1953).

27.04.180 Family. One or more persons immediately related by blood, marriage or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition thereto, two but not more than two persons not related by blood, marriage or adoption. A person shall be considered to be related for the purposes of this section if he is in a dwelling for the purpose of adoption or of a foster care program. (Ord. 8365 §1; April 13, 1964; prior Ord. 5636 §218; November 2, 1953).

27.04.185 Farming. The growing of the usual farm products such as grain, and their storage, as well as the raising of the usual farm poultry and farm animals, and the operation of a dairy farm. Farming shall not include the operation of stockyards or of a commercial feedlot. (Ord. 8460 §1; July 6, 1964).

27.04.190 Floor area. The total number of square feet of floor space within the exterior walls of a building, not including storage space in cellars or basements and not including space used for the parking of automobiles. (Ord. 8839 §1; October 11, 1965; prior Ord. 5636 §219; November 2, 1953).

27.04.200 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. (Ord. 5636 §220; November 2, 1953).

27.04.210 Garage, private. An accessory building designed or used for the storage of not more than four vehicles owned and used by the occupants of the building to which it is accessory. (Ord. 5636 §221; November 2, 1953).

27.04.220 Garage, public. A building or portion thereof, other than a private or storage garage, designed or used for equipment, repairing, hiring, servicing, selling or storing vehicles. (Ord. 5636 §222; November 2, 1953).

27.04.230 Garage, storage. A building or portion thereof designed and used exclusively for housing more than four vehicles. (Ord. 5636 §223; November 2, 1953).

27.04.240 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 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 department of public works and utilities. (Ord. 5636 §224; November 2, 1953).

27.04.250 Home occupation. Any occupation or activity carried on by a member of the family residing on the premises, in connection with which:

(1) There is used no sign other than a nonlighted and nonreflecting name plate not more than one square foot in area, which name plate may designate the home occupation carried on within, in letters not to exceed two inches in height, and which name plate must be clearly visible at the entrance to the premises where said home occupation is carried on and must be attached to the building wherein the home occupation is conducted;

(2) There is no commodity sold upon the premises, except that which is prepared on the premises in connection with such occupation or activity;

(3) There is no person employed on the premises other than a member of the family residing on the premises;

(4) There is no mechanical equipment used except of a type that is similar in character to that customarily found in the home;

(5) Substantial stocks of material or equipment are not stored on the premises;

(6) There is no truck kept on the premises other than one truck having a factory-rated carrying capacity of one ton or less;

(7) There is no advertising on the premises except as provided in paragraph (1) above.

Home occupation shall include the use of the premises by any person for any profession or occupation which meets the above conditions. Home occupation shall also include the use of premises by a cosmetologist when the dwelling is occupied by such cosmetologist as his or her home and no other person is employed to assist in the conduct of such business. (Ord. 9211 §1; April 17, 1967; prior Ord. 5636 §225 as amended by Ord. 5841; September 7, 1954).

27.04.260 Hotel. A dwelling not consisting of living units and occupied by more than twenty persons, all of whom may reach their living accommodations by passing through one central lobby. (Ord. 5636 §226, as amended by Ord. 7095; February 15, 1960).

27.04.270 Institutions. A nonprofit corporation or a nonprofit establishment for public use. (Ord. 5636 §227; November 2, 1953).

27.04.280 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 or more persons in contradistinction to hotels open to transients. (Ord. 5636 §228; November 2, 1953).

27.04.290 Lot. A parcel of land occupied or intended for occupancy by a use permitted in this title, including one main building together with its accessory building, the open spaces and parking spaces required by this title, and fronting upon a street, as herein defined; provided lots of record as herein defined and lots within the G Local Business District and G-1 Planned Commercial District need not front upon a public street. (Ord. 10061 §1; September 28, 1970; prior Ord. 5636 §229, as amended by Ord. 5924; December 6, 1954).

27.04.300 Lot, corner. A lot abutting upon two or more streets at their intersection. (Ord. 5636 §230; November 2, 1953).

27.04.310 Lot, depth of. The average horizontal distance between the front and rear lot lines. (Ord. 5636 §231, as amended by Ord. 6403; June 25, 1956).

27.04.320 Lot, double frontage. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot. (Ord. 5636 §232; November 2, 1953).

27.04.330 Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the register of deeds for Lancaster County at the time of the adoption of this title, provided that said lot has a frontage of not less than forty feet; or, an irregular tract lot as described by a deed recorded with the register of deeds for Lancaster County at the time of the passage of this title, provided such lot is numbered and described by the county surveyor at the time of the passage of this title and is not greater in area than one acre at the time of the passage of this title. (Ord. 5636 §233; November 2, 1953).

27.04.335 Lot, transitional. A transitional lot is not more than one hundred fifty feet in width in a dwelling district, having one side lot line which is the side lot line of a lot in a district which is zoned "G", "H-1", "H-2", "I", "II", "J", "K", "L", "M", or a lot has received a special permit for an off-street parking lot and used in conjunction with a building in one of the above named districts and which also has its front on the same street as a front of said commercial, business or industrial lot. (Ord. 10209 §1; July 26, 1971; prior Ord. 9057 §1; July 18, 1966; Ord. 8582 §1; October 19, 1964; Ord. 8541; September 14, 1964).

27.04.340 Motel. A dwelling not consisting of living units and occupied by more than twenty persons, in which there is no central lobby to reach individual living accommodations. (Ord. 5636 §234, as amended by Ord. 7095; February 15, 1960).

27.04.350 Office building. A building designed for or used as the office of professional, commercial, industrial, religious, institutional, public, or semipublic persons or organizations, provided 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 drugstore, barbershop, cosmetologists shop, cigar stand or newsstand, 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. (Ord. 5636 §235; November 2, 1953).

27.04.353 Original tract. A contiguous body of land under the same ownership. (Ord. 9120 §1; November 14, 1966).

27.04.355 Parking lot. An area consisting of one or more parking spaces for the storage of automobiles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for an automobile, provided that there shall be no storage of automobiles for the purpose of sale or resale in any dwelling district and in the "F" restricted commercial district, or any other district in which the sale of new or used cars is prohibited. Except in the "G" local business district, the "H-S" highway service district, the "H-1" highway business district, and the "H-2" highway commercial district, there shall be no parking of motor vehicles or of any

vehicles at any place in a front yard where the erection of a building is prohibited by this title. (Ord. 9874 §1; October 20, 1969; prior Ord. 8977 §1; April 4, 1966; Ord. 8757 §1; June 28, 1965; Ord. 8374 §1; April 20, 1964).

27.04.360 Parking space. An area, enclosed or unenclosed sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. (Ord. 5636 §236; November 2, 1953).

27.04.370 Place. An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property. (Ord. 5636 §237; November 2, 1953).

27.04.380 Rooming house. See lodging house. (Ord. 5636 §238; November 2, 1953).

27.04.382 Row house. A row house is one of a group or row of not less than four nor more than twelve attached, single-family dwellings designed and built as a single structure facing upon a street or place and in which the individual row houses may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of row houses shall be considered as one building occupying a single lot. (Ord. 9169 §1; February 27, 1967).

27.04.385 Senior citizens housing. Dwellings, including multiple dwellings, owned and operated by an educational, religious or philanthropic organization, no part of the earnings of which inures to the benefit of any private shareholder, contributor or individual, having accommodations for and occupied exclusively by:

- (1) Persons who are sixty-two years of age or over;
- (2) Families, the head of which (or his spouse) is sixty-two years of age or over;
- (3) Two closely related persons (e.g., sisters, brother and sister, aunt and niece) when both persons are sixty-two years of age or older;
- (4) Two unrelated persons of the same sex when both persons are sixty-two years of age or older;
- (5) Family members under age sixty-two, other than head of family or spouse, only when the head of the family or his spouse is sixty-two years of age or over, when the presence of such family members under age sixty-two is essentially for the physical care or economic support of the eligible older occupant or occupants;
- (6) Not more than one living unit for the purpose of housing a caretaker or equivalent service person and his family. (Ord. 8517 §1; August 17, 1964).

27.04.390 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 automotive 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. (Ord. 5636 §239; November 2, 1953).

27.04.400 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 fifty square feet, the advertising content of which is not closer than ten feet to the surface of the ground. (Ord. 5636 §240, as amended by Ord. 6532; January 7, 1957).

27.04.410 Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade such basement or cellar shall be considered a story. (Ord. 8999 §1; May 2, 1966; prior Ord. 5636 §243; November 2, 1953).

27.04.430 Street. All property acquired or dedicated to the public and accepted by the appropriate governmental agency for street purposes. Property that has been commonly used or dedicated to be used for street purposes prior to the adoption of this title shall be considered a street. (Ord. 5636 §241, as amended by Ord. 6512; December 3, 1956).

27.04.440 Street centerline. A line midway between street lines. (Ord. 5636 §242; November 2, 1953).

27.04.450 Street line. A dividing line between a lot, tract or parcel of land and a contiguous street. (Ord. 5636 §245; November 2, 1953).

27.04.460 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, backstops for tennis courts, and pergolas, provided the foregoing shall not apply to gasoline pumps and gasoline pump islands in the "G" local business, "H-S" highway service, and "H-1" highway business districts which shall be located not less than twelve feet from the nearest property line. (Ord. 9874 §2; October 20, 1969; prior Ord. 5636 §246; November 2, 1953).

27.04.470 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. (Ord. 5636 §247; November 2, 1953).

27.04.480 Mobile home. A mobile home is a year-round, single family structure for permanent (more than 30 days) living quarters, more than eight (8) feet wide and thirty-two (32) feet in length, and designed and built to be towed on its own chassis. (Ord. 9886 §1; November 24, 1969; prior Ord. 5636 §248, as amended by Ord. 7095; February 15, 1960).

27.04.481 Trailer, camping. A trailer used as a temporary dwelling for recreational, vacation or travel purposes and which (1) is not more than eight (8) feet in width, and (2) is not more than thirty-two (32) feet, including hitch, in length;

provided that the length limitation shall not apply if the gross weight does not exceed four thousand five hundred (4,500) pounds. (Ord. 9886 §2, November 24, 1969; prior Ord. 8002 §1; April 15, 1963).

27.04.490 Yard. An open space on the same lot with a building, unoccupied and unobstructed 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. (Ord. 5636 §249, as amended by Ord. 6403; June 25, 1956).

27.04.500 Yard, front. A yard extending across the front of a lot between the side lot 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. (Ord. 10274 §1; October 11, 1971; prior Ord. 5636 §250; November 2, 1953).

27.04.510 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 may be to the rear of either street, provided that the minimum rear yard depth requirement shall be calculated on the longest average lot dimension. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. (Ord. 5636 §251, as amended by Ord. 6103; August 1, 1955).

27.04.520 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 lot line, and extending from the front yard line to the rear yard line. (Ord. 10274 §2; October 11, 1971; prior Ord. 5636 §252; November 2, 1953).

Chapter 27.06

DISTRICTS AND BOUNDARIES

Sections:

27.06.010	Districts designated.
27.06.020	Boundaries of districts—Maps.
27.06.030	Rules where uncertainty as to boundaries arises.
27.06.040	Vacation of streets and alleys.
27.06.050	Classification of annexed territory.
27.06.060	General requirements.
27.06.061	F district height limit exception.

27.06.010 Districts designated. 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, and the area within three miles of the corporate limits thereof, is hereby divided into districts, of which there shall be twenty 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	Multiple dwelling district
D	Multiple dwelling district
E	Multiple dwelling district
E-1	Multiple dwelling district
F	Restricted commercial district
G	Local business district
G-1	Planned commercial district
H-S	Highway service district
H-1	Highway business district
H-2	Highway commercial district
I	Commercial district
II	Commercial district
J	Business district
K	Light industrial district
L	Heavy industrial district
M	Restricted industrial district

(Ord. 10888 §1; August 20, 1973: prior Ord. 8659 §1; February 22, 1965: Ord. 8013 §1; April 29, 1963: Ord. 7735 §1; May 7, 1962: Ord. 5636 §301, as amended by Ord. 7601; November 6, 1961).

27.06.020 Boundaries of districts—Maps. The boundaries of the districts are shown upon the two maps which are made a part hereof by reference, which maps

are designated as the "City of Lincoln and Environs Zoning District Map." That part of the map designating the different districts and their boundaries and that part of the legend designating the symbol title and have the same force and effect as if the district maps and that part of the legend referred to above were all fully set forth herein. Other notations and references are for information only. (Ord. 9295 §1; August 7, 1967; prior Ord. 5636 §302 as amended by Ord. 6465; September 10, 1956).

27.06.030 Rules where uncertainty as to boundaries arises. Where uncertainty exists with respect to the boundaries of the various districts shown on the district map made a part hereof by reference, the following rules apply:

(a) The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map made a part of this title by reference are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

(b) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and platted lots, the district boundaries shall be construed to coincide with the nearest platted lot lines, and where the districts designated in the district map made a part of this title by reference are bounded approximately by platted lot lines, the platted lot line shall be construed to be the boundary of the district.

(c) In unsubdivided property, the district boundary lines on the map made a part of this title by reference shall be determined by use of the scale appearing on the map. (Ord. 9253 §1; May 29, 1967; prior Ord. 5636 §2501; November 2, 1953).

27.06.040 Vacation of streets and alleys. Whenever any street, alley, or other public way is vacated by official action of the city council, 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. (Ord. 5636 §303; November 2, 1953).

27.06.050 Classification of annexed territory. All unincorporated territory which may hereafter come within three miles of the city limits by virtue of annexations to the city shall be immediately placed and continued in the AA rural and public use district until otherwise changed by ordinance. (Ord. 5636 §304; November 2, 1953).

27.06.060 General requirements. Except as hereinafter provided:

(a) 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.

(b) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit or the floor area limit herein established for the district in which the building is located.

(c) 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.

(d) The minimum yards and other open spaces, including lot area per family, required by this title for each and every building at the time of passage of this title 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 title.

(e) 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 main building on one lot except as otherwise provided therein in chapters 27.40 and 27.42.

(f) No premises shall be used nor shall any building be erected, converted, enlarged, reconstructed or structurally altered, for a rifle or pistol range within 1,800 yards of the boundaries of an air base, including ammunition storage area, of the United States Air Force.

(g)(1) All inhabited mobile homes shall be located in a mobile home court that has received a special use permit as required by section 27.40.010. No mobile home outside of an approved court, except on farmsteads when used in connection with farming activities, shall be connected to utilities except those being offered for sale by dealers or manufacturers and not inhabited.

(2) No mobile home shall be used for any purpose other than a dwelling. However, a mobile home may be used as a temporary office or shelter incidental to construction on a development of the premises on which the mobile home is located during the construction or development.

(h) If a building is so located on a lot that is located in two or more zoning districts, the permitted use of any part of the building and the requirements as to height and off-street parking requirements applicable to any such part of the building, shall be prescribed in the zoning ordinance for the district in which such part is located, except as provided in chapter 27.44 and section 27.06.030 of this chapter. (Ord. 9886 §5; November 24, 1969; prior Ord. 9158 §1; January 30, 1967; Ord. 9086 §1; August 29, 1966; Ord. 8002 §2; April 25, 1963; Ord. 5636 as amended by Ord. 7095; February 15, 1960).

27.06.061 F district height limit exception. Notwithstanding the provisions of paragraph b of section 27.06.060, a building in the "F" restricted commercial district which was occupied before December 1, 1967, can be converted, enlarged, reconstructed, or structurally altered to exceed the height limit effective for that district after that date, if such building will not then exceed four stories nor fifty feet in height and as otherwise provided in chapters 27.40 and 27.42 hereof. (Ord. 9366 §2; December 11, 1967).

Chapter 27.08

AA RURAL AND PUBLIC USE DISTRICT

Sections:

- 27.08.010 Scope of regulations.
- 27.08.020 Use regulations.
- 27.08.030 Height regulations.
- 27.08.040 Area regulations.

27.08.010 Scope of regulations. The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the district regulations in the AA rural and public use district. (Ord. 5636 §401; November 2, 1953).

27.08.020 Use regulations. A building or premises shall be used only for the following purposes:

- (1) Farming, truck gardening and nurseries.
- (2) The following uses:
 - (a) Dog breeding establishments and kennels.
 - (b) Chinchilla farms.
 - (c) Stables and riding academies.
- (3) Mining and extraction of minerals or raw materials.
- (4) Manufacturing, processing, treating and storing of materials or minerals which are extracted from any portion of the district.
- (5) Publicly owned or operated properties, other than overhead electric transmission lines having a voltage of thirty-five thousand volts or more.
- (6) Recreational uses not commercially operated, and parks, playgrounds, and golf courses not lighted for the purpose of playing golf.
- (7) Railroad tracks and yards and similar railroad facilities.
- (8) Single-family dwellings.
- (9) Churches and other places of worship, Sunday school buildings and parish houses.
- (10) 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.
- (11) Cemeteries, including mausoleums; provided that mausoleums shall be distant at least two hundred feet from every street line and adjoining lot lines and provided further that any new cemetery shall contain an area of twenty acres or more.
- (12) 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 acres, may occupy not over ten percent 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 feet for each foot of building height.
- (13) Accessory buildings and uses customarily incident to any of the above uses, including bulletin boards and signs not exceeding twelve 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.

(14) Signs, when located along but not closer than thirty 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 one hundred feet from the edge of the pavement or traveled way of the highway. (Ord. 9119 §1; November 7, 1966; prior Ord. 8694 §1; April 26, 1965; Ord. 5636 §402 as amended by Ord. 7594; October 30, 1961).

27.08.030 Height regulations. No building shall exceed two and one-half stories nor shall it exceed thirty-five feet in height except as provided in chapters 27.40 and 27.42 hereof. (Ord. 5636 §403; November 2, 1953).

27.08.040 Area regulations. (1) Front Yard. (a) There shall be a front yard having a depth of not less than thirty feet except as provided in chapter 27.42 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 title need not be reduced to thirty-five feet, except where necessary to provide a yard along the side street with a depth of not less than five 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 chapter 27.42, there shall be a side yard on each side of a building having a width of not less than fifteen feet.

(b) Where a lot of record at the time of the passage of this title has a width of one hundred feet or less, the side yard may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet.

(3) Rear Yard. Except as hereinafter provided in chapter 27.42, there shall be a rear yard having a depth of not less than fifty feet or twenty percent of the depth of the lot of record at the time of the passage of this title, whichever amount is smaller.

(4) Intensity of Use. Every lot or tract of land shall have an area of not less than one acre and an average width of not less than one hundred fifty feet, except that if a lot or tract has less area or width than herein required and its boundary lines along their entire length touch lands under other ownership on the effective date of this title and have not since changed, such parcel of land may be used for a single-family dwelling. (Ord. 8656 §1; February 15, 1965; prior Ord. 5636 §404; November 2, 1953).

Chapter 27.10

A-1 SINGLE FAMILY DWELLING DISTRICT

Sections:

27.10.010	Scope of regulations.
27.10.020	Use regulations.
27.10.030	Detached accessory uses.
27.10.040	Parking regulations.
27.10.050	Height regulations.
27.10.060	Area regulations.

27.10.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the A-1 single-family dwelling district. (Ord. 5636 §501; November 2, 1953).

27.10.020 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 the public agency.
- (3) Public libraries.
- (4) Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary 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 feet thereof, which space is adequate to accommodate one car for every ten 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, provided also the golf courses shall not be lighted for the purpose of playing golf.
- (7) Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business), including a private garage, home occupation, 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 a subdivision identification sign permitted only under all of the following conditions:

- (a) There shall be permitted on an original tract of ten acres or less only one sign, which sign shall not exceed one hundred square feet, on an original tract of more than ten acres and less than thirty acres no more than two signs, which signs shall not exceed a composite size of one hundred fifty square feet and no one sign shall exceed one hundred square feet in size, on an original tract of thirty acres or more no more than three signs, which signs shall not exceed a composite size of two hundred square feet and no one sign shall exceed one hundred square feet.

(b) It shall be a temporary sign for which a permit fee of five dollars shall be paid to the building official for an annual permit, which permit can be renewed annually for the same fee; provided that the permitted signs for larger tracts must be reduced to the same number and size for subdivision signs permitted for smaller original tracts in (a) above when the unsold aggregate area of the original tract is reduced to the size of such smaller tracts.

(c) It shall be located only where a building can be constructed, and cannot be located in a front yard, side yard or rear yard.

(d) The height of such signs shall not exceed ten feet, with the height to be determined by a measurement from the ground level at the lowest grade level within two feet of either side of the sign.

(e) Illumination of such sign shall not be permitted.

(f) Such sign shall only be for the identification or display to the public of the original sale of property in a subdivision.

(g) The sign must be kept in good condition, neat appearance and good state of repair. Weeds shall be kept cut and cleared within a radius of forty feet of such sign, and no debris shall be permitted so near thereto that the same shall constitute a fire hazard. (Ord. 9120 §2; November 14, 1966: prior Ord. 9119 §2; November 7, 1966: Ord. 8341 §1; March 16, 1964: Ord. 5636 §502; November 2, 1953).

27.10.030 Detached accessory uses. An accessory building that is not a part of the main building shall be located not less than sixty feet from the front lot line, except:

(1) An accessory building which meets all of the requirements set forth for the main building for front, side and rear yards; or

(2) An accessory building regarded as a main building under the provisions of section 27.42.040 (Ord. 8342 §1; March 16, 1964: prior Ord. 5636 §502-A; November 2, 1953).

27.10.040 Parking regulations. Whenever a structure is erected, converted or structurally altered for a single-family dwelling, there shall be provided accessible parking space on the lot to accommodate one automobile. (Ord. 5636 §502-B, as amended by Ord. 6403; June 25, 1956).

27.10.050 Height regulations. No building shall exceed three stories nor shall it exceed thirty-five feet in height except as provided in chapters 27.40 and 27.42 hereof. (Ord. 5636 §503; November 2, 1953).

27.10.060 Area regulations. (1) Front Yard. (a) There shall be a front yard having a depth of not less than thirty feet except as provided in chapter 27.42 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 title need not be reduced to less than thirty-five feet, except where necessary to provide a yard along the side street with a depth of not less than five 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 feet.

(2) Side Yard. (a) Except as provided in the following paragraph and in chapter 27.42 there shall be a side yard on each side of a building, which side yard shall be not less than ten feet.

(b) Wherever a lot of record at the time of the passage of this title has a width of one hundred feet or less, the side yard may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet.

(3) Rear Yard. Except as hereinafter provided in chapter 27.42, there shall be a rear yard having a depth of not less than thirty feet or twenty percent 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 square feet and an average width of not less than sixty 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 title and have not since been changed, such parcel of land may be used for a single-family dwelling. (Ord. 8656 §2; February 15, 1965: prior Ord. 5636 §504; November 2, 1953).

Chapter 27.12

A-2 SINGLE-FAMILY DWELLING DISTRICT

Sections:

27.12.010	Scope of regulations.
27.12.020	Use regulations.
27.12.030	Accessory use regulations.
27.12.040	Parking regulations.
27.12.050	Height regulations.
27.12.060	Area regulations.

27.12.010 Scope of regulations. The regulations set forth in this chapter or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the A-2 single-family dwelling district. (Ord. 5636 §601; November 2, 1953).

27.12.020 Use regulations. The use regulations are the same as those in the A-1 single-family dwelling district. (Ord. 5636 §602; November 2, 1953).

27.12.030 Accessory use regulations. The use regulations for accessory buildings are the same as those in the A-1 single-family dwelling district. (Ord. 5636 §602-A; November 2, 1953).

27.12.040 Parking regulations. The parking regulations shall be the same as those in the A-1 single-family dwelling district. (Ord. 5636 §602-B, as amended by Ord. 6403; June 25, 1956).

27.12.050 Height regulations. No building shall exceed three stories nor shall it exceed thirty-five feet in height, except as provided in chapters 27.40 and 27.42 hereof. (Ord. 5636 §603; November 2, 1953).

27.12.060 Area regulations. (1) Front Yard. (a) There shall be a front yard having a depth of not less than twenty-five feet except as hereinafter provided in chapter 27.42.

(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 title need not be reduced to less than twenty-eight feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

(2) Side Yard. Except as provided in chapter 27.42 there shall be a side yard on each side of a building, which side yard shall be not less than five feet.

(3) Rear Yard. Except as hereinafter provided in chapter 27.42 hereof, there shall be a rear yard having a depth of not less than thirty feet or twenty percent 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 square feet and an average width of not less than fifty feet, except that if a lot has less an 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 title and have not since been changed, such parcel of land may be used for a single-family dwelling. (Ord. 8656 §3; February 15, 1965; prior Ord. 5636 §604, as amended by Ord. 6403; June 25, 1956).

Chapter 27.14

B TWO-FAMILY DWELLING DISTRICT

Sections:

27.14.010	Scope of regulations.
27.14.020	Use of regulations.
27.14.030	Parking regulations.
27.14.040	Height regulations.
27.14.050	Area regulations.

27.14.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the B two-family dwelling district regulations. (Ord. 5636 §701; November 2, 1953).

27.14.020 Use regulations. A building or premises shall be used only for the following purposes:

- (a) Any use permitted in the A-1 single-family dwelling district.
- (b) Two-family dwellings.

(c) Accessory buildings and uses customarily incident to any of the above uses when located on the same lot and not involved in the conduct of business. If a garage is not part of the main building it shall be located not less than 60 feet from the front street line, unless (1) it meets all of the requirements set forth for the main building for front, side and rear yards; or (2) it is regarded as a main building under the provision of section 27.42.040. (Ord. 8344 §1; March 16, 1964; prior Ord. 5636 §702; November 2, 1953).

27.14.030 Parking regulations. Whenever a structure is erected, converted, or structurally altered for a two-family dwelling, one parking space shall be provided and maintained on a lot for each dwelling unit in the structure. (Ord. 5636 §703; November 2, 1953).

27.14.040 Height regulations. No building shall exceed three stories nor shall it exceed 35 feet in height, except as provided in chapters 27.40 and 27.42 hereof. (Ord. 5636 §704; November 2, 1953).

27.14.050 Area regulations. (a) Front Yard. The front yard regulations are the same as those in the A-2 single-family dwelling district.

(b) Side Yard. The side yard regulations are the same as those in the A-2 single-family dwelling district.

(c) Rear Yard. Except as hereinafter provided in chapter 27.42 hereof, there shall be a rear yard having a depth of not less than 30 feet or 20 percent of the depth of the lot, whichever amount is smaller.

(d) Intensity of Use. Except as herein provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed, shall be located upon lots containing the following areas:

- (1) A lot on which there is erected a single-family dwelling shall contain an

area of not less than 5,000 square feet and an average width of not less than 50 feet.

(2) A lot on which there is erected a two-family dwelling shall contain an area not less than 2,500 square feet per family and an average width of not less than 50 feet.

(3) Where a lot of record as of November 2, 1953, has less area or width, or both less area and width, than herein required, and its boundary lines along its entire length touch land of other ownership at the effective date of this section and have not since been changed, such lot may be used for a single-family dwelling. Where a lot of record as of November 2, 1953, has less width than herein required, and its boundary lines along its entire length touch land of other ownership at the effective date of this section and have not since been changed, such lot may be used for a two-family dwelling. (Ord. 8627 §1; December 28, 1964; prior Ord. 5636 §705, as amended by Ord. 7430; April 17, 1961).

Chapter 27.16

C MULTIPLE DWELLING DISTRICT

Sections:

27.16.010	Scope of regulations.
27.16.020	Use regulations.
27.16.030	Parking regulations.
27.16.040	Height regulations.
27.16.050	Area regulations.

27.16.010 Scope of regulations. The regulations set forth in this chapter or set forth elsewhere in this title when referred to in this chapter are the district regulations of the C multiple dwelling district. (Ord. 9513 §1; June 10, 1968; prior Ord. 5636 §801; November 2, 1953).

27.16.020 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.
- (3) Row houses.

(4) 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 part of the main building it shall be located not less than sixty feet from the front street line, unless (1) it meets all of the requirements set forth for the main building for front, side and rear yards; or (2) it is regarded as a main building under the provisions of Section 27.42.040. (Ord. 10133 §1; March 29, 1971; prior Ord. 9513 §2; June 10, 1968; Ord. 8345 §1; March 16, 1964; Ord. 5636 §802; November 2, 1953).

27.16.030 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 automobile for every dwelling unit provided in the main building. (Ord. 10667 §1; January 22, 1973; prior Ord. 10521 §1; July 31, 1972; Ord. 5636 §803; November 2, 1953).

27.16.040 Height regulations. No building shall exceed four stories nor forty-five feet in height, except as provided in chapters 27.40 and 27.42 hereof. (Ord. 9574 §1; August 26, 1968; prior Ord. 5636 §804; November 2, 1953).

27.16.050 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 feet.

(2) Side Yard. (a) The side yard regulations for buildings not exceeding three stories in height are the same as those in the A-2 single-family dwelling district (five feet).

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

(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 square feet and an average width of not less than fifty feet.

(b) For two-family dwellings a lot shall contain not less than twenty-five hundred square feet per family and an average width of not less than fifty feet.

(c) For multiple dwellings a lot shall contain not less than fifteen hundred square feet per family and an average width of not less than fifty feet.

(d) For row houses a lot shall contain not less than twenty-five hundred square feet per family and a minimum lot width of twenty feet.

(e) Where a lot of record as of November 2, 1953, has less area or width, or both less area and width, than herein required, and its boundary lines along its entire length touch land of other ownership at the effective date of this section and have not since been changed, the lot may be used for a single-family dwelling or for any nondwelling use permitted in this chapter. Where a lot of record as of November 2, 1953, has less width than herein required, and its boundary lines along its entire length touch land of other ownership at the effective date of this section and have not since been changed, the lot may be used for a two-family dwelling. (Ord. 10208 §1; July 26, 1971: prior Ord. 9574 §2; August 26, 1968: Ord. 8627 §2; December 28, 1964: Ord. 5636 §805, as amended by Ord. 6403; June 25, 1956).

Chapter 27.18

D MULTIPLE DWELLING DISTRICT

Sections:

27.18.010	Scope of regulations.
27.18.020	Use regulations.
27.18.030	Parking regulations.
27.18.040	Height regulations.
27.18.050	Area regulations.

27.18.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the D multiple dwelling district. (Ord. 5636 §901; November 2, 1953).

27.18.020 Use regulations. A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the C multiple dwelling district.
- (2) Multiple dwelling.
- (3) Boarding and lodging houses.
- (4) Nonprofit hospitals, religious, educational and philanthropic institutions, but not penal or mental treatment institutions, animal hospitals, animal clinics or mental hospitals.
- (5) Senior citizens housing.
- (6) Row houses.
- (7) Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service, customarily carried on as a business.
- (8) Identification signs for permitted institutions, private clubs, fraternities, sororities and lodges provided the sign does not exceed 30 square feet in area.
- (9) Accessory building 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 part of the main building it shall be located not less than sixty feet from the front street line unless (1) it meets all of the requirements set forth for the main building for front, side and rear yards; or (2) it is regarded as a main building under the provisions of section 27.42.040. (Ord. 9684 §1; January 20, 1969: prior Ord. 9169 §2; February 27, 1967: Ord. 8158 §1; August 17, 1964: Ord. 8346 §1; March 16, 1964: Ord. 5636 §902; November 2, 1953).

27.18.030 Parking regulations. Where a lot is occupied by a two-family or multiple dwelling, there shall be provided the parking space on the lot for each dwelling unit provided in the main building. Where a lot is occupied by a fraternity, there shall be provided one parking space on the lot or within six hundred feet thereof, for each four hundred square feet of floor area, not including storage areas in the basement or attic; and where a lot is occupied by a sorority or rooming or boarding house, there shall be provided one parking space on the lot or within six hundred feet thereof for each seven hundred square feet of floor area, not including storage areas in the basement or attic. Where a lot is occupied by senior citizens housing, there shall be provided

on the lot one parking space for each two dwelling units provided in the main building. There shall be no parking of motor vehicles or other vehicles at any place in the D multiple dwelling district in a front yard where the erection of a building is prohibited by this title. (Ord. 10667 §2; January 22, 1973; prior Ord. 10521 §2; July 31, 1972; Ord. 8518 §2; August 17, 1964; Ord. 5636 §903, as amended by Ord. 6978; August 3, 1959).

27.18.040 Height regulations. No building shall exceed four stories nor forty-five feet in height, except as provided in chapters 27.40 and 27.42 hereof. (Ord. 5636 §904; November 2, 1953).

27.18.050 Area regulations. (1) Front yard. The front yard regulations are the same as those in the C multiple dwelling district.

(2) Side yard. (a) The side yard regulations for building not exceeding three 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 feet on each side of a four 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 square feet and an average width of not less than fifty feet.

(b) A lot on which there is erected a two family dwelling or a row house shall contain an area of not less than two thousand square feet per family and an average width of not less than fifty feet for a two family dwelling and twenty feet for a row house.

(c) A lot on which there is erected a multiple dwelling shall contain an area of not less than one thousand square feet per family and an average width of not less than fifty feet, 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 as of November 2, 1953, has less area or width, or both less area and width, than herein required, and its boundary lines along its entire length touch land of other ownership at the effective date of this section and have not since been changed, such lot may be used for a single family dwelling or for any nondwelling use permitted in this chapter. Where a lot of record as of November 2, 1953, has less width than herein required, and its boundary lines along its entire length touch land of other ownership at the effective date of this section, and have not since been changed, such lot may be used for a two family dwelling. (Ord. 9169 §3; February 27, 1967; prior Ord. 8627 §3; December 28, 1964; Ord. 5636 §905, as amended by Ord. 6403; June 25, 1956).

Chapter 27.20

E MULTIPLE DWELLING DISTRICT

Sections:

27.20.010	Scope of regulations.
27.20.020	Use regulations.
27.20.030	Parking regulations.
27.20.040	Height regulations.
27.20.050	Area regulations.

27.20.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the E multiple dwelling district. (Ord. 5636 §1001; November 2, 1953).

27.20.020 Use regulations. A building or premises shall be used only for the following purposes:

(a) Any use permitted in the D multiple dwelling district.

(b) Apartment hotels.

(Ord. 5636 §1002; November 2, 1953).

27.20.030 Parking regulations. Where a lot is occupied by a multiple dwelling or an apartment hotel, there shall be provided one parking space on the lot for each dwelling unit. Where a lot is occupied by a fraternity, there shall be provided one parking space on the lot or within 1,200 feet thereof, for every 700 square feet of floor area, not including storage areas or in the basement or attic; and where a lot is occupied by a sorority or rooming or boarding house, there shall be provided one parking space on the lot or within 1,200 feet thereof for each 1,100 square feet of floor area, not including storage areas in the basement or attic. (Ord. 10667 §3; January 22, 1973; prior Ord. 10521 §3; July 31, 1972; Ord. 8839 §2; October 11, 1965; Ord. 5636 §1103, as amended by Ord. 6978; August 3, 1959).

27.20.040 Height regulations. No building shall exceed four stories nor 45 feet in height, except a building may be constructed to a height of 130 feet, provided, the side and rear yard requirements are increased one foot for each two additional feet the building exceeds 45 feet in height and except as provided in chapters 27.40 and 27.42. (Ord. 9955 §1; March 30, 1970; prior Ord. 9815 §1; July 7, 1969; Ord. 8839 §1; October 11, 1965; Ord. 5636 §1004, as amended by Ord. 7094; February 15, 1960).

27.20.050 Area regulations. (a) Front yard. The front yard regulations are the same as those in the C multiple dwelling district.

(b) Side yard. The side yard regulations are the same as those in the D multiple dwelling district, except as provided in section 27.20.040 where buildings exceed four stories in height.

(c) Rear yard. The rear yard regulations are the same as those in the A-2 single family dwelling district.

(d) Intensity of use. The intensity of use regulations shall be the same as those in the D multiple dwelling district, except that where a lot is occupied by a multiple dwelling or an apartment hotel there shall not be less than two-thirds of a square foot of lot area for each square foot of floor area in the building; provided that for each square foot of lot area within the required yard lines that is not built upon, six square feet of additional floor area within the building may be added to the total otherwise permitted. (Ord. 9000 §1; May 2, 1966; prior Ord. 8839 §4; October 11, 1965: Ord. 5636 §1005, as amended by Ord. 7306; October 3, 1960).

Chapter 27.21

E-1 MULTIPLE DWELLING DISTRICT

Sections:

27.21.010	Scope of regulations.
27.21.020	Use regulations.
27.21.030	Parking regulations.
27.21.040	Height regulations.
27.21.050	Area regulations.
27.21.060	Intensity of use.

27.21.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the E-1 multiple dwelling district. (Ord. 10018 §1; July 6, 1970).

27.21.020 Use regulations. A building or premises shall be used only for the following purposes:

(a) Any use permitted in the E multiple dwelling district.

(b) Apartment hotel and any business necessary to the building, and any professional or business office therein. The total area occupied by a permitted business within an apartment hotel in this district may not exceed 25 percent of the floor area excluding accessory buildings. Any such business or offices shall be within the building and shall not have any entrance from the street or exterior signs, but shall open from and be accessible through an interior lobby, corridor or passageway. (Ord. 10018 §2; July 6, 1970).

27.21.030 Parking regulations. Where a lot is occupied by a multiple dwelling or an apartment hotel, there shall be provided two off-street parking spaces on the lot for each three dwelling units plus an additional 10 percent of off-street parking space on the lot for guest parking. If any portion of the building is used for permitted business purposes, there shall be provided off-street parking on the lot in the ratio of one space per 500 square feet of business floor area. Where a lot is occupied by a fraternity, there shall be provided one parking space on the lot or within 1,200 feet thereof, for every 700 feet of floor area, not including storage areas in the basement or attic; and where a lot is occupied by a sorority or rooming or boarding house, there shall be provided one parking space on the lot or within 1,200 feet thereof for each 1,100 feet of floor area, not including storage areas in the basement or attic. (Ord. 10667 §4; January 22, 1973; prior Ord. 10521 §4; July 31, 1972: Ord. 10018 §3; July 6, 1970).

27.21.040 Height regulations. No building may exceed 150 feet in height except as provided in chapters 27.40 and 27.42 hereof. (Ord. 10018 §4; July 6, 1970).

27.21.050 Area regulations. (a) Front yard. There shall be a front yard having a depth of not less than 10 feet.

(b) Side yard. There shall be a side yard on each side of a building, which side yard shall have a depth of not less than 10 feet; provided, however, that if the building

height exceeds 45 feet, the sum total of the two side yards shall be not less than 30 feet; provided, further, however, that neither side yard shall be less than 10 feet. Accessory buildings may be built to the property line in said side yard area if the accessory building is located at least 50 feet from the front property line and does not exceed two stories in height.

(c) Rear yard. There shall be a rear yard having a depth of not less than 20 feet; provided however, that garage space or auxiliary structures shall be permitted within said rear yard. Accessory buildings may be built to the property line in said rear yard area if the accessory building is located at least 50 feet from the front property line and does not exceed two stories in height. (Ord. 10018 §5; July 6, 1970).

27.21.060 Intensity of use. The intensity of use regulations shall be the same as those in the D multiple dwelling district except that in connection with multiple dwellings and apartment hotels there shall be 250 square feet of lot area per dwelling unit. (Ord. 10018 §6; July 6, 1970).

Chapter 27.22

F RESTRICTED COMMERCIAL DISTRICT

Sections:

27.22.010	Scope of regulations.
27.22.020	Use regulations.
27.22.030	Parking regulations.
27.22.040	Height regulations.
27.22.050	Area regulations.

27.22.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the F restricted commercial district. (Ord. 5636 §1101; November 2, 1953).

27.22.020 Use regulations. A building or premises shall be used only for the following purposes:

(1) Any use permitted in the E multiple dwelling district except that permitted signs shall be in accordance with paragraph (3) of this section.

(2) Office buildings.

(3) Accessory buildings and uses customarily incident to the above, including one sign not exceeding twenty 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. (Ord. 9726 §1; April 7, 1969; prior Ord. 5636 §1102; November 2, 1953).

27.22.030 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 feet thereof for each twelve hundred square feet of floor space in the building exclusive of basement. (Ord. 5636 §1103; November 2, 1953).

27.22.040 Height regulations. No building shall be permitted in the F restricted commercial district except as follows:

(1) Except as otherwise permitted by chapter 27.40, any building constructed in this district shall not exceed five stories nor fifty-seven feet in height; provided that in the case of a building less than five stories in height, a penthouse, not exceeding twelve feet in height, may be constructed above the upper story, however, the aggregate height of the structure shall not exceed fifty-seven feet.

(2) Church steeples, monuments, and ornamental spires which exceed the maximum height of fifty-seven feet shall be exempt from this section provided the city council of the City of Lincoln allows such construction by special permit after public hearing. Copies of a plot plan of the lot and proposed uses, drawn to an accurate scale and showing all pertinent information, shall accompany a request for a special permit. Before the issuance of any special permit for the construction, the city council shall refer the proposed application to the planning commission, which commission shall be given thirty days in which to make a report regarding the effect of the proposed expansion

upon the public health, public safety and general welfare. No action shall be taken on any application for a proposed construction above referred to until and unless the report of the planning commission has been filed; provided, however, that no report is received from the commission within forty-five days, it shall be assumed that approval of the application has been given by the commission. (Ord. 9366 §1; December 11, 1967; prior Ord. 5636 §1104; November 2, 1953).

27.22.050 Area regulations. (1) Front yard. The front yard regulations are the same as those in the C multiple dwelling district, except that on the side street side of a corner lot and on Fifteenth Street the front yard need not exceed fifteen 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 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 feet.

(4) Intensity of use. The intensity of use regulations shall be the same as in the E multiple dwelling district. (Ord. 5636 §1105; November 2, 1953).

Chapter 27.23

G-1 PLANNED COMMERCIAL DISTRICT

Sections:

27.23.010	Scope of regulations.
27.23.020	Use regulations.
27.23.030	Parking regulations.
27.23.040	Height regulations.
27.23.050	Area regulations.

27.23.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter are the regulations in the G-1 planned commercial district. (Ord. 8013 §2 (part); April 29, 1963).

27.23.020 Use regulations. A building or premises shall be used only for the following purposes:

(1) Any use permitted in the G local business district except mortuaries, laundries, laundrettes, ambulance service, or signs, provided, however, and except as otherwise hereinafter provided, that if residential uses are located therein, they be constructed above commercial uses located on the ground level. Living quarters may be constructed on the ground floor of a commercial use when such facilities are necessary for and used in connection with the operation of such commercial use.

(2) Flat wall signs or signs on the face of a building, or marquee showing the name of each business and the commodities or service for sale or offered on the premises, except that there may be one free standing sign for each filling station. (Ord. 10207 §1; July 26, 1971; prior Ord. 10032 §1; August 10, 1970; Ord. 9597 §1; September 30, 1968; Ord. 8013 §2 (part); April 29, 1963).

27.23.030 Parking regulations. (a) Generally. Parking regulations shall be the same as in the G local business district.

(b) Yards. No parking facilities may be located in the required front, side or rear yard areas. (Ord. 8013 §2 (part); April 29, 1963).

27.23.040 Height regulations. No building shall exceed three stories nor shall it exceed forty feet in height except as otherwise provided in chapters 27.40 and 27.42 hereof. (Ord. 8013 §2 (part); April 29, 1963).

27.23.050 Area regulations. (1) Front yard. There shall be a front yard of not less than fifty feet which yard shall be entirely devoted to landscaped area except for the necessary paving of driveways and sidewalks to reach buildings, parking and loading areas.

(2) Side yard. A side yard is not required except on the side of a lot abutting a dwelling district, in which case there will be a side yard of not less than twenty feet, which side yard shall be entirely devoted to landscaped area except for the necessary paving of driveways and sidewalks constructed as the shortest direct means of access to building areas and parking lots; provided no driveway shall be used as a means of ingress or egress to or from any individual parking space or loading space; and provided

further that the minimum twenty foot side yard herein required shall be increased by that distance which any driveway or sidewalk shall exceed a length of twenty feet unless, due to physical conditions, a driveway or sidewalk cannot be constructed in a length of twenty feet, in which event the additional side yard requirement herein above specified shall be waived to the extent that said driveway or sidewalk, due to physical conditions, must necessarily exceed twenty feet in length to provide access to building areas and parking lots.

(3) Rear yard. A rear yard is not required except on the side of a lot abutting on a dwelling district, in which case there will be a rear yard of not less than fifty feet, which rear yard shall be entirely devoted to landscaped area, except for necessary paving of driveways and sidewalks constructed as the shortest direct means of access to building areas and parking lots; provided no driveway shall be used as a means of ingress or egress to or from any individual parking space or loading space; and provided further that the minimum fifty foot rear yard herein required shall be increased by that distance which any driveway or sidewalk shall exceed a length of fifty feet unless, due to physical conditions, a driveway or sidewalk cannot be constructed in a length of fifty feet, in which event the additional rear yard requirement herein above specified shall be waived to the extent that said driveway or sidewalk, due to physical conditions, must necessarily exceed fifty feet in length to provide access to building areas and parking lots.

(4) Minimum area. G-1 planned commercial district zoning shall not be permitted or granted for any lot, tract, or parcel of land less than five acres in area. (Ord. 10032 §2; August 10, 1970; prior Ord. 8013 §2 (part); April 29, 1963).

Chapter 27.24

G LOCAL BUSINESS DISTRICT

Sections:

27.24.010	Scope of regulations.
27.24.020	Use regulations.
27.24.030	Parking regulations.
27.24.040	Height regulations.
27.24.050	Area regulations.

27.24.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the G local business district. (Ord. 5636 §1201; November 2, 1953).

27.24.020 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) Banks;
- (3) Receiving store for dry or steam cleaning which cleaning shall be done elsewhere;
- (4) Barbershop, beauty parlor, chiropody, massage or similar personal service shops;
- (5) Business or commercial schools or dancing or music academies;
- (6) Service stations;
- (7) Self service coin operated car wash, provided there shall be not to exceed three bays, and provided further that there shall be provided sufficient space for the storage of four automobiles per bay on the approach side of the building and space sufficient for the storage of two automobiles on the exit side of the building. The storage space shall not be located within the front yard;
- (8) Hospital and clinics for animals, but not open kennels;
- (9) An establishment having self service coin operated washing machines, or self service coin operated drying machines, or self service coin operated dry cleaning machines or having any combination of such machines used for washing or drying or dry cleaning clothing and household goods, employing not more than two persons on the premises during any one shift; provided, that any such establishment having the dry cleaning machines shall meet all standards of chapter 5.56 of the Lincoln Municipal Code;
- (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 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:
 - (a) In a retail store where bakery goods, confections, delicatessen or other food products are sold, all food that is prepared on 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 persons on the premises, and not involving the conduct of any manufacturing on the premises;
- (19) Key shops;
- (20) Motels and hotels, provided that:
 - (a) The number of hotel or motel units shall not exceed the number obtained by dividing the total square foot area of the site by one thousand;
 - (b) One off-street parking space shall be provided for each hotel or motel unit;
 - (c) A distance of at least twenty feet shall be maintained between buildings on the lot; and
 - (d) Each hotel or motel unit shall have a minimum enclosed floor area of two hundred square feet and be provided with heating facilities, lavatory, toilet, 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;
- (21) Parking lots;
- (22) Signs, provided however, that:
 - (a) Where this district is within seventy-five feet of A-1, A-2, B, C, D, E, and F districts, such signs shall not be closer to the districts than seventy-five feet, except where the sign does not show directly toward the district, and except where the adjacent lot is a transitional lot or has received a special permit for a nonresidential use; and
 - (b) No sign extend more than six feet from the building line into the front yard, except that in the front yard there may be one banjo sign for each lot of each fifty feet of street frontage and there shall be not more than two for each business;
- (23) Ambulance service;
- (24) Automobile sales establishments, provided that:
 - (a) The zoning district in which such establishment is located shall be no less than fifteen (15) acres in area and shall have an average dimension of no less than eight hundred (800) feet;
 - (b) Parking and storage of vehicles for sale or rent and parking of vehicles by employees and customers shall not be permitted within the minimum required front yard;
 - (c) Such establishment shall be required to have sales and show room facilities and service facilities contained within a building or buildings, and sales and storage lots, all devoted to the sale and service of new or used automobiles;
 - (d) Automobiles shall include motorcycles and all vehicles propelled by any power other than muscular power, except farm tractors and farm machinery, farm tractors and farm machinery used occasionally outside of general farm usage, road rollers, any vehicles which run only on rails or tracks, and road and general purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditch-digging apparatus, well-boring apparatus, asphalt spreaders, bucket loaders, leveling graders, earth moving carryalls, power shovels, earth moving equipment, crawler tractors, backhoes, bulldozers and front-end loaders.
- (25) Accessory buildings and uses customarily incident to the above uses, including parking lots;
- (26) Theaters, provided however, that no theater shall be erected or reconstructed

unless there is provided on the same lot or within 300 feet thereof, one parking space for every four seats in the theater. Each required parking space shall be provided exclusively to meet the aforesaid theater parking requirements for this zoning district and shall be in addition to parking spaces required for any other use.

Any building used primarily for any of the above enumerated purposes may have not more than forty percent of the floor area devoted to storage purposes incidental to the primary use. (Ord. 10260 §1; September 27, 1971: prior Ord. 9879 §1; November 10, 1969: Ord. 9597 §2; September 30, 1968: Ord. 9228 §1; May 1, 1967: Ord. 9188 §1; March 20, 1967: Ord. 9063 §1; August 1, 1966: Ord. 8572 §1; October 5, 1964: Ord. 8497 §1; August 3, 1964: Ord. 5636 §1202, as amended by Ord. 7095; February 15, 1960).

27.24.030 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 chapter, parking spaces shall be provided in the ratio of not less than one parking space for each three hundred square feet of floor space in the building which is used for commercial purposes. The parking space may be located on the same lot as the building or on an area within three hundred feet of the building. Two or more owners of buildings may join together in providing this parking space. (Ord. 5636 §1203; November 2, 1953).

27.24.040 Height regulations. No building shall exceed three stories nor shall it exceed forty feet in height, except as otherwise provided in chapters 27.40 and 27.42 hereof. (Ord. 5636 §1204; November 2, 1953).

27.24.050 Area regulations. (1) Front yard. The front yard regulations are the same as those in the C multiple dwelling district except that on the side street side of a corner lot the front yard need not exceed ten 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 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 on a dwelling district in which case there shall be a rear yard of not less than twenty feet in depth, provided that a rear yard is not required where a lot abuts on a lot in a dwelling district for which a valid special permit has been issued authorizing a parking lot.

(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 D multiple dwelling district. (Ord. 10419 §1; April 17, 1972: prior 10047 §1; September 14, 1970: Ord. 9463 §1; April 22, 1968: Ord. 8304 §1; January 20, 1964: Ord. 5636 §1205; November 2, 1953).

Chapter 27.25

H-S HIGHWAY SERVICE DISTRICT

Sections:

27.25.010	Scope of regulations.
27.25.020	Use regulations.
27.25.030	Parking regulations.
27.25.040	Height regulations.
27.25.050	Area regulations.

27.25.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the H-S highway service district. (Ord. 7735 §2; May 7, 1962).

27.25.020 Use regulations. A building or premises shall be used only for the following purposes:

- (1) Public or storage garages;
- (2) Restaurants, provided all food and beverages are served within a building;
- (3) Service stations;
- (4) Accessory buildings and uses, including accessory signs and advertising devices, and dwellings for persons employed on the premises;
- (5) Hotels and motels, including as an accessory use, a retail shop or store primarily for the use of residents or guests of such building, when such uses are entirely within the building with no separate entrance from the outside. (Ord. 8590 §1; October 26, 1964; prior Ord. 7735 §2; May 7, 1962).

27.25.030 Parking regulations. Accessory off-street parking spaces shall be provided as follows:

- (1) Public or storage garages, or service stations; one space for each one hundred fifty square feet of floor area;
- (2) Restaurants. One space for each one hundred square feet of floor area;
- (3) Hotels and motels. One space for each sleeping room or suite plus one space for each one hundred square feet of floor area used for accessory stores or restaurants. (Ord. 8590 §2; October 26, 1964; prior Ord. 7735 §2; May 7, 1962).

27.25.040 Height regulations. No building shall exceed four stories or fifty feet in height, except as otherwise provided in chapters 27.40 and 27.42 hereof; and except that buildings may exceed four stories or fifty feet in height provided the building is set back one foot from all required yard lines for each one foot of additional height above fifty feet. (Ord. 8590 §3; October 26, 1964; prior Ord. 7735 §2; May 7, 1962).

27.25.050 Area regulations. (1) Front yard. There shall be a front yard having a depth of not less than fifty feet except as provided in chapter 27.42. Identifying signs may be placed in the front yard provided they do not conflict with state or federal regulations.

(2) Side yard. Except as hereinafter provided, there shall be a side yard on each side of a building having a width of not less than fifteen feet.

(3) Rear yard. Except as hereinafter provided, there shall be a rear yard of not less than thirty feet.

(4) Intensity of use. Every lot or tract of land shall have an area of not less than 10,000 square feet and an average width of not less than 100 feet. (Ord. 9874 §3; October 20, 1969; prior Ord. 7735 §2; May 7, 1962).

Chapter 27.26

H-1 HIGHWAY BUSINESS DISTRICT

Sections:

27.26.010	Scope of regulations.
27.26.020	Use regulations.
27.26.030	Parking regulations.
27.26.040	Height regulations.
27.26.050	Area regulations.

27.26.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the H-1 highway business district. (Ord. 5636 §1301; November 2, 1953).

27.26.020 Use regulations. A building or premises shall be used only for the following purposes:

- (a) Any use permitted in the G local business district;
- (b) Service facilities including, but not limited to, repair and maintenance of home and office equipment, electrical appliances, radio and television sets, and rental equipment, provided all displays and merchandise are screened from public view by a fence, wall, shrubs, material obstruction or within the walls of a building;
- (c) Private recreational uses;
- (d) Food storage lockers;
- (e) Bakeries;
- (f) Bottling works;
- (g) Used car lots, provided none of the activities of junk dealers, as defined in chapter 5.22 of this code, shall be carried on in this classification;
- (h) Auto repair garages, provided all displays and merchandise are within the enclosure walls of a building;
- (i) Laundries and dry cleaning establishments and laundrettes;
- (j) Printing shops;
- (k) Theater, provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within 300 feet thereof, a space for off-street parking which contains an area adequate to accommodate one automobile for every four seats in the theater;
- (l) Where this district is within 75 feet of A-1, A-2, B, C, D, E, and F districts, such signs shall not be closer to the district than 75 feet, except where the sign does not show directly toward the district, and except where the adjacent lot is use; and no sign extend more than six feet from the building line into the front yard, except that in the front yard there may be one banjo sign for each lot of each 50 feet of street frontage and there shall be not more than two for each business;
- (m) Any retail establishment and other use pertaining to the retail establishment except those uses specifically excluded in chapter 27.32, or which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise and provided that at least 30 percent 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 10 employees;

(n) Accessory buildings and uses customarily incident to the above uses, including parking lots. (Ord. 9229 §1; May 1, 1967; prior Ord. 9158 §2; January 30, 1967; Ord. 8907 §1; January 10, 1966; Ord. 7786 §1; July 9, 1962; Ord. 6403; June 25, 1956).

27.26.030 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 business purposes permitted in this chapter, parking shall be provided in the ratio of not less than one space for each two hundred square feet of floor space in the building used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred feet of the building, provided it is not across a divided street or divided highway as defined in section 10.04.081. Two or more owners of a building may join together in providing this parking space. (Ord. 9212 §1; April 17, 1967; prior Ord. 5636 §1303; November 2, 1953).

27.26.040 Height regulations. No building shall exceed four stories nor shall it exceed fifty feet in height, except as otherwise provided in chapters 27.40 and 27.42 hereof. (Ord. 5636 §1304; November 2, 1953).

27.26.050 Area regulations. (1) Front yard. The front yard regulations are the same as those in the G local business district.

(2) Side yard. The side yard regulations are the same as those in the G local business 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 feet in depth for a one story building, twenty feet in depth for a two story building and thirty feet in depth for a three story building, provided that a rear yard is not required where a lot abuts on a dwelling district for which a valid special permit has been issued authorizing a parking lot.

(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. (Ord. 9463 §2; April 22, 1968; prior Ord. 5636 §1305; November 2, 1953).

Chapter 27.28

H-2 HIGHWAY COMMERCIAL DISTRICT

Sections:

27.28.010	Scope of regulations.
27.28.020	Use regulations.
27.28.030	Parking regulations.
27.28.040	Height regulations.
27.28.050	Area regulations.

27.28.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are regulations in the H-2 highway commercial district. (Ord. 5636 §1401; November 2, 1953).

27.28.020 Use regulations. A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the H-1 highway business district;
- (2) Signs, provided that those attached to a building or structure not extend more than six feet into the front yard; and provided further that in the front yard there may be one banjo sign for each fifty 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) Creameries;
- (6) Motor truck terminals;
- (7) Lumber and coal yards;
- (8) Contractor's offices and storage yards;
- (9) Sales barns.

(Ord. 5636 §1402, as amended by Ord. 6230; November 28, 1955).

27.28.030 Parking regulations. Parking regulations shall be the same as those in the H-1 highway business district except that any building or any portion thereof which shall be used for a bowling alley, restaurant, or medical or dental offices, there shall be provided one parking space for each one hundred square feet of floor area occupied for such use. (Ord. 10698 §1; February 26, 1973; prior Ord. 9212 §2; April 17, 1967; Ord. 5636 §1403; November 2, 1953).

27.28.040 Height regulations. No building shall exceed three stories nor thirty-five feet, except as otherwise provided in chapters 27.40 and 27.42 hereof. (Ord. 5636 §1404; November 2, 1953).

27.28.050 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 feet or ten percent of the width of the lot, whichever is smaller, but in no case shall this be less than five feet.

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

(4) Intensity of use. Every lot that is improved with a dwelling shall provide a lot area of not less than two thousand square feet per family. (Ord. 8987 §1; April 11, 1966; prior Ord. 5636 §1405, as amended by Ord. 6403; June 25, 1956).

Chapter 27.30

I COMMERCIAL DISTRICT

Sections:

27.30.010	Scope of regulations.
27.30.020	Use regulations.
27.30.030	Parking regulations.
27.30.040	Height regulations.
27.30.050	Area regulations.

27.30.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations of the I commercial district. (Ord. 5636 §1501; November 2, 1953).

27.30.020 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 utilizing the services of not more than eight persons on the premises;
- (4) Printing shops utilizing the services of not more than five persons on the premises;
- (5) Sales and show rooms including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of a building;
- (6) Laundry utilizing the services of not more than five persons on the premises;
- (7) Launderettes;
- (8) Theater, provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot or within three hundred feet thereof a space for off-street parking which contains an area adequate to accommodate one automobile for every four seats in the theater;
- (9) Garage and automobile repair shops;
- (10) Upholstery shop utilizing the services of not more than five persons on the premises, and not involving any furniture manufacturing;
- (11) Signs, provided, however, (a) where this district is within seventy-five feet of A-1, A-2, B, C, D, E, and F, districts, such signs shall not be closer to the district than seventy-five feet, except where the sign does not show directly toward the district, and except where the adjacent lot is a transitional lot or has received a special permit for a nonresidential use; and (b) no sign extends more than six feet from the building line into the front yard, except that in the front yard there may be one banjo sign for each lot of each fifty feet of street frontage and there shall be not more than two for each business;
- (12) Furnace, heating, sheet metal, and cabinet shops or stores, utilizing the services of not more than five persons on the premises. Not more than ten percent of the lot or tract occupied by the establishment shall be used for the open and unenclosed storage of materials and equipment;
- (13) Tire store sales and services including vulcanizing, utilizing the services of not more than five 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 and water softener service shops utilizing the services of not more than five persons on the premises;
- (17) Accessory buildings and uses customarily incident to the above uses, including parking lots;
- (18) Used car lots, provided that none of the activities of junk dealers as defined in chapter 5.22 of this code, shall be carried on in this classification;
- (19) Optical lens grinding and finishing. (Ord. 9798 §1; June 23, 1969: prior Ord. 9407 §1; February 26, 1968: Ord. 9229 §2; May 1, 1967: Ord. 9158 §3; January 30, 1967: Ord. 5636 §1502, as amended by Ord. 6917; May 11, 1959).

27.30.030 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 chapter, parking space shall be provided in the ratio of not less than one parking space for each six hundred square feet of floor space in the building which is used for commercial purposes. The parking space may be located on the same lot as the building or on an area within three hundred feet of the building. Two or more owners of buildings may join together in providing this parking space. (Ord. 5636 §1503; November 2, 1953).

27.30.040 Height regulations. No building shall exceed four stories nor shall it exceed forty-five feet in height, except as otherwise provided in chapters 27.40 and 27.42 hereof. (Ord. 5636 §1504; November 2, 1953).

27.30.050 Area regulations. (1) Front yard. No front yard is required except where the frontage on one side of a street 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 business 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 feet in depth for a one story building, twenty feet in depth for a two story building, and thirty feet in depth for a three story building, provided that a rear yard is not required where a lot abuts on a lot in a dwelling district for which a valid special permit has been issued authorizing a parking lot.

(4) Intensity of use. When a lot is improved with a single-family dwelling, a two-family dwelling or a multiple dwelling, or when living quarters are erected above other uses, the intensity of the regulations are the same as those required in the D multiple dwelling district. (Ord. 9463 §3; April 22, 1968: prior Ord. 7834 §1; August 13, 1962: Ord. 5636 §1505; November 2, 1953).

Chapter 27.31

II COMMERCIAL DISTRICT

Sections:

27.31.010	Scope of regulations.
27.31.020	Use regulations.
27.31.030	Parking regulations.
27.31.040	Height regulations.
27.31.050	Area regulations.

27.31.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the II commercial district. (Ord. 8659 §2 (part); February 22, 1965).

27.31.020 Use regulations. A building or premises shall be used only for the following purposes:

Any use permitted in the I commercial district. (Ord. 8659 §2 (part); February 22, 1965).

27.31.030 Parking regulations. (1) The parking regulations for dwellings are the same as those in the E multiple dwelling district.

(2) Where any structure is erected, reconstructed, or converted for any of the business purposes permitted in this chapter, parking space shall be provided in the ratio of not less than one parking space for each six hundred 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 an area within three hundred feet of the building. Two or more owners of buildings may join together in providing this parking space. (Ord. 8659 §2 (part); February 22, 1965).

27.31.040 Height regulations. The height for dwellings shall be the same as for the E multiple dwelling district. No building shall exceed seven stories in height nor shall exceed seventy-five feet in height, except as otherwise provided in chapters 27.40 and 27.42. hereof. (Ord. 8659 §2 (part); February 22, 1965).

27.31.050 Area regulations. (1) Front yard. The front yard requirements for dwellings shall be the same as those in the E multiple dwelling district. In all other cases no front yard is required except where the frontage on one side of a street is partly in the II 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 for dwellings shall be the same as in the E multiple dwelling district. In all other cases the side yard regulations are the same as in the G local business district.

(3) Rear yard. The rear yard regulations for dwellings are the same as those in the E multiple dwelling district. In all other cases the rear yard requirements are the same as those in the I commercial district.

(4) Intensity of use. When a lot is improved with dwellings, the intensity of use regulations are the same as those in the E multiple dwelling district. (Ord. 8659 §2 (part); February 22, 1965).

Chapter 27.32

J BUSINESS DISTRICT

Sections:

- 27.32.010 Scope of regulations.
- 27.32.020 Use regulations.
- 27.32.030 Height regulations.
- 27.32.040 Area regulations.

27.32.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the district regulations of the J business district. (Ord. 5636 §1601; November 2, 1953).

27.32.020 Use regulations. A building or premises may be used for any purposes except the following:

- (1) The manufacture of acetylene gas, the transfer of the gas from one container to another container, or the storage of the gas in containers having a capacity greater than the equivalent of one thousand cubic feet of acetylene gas at standard temperature and pressure;
- (2) Acid manufacture;
- (3) Alcohol manufacture;
- (4) Ammonia, bleaching powder or chlorine manufacture;
- (5) Arsenal;
- (6) Asphalt manufacturing or refining;
- (7) Auto wrecking or salvage;
- (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, but not including light metal fabrication;
- (26) Junk, iron or rags storage or bailing;
- (27) Oilcloth or linoleum manufacture;

- (28) Oiled rubber goods manufacture;
- (29) Ore reduction;
- (30) Paint, oil, shellac, turpentine or varnish manufacture;
- (31) Paper and pulp manufacture;
- (32) Refining petroleum or its products, and bulk storage of petroleum or its products not located underground in full compliance with city regulations;
- (33) Rock crusher;
- (34) Rolling mill;
- (35) Rubber or gutta-percha manufacture or treatment;
- (36) Shoe polish manufacture;
- (37) Smelting;
- (38) Stockyards or slaughter of animals or fowls;
- (39) Stone mill or quarry;
- (40) Tanning, curing or storage of raw hides or skins;
- (41) Tar distillation 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 departments of public works and utilities, stating that the existing sanitary sewers are adequate to accommodate the proposed use, and provided further, that uses listed in chapter 27.40 follow the requirements of this section. (Ord. 9349 §1; November 13, 1967; prior Ord. 8626 §1; December 28, 1964; Ord. 5636 §1602, as amended by Ord. 7431; April 17, 1961).

27.32.030 Height regulations. No building shall exceed two hundred and seventy-five feet in height except as provided in chapters 27.40 and 27.42 hereof. (Ord. 9583 §1; September 3, 1968; prior Ord. 5636 §1603; November 2, 1953).

27.32.040 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 regulation shall be the same as those in the E multiple dwelling district, except that the minimum lot area per family for multiple dwellings and apartment hotels shall be reduced to two hundred twenty square feet. Where a lot is occupied by other than a dwelling, the maximum allowable floor space shall be determined by the ratio of ten square feet of floor area to each square foot of lot area. For every off-street parking space on the lot, an additional six hundred square feet of floor area shall be allowed. (Ord. 9583 §2; September 3, 1968; prior Ord. 5636 §1604, as amended by Ord. 7343; November 21, 1960).

Chapter 27.34

K LIGHT INDUSTRIAL DISTRICT

Sections:

27.34.010	Scope of regulations.
27.34.020	Use regulations.
27.34.030	Height regulations.
27.34.035	Parking regulations.
27.34.040	Area regulations.

27.34.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the K light industrial district. (Ord. 5636 §1701; November 2, 1953).

27.34.020 Use regulations. The use regulations are the same as those in the J business district. (Ord. 9210 §1; April 17, 1967; prior Ord. 9158 §4; January 30, 1967; Ord. 5636 §1701; November 2, 1953).

27.34.030 Height regulations. No building shall exceed seven stories nor shall it exceed ninety feet in height, except as otherwise provided in chapters 27.40 and 27.42 hereof. (Ord. 5636 §1703; November 2, 1953).

27.34.035 Parking regulations. Off-street parking spaces shall be provided in the ratio of two spaces for each three employees of the maximum number to be employed at any one time, or in the ratio of one space for every one thousand square feet of total building area; provided, however, that if the number of spaces required by the building ratio is greater than that required by the employee ratio, the additional parking spaces need not be provided physically but sufficient space shall be reserved for future physical development. (Ord. 8070 §1; June 3, 1963).

27.34.040 Area regulations. (1) Front yard. Where all the frontage on one side of the street is located in the K light industrial district, no front yard shall be required. Where the frontage on one side of the street is located partly in the K light industrial district and a district that requires a front yard, the front yard requirements of the closest adjacent district shall apply to the following area:

(a) The K light industrial district for two hundred feet; and

(b) The K light industrial district beginning at the point described in (a) above thence angling along a line to its intersection with the street line abutting the frontage for a distance of three hundred feet.

(2) Side yard. The side yard regulations for dwellings are the same as those in 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 feet.

(3) Rear yard. A rear yard shall be provided for dwellings that shall have a depth of not less than thirty 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 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. (Ord. 9152 §1; January 16, 1967; prior Ord. 7837 §1; August 13, 1962; Ord. 5636 §1704; November 2, 1953).

Chapter 27.36

L HEAVY INDUSTRIAL DISTRICT

Sections:

- 27.36.010 Scope of regulations.
- 27.36.020 Use regulations.
- 27.36.030 Height regulations.
- 27.36.040 Area regulations.

27.36.010 Scope of regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the L heavy industrial district regulations. (Ord. 5636 §1801; November 2, 1953).

27.36.020 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 that no building shall be erected, converted, reconstructed, or structurally altered for church, library, school, hospital or residential purposes, except for resident watchmen and caretakers employed on the premises; provided, further, that uses listed in section 27.40.010 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, with such conditions as prescribed, after report by the chief of the fire department and the Lincoln City-Lancaster County 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.
- (12) Stockyards or slaughter of animals.
- (13) Wholesale storage of gasoline.

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 with such conditions as prescribed after report by the health department and the Lincoln City-Lancaster County planning commission:

1. Auto wrecking or salvage.
2. Junk, iron or rags storage or bailing.

(Ord. 9240 §1; May 8, 1967; prior Ord. 9158 §5; January 30, 1967; Ord. 8326 §1; March 2, 1964; Ord. 5636 §1802 as amended by Ord. 7431; April 17, 1961).

27.36.030 Height regulations. Except as hereinafter provided in Chapter 27.42,

a building may be erected to any height not in conflict with other ordinances. (Ord. 5636 §1803; November 2, 1953).

27.36.040 Area regulations. (1) Front Yard. Where all the frontage on one side of a street is located in the L heavy industrial district, no front yard shall be required. Where the frontage on one side of the street 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. (Ord. 7837 §2; August 13, 1962; prior Ord. 5636 §1804; November 2, 1953).

Chapter 27.37

M RESTRICTED INDUSTRIAL DISTRICT

Sections:

- 27.37.010 Scope of regulations.
- 27.37.020 Use regulations.
- 27.37.030 Height regulations.
- 27.37.040 Area regulations.
- 27.37.050 Parking and loading regulations.
- 27.37.060 Advertising signs.

27.37.010 Scope of regulations. The regulations set forth elsewhere in this title, when referred to in this chapter, are the M restricted industrial district regulations. (Ord. 7601 §2; November 6, 1961).

27.37.020 Use regulations. (1) General Regulations. (a) No building shall be erected, converted, reconstructed or structurally altered for church, library, school, hospital or residential purposes, except for motels or for resident foremen and caretakers employed on the premises.

(b) No raw galvanized or other raw metal sheeting shall be used for the exterior construction of any building.

(c) Auto wrecking, junkyards, and similar storage or salvage shall not be permitted. No oil drilling, refining, mining operations, or any kind of quarrying shall be permitted, except upon approval of the city council after report by the chief of the fire department and the Lincoln City-Lancaster County planning commission. Fuel oil storage tanks and all bulk storage of oils, petroleum, and similar flammable liquids and chemicals shall be permitted only if located underground in full compliance with all codes and regulations of the City of Lincoln. Liquid petroleum gas and similar gas used for fuel may be stored above ground in tanks of not more than 20,000 gallon capacity and the storage of such gas shall be limited to 20,000 gallons per eight acres of land area. Such tanks shall be adequately screened from public view. The open storage of any other material may be allowed only in areas fully enclosed within a building, or surrounded by a ventilated concrete or masonry wall or planting screen, either of which shall be at least six feet in height. All combustible material shall be stored in such a way as to permit free access of firefighting equipment. The storage of explosives shall be prohibited.

(2) Uses Permitted. Subject to the foregoing, any commercial or industrial use may be allowed, provided that the following performance standards be observed:

(a) Noise. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and, as measured at any property line, shall not exceed the following intensity in relation to sound frequency:

Octave Band in Cycles Per Second

0 - 150	75 Decibels
150 - 300	67 Decibels
300 - 600	60 Decibels
600 - 1200	55 Decibels
1200 - 2400	50 Decibels
2400 - 4800	43 Decibels
Above 4800	40 Decibels

Such sound levels shall be measured with a sound level meter and an octave band analyzer conforming with specifications on the American Standards Association.

(b) Smoke. The emission of smoke by any use shall be controlled so as to be less dark in shade than that designated as No. 2 on the Ringelmann Chart, published and used by the United States Bureau of Mines; provided, however, that smoke of a density equal to that designated as No. 2 on the Ringelmann Chart may be permitted for not more than eight minutes during any thirty-minute period and smoke of a density of not exceeding that designated as No. 3 on the Ringelmann Chart may be permitted for not more than three minutes during any thirty-minute period while starting or cleaning a fire.

(c) Dust and other particulate matter. The emission of dust, fly ash and other particulate matter shall not exceed 0.85 pounds per one thousand pounds of flue gas, measured at a convenient point in the stack and under conditions not exceeding fifty percent of excess air. The amount of solids in such gases shall be determined according to the test for dust-separating apparatus of the American Society of Mechanical Engineers, revised and amended to date.

(d) Odor. The emission of odorous matter in such quantity as to be offensive at a point along or outside any lot line shall not be permitted. In determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the "Air Pollution Abatement Manual" (copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C.) shall be used as a guide.

(e) Glare and heat. Any operation producing intense heat and glare shall be conducted within an enclosed building or with other effective screening in such a manner as to be completely imperceptible from any point along or outside the lot lines. (Ord. 10893 §1; August 27, 1973: prior Ord. 10827 §1; June 4, 1973: Ord. 10224 §1; August 9, 1971: 9240 §2; May 8, 1967: Ord. 9158 §6; January 30, 1967: Ord. 8626 §2; December 28, 1964: Ord. 7612 §1; December 4, 1961: Ord. 7601 §2; November 16, 1961).

27.37.030 Height regulations. Except as hereinafter provided in chapter 27.42, buildings shall not exceed two stories or thirty-five feet in height, except a building or portion of a building may be constructed to a height of forty-five feet or three stories, provided all yard requirements are increased two feet for each one foot the building or portion of the building exceeds thirty-five feet in height. The increased yard requirements shall apply only to that portion of the building that exceeds thirty-five feet. (Ord. 9081 §1; August 22, 1966: prior Ord. 7601 §2; November 6, 1961).

27.37.040 Area regulations. (1) Front Yard. There shall be a front yard having a minimum depth of fifty feet, which yard shall be entirely devoted to landscaped area, except for guest parking and necessary paving of driveways and sidewalks to reach parking and loading areas in the side or rear yards. Landscaping shall mean that the area is permanently devoted to and maintained for the growing of trees, shrubbery, lawns and other plant materials; provided that front yard guest parking shall be set back at least twenty-five feet from the front property line, and provided further, that any driveways which intersect the front yard shall not be wider than twenty-four feet.

(2) Side and Rear Yards. There shall be minimum side and rear yards of twenty feet each; provided, however, any side or rear yard in the M restricted industrial district adjacent to AA, A-1, A-2, B, C, D, or E districts shall have a minimum width or depth

of fifty feet which shall be entirely devoted to landscaped area, except for necessary paving of driveways and sidewalks to reach parking and loading areas in the side or rear yards.

(3) Intensity of Use. The minimum lots provided in the district shall have an area of one acre and a width of at least one hundred fifty feet. (Ord. 7625 §1; December 26, 1961: prior Ord. 7601 §2; November 6, 1961).

27.37.050 Parking and loading regulations. (1) No loading facilities may be provided in the front yard, or in the fifty feet of any side or rear yard adjacent to AA, A-1, A-2, B, C, D, or E districts. Loading facilities shall be so arranged as not to be visible from a public street.

(2) No parking facilities, except guest parking facilities, may be located in a front yard. No parking facilities may be located in the fifty feet of any side or rear yard adjacent to AA, A-1, A-2, B, C, D, or E districts.

(3) Off-street parking spaces shall be provided in the ratio of two spaces for each three employees of the maximum number to be employed at any one time, or in the ratio of one space for every one thousand square feet of total building area; provided, however, that if the number of spaces required by the building ratio is greater than that required by the employee ratio, the additional parking spaces need not be provided physically but sufficient space shall be reserved for future physical development. (Ord. 7625 §2; December 26, 1961: prior Ord. 7601 §2; November 6, 1961).

27.37.060 Advertising signs. Outdoor advertising shall be limited to one sign on each street frontage of a lot, which sign shall be attached to a building, extending parallel, or substantially parallel thereto, and not more than one foot from, but not above, the building, the contents of the sign to be limited to describing products or services sold or produced on the premises, or giving the name of the establishment, and the area of which is limited to one square foot for each lineal foot of street frontage of the street on which the sign faces; provided, however, that temporary signs not exceeding twenty square feet in area and relating to sale or lease of the premises may be located in a front yard. Flashing or intermittently illuminated signs shall be prohibited. (Ord. 7614 §1; December 4, 1961: prior Ord. 7601 §2; November 6, 1961).

Chapter 27.38

NONCONFORMING USES

Sections:

- 27.38.010 Continuation of nonconforming use.
- 27.38.015 Signs—Nonconforming use.
- 27.38.020 Use becoming nonconforming by change in law or boundaries.
- 27.38.025 Special permit—Clinics.
- 27.38.030 Discontinuance of nonconforming use.
- 27.38.040 Extension or enlargement.
- 27.38.050 Restoration after damage.
- 27.38.060 Open storage and signs.
- 27.38.070 Effect on use which is nonconforming under prior law.

27.38.010 Continuation of nonconforming use. The lawful use of a building and premises existing at the time of the effective date of this title may be continued although such use does not conform to the provisions hereof.

(a) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. If no changes are made in regard to size or location of water lines, sewer lines or private roads for those nonconforming uses not involving a building, such use may be continued even though such use does not conform to the provisions hereof. Whenever a nonconforming 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. (Ord. 9886 §4; November 24, 1969; prior Ord. 5636 §1901; November 2, 1953).

27.38.015 Signs—Nonconforming use. A sign, not exceeding 30 square feet in area and identifying the name of each business, the commodities or services offered in the building, shall be permitted on a building even though the use of the building is a nonconforming use provided the lot is contiguous to or across an alley from a zoning district in which said nonconforming use would be a permitted use. Such sign, if illuminated, shall not flash. (Ord. 9673 §1; December 30, 1968).

27.38.020 Use becoming nonconforming by change in law or boundaries. Whenever the use of a building becomes a nonconforming 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 nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. (Ord. 5636 §1902; November 2, 1953).

27.38.025 Special permit—Clinics. Notwithstanding the provisions of this chapter, a clinic approved by special permit on or before September 1, 1964, did not become a nonconforming use by reason of the passage of Ordinance 8541. (Ord. 8541 §4; September 14, 1964).

27.38.030 Discontinuance of nonconforming use. In the event that a

nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of two years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. (Ord. 5636 §1903; November 2, 1953).

27.38.040 Extension or enlargement. No existing building devoted to a use not permitted by this title in the district in which the building is located, except when required to do so by law or order, or as authorized by permit pursuant to section 27.40.126, shall be enlarged, extended, converted, 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 year period after November 2, 1953, nonconforming light industrial uses in the G, H, and I districts and nonconforming heavy industries in the K district may be extended or enlarged by not to exceed a fifty percent increase in the cubical contents of the building; and further provided, that all height and area regulations be observed in such extension. (Ord. 9392 §1; February 5, 1968; prior Ord. 5636 §1904, as amended by Ord. 6403; June 25, 1956).

27.38.050 Restoration after damage. When a building, the use of which does not conform to the provisions of this title, is damaged by a fire, explosion, act of God, or the public enemy, to the extent of more than sixty percent of its fair market value it shall not be restored except in conformity with the regulations of the district in which the building is situated, or as provided in chapter 27.42 hereof. (Ord. 5636 §1905; November 2, 1953).

27.38.060 Open storage and signs. Where land within the A-1, A-2 and B districts contained no main buildings as distinguished from accessory buildings and fences and was used solely for open storage at the time of the passage of this title, use of such land for open storage shall be discontinued within two years. When land within the A-1, A-2 and B districts contained no main buildings as distinguished from accessory buildings and fences and was used solely for signs at the time of the passage of this title, use of such land for signs shall be discontinued and the signs removed within two years, unless the sign is at least five hundred feet away from any residence. (Ord. 5636 §1906; as amended by Ord. 6403; June 25, 1956).

27.38.070 Effect on use which is nonconforming under prior law. Nothing in this title 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 title. (Ord. 5636 §1907; November 2, 1953).

Chapter 27.40

ADDITIONAL USE REGULATIONS

Sections:

27.40.010	Special permits.
27.40.011	Special permit administrative amendments.
27.40.015	Government buildings.
27.40.020	Private schools.
27.40.025	Hospitals and institutions.
27.40.026	Dwellings for members of a religious order.
27.40.030	Cemetery.
27.40.035	Community buildings or recreation fields.
27.40.040	Airport.
27.40.045	Greenhouses and nurseries.
27.40.050	Mobile home courts.
27.40.055	Outdoor theaters.
27.40.060	Private recreational activities.
27.40.061	Golf courses.
27.40.065	Stables.
27.40.070	Roadside stands.
27.40.075	Broadcasting towers and stations.
27.40.080	Extracting sand and gravel.
27.40.085	Parking lots.
27.40.086	Temporary parking lots.
27.40.087	Ambulance service.
27.40.090	Clubs.
27.40.095	Housing and related facilities for the elderly.
27.40.100	Truck terminals.
27.40.105	Office buildings.
27.40.110	Bulk storage of petroleum products.
27.40.111	Fertilizer and farm chemicals.
27.40.115	Campgrounds.
27.40.120	Veterinary offices and kennels.
27.40.125	Stockyards or feed lots.
27.40.126	Special permits—Nonconforming uses.
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27.40.010 Special permits. 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 designated in sections 27.40.015 to 27.40.141, inclusive, in any district from which they are prohibited by this title, as set forth in the following sections of this chapter, and may also permit an increase in the height of any such building. Copies of a plot plan of the lot and proposed uses, drawn to an accurate scale and showing all pertinent information, shall accompany a request for a special permit. (Ord. 9753 §1; May 5, 1969: prior Ord. 9008 §1; May 9, 1966: Ord. 8976 §1; April 4, 1966: Ord. 8884 §1; December 13, 1965: Ord. 8702 §1; May 3, 1965: Ord. 8448 §1; June 29, 1964).

27.40.011 Special permit administrative amendments. After the city council has approved a special permit including the specific plot plan under section 27.40.010, the planning director is authorized to approve amendments to the special permit provided:

(1) A request for an administrative amendment is filed with the planning director accompanied by a plot plan drawn to an accurate scale and showing all pertinent information relating to the requested amendment.

(2) No buildings or uses are permitted within the minimum yards or exterior open space, whichever is greater, required by city council.

(3) The intent of the city council in preserving the public health, safety and general welfare will still be carried out. (Ord. 9753 §2; May 5, 1969).

27.40.015 Government buildings. Any building erected by any department of a governmental agency. (Ord. 8448 §1; June 24, 1964).

27.40.020 Private schools. Private schools, including nursery, pre-kindergarten, kindergarten, play and special schools. (Ord. 8448 §1; June 24, 1964).

27.40.025 Hospitals and institutions. Hospitals and institutions, including educational, religious and philanthropic institutions subject to the following:

(a) Non-dwelling institutions. The following requirements shall be met prior to the granting of a special use permit to a non-dwelling institution:

(1) Adequate off-street parking spaces shall be provided.

(2) The building shall not occupy over forty percent (40%) of the total area of the lot.

(3) The development shall not have any adverse or depreciating effect upon the value of surrounding real property.

(4) Buildings shall be set back from all yard lines a distance of not less than one foot for each foot of building height except that when the lot is adjacent to land zoned G, H-1, H-2, I, II, J, K, L, and M, the sideyard requirements of the district in which the lot is located shall apply to the sideyard adjacent to the nonresidential district.

(b) Institutions consisting of dwelling units. The following requirements shall be met prior to the granting of a special use permit to institutions consisting of dwelling units:

(1) Adequate off-street parking spaces shall be provided.

(2) The building shall not occupy over forty percent (40%) of the total area of the lot.

(3) The development shall not have any adverse or depreciating effect upon the value of the surrounding real property.

(4) Buildings shall be set back from all yard lines a distance of not less than one foot for each foot of building height except that when the lot is adjacent to land zoned G, H-1, H-2, I, II, J, K, L, and M, the sideyard requirements of the district in which the lot is located shall apply to the sideyard adjacent to the nonresidential district; provided:

a. If the buildings are substantially the same size, character, height and use of other buildings permitted within the district, the additional yard requirements shall not apply.

b. Buildings of substantially the same size, character, height and use permitted within the district may be located within the front yard requirement of a taller building, provided that adequate open space is maintained between the smaller building and the larger building.

c. When an institutional building is located adjacent to or across the street from another institutional use, the additional yard requirements because of height shall not be required on the yard adjacent to or across the street from another institutional use.

(c) A hospital may include offices of medical societies, offices of charitable public health associations and private office space for the practice of medicine and dentistry under a license from the department of health of the State of Nebraska; provided that any such private offices for the practice of medicine and dentistry shall be located on the hospital lot and the doctors and dentists involved therein must be on the staff of the hospital. (Ord. 10256 §1; September 20, 1971: prior Ord. 9994 §1; June 15, 1970: prior Ord. 9704 §1; February 17, 1969: Ord. 8541 §1; September 14, 1964: Ord. 8448 §1; June 29, 1964).

27.40.026 Dwellings for members of a religious order. Dwellings for members of a religious order living together as a single housekeeping unit, provided that no more than three (3) automobiles are parked or stored on or near the premises by the individuals residing on the premises. (Ord. 9850 §1; September 2, 1969).

27.40.030 Cemetery. Cemetery. (Ord. 8448 §1; June 29, 1964).

27.40.035 Community buildings or recreation fields. Community buildings or recreation fields. (Ord. 8448 §1; June 29, 1964).

27.40.040 Airport. Airport or landing field. (Ord. 8448 §1; June 29, 1964).

27.40.045 Greenhouses and nurseries. Greenhouses and nurseries. (Ord. 8448 §1; June 29, 1964).

27.40.050 Mobile home courts. Mobile home courts in the A-1, A-2, B, C, D, E, G, G-1, H-1, H-2 and K districts, provided that:

(a) The mobile home court has a minimum site area of 10 acres;

(b) The average area per space contained within the site shall not be less than the

lot area per family required in the district or districts in which the mobile home court is developed;

(c) Twenty-five (25) feet shall be maintained between mobile homes and between mobile homes and buildings in all horizontal directions;

(d) No mobile home shall be located closer than fifty (50) feet to any exterior property line, except when the same is located adjacent to a trailer court or another mobile home court. Mobile homes within mobile home courts shall be required to have a setback of at least twenty (20) feet from the pavement of private roadways:

(e) Land within the fifty (50) foot exterior open space provided in subparagraph (d) above shall be landscaped, except for the necessary paving of roadways and sidewalks to reach the mobile home area, and said open space shall be maintained permanently with screen fencing, ground cover, trees, shrubs or other landscaping as approved by the city planning director, provided, however, such landscaping shall not be located so as to create a traffic hazard by impairing visibility;

(f) The demand for school and other public services and utilities should not exceed the existing capacity of facilities as determined by the governmental agencies involved to provide such services, unless the governmental agency agrees to provide or accept such facilities. Each mobile home court application shall be forwarded for a report and recommendation from the proper school officials and governmental agencies;

(g) No special use permit for a mobile home court shall be approved until the Lincoln-Lancaster County health director and the building official have found that the same will be in compliance with chapter 5.48 of the Lincoln Municipal Code and all other applicable laws, regulations and requirements;

(h) A special use permit for a mobile home court shall be temporary and shall be valid only so long as the mobile home court existing thereunder complies with chapter 5.48 of the Lincoln Municipal Code and all other applicable laws, regulations and requirements;

(i) The city council may permit accessory uses to mobile homes and mobile home courts in the nature of off-street parking facilities, private recreational facilities and storage and maintenance facilities;

(j) Upon specific request due to special circumstances the city council may adjust the requirements set forth in subparagraphs (c), (d) and (e), and may adjust the requirement as to the height regulations, area regulations and open spaces for the district or districts in which the site for a mobile home court is to be located, when such adjustments would be consistent with the intent and purpose of this title to promote public health, safety, morals and general welfare. (Ord. 9906 §1; January 12, 1970: prior Ord. 9886 §3; November 24, 1969: Ord. 8448 §1; June 29, 1964).

27.40.055 Outdoor theaters. Outdoor theaters, but only in the AA, C, H-1, H-2, K and L districts. (Ord. 8448 §1; June 29, 1964).

27.40.060 Private recreational activities. Private recreational activities. (Ord. 8448 §1; June 29, 1964).

27.40.061 Golf courses. Lighting for golf courses. (Ord. 9119 §3; November 2, 1966).

27.40.065 Stables. Riding stables and private stables. (Ord. 8448 §1; June 29, 1964).

27.40.070 Roadside stands. Roadside stands for temporary or seasonal operation but only in the A district. (Ord. 8448 §1; June 29, 1964).

27.40.075 Broadcasting towers and stations. Radio and television towers and broadcasting stations. (Ord. 8448 §1; June 29, 1964).

27.40.080 Extracting sand and gravel. Extraction of sand, gravel or other raw material. (Ord. 8448 §1; June 29, 1964).

27.40.085 Parking lots. Parking lots on land not more than three hundred feet from the boundary of the following districts: F, G, H-1, H-2, I, J, K, and L, and on land not more than three hundred sixty feet from an institution lot provided the parking lots are accessory uses to the institution. (Ord. 9399 §1; February 12, 1968: prior Ord. 8448 §1; June 29, 1964).

27.40.086 Temporary parking lots. Temporary parking lots on land not more than six hundred feet from the boundary of the following districts: F, G, H-1, H-2, I, J, K, and L, for not to exceed twenty-four months, when such a use is made necessary by reason of any construction activity that makes existing parking inaccessible. (Ord. 9509 §1; June 3, 1968).

27.40.087 Ambulance service. Ambulance service. (Ord. 9591 §1; September 23, 1968).

27.40.090 Clubs. Clubs and semipublic buildings. (Ord. 8448 §1; June 29, 1964).

27.40.095 Housing and related facilities for the elderly. Retirement homes, care homes, nursing homes, and similar uses, either individually or in groups, and including accessory uses. The director of the city-county health department shall cause a written report to be submitted to the council regarding each proposed special use permit under the provisions of this section. Said reports shall be submitted within thirty days of the request therefor. (Ord. 10121 §1; March 1, 1971: prior Ord. 8448 §1; June 29, 1964).

27.40.100 Truck terminals. Truck terminals, but only in the I, J, and K districts. (Ord. 8448 §1; June 29, 1964).

27.40.105 Office buildings. Life insurance companies, home office buildings, but only in the G, H-1, H-2, I and J districts. (Ord. 8448 §1; June 29, 1964).

27.40.111 Fertilizer and farm chemicals. Facilities for the storage and sale of fertilizer and agricultural chemicals such as herbicides, insecticides and fungicides. (Ord. 9168 §1; February 27, 1967: prior Ord. 9134 §1; December 12, 1966).

27.40.115 Campgrounds. Campgrounds for tents, tent trailers, pickup campers,

and camping trailers, but only in the AA rural and public use district or K light industrial district, provided that:

(a) Each campsite shall contain at least twenty-five hundred square feet. The campsite shall be so designated that one side shall not exceed three times any other side.

(b) The campground shall be supplied with a water supply and sewage disposal facilities, including washing, toilets and similar facilities, all of which meet the requirements of the director of the city-county health department.

(c) A side yard of fifty feet and front yard of one hundred feet shall be maintained on the campground, provided, however, that the one hundred foot front yard requirement may be waived if the front yard abuts on a public street which has a right-of-way of two hundred feet or more.

(d) The access to public roads and highways shall be paved or surfaced in a similar manner as the adjacent public roads and shall have the approval of the city traffic engineer.

(e) Access roads shall be provided to each campsite and all access roads shall have a minimum unobstructed width of fourteen feet for all one-way roads and twenty feet for all two-way roads.

(f) No campground may be occupied by the same person or persons more than thirty days in any one calendar year.

(g) Except as an office for the campground, no mobile homes or house trailers shall be located in any campground.

(h) All special permits issued under this title are temporary and valid only during the period that the campground and its associated facilities comply with the requirements of the health director and the provisions of this title.

(i) All campground operators shall keep accurate records as to the length of time a person stays in the campground and shall make said records available to the building inspector. (Ord. 8901 §2; January 3, 1966; prior Ord. 8448 §1; June 29, 1964).

27.40.120 Veterinary offices and kennels. Veterinary offices and enclosed dog kennels operated by veterinarians duly licensed under the laws of the State of Nebraska, but only in the AA rural and public use district. (Ord. 8448 §1; June 29, 1964).

27.40.125 Stockyards or feedlots. Stockyards or a commercial feedlot, but only in the AA rural and public use district and provided it is not within one thousand three hundred twenty feet of any residential zoning district. (Ord. 8448 §1; June 29, 1964).

27.40.126 Special permits—Nonconforming uses. The city council of the City of Lincoln may, by special permit, after public hearing, authorize the issuance of a building permit to permit the enlargement, extension, conversion, reconstruction or structural alteration of any building located upon premises, the use of which constitute a nonconforming use, provided, however, in consideration of applications for such special permits, the council shall take into account effects on adjacent property, traffic, city utility service needs, density of land use zoning for the subject property and adjacent property and the degree of hardship upon the applicant which would be caused by failure to grant such a permit. (Ord. 9392 §2; February 5, 1968).

27.40.130 Special permits—Report of planning commission—Preexisting uses. Before the issuance of any special permit for any of the buildings or use enumerated

in the foregoing sections of this chapter, the city council shall refer the proposed application to the city planning commission, which commission shall be given thirty 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 certificate by the department of public works and utilities as required by Chapter 27.32 hereof. No action shall be taken on 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 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 title 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 nonconforming use; provided, however, that such an existing use shall require a special permit for any enlargement, extension or relocation. (Ord. 8448 §1; June 29, 1964).

27.40.131 Signs. A sign identifying or describing the name of the building, the business or the services offered on the premises for uses listed in sections 27.40.015 to 27.40.125, when said uses have received a special permit, shall be accessory and permitted although located in a district in which a sign is otherwise a prohibited use. One sign only per use shall be permitted if it meets the following conditions and requirements:

Such sign: (a) Shall be not more than twenty square feet in area;

(b) May, and when the building is fifty feet or less from the front property line shall, be attached to the building. When such sign is attached to the building it shall extend parallel, or substantially parallel thereto, and not more than one foot from, but not above, the building.

(c) Need not be attached to the building when the building is more than fifty feet from the front property line;

(d) Shall be not more than seven feet in height if not attached to the building. The height of the sign shall be determined by a measurement from the ground level at the lowest grade level within two feet of either side of such sign;

(e) Shall be nonilluminated;

(f) Shall be in keeping with the character of the area as much as feasible. (Ord. 9008 §2; May 9, 1966).

27.40.132 Signs—Lot over fifteen acres. Signs identifying or describing the name of the building, the business or the services offered on the premises for uses listed in section 27.40.015 to 27.40.125 when the uses have received a special permit, shall be accessory and permitted although located in a district in which a sign is otherwise a prohibitive use. Two signs only per use shall be permitted under the following conditions and requirements when the special permit use is on a lot of more than fifteen acres. Each sign:

(a) Shall be not more than twenty square feet in area;

(b) May, and when the building is fifty feet or less from the front property line shall, be attached to the building. When any such sign is attached to the building it

shall extend parallel, or substantially parallel thereto, and not more than one foot from, but not above, the building;

(c) Need not be attached to the building when the building is more than fifty feet from the front property line;

(d) Shall be not more than seven feet in height if not attached to the building. The height of the sign shall be determined by a measurement from the ground level at the lowest grade level within two feet of either side of the sign;

(e) Shall be in keeping with the character of the area as much as feasible;

(f) Shall not be within two hundred feet of a dwelling located in the A-1 single-family dwelling district, A-2 single-family dwelling district, B two-family dwelling district, C multiple dwelling district, D multiple dwelling district, E multiple dwelling district. (Ord. 9412 §1; March 4, 1968).

27.40.133 Signs adjacent to interstate highways. The city council may by resolution after public hearing grant a special permit authorizing the location of any sign in the AA rural and public use district adjacent to an interstate highway, which identifies and describes the name of a business or service offered by a business establishment in a properly zoned area for such business, provided, however, that each sign shall:

(a) Be not more than 90 feet in height nor more than 200 square feet in area when such sign is more than 35 feet in height; and internally illuminated;

(b) Be located not closer than 660 feet nor more than 3300 feet from the nearest right of way boundary line of an interstate highway;

(c) Be located not more than 1 mile from the nearest property line of the business establishment identified in said sign;

(d) Be in compliance with all applicable state and federal laws and regulations;

(e) Be constructed under such further terms and conditions as may be prescribed by the city council in granting such special permit.

Such special permit shall not create any vested right, shall only be for a period of time not to exceed ten (10) years, though said permit may be renewed for additional period of ten years upon further application and approval by the city council after public hearing. Before the issuance of any special permit for the erection of such sign is granted, the city council shall refer the proposed application to the planning commission, which commission shall be given 30 days in which to make a report regarding the application. No action shall be taken on any application for a proposed erection of such sign until and unless the report of the planning commission has been filed; provided, however, that if no report is received from the commission within 30 days, it shall be assumed that approval has been given by the commission. (Ord. 9898 §1; December 15, 1969).

27.40.140 Special permits--AA rural and public use district. The city council of the City of Lincoln may, by special permit after public hearing, authorize the location of the following buildings or uses in any district from which they are prohibited by this title, which authorization shall not create any vested right, shall be only for a period of time not to exceed six years, and which cannot be renewed beyond the term of the permit.

(1) The batching of concrete materials, including the stockpiling of aggregates, storage of cement, erection and operation of machinery and equipment used and useful in the operations, and the unloading and hauling of sand, gravel, rock and cement and other

aggregates used in the manufacture of concrete, and the finished batching product, but only in the AA rural and public use district.

Before the issuance of any special permit for 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 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 certificate by the department of public works and utilities as requested by chapter 27.32 hereof. No action shall be taken on 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 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 title 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 nonconforming use; provided, however, that such an existing use shall require a special permit for any enlargement, extension or relocation. (Ord. 8448 §1; June 29, 1964; prior Ord. 7755 §1; May 28, 1962).

27.40.141 Special permit--Existing hospitals. The city council of the City of Lincoln may, by special permit after public hearing, authorize the enlargement or expansion of an existing accredited hospital in any district which there may exist restrictions by this title. Copies of a plot plan of the lot and proposed uses, drawn to an accurate scale and showing all pertinent information, shall accompany a request for a special permit. Before the issuance of any special permit for any enlargement or expansion of any such hospital, the city council shall refer the proposed application to the planning commission, which commission shall be given thirty days in which to make a report regarding the effect of such proposed expansion upon the public health, public safety and general welfare. The planning commission report shall include a recommendation and report of the Lincoln hospital and health council. No action shall be taken on any application for a proposed expansion above referred to until and unless the report of the planning commission has been filed; provided, however, that no report is received from the commission within forty-five days, it shall be assumed that approval of the application has been given by the commission. (Ord. 9315 §1; August 28, 1967).

27.40.150 Community unit plan. (a) In order to permit and to encourage the creative design of new living areas, as distinguished from subdivisions of standard lot sizes and standard street systems, and in order to permit such creative design and protect the health, safety and general welfare of existing and future residents of surrounding neighborhoods, the owner or owners of any tract of land which is 1 acre or more in area may submit to the city council a plan for the use and development thereof for residential purposes or for the repair and alteration of any existing development; provided, however, that the city council shall apply the following standards in considering all applications for community unit plans upon tracts of land which are 1 acre or more but less than 10 acres in area including existing public rights of way:

(1) A community unit plan shall be permitted on a tract of land which is less than 10 acres but more than 5 acres in area only under circumstances where such tract

of land is of such shape or is so topographically unusual that it would present peculiar and unusual problems if normal residential subdivisions would be proposed and where such tract of land is either totally or partially bounded by artificial or natural boundaries such as streams, major roads, railroad tracks or urban uses of a substantially different nature. The strictness in application of the provisions of this subparagraph shall be proportionally increased with direct relation to the degree of the difference in size of a particular tract from the maximum acreage prescribed herein.

(2) A community unit plan shall be permitted on a tract of land which is not more than 5 acres but more than 1 acre in area only where it can be shown that such tract cannot be reasonably developed for the purposes allowed in the zoning district in which the tract is located and in the manner required by the subdivision ordinance. The strictness in application of the provisions of this subparagraph shall be proportionally increased with direct relation to the degree of the difference in size of a particular tract from the maximum acreage prescribed herein.

(b) An application and plans for development of a community unit plan shall be referred to the city planning commission, which shall within a period of sixty days hold a public hearing upon such application and plans and make a report to the city council regarding the effect of the proposed community unit plan upon the surrounding neighborhood and other matters pertaining to the public health, safety and general welfare. No action shall be taken on any application for a community unit plan until and unless a report of the planning commission has been filed with the city council; provided, however, that if no report is received from the planning commission within said sixty-day period, it shall be presumed that approval of the application has been given by the commission and the council may proceed to take action upon the same.

(c) The report of the planning commission provided for in subparagraph (b) above shall include reasons for recommending approval or denial of any application, and if approval is recommended, shall further include specific evidence and facts showing that the proposed community unit plan meets the following conditions:

(1) That land surrounding the tract for the proposed community unit plan will not be adversely affected.

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

(3) That the buildings and land in the proposed community unit plan shall be used only for single family dwellings, two-family dwellings, row houses or multiple dwellings, and the usual accessory uses, such as garages, storage space, private recreational uses and any other uses permitted in the zoning district in which the land is located.

(4) That the average lot area per family within the proposed community unit plan will not be less than the lot area per family required in the zoning district or districts in which the tract for the proposed community unit plan is located.

(d) Upon approval of a community unit plan by the city council, building permits and certificates of occupancy shall be issued upon compliance with the community unit plan as approved regardless of any regulations to the contrary with regard to the height and location of buildings, yard requirements, open space requirements, and the fronting of lots upon public streets set forth elsewhere in this title and applying to the zoning district or districts in which the community unit plan is to be located. (Ord. 10102 §1; January 18, 1971: prior Ord. 10060 §1; September 28, 1970: Ord. 9691 §1; January 27, 1969: Ord. 9550 §1; July 22, 1968: Ord. 9519 (part); June 17, 1968: Ord. 9169 §4; February 27, 1967: Ord. 9139 §1; December 27, 1966: Ord. 8655

§1; February 15, 1965: Ord. 8448 §1; June 29, 1964: Ord. 5636 §2002; November 2, 1953).

27.40.155 Community unit plan administrative amendments. After the city council has approved a community unit plan including the specific plot plan, the planning director is authorized to approve amendments to the community unit plan provided:

(a) A request for an administrative amendment is filed with the planning director accompanied by a plot plan drawn to an accurate scale and showing all pertinent information;

(b) There is no increase in the number of dwelling units;

(c) No buildings or uses are permitted with the minimum yards or exterior open space, whichever is greater, required by city council;

(d) No public land is accepted;

(e) The intent of the city council in preserving the public health, safety and general welfare will still be carried out. (Ord. 9549 §1; July 22, 1968).

27.40.160 Two-family dwellings—When permitted in single-family dwelling districts. 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 title, and continuing thereafter, forty percent or more of the frontage on the same side of a street between two intersecting streets is lawfully occupied by two or more buildings consisting of 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. (Ord. 8448 §1; June 29, 1964: prior Ord. 7795 §1; July 1, 1962: Ord. 5636 §2203; November 2, 1953).

27.40.170 Three and four-family dwellings—When permitted in two-family dwelling district. 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 title, and continuing thereafter, forty percent or more of the frontage on the same side of a street between two intersecting streets is lawfully occupied by two or more buildings consisting of multiple dwellings; provided, however, that the area and parking regulations of the C multiple dwelling district are complied with. (Ord. 8448 §1; June 29, 1964: prior Ord. 7795 §2; July 1, 1962: Ord. 5636 §2004; November 2, 1963).

27.40.172 Dwellings for nonrelated persons. Dwellings for four to six persons not immediately related by blood, marriage, or adoption and living as a single housekeeping unit on lots of one acre or more in area, provided, that one off-street parking space is supplied for each person in the housekeeping unit. (Ord. 10611 §1; October 30, 1972).

27.40.175 Transitional lot uses. In addition to the uses permitted in the dwelling district in which a transitional lot is located, the transitional lot may be used for the following purposes:

(1) Buildings for the following uses only:

(a) Office buildings for the practice of medicine and surgery, dentistry, osteopathy, chiropractic, podiatry, or optometry, under a license from the department of health of the State of Nebraska;

(b) Office buildings for a lawyer, insurance broker, real estate broker, public accountant, manufacturer's representative, interior decorator, collection agency, watchmaker, and instrument maker;

(c) Office buildings for an architect, planner, landscape architect or engineer;

(d) Studio for one teacher of music or art; provided, however, that rooms for music shall be provided with effective acoustical surfacing for walls and ceiling to minimize intensity of sound;

(e) Ambulance service.

(2) The office buildings permitted in section 27.40.175 shall not be used as a drugstore, barbershop, cosmetologist shop, cigar stand or newsstand.

An accessory use for a transitional lot shall not include the sale of any goods, ware or merchandise except by those uses specifically authorized in paragraphs (a) through (e) above where such sale is incidental to such permitted main use.

(3) One nonilluminated sign or name plate with an area of not more than two square feet attached to the front wall of the building, indicating the name of the occupant and the nature of the service offered to the public.

(4) The floor area of the building may not exceed twenty-five percent of the lot area.

(5) When a transitional lot is used for an additional use as permitted in this section, the following parking requirements shall be applicable:

(a) The parking shall be in the ratio of not less than one parking space for each two hundred square feet of floor area in the buildings.

(b) There shall be no parking of motor vehicles or of vehicles at any place in a front yard or in a side yard adjacent to a dwelling district where the erection of a building is prohibited by this title.

(c) In addition to the foregoing restrictions on parking, that part of the transitional lot between a building lawfully occupied by an additional use as permitted in this section and either the side yard adjacent to a dwelling district or a line five feet from and parallel to the side lot line adjacent to a dwelling district, whichever is the greater distance from the adjacent lot, may be used for parking only when the parking area is paved according to city standards and adequate screening is provided between the parking area and the side lot line adjacent to a dwelling district. (Ord. 9592 §1; September 23, 1968: prior Ord. 9589 (part); September 23, 1968: Ord. 8872 §1; November 15, 1965: Ord. 8827 §1; September 27, 1965: Ord. 8702 §2; May 3, 1965).

27.40.180 Special use permit fee. At the time of filing application for a special use permit as hereinbefore in this chapter provided, a fee of twenty dollars shall be paid to the city clerk to be credited to the general fund of the City of Lincoln. (Ord. 8448 §1; June 29, 1964: prior Ord. 7709 §3; April 24, 1962).

Chapter 27.42

ADDITIONAL HEIGHT AND AREA REGULATIONS

Sections:

27.42.010	Scope of regulations.
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27.42.010 Scope of regulations. The district regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the district regulations appearing elsewhere in this title. (Ord. 5636 §2100; November 2, 1953).

27.42.020 Height of public buildings. Public, semi-public, or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height of not exceeding seventy-five feet or seven stories, whichever is the greater, if the building is set back from each yard line at least one foot for each two feet

of additional building height above the height limit otherwise provided in the district in which the building is located. (Ord. 8909 §1; January 10, 1966; prior Ord. 5636 §2101; November 2, 1953).

27.42.030 Chimneys, towers and spires. Chimneys, church steeples, cooling towers, elevator 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. (Ord. 5636 §2102; November 2, 1953).

27.42.040 Accessory buildings in rear yards. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent of a rear yard and shall not be nearer than two 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 feet to the alley line. If a garage is located closer than ten feet to the main building the garage shall be regarded as part of the main building for the purpose of determining the front, side and rear yards. (Ord. 8343 §1; March 16, 1964; prior Ord. 5636 §2103; November 2, 1953).

27.42.050 Construction and use of accessory buildings. 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. (Ord. 5636 §2104; November 2, 1953).

27.42.060 Projections from buildings. Every part of a required yard shall be open to the sky, unobstructed by a building, except:

- (a) Eaves may project into a front or rear yard thirty-six inches, exclusive of gutters;
- (b) Eaves may project into a side yard twenty-four inches, or two-fifths of the required side yard, whichever projection is greater, exclusive of gutters;
- (c) Ordinary projection of sills, belt courses, cornices, and ornamental features which may project twelve inches; and

(d) As otherwise provided in this chapter. (Ord. 8940 §1; February 28, 1966; prior Ord. 8174 §2; September 3, 1963).

27.42.062 Canopies in front yard. In districts G, G-1, H-1, H-S, H-2, I, and II, canopies may project into a front yard, provided that the canopies shall not extend beyond the lot line and a five foot setback be maintained from the property line with respect to the distance a canopy may extend into the front yard, and shall not cover more than six square feet of ground area for each foot of the front lot line, and no portion of the canopy shall be lower than a plane extending from fourteen feet above the elevation at the front property line to nine feet above the elevation of the building line. (Ord. 10094 §1; December 28, 1970; prior Ord. 9365 §1; December 11, 1967; Ord. 8174 §2; September 3, 1963).

27.42.063 Walkways in the rear yard. In the required rear yards of the F, G, G-1, H-S, H-1, H-2, I, II and K districts, enclosed walkways not more than one story in height nor eight feet in width are permitted within two feet of the rear lot line. (Ord. 9328 §1; September 11, 1967).

27.42.064 Structures permitted—Conditions. (a) Directional signs, in contradistinction to advertising signs, not exceeding three square feet in area, and ornamental lights with normal illumination, are permitted within the required front yard.

(b) Lighting poles in the G-1, G, H-S, H-1, H-2, I, II, K and M districts shall be permitted in the front yard provided they are installed in such a manner that the light is controlled as required in section 10.24.050 of this code.

(c) The following structures may be erected in any zoning district but with no more than one sign or board on a tract of ten acres or less, no more than two on a tract of more than ten acres and less than thirty acres, and no more than three on a tract of thirty acres or more:

(1) Public building bulletin board, provided it shall not exceed twenty square feet in area and shall not be located within a required yard.

(2) Church bulletin board, consisting of not more than twenty square feet in the message part thereof and not more than thirty additional square feet in the area thereof, provided it shall not be located within a required yard.

(3) Temporary real estate sign appertaining to the sale or rental of premises, provided it shall not exceed ten square feet in area and such sign may be located within a required yard.

(d) The following structures may be erected within the required yards of any zoning district as follows:

(1) Temporary signs at a construction site identifying present or contemplated dwelling construction sites in any zoning district shall not exceed fifteen square feet in area, except as provided in subparagraph (3). Temporary signs at a construction site identifying all other present or contemplated construction sites in any zoning district shall not exceed one hundred square feet in area.

(2) Temporary signs at a construction site identifying the contractors or materialmen furnishing services or materials on any construction site shall not exceed fifteen square feet in area, except as provided in subparagraph (3).

(3) In the event that all contractors and materialmen wishing a temporary identification at a dwelling construction site utilize a combined single sign, such single temporary sign shall not exceed twenty-five square feet in area. (Ord. 9213 §1; April 17, 1967; prior Ord. 9122 §1; November 21, 1966; Ord. 8722 §1; May 17, 1965).

27.42.070 Occupancy of basements and cellars. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed. (Ord. 5636 §2106; November 2, 1953).

27.42.080 Fences. Notwithstanding the area regulations of this title with the requirements for open space for front yard, side yard and rear yard, fences may be erected to a height not to exceed seventy-two inches on any part of a lot, provided that no fence shall be erected on a corner lot within that triangular area bounded by the property lines and a diagonal line joining points on the property lines located 25 feet from the point of intersection of the property lines on two intersecting streets, or in the case of rounded corners, the triangular area bounded by the tangents to the curves of property lines on two intersecting streets and a diagonal line joining tangents to said curves at points that shall be located twenty-five feet from the point of intersection of said tangents. The tangents referred to are those at the beginning and at the end of the curve at the corner. An open wire fence not to exceed forty-eight

inches in height may be located on such part of a corner lot when in the opinion of the building official the location of the same will not result in a hazard to the lawful use of the said streets. The height of a fence shall be determined by a measurement from the ground level at the lowest grade level within two feet of either side of such fence.

The height limitations herein provided for fences permitted on any part of a lot, notwithstanding the area regulation of this title with the requirements for open space from front yard, side yard and rear yard, shall not apply to fences required by the city for uses permitted by the city. It is not intended that any structure other than a fence is permitted on any part of a lot by this section, and all other structures must comply with area and use regulations of this title. (Ord. 9661 §1; December 16, 1968; prior Ord. 7863 §1; September 4, 1962; Ord. 5636 §2107, as amended by Ord. 6465; September 10, 1956).

27.42.090 Fire escapes and chimneys—Projection into yards. 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 feet and where the same are so placed as not to obstruct light and ventilation. (Ord. 5636 §2108; November 2, 1953).

27.42.100 Porches and terraces in front yards. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten feet. An enclosed vestibule containing not more than forty square feet may project into a front yard for a distance not to exceed four feet. (Ord. 5636 §2109; November 2, 1953).

27.42.110 Projection of terraces, porches, platforms and ornamental features. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line. (Ord. 5636 §2110; November 2, 1953).

27.42.111 Projection of air conditioners. Air conditioners not to exceed five-ton units or parts thereof may project into a required side yard, provided that such projection shall be distant at least two feet from the adjacent lot line, and shall not extend more than three feet from the building. Such air conditioners may project into a required front yard but shall not extend more than three feet from the building and such air conditioner may extend into one side of a corner lot. (Ord. 9230 §1; May 1, 1967; prior Ord. 8436 §1; June 15, 1964).

27.42.120 Multiple dwelling considered as one building. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one building occupying one lot. (Ord. 5636 §2111; November 2, 1953).

27.42.130 Temporary buildings. 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 building shall be removed upon completion of the construction work. (Ord. 5636 §2112; November 2, 1953).

27.42.140 More than one main building on commercial or industrial tract. Where a lot or tract is used for a commercial or industrial purpose, more than one 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. (Ord. 5636 §2113; November 2, 1953).

27.42.150 Two or more buildings for multiple-family, institutional or hotel purpose. In the event that a lot is to be occupied by a group of two or more related buildings to be used for multiple dwelling, institutional, or hotel purposes, there may be more than one main building on the lot; provided however, that open space between buildings that are parallel or with forty-five degrees of being parallel, shall have a minimum dimension of twenty feet for one story buildings, thirty feet for two story buildings, and forty feet for three story buildings. (Ord. 5636 §2114, as amended by Ord. 7430; April 17, 1961).

27.42.160 Open space partially or wholly surrounded by building. Where an open space is more than fifty percent surrounded by any building, except single-family dwellings or two-family dwellings or institutional, commercial, industrial or accessory buildings where sleeping quarters are not normally provided in such institutional, commercial, industrial or accessory buildings, the minimum width of the open space shall be at least twenty feet for one story buildings, thirty feet for two story buildings, and forty feet for three story buildings. (Ord. 9748 §1; April 28, 1969; prior Ord. 5636 §2115; November 2, 1953).

27.42.170 Side yards not required where dwellings erected above commercial structures. No side yards are required where dwelling units are erected above commercial and industrial structures. (Ord. 5636 §2116; November 2, 1953).

27.42.175 Modification of side and rear yards in F restricted commercial and J business districts. When dwelling units are located above nonresidential buildings in the F restricted commercial and J business districts, the side and rear yard open space required for dwellings in said districts need not start at ground level but may begin on the top surface of the nonresidential building if the roof of said nonresidential building is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation and other uses that are consistent with the uses normally found in conventional ground level side and rear yards for dwellings. Rooftop structures such as vents, exhausts, intakes, and any other mechanical device or structure shall not occupy more than fifteen percent of the remaining roof surface of such nonresidential building otherwise unoccupied by dwelling units. Such rooftop mechanical devices or structures shall be located as remote as possible from the dwelling units. (Ord. 10328 §1; December 27, 1971).

27.42.180 Computation of number of employees where number restricted. 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. (Ord. 5636 §2117; November 2, 1953).

27.42.190 Stories and height of storage buildings. 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 building shall not exceed the number of feet of building height permitted in such districts. (Ord. 5636 §2118; November 2, 1953).

27.42.200 Adjustment of front yard requirements. The front yards heretofore established shall be adjusted in the following cases:

(a) Where forty percent or more of the frontage on the same side of a street between two intersecting streets is developed with two or more buildings that have (with a variation of five 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 building nearest the street line.

(b) Where forty percent or more of the frontage on one side of a street between two intersecting streets is developed with two or more buildings that have a front yard of less depth than herein required, then:

(1) Where a building is to be erected on a parcel of land that is within one hundred 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,

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

(c) Upon petition of the majority of the property owners of the frontage in a block the city council, after report by the city planning commission may establish a different front yard line. (Ord. 5636 §2119, as amended by Ord. 6103; August 1, 1955).

27.42.201 Special area regulation, senior citizens housing. The minimum lot area per family for multiple dwellings used for senior citizens housing shall be five hundred square feet. (Ord. 8519 §1; August 17, 1964).

27.42.202 Side and rear yard requirements. The requirements of side or rear yards on lots that are required to provide three or more front yards or their equivalent may be modified in the following circumstances:

(a) A lot in a dwelling district need provide only a side yard on an interior lot line when the required yard on the adjacent property is also a side yard. A rear yard shall be required on an interior lot line when the required yard on adjacent property is a rear yard.

(b) A lot in a business, commercial or industrial district need provide only a side yard unless the lot is occupied by a dwelling other than a hotel or motel or, the adjacent property is in a dwelling district in which case the rules of subsection 1 of this section shall apply. (Ord. 8869 §1; November 15, 1965).

27.42.203 Side yard requirements abutting transitional lots. A side yard shall not be required on either side of the lot line common to a transitional lot and an abutting lot located in the "G", "H-1", "H-2", "I", "II", "J", "K", "L", or "M" districts when a plan for the unified development of both such transitional lot and such abutting lot has been approved by the city. (Ord. 10482 §1; June 19, 1972; prior Ord. 10419 §2; April 17, 1972).

27.42.210 Building line districts. On the following streets and highways no buildings 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 by the appropriate district regulations. The centerlines, rights of way, or corporate limits referred to in this section refer to the centerlines, rights of way or corporate limits as they existed on November 2, 1953.

Building line district 1: Thirty-three feet on Sixth Street from Peach Street to A Street.

Building line district 2: Thirty-three feet on Thirteenth Street from Arapahoe to Van Dorn.

Building line district 3: Thirty-three feet on Seventeenth Street from Lake to South.

Building line district 4: Forty feet on Seventeenth Street from R to Holdrege.

Building line district 5: Thirty-three feet on Twentieth Street from A to C.

Building line district 6: Thirty-three feet on Twentieth Street from Randolph to O.

Building line district 7: Thirty-three feet on Forty-eighth Street from Van Dorn to Randolph.

Building line district 8: Thirty-three feet on Cotner Boulevard from Randolph to Seventieth.

Building line district 9: Thirty-three feet on Fremont Street from Forty-sixth to Forty-eighth.

Building line district 10: Thirty-three feet on N Street from Nineteenth to Twentieth.

Building line district 11: Seventy-five 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 miles from the corporate limit line.

Building line district 13: Seventy-five 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 miles from the west corporate limits.

Building line district 14: Seventy-five feet on the presently designated by-pass U.S. 6 from West O Street to the junction of Tenth and Oak Streets.

Building line district 15: Sixty feet from the west corporate limit line of 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 feet from the north right-of-way line of the presently designated U.S. 6 from a point 1,690 feet east of the centerline of Forty-eighth Street to Fifty-sixth Street.

Building line district 17: One hundred feet on the east side and eighty feet on the west side from the presently designated U.S. 77 from the Cornhusker Highway to a point three miles from the corporate limits.

Building line district 18: Seventy-five feet on the presently designated U.S. 6 from Fifty-sixth Street to the east corporate limit line.

Building line district 19: Ninety feet on the presently designated U.S. 6 from the east corporate limits to a point three miles from the corporate limits, and also ninety feet on City Route 6 from the corporate limits to the junction of U.S. 6.

Building line district 20: Sixty feet on East O Street east of Twenty-seventh Street to the corporate limits.

Building line district 21: Seventy-five feet from the east corporate line to the presently designated U.S. 34 to a point three miles from the corporate limit line.

Building line district 22: Seventy-five feet from Forty-eighth Street on the presently designated State Route 2 to a point three miles from the east corporate limits.

Building line district 23: Fifty feet on the presently designated U.S. 77 from the south corporate limits to a point three miles from said corporate limits.

Building line district 25: Forty-one feet on Twenty-seventh 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 feet on Fifteenth Street from K to N and P to R.

Building line district 27: Fifty-three feet on Forty-eighth Street from Holdrege to Leighton.

Building line district 28: Eighty feet on Forty-eighth Street from O Street to Holdrege.(Ord. 9993 §1; June 8, 1970: prior Ord. 8719 §1; May 17, 1965: Ord. 8696 §1; April 26, 1965: Ord. 5636 §2120, as amended by Ord. 7390; February 27, 1961).

27.42.220 Adjustment of building line districts. A building line district may be modified for the location of a sign or church bulletin board only when such location meets all other requirements of the Lincoln Municipal Code, and the applicant for such a structure agrees that it shall be moved at the sole cost of the applicant whenever necessary for public use. (Ord. 9741 §1; April 21, 1969).

Chapter 27.43

AIRPORT ZONING REGULATIONS

Sections:

27.43.010	Definitions.
27.43.020	Location and boundaries.
27.43.030	Zone descriptions.
27.43.040	Height restrictions.
27.43.050	Airport zoning map.
27.43.060	Permit required - Procedure.
27.43.065	Airport hazards.
27.43.070	Nonconforming height.
27.43.080	Marking of nonconforming structures. (Repealed.)
27.43.090	Administration.
27.43.100	Board of zoning appeals.
27.43.110	Powers of board of zoning appeals.
27.43.120	Airport zoning commission.
27.43.130	Use of land.
27.43.140	Appeal from board of zoning appeals.
27.43.150	Severability.
27.43.160	Penalty for violations.

27.43.010 Definitions. As used in this chapter unless the context otherwise requires:

(a) AIRPORT shall mean the Lincoln Municipal Airport, located as provided in section 27.43.020 of the Municipal Code.

(b) AIRPORT HAZARD shall mean any structure or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

(c) NONCONFORMING USE shall mean any structure or use of land which does not conform to a requirement of this chapter or an amendment thereto, as of the effective date of this chapter.

(d) PERSON shall mean any individual, firm, association, corporation, or body politic and includes any receiver, assignee or similar representative thereof.

(e) STRUCTURE shall mean any object constructed or installed by man.

(f) RUNWAY shall mean a portion of the airport, having a surface especially developed and maintained for the landing and take off of aircraft.

(g) CITY shall mean the City of Lincoln, Nebraska.

(h) LESSEE shall mean any person, other than the owner, in possession of land. (Ord. 9831 §1; August 11, 1969: prior Ord. 8761 §1; June 28, 1965).

27.43.020 Location and boundaries. The vicinity of the airport, located in Sections 4, 5, 6, 7, 8, 9, 17 and 18, Township 10 North, and Sections 31 and 32, Township 11 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, specifically being the area lying within the outer limits of a series of points forming a line which is a horizontal distance of three miles from the airport boundary or the corporate limits of the city, whichever is the lesser distance from the airport

boundary line, as shown on the attached airport zoning map, is hereby declared an airport hazard area and is hereby zoned as follows:

The hazard area consists of approach zones, turning zones, and transition zones.

(a) The outer boundary of the hazard area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the approach and turning zones.

(b) The inner boundary of the hazard area is a boundary line consisting of a series of intersecting tangents, five hundred feet from and parallel to the centerlines of the runways and connecting the inner boundaries of adjacent approach zones at the ends of the runways. (Ord. 8761 §2; June 28, 1965).

27.43.030 Zone descriptions. (a) An approach zone is located at each end of each existing or proposed runway for the landing or taking-off of airplanes. Such approach zones begin two hundred feet beyond the ends of the respective runways and at such beginning are one thousand feet in width, five hundred feet on each side of the respective centerline and extend and expand uniformly centered along the extended centerline of the respective runways to the outer boundary of the approach and turning zones at a rate of thirty feet of width for each one hundred feet of horizontal length for each runway.

The inner area of each approach zone is that portion of the approach zone beginning two hundred feet beyond the end of the respective or proposed runway and extending to the intersection of the controlling glide angle with a plane one hundred fifty feet above the highest elevations of the ends of the respective runways, at a rate of one foot vertically for each fifty feet horizontally.

The outer area of each approach zone is the area between the inner area of the approach zone and the outer limit of the approach and turning zones.

(b) The transition zones are the areas bounded by the inner boundary of the hazard area, the sides of contiguous inner areas of approach zones and the outer limits of the transition zones; said outer limits of the transition zones being the intersections, at elevations of one hundred fifty feet above the highest elevation at the ends or edges of the closest runway, or proposed runway, of a series of contiguous planes originating from bases established by the inner boundary of the hazard area and the edges of adjacent inner areas of approach zones. The planes rising from their respective bases at the rate of one foot vertically to seven feet horizontally to the lines of intersection previously referred to.

(c) The turning zones comprise all portions of the zoned area not contained in the approach zones and transition zones. The outer limits of the turning zones are a series of points forming a line which is a horizontal distance of three statute miles from the airport boundary line or the corporate limits of the city, whichever is the lesser distance from the airport boundary, as shown on the attached airport zoning map. (Ord. 8761 §3; June 28, 1965).

27.43.040 Height restrictions. No building or structure, smoke-stack, chimney, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established except as otherwise provided in section 27.43.070:

(a) In inner areas of approach zones to a height above the planes forming the inner area of the approach zones;

(b) In the outer area of approach zones and in turning zones to a height in excess

of one hundred fifty (150) feet above the elevation at the closest point on the nearest runway, or to a height in excess of seventy-five (75) feet above the elevation of the natural ground at the location of the structure; except a maximum height of two hundred seventy-five (275) feet shall be permitted in the following described area:

Beginning at a point one hundred and forty-two (142) feet west of the west line of 10th Street and one hundred and fifty (150) feet south of the south line of "R" Street; thence south to the centerline of "Q" Street; thence east along the centerline of "Q" Street to its intersection with the centerline of the north-south alley between 9th and 10th and "P" and "Q" Streets; thence south along said line to the centerline of the east-west alley between 9th and 10th and "P" and "Q" Streets; thence west along said line to a point one hundred (100) feet west of the west line of 9th Street; thence south to the centerline of "P" Street; thence west along the centerline of "P" Street to its intersection with the centerline of the north-south alley between 8th and 9th and "O" and "P" Streets; thence south along said line to the centerline of "O" Street; thence west along the centerline of "O" Street to a point one hundred and fifty (150) feet west of the west line of 9th Street; thence south to the centerline of the east-west alley between 8th and 9th and "N" and "O" Streets; thence east along said line to the centerline of the north-south alley between 9th and 10th and "N" and "O" Streets; thence south along said line to the centerline of "K" Street; thence east along the centerline of "K" Street to its intersection with the centerline of the north-south alley between 10th and 11th and "J" and "K" Streets; thence south along said line to a point one hundred and fifty (150) feet south of the south line of "K" Street; thence east to the centerline of 11th Street; thence north along the centerline of 11th Street to the centerline of "K" Street; thence east along the centerline of "K" Street to the centerline of 12th Street; thence north along the centerline of 12th Street to the centerline of "L" Street; thence east along the centerline of "L" Street to the centerline of 13th Street; thence north along the centerline of 13th Street to the centerline of "M" Street; thence east along the centerline of "M" Street to the centerline of 14th Street; thence north along the centerline of 14th Street to the centerline of "N" Street; thence east along the centerline of "N" Street to the centerline of 15th Street; thence north along the centerline of 15th Street to the centerline of "O" Street; thence east along the centerline of "O" Street to a point one hundred and fifty (150) feet east of the east line of 15th Street; thence north to the centerline of the east-west alley between 15th and 16th and "Q" and "R" Streets; thence west along said line to a point one hundred and fifty (150) feet west of the west line of 15th Street; thence north to a point ninety-five (95) feet south of the south line of "R" Street; thence west to the centerline of 14th Street; thence south along the centerline of 14th Street to its intersection with the centerline of the east-west alley between 13th and 14th and "Q" and "R" Streets; thence west along the said line to the point of beginning, and more specifically set forth upon a map which is attached hereto and made a part of this title, which map is designated as the "maximum 275 feet height zone."

(c) In the transition zones to a height above the planes forming the transition slopes;

(d) Within the inner boundary of the hazard area and in the existing or proposed runways to a height above the existing or proposed finished grade of said runways. All grades of said runways are hereby established by and referenced to, the plans of said airport on file in the office of the city clerk, which plans are made a part of this chapter by reference. (Ord. 9831 §2; August 11, 1969; prior Ord. 9582 §1; September 3, 1968; Ord. 8761 §4; June 28, 1965).

27.43.050 Airport zoning map. The boundaries, approach zones, transition zones, and turning zones and all areas thereof are as indicated on the location sketch and airport zoning map which accompanies, and is hereby made a part of this ordinance, a copy of which shall at all times be on file in the office of the city clerk. (Ord. 8761 §5; June 28, 1965).

27.43.060 Permit required—Procedure. (a) It is hereafter unlawful to erect, construct, reconstruct, repair, or establish any building, tower, smoke-stack, chimney, or other structure or appurtenances thereto of any kind or character within the boundary of the zoned hazard area of said airport without first obtaining a height permit from the building official.

(b) In the outer area of approach zones and within the turning zones, no height permit shall be required generally for construction which is no higher than seventy-five (75) feet above the elevation of the natural ground at the point of construction, except in specifically "shaded" areas indicated on the airport zoning map. Structures or buildings proposed to be constructed within or in close proximity to such "shaded" areas on said map shall require certification as to elevation if in the opinion of the building official such structure or building may exceed the allowable height of that particular "shaded" portion of the map.

(c) Application for a height permit as required under the provisions of this chapter shall be made upon a form which is available in the office of the building official. The application shall indicate the location, ground elevation with reference to the elevation at the closest point on a runway, and the height of the proposed structure. Said elevation shall be certified to by a land surveyor, registered by the State of Nebraska, which certificate must accompany said application.

(d) A fee in the amount of five dollars (\$5.00) for each height permit shall be paid to the building official. (Ord. 9831 §3; August 11, 1969; prior Ord. 8761 §6; June 28, 1965).

27.43.065 Airport hazards. (a) The building official shall examine or cause to be examined any transmission line, pole, tree, wires, or other structures or natural growth, not included in section 27.43.060, reported to him as an airport hazard within the hazard area, and if such is found to be an airport hazard as defined in section 27.43.010, it shall be the duty of the building official to give the owner of the property where such hazard exists written notice thereof, and to take such measures as are necessary and authorized by law to eliminate or alleviate said hazard. For the purpose of aiding the building official to determine whether the existence of any such reported transmission line, pole, tree, wires, or other structures or natural growth constitute an airport hazard, the building official may in each case request a written report from the state department of aeronautics under the provisions of sections 3-108 and 3-113 R.R.S. 1943, to advise him as to whether or not an airport hazard, as defined in this chapter, exists.

(b) Notwithstanding any other provisions of this title, no use may be made of land within any zone established by this ordinance in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft. (Ord. 9831 §4; August 11, 1969).

27.43.070 Nonconforming height. Within the zoned hazard area as hereinbefore defined, the lawful height of a building, structure or premises existing at the time of the effective date of this chapter may be continued although such height does not conform to the provisions hereof. Within the zoned area no nonconforming building, structure, smoke-stack, chimney, or appurtenance thereof of any kind or character shall hereafter be replaced, substantially reconstructed, repaired or altered to a height which constitutes a greater hazard to air navigation than existed before the effective date of this chapter, nor above the heights permitted by this chapter if such structures are torn down, destroyed, burned, deteriorated or decayed to an extent of sixty percent or more, or abandoned for a period of twelve months or more. (Ord. 9831 §5; August 11, 1969; prior Ord. 8761 §7; June 28, 1965).

27.43.080 Marking of nonconforming structures. (Repealed by Ord. 9831 §6; August 11, 1969; prior Ord. 8761 §8; June 28, 1965).

27.43.090 Administration. It is the duty of the building official who is the superintendent of building inspections of the City of Lincoln, to administer and enforce this chapter and he is hereby appointed the "administrative agency" provided for in section 3-319, R.R.S. 1943, as amended, and shall have all the powers and perform all the duties of the administrative agency as provided by the airport zoning act, until or unless otherwise ordered by the mayor. Applications for permits and variances shall be made to the building official upon a form furnished by him. Applications which are by this chapter to be decided by the building official shall be promptly considered and granted or denied by him. Applications for action by the board of zoning appeals shall be forthwith transmitted by the building official to the board for hearing and decision. (Ord. 9831 §7; August 11, 1969; prior Ord. 8761 §9; June 28, 1965).

27.43.100 Board of zoning appeals. (a) The board of zoning appeals is the "board of adjustment" with respect to this chapter, to have and exercise the powers conferred by section 27.43.110 and such other powers and duties as are conferred and imposed by law. Any person aggrieved or affected by any decision or action of the building official made in his administration of this chapter may appeal such decision or action to the board of zoning appeals.

(b) Any appeal taken pursuant to this section shall be by the procedure established by section 27.44.030. (Ord. 9831 §8; August 11, 1969; prior Ord. 8761 §10; June 28, 1965).

27.43.110 Powers of the board of zoning appeals. The board of zoning appeals has the following powers:

(a) To hear and decide appeals from any order, requirement or decision made by the said building official in the enforcement of this chapter;

(b) To hear and decide any special exceptions to the terms of this chapter which such board may be required to pass upon under this chapter; and

(c) To hear and decide specific variances to the extent necessary, where there are peculiar, exceptional and unusual circumstances in connection with a specific situation where the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of this chapter. Provided, that any variance may be allowed subject to any reasonable conditions that the board of

zoning appeals may deem necessary to effectuate the purpose of this chapter. (Ord. 9831 §9; August 11, 1969; prior Ord. 8761 §11; June 28, 1965).

27.43.120 Airport zoning commission. The Lincoln City-Lancaster County planning commission is hereby appointed the "airport zoning commission", referred to in section 3-308, R.R.S. 1943, to have and exercise the powers conferred by section 3-308, R.R.S. 1943, and such other powers and duties as are conferred and imposed by law. (Ord. 8761 §12; June 28, 1965).

27.43.130 Use of land. No use of land which is prohibited by title 27 of this code is permitted within the airport hazard area. (Ord. 8761 §13; June 28, 1965).

27.43.140 Appeal from board of zoning appeals. Any person aggrieved or taxpayer affected by any decision of the board of zoning appeals, or governing body of a political subdivision, which is of the opinion that a decision of the board of zoning appeals is illegal, may appeal to the District Court of Lancaster County in the manner provided in sections 3-324, et seq., R.R.S. 1943. (Ord. 8761 §14; June 28, 1965).

27.43.150 Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid, such decision does not affect the validity of the remaining portions of this chapter. (Ord. 8761 §16; June 28, 1965).

27.43.160 Penalty for violations. (a) Each violation of any provision of this chapter shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), or imprisonment for not less than five (5) nor more than thirty (30) days, or both such fine and imprisonment. Each day a violation continues to exist shall constitute a separate offense.

(b) In any case where use of land is made in violation of this chapter or where any building or structure is erected, constructed, reconstructed, altered, repaired, or converted in violation of this chapter, the city attorney in addition to other remedies, is hereby authorized to institute on behalf of the city, injunction, mandamus, or any other appropriate action or proceeding to prevent such unlawful use, erection, construction, reconstruction, alteration, or conversion, or to correct or abate such violation. (Ord. 9831 §10; August 11, 1969; prior Ord. 8761 §18; June 28, 1965).

Chapter 27.44

BOARD OF ZONING APPEALS

Sections:

27.44.010	Creation—Membership.
27.44.020	Meetings.
27.44.030	Appeal procedure.
27.44.040	Jurisdiction.
27.44.050	Decisions of board—Scope and factors considered.
27.44.060	Decisions of board transmitted to city clerk.

27.44.010 Creation—Membership. A board of zoning appeals is hereby created. The members of such board shall be appointed by the mayor with the consent of the city council, and such members must be approved by the county board of commissioners before the board may be the city-county board. Not less than one or more than two members of the board shall be members of the city planning commission. Upon the passage of this title one member shall be appointed for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years, and one member for a term of five years; and upon expiration of said terms, appointments shall be made for a term of five years. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed by the affirmative vote of four members of the city council after being given a written statement of the charges against him and a hearing, which shall be a public hearing if he so requests. (Ord. 8275 §1; December 2, 1963; prior Ord. 5636 §2201, as amended by Ord. 6940; May 25, 1959).

27.44.020 Meetings. The members of the board of zoning appeals 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, who shall serve one year and until his successor has been selected. Special meetings may be called at any time by the chairman. A majority of the board shall constitute a quorum for the transaction of business, and three affirmative votes shall be required for final action on any matter acted upon by the board. The board shall cause a proper record to be kept of its proceedings. (Ord. 5636 §2202, as amended by Ord. 6940; May 25, 1959).

27.44.030 Appeal procedure. (a) Appeals to the board of zoning appeals may be taken by any person aggrieved or by any office, department or bureau of the City of Lincoln affected by any decision of the building inspector. The appeal shall be taken within a reasonable time by filing with the building inspector a notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from is taken.

(b) Upon receipt of the appeal by the board, the board shall fix a reasonable time for the hearing thereon within thirty days. Notice shall be given as provided in chapter 27.52.

(c) If due to the absence of one or more of the members of the board, any proposition put to a vote shall fail to receive three or more votes either for or against,

said proposition shall be deemed to have received neither approval or disapproval.

(d) A fee of twenty dollars shall be paid to the city clerk at the time the notice of appeal is filed to be credited to the general fund of the City of Lincoln. (Ord. 7709 §1; April 24, 1962; prior Ord. 5636 §2203, as amended by Ord. 6940; May 25, 1959).

27.44.040 Jurisdiction. The jurisdiction of the board of zoning appeals shall be limited to the following:

(1) Powers Relative to Errors. To hear appeals where it is alleged there is an error in any order, decision or determination made by an administrative official in the enforcement of this title.

(2) Powers Relative to Variances. To hear and decide upon petitions for variances, and subject to such standards, principles and procedures provided in this title, to vary the strict application of the height, area parking or density requirements to the extent necessary to permit the owner a reasonable use of his land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.

(3) Powers Relative to Exceptions. Upon petition, the board is hereby empowered to make the following zoning 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 nonconforming building which has been destroyed, or partially destroyed by fire or act of God where the board shall find some compelling public necessity requiring the continuance of the nonconforming 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 title 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 nonconforming 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 title where the street layout actually on the ground varies from street layout as shown on the map fixing the several districts, which map is attached to and made a part of the title.

(e) To reduce the parking requirements in the commercial, business or industrial districts whenever the character of the use of building is such as to make unnecessary the full provisions of parking facilities as required. In permitting a reduction, the board may restrict the use of the building to uses requiring a similar reduced number of parking facilities. Any approval shall be by resolution of the board, a certified copy of which shall be filed with the register of deeds by the petitioner at the expense of the petitioner, or such approval shall be null and void. The granting of a reduction in parking requirements shall not serve as a convenience to the petitioner but shall recognize the varying demands for off-street parking by different uses that cannot reasonably be determined in detail in the zoning ordinance. In making a determination, the board may request information and recommendations from any department of the City of Lincoln. (Ord. 9616 §1; October 28, 1968; prior Ord. 5636 §2204, as amended by Ord. 6940; May 25, 1959).

27.44.050 Decisions of board—Scope and factors considered. In exercising the above mentioned jurisdiction, the board may, in conformity with the provisions of this title, reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such decision as ought to be made. In considering all appeals and petitions under this title, 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 decision 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. (Ord. 9616 §2; October 28, 1968; prior Ord. 9020 §1; May 31, 1966; Ord. 5636 §2205, as amended by Ord. 6940; May 25, 1959).

27.44.060 Decision of board transmitted to city clerk. Decisions of the board of zoning appeals, accompanied by the written findings of fact, shall be transmitted to the city clerk by the board within one week after such actions have been taken. (Ord. 9020 §2; May 31, 1966; prior Ord. 5636 §2206, as amended by Ord. 6940; May 25, 1959).

Chapter 27.46

OCCUPANCY PERMITS

Sections:

- 27.46.010 Required for changed or new occupancy.
- 27.46.020 Required for excavation or building permit.
- 27.46.030 Required for nonconforming uses.
- 27.46.040 Record for certificates of occupancy to be kept.

27.46.010 Required for changed or new occupancy. Subsequent to the effective date of this title, no change in the use or occupancy of land, nor any change of use or occupancy in any existing building other than for single-family dwelling purposes, shall be made, nor shall any new building 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 title. (Ord. 5636 §2301; November 2, 1953).

27.46.020 Required for excavation or building permit. 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. (Ord. 5636 §2302; November 2, 1953).

27.46.030 Required for nonconforming uses. A certificate of occupancy shall be required of all lawful nonconforming uses of land or buildings created at the time of the passage of this title. Application for such certificates of occupancy for nonconforming uses shall be filed with the building inspector by the owner or lessee of the land or building occupied by such nonconforming use within two years from the effective date of this title. It shall be the duty of the building inspector to issue a certificate of occupancy for a lawful nonconforming use, but failure to apply for such certificate of occupancy for nonconforming use, or failure of the building inspector to issue such certificate of occupancy for nonconforming use, may be considered evidence that such nonconforming use did not lawfully exist at the effective date of this title. (Ord. 5636 §2303; November 2, 1953).

27.46.040 Record of certificates of occupancy to be kept. 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. (Ord. 5636 §2304; November 2, 1953).

Chapter 27.48

PLAT PLAN

Sections:

27.48.010 Plat to accompany application for building permit.

27.48.010 Plat to accompany application for building permit. 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 title. A record of applications and plats shall be kept in the office of the building inspector. (Ord. 5636 §2400; November 2, 1953).

Chapter 27.52

GENERAL PROVISIONS

Sections:

27.52.010	Interpretation, purpose and conflict.
27.52.020	Purpose of catch heads.
27.52.030	Publication in pamphlet form.
27.52.040	Amendments.
27.52.050	Notice of public hearings.
27.52.060	Enforcement.
27.52.070	Violation and penalty.
27.52.080	Severability.
27.52.090	Savings clause.
27.52.100	When effective.

27.52.010 Interpretation, purpose and conflict. In interpreting and applying the provisions of this title, 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 title to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this title imposes a greater restriction, this title shall control. (Ord. 5636 §2601; November 2, 1953).

27.52.020 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 title. (Ord. 5636 §2609; November 2, 1953).

27.52.030 Publication in pamphlet form. This title shall be published in pamphlet form to be distributed in the city. (Ord. 5636 §2610; November 2, 1953).

27.52.040 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 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 section 27.52.050 hereafter.

Before any action shall be taken as provided in this chapter, the party proposing or recommending a change in the district regulations or district boundaries shall deposit

with the city clerk the sum of thirty dollars to cover the approximate 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 title. 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. (Ord. 7709 §2; April 24, 1962; prior Ord. 5636 §2602; November 2, 1953).

27.52.050 Notice of public hearings. Public hearings required under chapters 27.40, 27.44 and 27.52 of this title 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. The notice shall be a sign of such size, color and lettering that it is readily visible to the public. The notice shall be posted upon or as near to the subject premises as possible so that it is easily visible from adjoining or adjacent public streets, and such notice shall be so posted for at least eight consecutive days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change the posted notice prior to the hearing.

(b) At least five 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 the public hearing.

(c) No public hearing shall be held by the planning commission or the board of zoning appeals as required in this title until the provisions of this section have been complied with and notice has been posted pursuant thereto.

(d) It shall not be necessary to give further notice of adjourned or continued public hearings. (Ord. 10655 §1; January 2, 1973; prior Ord. 5636 §2603; November 2, 1953).

27.52.060 Enforcement. It shall be the duty of the building inspector of the City of Lincoln to enforce this title. Appeals from a decision of the building inspector may be made to the board of zoning appeals as provided in chapter 27.44. (Ord. 8257 §2; December 2, 1963; prior Ord. 5636 §2604; November 2, 1953).

27.52.070 Violation and penalty. The owner or agent of a building or premises in or upon which a violation of any provision of this title 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). 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 building, structure or land is used in violation of this title, 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. (Ord. 5636 §2605; November 2, 1953).

27.52.080 Severability. If any section, subsection, sentence, clause or phrase of this title is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this title. (Ord. 5636 §2606; November 2, 1953).

27.52.090 Savings clause. This title 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 title 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. (Ord. 5636 §2607; November 2, 1953).

27.52.100 When effective. This title shall be in full force and effect from and after its passage and publication as provided by law. (Ord. 5636 §2611; November 2, 1953).