

Chapter 27.72

HEIGHT AND LOT REGULATIONS

Sections:

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- 27.72.020 Height and Lot Regulations R-1 through R-8 Districts.
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Comment [CJE1]: All commercial and industrial zoning districts have been combined into 1 section with a 3 part table.

27.72.010 Height and Lot Regulations AG and AGR Districts.

The maximum height and minimum lot requirements within the AG and AGR Districts shall be as follows:

(a) **AG District General Requirements.** See Table 27.72.010(a) below:

Table 27.72.010(a)			
Maximum Height and Minimum Lot Requirements for the AG District			
		AG	AG (farmstead splits)
All Allowed Uses	Lot Area	20 acres	1 acre
	Avg. Lot Width	550'	150'
	Frontage	550'	120'
	Front Yard	50'	50'
	Side Yard	60'	15'
	Rear Yard	100'	Lesser of 50' or 20% of the depth
	Height	35'	30'

For purposes of this section, minimum lot area, county section, and one-half section line road right-of-way are included for the purpose of determining area.

(b) **AGR District General Requirements.** See Table 27.72.010(b) below:

Table 27.72.010(b) Maximum Height and Minimum Lot Requirements for the AGR Districts		
All Allowed Uses	Lot Area	3 acres
	Avg. Lot Width	220'
	Frontage	175'
	Front Yard	50'
	Side Yard	15'
	Rear Yard	Lesser of 50' or 20% of the depth
	Height	35'
If such lot abuts a cul-de-sac, the above requirements for average lot width and frontage may be met by providing a frontage of 175 feet measured at the required front yard line.		

(c) **Exceptions to the Minimum Lot Requirements in the AG and AGR Districts.**

- (1) If a lot in the AG zoning district has less area, width, or frontage or any combination thereof than herein required, and its entire boundary was under different ownership on the effective date of this title and has not since been changed, such lot may be used in conformance with Table 27.72.010(c) below.
- (2) If a lot or tract of land in the AGR zoning district has less area or width, or both less area and width, than herein required, and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such lot or tract of land may be used per 27.72.010(c) column (b) below.
- (3) In the AGR zoning district, if a lot has less area, width or frontage or any combination thereof than herein required, and if on January 16, 1989, the area of the lot was one acre or more, and the average lot width of the lot was 150 feet or more and the frontage of the lot was 120 feet or more, such lot or tract of land may be used per Table 27.72.010(c) column (a) below.

Table 27.72.010(c)		
Use Type	(a) 10 acres or more*	(b) Less than 10 acres
Agriculture, except commercial feedlots	P	P
Breeding, raising, management, and sale of fur-bearing animals and the produce thereof; Dog Breeding Establishment and Kennels	P	
Stables and riding academies	P	
Public use	P	P
Single-family dwelling	P	P
Churches	P	P
Greenhouses	P	P**
Pet cemeteries	P	P***
* A lot which was 10 acres or more, but which has since been reduced in area by public acquisition for right-of-way purposes, may be devoted to any of the uses permitted for 10 acres or more if the remaining area of such lot is nine or more acres.		
** Greenhouses shall be on a minimum of two acres. In addition, in the AGR zoning district, a greenhouse shall be in conformance with the requirements in Section 27.62.030(c).		
*** Pet cemeteries shall be on a minimum of five acres.		

- (4) In the AG zoning district: if two or more abutting lots in common ownership exist on the effective date of this title, each of such lots may be used for a single-family dwelling, provided, that each such lot shall contain a minimum area of two acres and shall have an average lot width of 150 feet. Abutting lots in common ownership which do not contain a minimum of two acres and an average lot width of 150 feet may be combined to meet these requirements. If any of the abutting lots in common ownership have less width or depth than herein required, the required side and rear yard may be adjusted as provided in (c)(1) and (c)(2) above, respectively.
- (5) In the AG zoning district, a lot or tract of land of one acre or more may be used for a single-family dwelling or public utility and distribution system purposes provided that:
 - (i) For single-family dwelling use:
 - A. The dwelling has existed on such lot or tract of land for more than five years.
 - B. The dwelling is or has been used on the primary residence associated with a farm.

- C. Such lot or tract of land and buildings shall be in conformance with the following maximum height and minimum lot requirements: General Requirements -- See Table 27.72.010(a) (farmstead splits).
- D. However, if the lot or tract of land used for the dwelling do not meet the requirements of item Table 27.72.010(a) (farmstead splits), the single family dwelling shall be considered a non-standard use.
- E. Such dwelling is in conformance with the other provisions of this title, the minimum housing code, and the minimum standards for water and sewage facilities.
- (ii) For public utility and distribution system purposes:
 - A. Such lot or tract of land shall not be used, by itself, for any other purpose except agriculture
- (6) In the AG zoning district, in all interior sections of a township, the minimum area for a buildable lot shall be one-half of the total acreage contained in that quadrant of the quarter section in which said lot is located. In all closing sections (any section of land bordering on the north or west line of a township) except those which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be as follows:
 - (i) For those lots located within a Government Lot (a lot created by the original government survey and recorded in the surveyor's records of Lancaster County), the minimum required area shall be one-half of the total acreage contained in said Government Lot;
 - (ii) For those lots which are not located within a Government Lot, the minimum required area shall be one-half of the total acreage contained in that quadrant of the quarter section in which said lot is located.
 - (iii) In those closing sections which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be twenty acres, provided, however that the Board of Zoning Appeals, in conformance with the terms of Chapter 27.75, may hear and decide upon petitions to vary strict application of this requirement.

(Ord. 19827 §29; February 25, 2013).

27.72.020 Height and Lot Regulations R-1 through R-8 Zoning Districts.

The maximum height and minimum lot requirements within the R-1 through R-8 Districts shall be as follows:

(a) **R-1, R-2, R-3 and R-4 General Requirements.** See Table 27.72.020(a) below:

Table 27.72.020 (a)					
Maximum Height and Minimum Lot Requirements for the R-1 through R-4 Districts					
		R-1	R-2	R-3	R-4
Single-family Dwelling	Lot Area (sq. ft.)	9,000	6,000	6,000	5,000
	Avg. Lot Width	60'	50'	50'	50'
	Front Yard	30'	25'	20'	25'
	Side Yard	10'	5'	5'	5'
	Rear Yard	Smaller of 30' or 20% of the lot depth			
	Height	35'	35'	35'	35'
Two-family Dwelling	Lot Area per Family (sq. ft.)	7,200	5,000	5,000	2,500
	Avg. Lot Width per Family	48'	40'	40'	25'
	Front Yard	30'	25'	20'	25'
	Side Yard (0' if party wall)	20'	10'	5'	5'
	Rear Yard	Smaller of 30' or 20% of the lot depth			
	Height	35'	35'	35'	35'
Other Allowed Uses	Lot Area (sq. ft.)	9,000	6,000	6,000	5,000
	Avg. Lot Width	60'	50'	50'	50'
	Front Yard	30'	25'	20'	25'
	Side Yard	10'	5'	5'	5'
	Rear Yard	Smaller of 30' or 20% of the lot depth			
	Height	35'	35'	35'	35'

(b) **R-5, R-6, R-7 and R-8 General Requirements.** See Table 27.72.020(b) below:

Table 27.72.020(b)					
Maximum Height and Minimum Lot Requirements for the R-5 through R-8 Districts					
		R-5	R-6	R-7	R-8
Single-family Dwelling	Lot Area (sq. ft.)	5,000	4,000	4,000	4,000
	Avg. Lot Width	50'	50'	50'	50'
	Front Yard	20'	20'	20'	10'
	Side Yard	5'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'
Two-family Dwelling	Lot Area per Family (sq. ft.)	2,500	2,500	2,000	2,000
	Avg. Lot Width per Family	25'	25'	25'	25'
	Front Yard	20'	20'	20'	10'
	Side Yard (0' if party wall)	5'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'
Townhouses	Lot Area per Family (sq. ft.)	2,500	2,500	2,000	2,000
	Avg. Lot Width per Family	20'	20'	20'	20'
	Front Yard	20'	20'	20'	10'
	Side Yard (0' if party wall)	10'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'

Multiple-Family Dwellings and Apartment Hotels	Lot Area per Unit (sq. ft.)	1,500	1,100	700	550
	Avg. Lot Width	50'	50'	50'	50'
	Front Yard	20'	20'	20'	10'
	Side Yard (0' if party wall)	7' or 10' if over 20' in ht.		Total 15'; minimum 7' per side *	10'**
	Rear Yard	Smaller of 30' or 20% of the lot depth *			20'
	Height	35'	35'	45'*	75'**
Other Allowed Uses	Lot Area (sq. ft.)	5,000	4,000	4,000	4,000
	Avg. Lot Width	50'	50'	50'	50'
	Front Yard	20'	20'	20'	10'
	Side Yard	5'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'
* In the R-7 zoning district for a building exceeding 35' in height, add one foot to the required side and rear yards for each additional two feet of height.					
** In the R-8 zoning district for a building exceeding 45' in height, the sum total of the two required side yards shall not be less than 30', and neither side yard shall be less than 10'.					

(c) **Exceptions to the Minimum Lot Requirements Residential.**

- (1) In the R-1 through R-4 zoning districts if a vacant lot or tract of land has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such lot or tract of land may be used for a single-family dwelling provided that:
 - (i) A side yard of at least five feet shall be provided when located in the R-1 district.
 - (ii) If the vacant lot or tract of land has less width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such lot or tract of land may be used for a two-family dwelling in the R-4 district.
- (2) In the R-5 through R-8 where a vacant lot or tract of land has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have

not since been changed, the lot or tract of land may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in this chapter.

- (3) If a vacant lot or tract of land under (c)(1) or (c)(2) above comes under common ownership with an abutting lot or tract of land, such vacant lot or tract of land may be used for a single-family dwelling provided said abutting lot or tract of land was occupied by a dwelling on the date such contiguous properties came under common ownership.
- (4) If a vacant lot or tract of land under (c)(1) or (c)(2) above comes under common ownership with an abutting vacant lot or tract of land which has less area or width or both less area and width than herein required, such lots and tracts of land shall be merged together and constitute a single premises.
- (5) If an existing lot or tract of land in a residential zoning district lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to the existing residential district has less area or width or both less area and width than herein required, such lot or tract of land shall not be considered nonstandard due to this condition..
- (6) In those locations in the R-1 and R-2 zoning districts where, on November 2, 1953, and continuing thereafter, forty percent or more of the frontage on the same side of a street between two street intersections is lawfully occupied by two or more buildings consisting of two-family dwellings or two-family and multiple-family dwellings, two-family dwellings may be erected in conformance with the height, minimum lot requirements, and parking regulations of the R-4 zoning district.
- (7) In those locations in R-4 zoning district where, on November 2, 1953, and continuing thereafter, forty percent or more of the frontage on the same side of a street between two street intersections is lawfully occupied by two or more buildings consisting of multiple-family dwellings, three- and four-family dwellings may be erected in conformance with the height, minimum lot requirements, and parking regulations of the R-5 zoning district.
- (8) If an existing lot or tract of land in the R-1 or R-2 zoning district is lawfully occupied by a two-family dwelling which has a side yard setback of less than twenty feet in the R-1 zoning district or ten feet in the R-2 zoning district and said use becomes nonstandard through a change in district boundaries from another zoning district to this district, the two-family dwelling may be enlarged, extended or reconstructed as long as the greater of the existing side yard or a ten-foot side yard for the R-1 and five foot side yard for the R-2, is provided.
- (9) If two or more abutting lots in the R-2 zoning district existing on or before November 2, 1953, have an aggregate width of at least 75 feet, such lots may be used for a two-family dwelling, notwithstanding the R-2 district average lot width requirements per family in Table 27.72.020(a).

(Ord. 19827 §30; February 25, 2013).

27.72.030 Height and Lot Regulations Commercial and Industrial Zoning Districts.

The maximum height and minimum lot requirements ~~within the O-1 through O-3, R-T, B-1 through B-5 Zoning Districts~~ shall be as follows:

(a) **General Requirements.** See Tables 27.72.030(a, b and c) below:

**Table 27.72.030(a)
Maximum Height and Minimum Lot Requirements for the O, R-T and B-1 Zoning Districts**

		O-1	O-2	O-3	R-T	B-1	B-2	B-3	B-4	B-5
Dwellings	Lot Area (sq. ft.)	220 (per unit)	4,000	*	4,000	2,000 (per unit)	2,000 (per unit)	4,000 (per unit)	0	0
	Frontage	50'	50'	50'	50'	50'	0'	0'	0'	0'
	Front Yard	0'	20'	30'	10' *****	20'	20' (0' on POR)	0'	0'	20' (0' on POR)
	Side Yard / Side Yard Abutting Residential	0'	10'	15' *****	0'/10'	0'/10'	20'	0'/10'	0'/*****	0'/100'
	Rear Yard / Rear Yard Abutting Residential	0'	40'	40'	0'/10'	Smaller of 30' or 20% of depth	50'	0'/30'	0'/*****	0'/100'
	Height	75' ***	25' or 28' **	35'	28'	40'	50' or 40' ***	50' or 35' ***	See Figure 27.72.030 (a)	50' or 40' ***
Other Allowed Uses	Lot Area (sq. ft.)	0'	0'	4,000	4,000	0'	0'	0'	0'	0'
	Frontage	0'	*****	50'	50'	0'	0'	0'	0'	0'
	Front Yard	0'	20'	20'	10' *****	0'	20' (0' on POR)	0'	0'	20' (0' on POR)
	Side Yard / Side Yard Abutting Residential	0'	0'/10' 0'/20' *****	15' *****	0'/10'	0'/10'	0'/20'	0'/10'	0'/*****	0'/100'
	Rear Yard / Rear Yard Abutting Residential	0'	40'	40'	0'/10'	Smaller of 30' or 20% of depth	0'/50'	0'/30'	0'/*****	0'/100'

Comment [CJE2]: Moved these columns to Table 27.72.030 (b) below to group similar zoning districts together.

Comment [CJE3]: Dwellings was changed to be consistent with the "Other Allowed Uses" below.

Comment [CJE4]: Red * indicate the deletion of the *.

Comment [CJE5]: The front yard will be 0 but will have to meet Corridor Design standards including building in a Build to Zone.

Table 27.72.030(a)

Maximum Height and Minimum Lot Requirements for the O, R-T and B-1 Zoning Districts

Height	75' ***	25' or 28' **	45'	28'	35'	50' or 40' ***	50' or 35' ***	See Figure 27.72.030 (a)	55' or 40' ***
*	In the O-3 zoning district the Minimum Lot Area shall be 1,500 square feet per multifamily dwelling unit; 2,500 square feet per Townhouse unit; and 4,000 square feet for single and two family dwellings.								
**	The maximum height of the buildings in the O-2 zoning district shall be 25 feet if the roof pitch is less than 2.5:12; and 28 feet for all other roofs.								
***	In the B-2, B-3, B-5 zoning district the maximum height shall be 50 or 55 feet except that it shall be 35 or 40 feet if abutting the R-1 thru R-4 zoning districts. Buildings abutting the R-1 through R-4 zoning districts shall be required to have one additional foot of setback to any required side and/or rear yard for each one foot of building height in excess of 35 feet or 40 feet as represented in the above table.								
****	The maximum height of O-1 zoning district shall be the least of 75' or the height limitation imposed by Chapter 27.56, the Capitol Environs District.								
*****	In the O-2 zoning district if the Lot Area is less than 15,000 square feet the frontage requirement shall be 50' and the side yard shall be 10' if abutting residential and 0' if abutting commercial or industrial. If the Lot Area is 15,000 or more the frontage requirement shall be 100' and the side yard shall be 20' if abutting residential and 0' if abutting commercial or industrial.								
*****	In the O-3, R-T and B-4 zoning district required yards are as in 27.72.030(a) or the same as the abutting zoning district whichever is greater. Townhouses in the O-3 zoning district shall have a required side yard of 0' or 10' on the nonparty wall side.								

Comment [CJE6]: Moved to Table 27.72.030(b) below

Table 27.72.030(b)

Maximum Height and Minimum Lot Requirements for the B-2, B-3, B-4, B-5, H-2 and H-4 O, R-T and B Zoning Districts

		B-2	B-3	B-4	B-5	H-2	H-4
Dwellings	Lot Area (sq. ft.)	2,000 (per unit)	1,000 (per unit)	0'	0'	0'	0'
	Frontage	0'	0'	0'	0'	0'	0'
	Front Yard	20' (0' on POR)	0'	0'	20' (0' on POR)	0'	20' (0' on POR)
	Side Yard / Side Yard Abutting Residential	20'	0' 5'10'	0' ****	0'/100'	5'/10'	20'/50'
	Rear Yard / Rear Yard Abutting Residential	50'	0'/30'	0' ****	0'/100'	Smaller of 30' or 20% of depth	20'/50'
	Height	40'50' or 40' ***	45'50' or 35' ***	See Figure 27.72.030(a)	40'55' or 40' ***	50' or 35' *	55' or 45' *

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Comment [CJE7]: The H-2 and H-4 were added to this table because they are similar to the B districts already listed. The H height and area table below has been eliminated and H-3 has been moved to the Industrial / Heavy commercial use table 27.72.030(c). (The H-1 zoning district has been eliminated from the Zoning Ordinance)

Comment [CJE8]: Eliminated. Replaced by new note in 27.72.080 (b) Exceptions to the front yard requirements.

Comment [CJE9]: There are currently no height and area regulations for dwellings in the H-2 and R-4, but a special permit for dwellings in these two zoning districts is being proposed as part of reForm.

Comment [CJE10]: Heights were adjusted to allow for 4 story buildings, but require taller buildings to step back farther from adjoining residential areas.

Table 27.72.030(ba) Maximum Height and Minimum Lot Requirements for the B-2, B-3, B-4, B-5, H-2 and H-4 O, R-T and B-Zoning Districts							
Other Allowed Uses	Lot Area (sq. ft.)	0'	0'	0'	0'	0'	15,000
	Frontage	0'	0'	0'	0'	0'	75'
	Front Yard	20' (0' on POR)	0'	0'	20' (0' on POR)	0'	20' (0' on POR)
	Side Yard/ Side Yard Abutting Residential	0'/20'	0'/105'	0'/***	0'/100'	5'/ 20' 10'	20'/50'
	Rear Yard/ Rear Yard Abutting Residential	0'/50'	0'/30'	0'/***	0'/100'	Smaller of 30' or 20% of depth	20'/50'
	Height <i>*(max height with step back)</i>	40' 50' 40' ***	45' 50' 35' ***	See Figure 27.72.030(a)	40' 55' 40' ***	50' 35' ***	55' 45'
***	In the O-3 zoning district the Minimum Lot Area shall be 1,500 square feet per multifamily dwelling unit, 2,500 square feet per Townhouse unit, and 4,000 square feet for single and two family dwellings.						
***	The maximum height of the buildings in the O-2 zoning district shall be 25 feet if the roof pitch is less than 2.5:12; and 28 feet for all other roofs.						
***	In the B-3 zoning district the maximum height shall be 45 feet except that it shall be 35 feet if abutting the R-1, R-2 or R-3 zoning district. Buildings abutting the R-1 through R-4 zoning districts shall be required to have one additional foot of setback to any required side and/or rear yard for each one foot of building height in excess of the lesser height of the district as represented in the above table.						
***	The maximum height of O-1 zoning district shall be the least of 75' or the height limitation imposed by Chapter 27.56, the Capitol Environs District.						
***	In the O-2 zoning district if the Lot Area is less than 15,000 square feet the frontage requirement shall be 50' and the side yard shall be 10' if abutting residential and 0' if abutting commercial or industrial. If the Lot Area is 15,000 or more the frontage requirement shall be 100' and the side yard shall be 20' if abutting residential and 0' if abutting commercial or industrial.						
***	In the O-3, R-T and B-4 zoning district required yards are as in 27.72.030(a) or the same as the abutting zoning district whichever is greater. Townhouses in the O-3 zoning district shall have a required side yard of 0' or 10' on the nonparty wall side.						
***	In the B-3 zoning district if block face is partially in a residential zoning district then the front yard setback shall be the same as the residential district.						

Figure 27.72.030(a) on page _____.

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Comment [CJE11]: Eliminated. Replaced by new note in 27.72.080 (b) Exceptions to the front yard requirements.

Comment [CJE12]: The Center Design Standards require buildings on a Pedestrian Oriented Route to be built anywhere within 20' of the front lot line

Comment [CJE13]: Provides for an increase in the B-3 setback consistent with the B-1 and the revised setback for H-2 (all corridors). Parking is proposed to be an allowed use in the side yard with appropriate increased screening requirements.

Comment [CJE14]: The Planning department has had at least 2 requests to build 4 story hotels in the B-5 zoning district which requires a 55 foot high limit.

Comment [CJE15]: This is included in the table above 27.72.030(a)

Comment [CJE16]: This is included in the table above 27.72.030(a)

Comment [CJE17]: This is included in the table above 27.72.030(a)

Comment [CJE18]: Replaced by new note in 27.72.080 (b) Exceptions to the front yard requirements.

(b) **Exceptions to the General Requirements.**

(1) **In the R-T District:**

- (i) Parking lots, including driveways except for single-family and two-family dwellings, shall not be located closer than twenty feet to any residential zoning district, unless the abutting property is occupied by a parking lot.
- (ii) No building footprint shall exceed 5,000 square feet.

(2) **In the B-1 and B-3 Districts:**

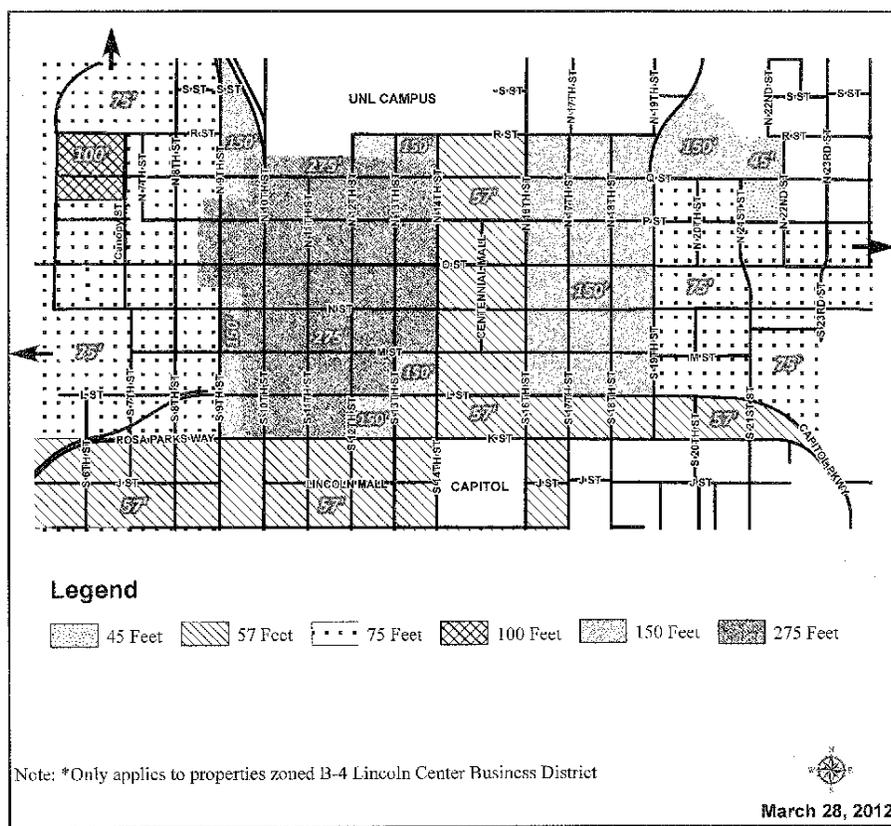
- (i) Where a yard is not otherwise required, a five foot yard shall be required adjacent to the wall of a building which contains windows for a dwelling. The yard shall be on the same premises on which the building is situated.

(3) **In the B-4 District:**

- (i) For the area of the B-4 Lincoln Center Business District located from 150 feet east of 17th Street to the eastern boundary of the B-4 Lincoln Center Business District the following requirements shall apply:
 - A. The minimum building height shall be 20 feet adjacent to all street frontages.
 - B. The minimum building height does not apply to building permits for existing buildings, and minor additions to existing buildings, less than 20 feet in height.
- (ii) In all areas of the B-4 zoning district, where a yard is not otherwise required, a yard shall be required adjacent to any wall of a building which contains windows for a dwelling. The yard requirement shall be five feet for structures under thirty-five feet in height, ten feet for structures thirty-five to fifty feet in height, and sixteen feet for those structures over fifty feet in height. Depending upon the location of said windows, this yard may be a side yard, a rear yard, or located in or on an interior courtyard. If the required yard abuts an alley, the width of the alley may be counted as part or all of the required yard. This yard need not start at the ground level but may begin on the top surface of a building.

Figure 27.72.030(a)

B-4 LINCOLN CENTER BUSINESS DISTRICT HEIGHT REGULATIONS



(Ord. 19827 §31; February 25, 2013).

27.72.040 — Height and Lot Regulations Highway Commercial Zoning Districts.

The maximum height and minimum lot requirements within the H-1, H-2, H-3 and H-4 zoning districts shall be as follows:

(a) **General Requirements.** See Table 27.72.040(a) below.

Table 27.72.040(a): Maximum Height and Minimum Lot Requirements for the H Districts					
		H-1	H-2	H-3	H-4
Other-Allowed Uses	Average Lot Width	50'	0'	0'	0'
	Lot Area (sq. ft.)	5,000	0	0	15,000
	Frontage	0'	0'	0'	75'
	Front Yard	20'	20'	20'	20'
	Side Yard / Side Yard Abutting Residential	5'	5'/20'	**	20'/50'
	Rear Yard /Rear Yard Abutting Residential	Smaller of 30' or 20% of depth			20'/50'
	Height	55'*	55'*	55'*	55'*
<p>* In all H zoning districts, if the height of the building is over 45 feet but not more than 55 feet, that portion of the building in excess of 45 feet shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 zoning residential district for each one foot of building height in excess of 45 feet.</p> <p>** The side yard shall be the smaller of 15' or 10% of the lot width. Minimum side yard of 5 feet or if abutting residential a minimum side yard of 20 feet.</p>					

(Ord. 19827 §32; February 25, 2013).

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27.72.050 — Height and Area Regulations Industrial Zoning Districts.

The maximum height and minimum lot requirements within the industrial zoning districts shall be as follows:

(a) **General Requirements.**—See Table 27.72.0350(ca) below.

Table 27.72.0350(ca)					
Maximum Height and Minimum Lot Requirements for H-3 Highway Commercial and Industrial Zoning Districts					
		H-3	I-1	I-2	I-3
All Allowed Uses	Lot Area acres	0'	0	1	0
	Avg. Lot Width	0'	0'	150'	0'
	Frontage	0'	0'	0'	50**
	Front Yard	20'	15' *	20'	20'
	Side & Rear Yards / Side & Rear Yards Abutting Residential	****	0' / lesser of 20 feet or 10% of the lot width, min 5'	20' /50'	20' / 50'
	Height	55' or 45'****	75'	55'	35'****
<p>* For lots developed with buildings on the effective date of this title, the front yard shall be none except where the frontage on one side of a street between two intersecting streets is located partly in the I-1 zoning district and partly in a zoning district that requires a front yard, in which case the front yard requirements of the adjacent district shall apply to the I-1 zoning district from the place where it abuts the other district to the next intersecting street, or for 300 feet, whichever is less.</p> <p>** In the I-3 when the use of the property is for manufacturing or storage the minimum frontage requirement is 150 feet.</p> <p>*** Manufacturing and storage: the maximum height shall be 55 feet. Retail or office: the maximum height shall be 45 feet. When a rear or side yard abuts a residential district, then the maximum height of any improvement within 150 feet of the residential district shall be no greater than 35 feet.</p> <p>**** <u>In the H-3 zoning district the maximum height shall be 55 feet except that it shall be 45 feet if abutting the R-1 thru R-4 zoning districts. Buildings abutting the R-1 through R-4 zoning districts shall be required to have one additional foot of setback to any required side and/or rear yard for each one foot of building height in excess of 45 feet as represented in the above table.</u></p> <p>***** <u>In the H-3 zoning district the side yard shall be the smaller of 15' or 10% of the lot width. Minimum side yard of 5 feet or if abutting residential a minimum side yard of 20 feet.</u></p>					

Comment [CJE19]: This is a format change that involved moving the H -3 from the "H" Table to the "I" table since it is more in character with the I setback requirements. No other change has been made to the H-3

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Comment [CJE20]: Moved from the H table in 27.72.040 (a) above.

(Ord. 19827 §33; February 25, 2013).

27.72.060 Uses Permitted or Prohibited Within Required Yards.

- (a) Every part of any required yard shall be open to the sky, unobstructed by a building, except:
 - (1) Eaves may project into a front or rear yard thirty-six inches, exclusive of gutters.
 - (2) 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.
 - (3) Ordinary projection of sills, belt courses, cornices, vertical solar screens, and ornamental features may project twelve inches.
 - (4) In the R-4, R-5, R-6, R-7 and R-8 districts located in areas of the City annexed prior to January 31, 1949, up to twenty-five percent of the length of the principal street facade of a building may project up to two feet into the required front yard. Notwithstanding the above, a porch may not project into a required front yard beyond that otherwise allowed by subsection (d) below.
- (b) **Outdoor Recreation Areas.** Outdoor recreation areas including but not limited to outdoor uses such as playgrounds and walking paths associated with early childhood care facilities, non-residential healthcare facilities, and residential healthcare facilities, may be located in any yard provided all structures requiring building permits meet setback requirements.
- (c) **Landscaping.**
 - (1) In the R-T, O-2, O-3, B-2, B-5, H-4 and all I zoning districts, the entire front yard shall be entirely landscaped in conformance with the landscape design standards adopted by the City of Lincoln, except for necessary paving of walkways and driveways to reach parking and loading areas, provided that any driveway in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet;
 - (2) In all O, B, and H zoning districts, when a side and/or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.
 - (3) In the R-T zoning district, the side and rear yard shall be devoted entirely to trees, shrubs, and grasses, and secondary sidewalks in conjunction with landscaping, unless the abutting property is occupied by a parking lot.
 - (4) In the I-2 zoning district, the required rear yard shall be entirely landscaped in conformance with the landscape design standards adopted by the City of Lincoln when the rear yard abuts a residential district.
- (d) **Porches.** An open, unenclosed porch may project into a required front yard for a distance not exceeding ten feet; provided, however, such porches on residences in the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 zoning districts which project into the required front yard no closer than ten feet from the street line may be enclosed under the following conditions:
 - (1) The enclosed porch shall not be served by a heating system, cooling system, or plumbing;
 - (2) At least forty percent of the other residences on the same frontage in the same zoning district extend into the required front yard a distance equal to or greater

than the applicant's porch (for the purpose of this section, extensions into the front yard may be a porch, balcony, vestibule, or the main part of the building);

- (3) The applicant's porch shall not be located within any building line district; and
- (4) At least fifty percent of each exterior wall shall be transparent.

(e) **Balconies.**

- (1) A balcony may project into a required front yard for a distance not exceeding six feet.
- (2) In the R-6, R-7 and R-8 zoning districts, a balcony is permitted in the required side yard, but no closer than seven feet from the side lot line.

(f) **Patios, Terraces, Uncovered Decks and Ornamental Features.**

- (1) Patios, terraces, uncovered decks and ornamental features in the B-1, B-3, B-4, ~~H-1~~, H-2 and H-3 zoning districts may project into a required front yard. In the O-3, B-2, B-5, H-4, I-1 I-2 and I-3 zoning districts, patios and terraces may project into a required front yard for a distance not to exceed fifteen (15) feet.
- (2) Patios, terraces, uncovered decks and ornamental features which do not extend more than three feet above or below the adjacent ground level may project into a required side yard and/rear yard, provided that the projection shall be no closer than two feet from the adjacent side lot line.
- (3) Patios, terraces, uncovered decks and ornamental features which do not extend more than three feet above or below the adjacent ground level may project into a required rear yard, provided these projections be distant at least two feet from the adjacent rear lot line.

Comment [CJE21]: H-1 zoning District is being eliminated.

(g) **Vestibules.** An enclosed vestibule containing not more than forty square feet may project into a required front yard for a distance not to exceed four feet.

(h) **Canopies.** In O-3, B-1, B-2, B-3, B-4, B-5, ~~H-1~~, H-2, H-3, H-4, I-1, I-2 and I-3 zoning districts, canopies may project into a required front yard; provided, that a five foot setback shall be maintained from the property line, and such canopies shall not cover more than six square feet of ground area per each foot of frontage, and no portion of the canopy shall be lower than nine feet above grade.

(i) **Outdoor Dining.**

- (1) In the B-1, B-3, B-4, ~~H-1~~, H-2 and H-3 zoning districts outdoor dining is permitted in the required front yard.
- (2) In the O-3, B-2, B-5, H-4, I-1, I-2 and I-3 zoning districts, outdoor dining is permitted in the required front yard; provided, that a five foot setback shall be maintained from the property line.

(j) **Loading Facilities.**

- (1) In the I-2 zoning district no loading facilities shall be provided in any front or side yard adjacent to any residential district.
- (2) In the I-3 zoning district no loading facility shall be located in any required yard.

(k) **Walkways.** In the O-1, B-1, B-2, B-3, ~~H-1~~, H-2, H-3, and I-1 zoning districts, enclosed walkways not more than one story in height nor eight feet in width are permitted in the required rear yard within two feet of the rear lot line.

(l) **Accessory Buildings.** See Section 27.72.120

(m) **Air conditioners/heat pumps.**

- (1) In all zoning districts except the R-1, R-2, R-3, and R-4 zoning districts, air conditioners or heat pumps, 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 or heat pump may extend into one side of a corner lot.
- (2) In R-1, R-2, R-3, or R-4 zoning districts, air conditioners or heat pumps not to exceed five tons or parts thereof may project into front and side yards not more than four feet from the building it serves, and in no event shall be closer than one foot to the adjacent lot line, and such air conditioner or heat pump may extend into one side of a corner lot.
- (n) **Solar Collectors.** Solar collectors which are a part of the main building may extend into a required rear yard for a distance not to exceed ten feet, and solar collectors may extend into a required side yard, provided that they have a minimum seven foot clearance from grade; and provided, further, that such extension shall be distant at least three feet from the adjacent lot line and may project into a side yard forty-eight inches, or two-fifths of the required side yard, whichever projection is greater.
- (o) **Ornamental siding and wall sheathing material.** Ornamental siding and wall sheathing material, not including brick veneer, may project a maximum of two inches into any required yard.
- (p) **Fire Escapes, Fireproof Outside Stairways, Balconies Opening upon Fire Towers, Chimneys, and Flues and Fireplaces.**
 - (1) 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 of adjacent dwellings.
 - (2) Chimneys, flues, and fireplaces may be permitted by the director of building and safety to project into any required yard for a distance of not more than two feet where the same are so placed as not to obstruct light and ventilation.
- (q) **Light Wells and Egress Windows.** Any light well or egress window may be located in any required front, side or rear yard, provided:
 - (1) No such light well or egress window may be placed within two feet of any property line;
 - (2) Any light well or egress window located in any required yard must have a safety railing that meets all requirements for safety railings of the International Building Code as adopted by the Lincoln Municipal Code if it is within five feet of any sidewalk, walkway, or driveway;
 - (3) The construction of the light wells or egress windows meets the requirements of the International Building Code as adopted by the Lincoln Municipal Code;
 - (4) The well does not extend more than one foot above the finished grade.

The requirements of (2) above may be waived by the City Council.

- (r) **Fences.** See Section 27.72.140.
- (s) **Building Line District.** See Section 27.72.170.
- (t) **Driveways and Vehicle Stacking.**
 - (1) A driveway shall be permitted within the required front and side yards only if the driveway provides a connection to a parking space that is or will be located as permitted in this title, provided that in the O-2, O-3, B-2, B-5, H-4, I-1, I-2, and I-3 zoning districts the driveway shall be substantially perpendicular to the street and shall not be wider than thirty feet.
 - (2) Vehicle stacking for drive-in/drive through facilities shall be permitted within the required side yard if such side yard does not abut a residential district.
- (u) **Yard Accessories in Required Yards.** Poles, posts, and other customary yard accessories, ornaments, and furniture may be located in any yard subject to requirements limiting obstruction of visibility and height limitations.
(Ord. 19827 §34; February 25, 2013).

27.72.070 Additional Front Yard Requirements.

- (a) In all zoning districts there shall be a required front yard on each street side of a double-frontage lot.
- (b) In all zoning districts, there shall be a required front yard, in those lots requiring a front yard, on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953 need not be reduced below:

Thirty-five feet in the AG, AGR, R-1, R-2, R-3, O-2, O-3 zoning districts;

Twenty-eight feet in R-4, R5, R-6, R-7, R-8, O-1, B-1, B-2, B-3, B-4, all H and I-1 and I-2 zoning districts;

except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(Ord. 19827 §35; February 25, 2013).

27.72.080 Exceptions to the Front Yard Requirements.

- (a) In the R-3, R-5, R-6, and R-7 where corner lots are separated by a common rear lot line, the minimum required front yard shall be ten feet on the side along the street adjacent to both corner lots.
- (b) Any commercial district including R-T on the same block face as a residential district shall have the same front yard setback as the abutting residential district. Such commercial front yard setback in the B-1, B-3 and H-2 may be reduced by 1 foot for every 2 feet of additional side yard setback provided;

Comment [CJE22]: This language replaces "In the B-3 zoning district if block face is partially in a residential zoning district then the front yard setback shall be the same as the residential district" in the table above.

- (c) In the AG and AGR zoning districts, the sum of (1) the distance from the centerline of abutting road to the property line, plus (2) the required front yard need not exceed 80 feet. The required front yard may be reduced, where necessary, to reach this total.
- (d) In the I-1 zoning district, lots developed with buildings on the effective date of this title, the front yard shall be none except where the frontage on one side of a street between two intersecting streets is located partly in the I-1 zoning district and partly in a district that requires a front yard, in which case the front yard requirements of the adjacent district shall apply to the I-1 zoning district from the place where it abuts the other district to the next intersecting street, or for 300 feet, whichever is less.
- (e) The front yards located within the same zoning district may be adjusted in the hereinafter-stated circumstances. This section shall not apply to the R-3, O-3, B-2, B-5, H-4, and I-3 zoning districts.
 - (1) Where any forty percent (40%) or more of the frontage in the same zoning district is developed with two or more main 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 greater of the front yards established by the existing main building nearest the street line.
 - (2) Where any forty percent (40%) or more of the frontage in the same zoning district is developed with two or more buildings that have a front yard of less depth than herein required, then:
 - (i) Where a building is to be erected on a parcel of land that is within 100 feet of existing main buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent main building on each side; or
 - (ii) Where a building is to be erected on a parcel of land that is within 100 feet of an existing main building on one side only, such building may be erected as close to the street as the existing adjacent main building.

(Ord. 19827 §36; February 25, 2013).

27.72.090 Exceptions to the Side Yard Requirements.

- (a) In the AG zoning district where a lot or tract of land on the effective date of this title has less width than herein required, the required 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 fifteen feet.
- (b) Where a lot of record in the AGR Zoning District on November 2, 1953, has a width of 100 feet or less, the required 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.
- (c) In the R-1 zoning district, wherever a lot of record on November 2, 1953, had a width of 100 feet or less, the required side yard for a single-family dwelling 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.

- (d) Three or more front yards. The requirements of side yard on lots that are required to provide three or more front yards or their equivalent may be modified in the following circumstances:
- (1) 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.
 - (2) A lot in a business, commercial, or industrial district need provide only a side yard on an interior lot line 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 required 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 fifteen feet.
- (Ord. 19827 §37; February 25, 2013).

27.72.100 Exceptions to the Rear Yard Requirements.

- (a) In the AG zoning district where a lot or tract of land with an area of less than two acres on the effective date of this title has an average depth of not more than 300 feet, there shall be a required rear yard having a depth of not less than fifty feet or twenty percent of the depth of the lot, whichever is smaller.
- (b) Three or more front yards: The required rear yards on lots that are required to provide three or more front yards or their equivalent may be modified in the following circumstances:
- (1) A rear yard shall be required on an interior lot line when the required yard on adjacent property is a rear yard.
 - (2) A lot in a business, commercial, or industrial district need provide only a side yard on an interior lot line 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 there shall be a required rear yard having a depth of not less than fifty feet or twenty percent of the depth of the lot, whichever is smaller.
- (Ord. 19827 §38; February 25, 2013).

27.72.110 Exceptions to the Height Requirements.

- (a) **Wind Energy Conversion Systems Over the District Height.** Wind energy conversion systems over the district height are a permitted use in the AG and AGR zoning district, provided they meet the following conditions:
- (1) The distance from all lot lines to any tower support base of the WECS shall be equal to the height of the tower plus the radius of the rotor. The City Council may grant a reduction in the specific setback table distance when it finds that such reduction shall not adversely affect surrounding property and is consistent with the intent of this title to promote the public health, safety, and general welfare.
 - (2) The distance from any tower support base of a WECS to any tower support base of another WECS under other ownership shall be a minimum of five rotor distances figured by the size of the largest rotor. The City Council may grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS.

- (3) The WECS operation shall not cause interference to the radio and television reception on adjoining property.
 - (4) In the AGR district, in order restrict climbing access in or to the WECS tower, a fence six feet high with a locking portal shall be placed around the WECS tower base, or the tower climbing apparatus shall be limited to no lower than twelve feet from the ground, or the WECS tower may be mounted on a roof top.
 - (5) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to WECS.
- (b) **Necessary Mechanical Appurtenances.** All necessary mechanical appurtenances located on top of a building are exempt from the height regulations contained in this title as follows:
- (1) No such appurtenances may exceed twenty feet in height above the maximum permitted in the district in which they are located;
 - (2) All of said appurtenances must be set back a minimum of fifteen feet from all faces of a building when said faces are adjacent to a street.
- (c) **Chimneys, Antenna Towers, and Grain Elevators.** Chimneys, cooling towers, elevator bulkheads, grain elevators, fire towers, stage towers or scenery lofts, amateur radio antenna installations not exceeding sixty-five feet in height (which includes a tower not exceeding fifty feet in height), noncommercial radio towers not exceeding fifty feet in height, wind energy conversion systems over the height of the district authorized by conditional use or special permit, or water towers are exempt from the height regulations as contained herein.
- (d) **Buildings, Churches, Height of.** In all zoning districts where churches are allowed, the main church building including church steeples, towers, and ornamental spires, used for the conduct of worship or religious services, may exceed the district height limit by the addition of one foot for each foot that such building is set back from all required yards.

NOTE: Additional provisions regarding waivers of height restrictions may be found under Chapter 27.63 for the following uses:

- (1) Amateur radio antennas exceeding 65 feet; see §27.63.670
- (2) Wind Energy Conversion Systems over the district height; see §27.63.420
- (3) Church Steeples, Towers, and Ornamental Spires; see §27.63.220
- (4) Permitted Use Exceeding the Maximum Height Permitted in the District; see §27.63.250
- (5) Expansion of Nonconforming and Nonstandard Uses; see §27.63.280
- (6) Community Unit Plans; see §27.63.320

(Ord. 19827 §39; February 25, 2013).

27.72.120 Accessory Buildings.

(*Only applies to accessory structures associated with a main dwelling)

- (a) Accessory buildings which are attached to or not located more than (1) six feet from the main building in the R-1 through R-8, O-1*, B-1*, B-3* zoning districts and (2) 10 feet from the main building in the AG, AGR, O-2, O-3, B-4, B-5 all H, I-2 zoning districts shall be considered a part of the main building and shall comply with the height, front, side, and rear yard requirements of the main building.
- (b) In all commercial and industrial zoning districts accessory buildings shall not extend into any required yard, except as otherwise stated in this chapter.
- (c) Accessory buildings not a part of the main building:
 - (1) May, if located not less than sixty feet from the front lot line, extend into the required side yard though not closer than two feet to the side lot line in the R-1 through R-8, O-1*, O-2, O-3, B-1*, B-3* B-4, all H, and the I-2 zoning districts.
 - (2) May be located in the required rear yard, provided that such accessory buildings:
 - (i) Shall not be nearer than two feet to the side or rear lot line in the AG, AGR, R-1 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning districts.
 - (ii) Shall not occupy more than the following percent of the required rear yard:
 - Forty percent in the R-1 through R-6, O-1*, B-1* and B-3* zoning districts.
 - Thirty percent in the AG, AGR, R-7, R-8, O2, O3, B-4, B-5, all H, and the I-2 zoning districts.
 - (iii) Shall not be more than fifteen feet in height in the R-1 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, B5, all H, and the I-2 zoning districts;
 - (iv) Notwithstanding the above, an accessory building used as a garage and taking access from an alley shall not be located closer than ten feet to the alley line in the R-1 through R-8, O-1*, O-2, O3, B-1*, B-3*, B-4, B5, all H, and the I-2 zoning districts.
 - (v) Shall not abut a residential district in the O-2, O-3, B-5, H-4, and I-2 zoning districts.
 - (vi) Shall not be nearer than a distance equal to ten percent of the average lot width from the side lot line in the AG zoning district on lots 20 acres or more.
 - (3) May be located in the required front yard on double-frontage lots where at least one frontage is along a major street in the R-1, R-2 and R-3, provided such accessory buildings:
 - (i) Shall not occupy any portion of any required front yard along the local street.
 - (ii) Shall not be closer than two feet to the side lot line, closer than two feet to the front lot line.
 - (iii) Shall not occupy any portion of the required front yard along any major street except when a landscape screen is located along all front lot lines of

- such lot adjacent to any major street in conformance with the "Design Standards for Screening and Landscaping" adopted by the City of Lincoln.
- (iv) Shall not have direct vehicular access from any major street along any major street frontage in the block.
 - (v) Shall not occupy more than 100 square feet for buildings and 600 square feet for structures of the required front yard along the major street.
 - (vi) Shall not exceed fifteen feet in height and any accessory building or portion thereof within twenty feet of the front lot line along the major street shall not exceed eight feet in height.

(Ord. 19827 §40; February 25, 2013).

27.72.130 Open Space Requirements.

- (a) In the R5, R-6, R-7, R-8, O-1, O-2, O-3, B-1, B-2, B-3 and B-5 zoning districts, a minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:
 - 125 square feet for the first dwelling, except in the R-8 district which is zero feet;
 - In the R5, R-6, R-7 and R-8 districts: 80 square feet per unit for each additional dwelling beyond one.
 - In the O-1, O-2, O-3, B-1, B-2, B-3 and B-5 districts:
 - 80 square feet per unit for the next four dwelling units;
 - 25 square feet per unit for the next four dwelling units;
 - 20 square feet per unit for each additional dwelling unit beyond nine.
- (b) This open space requirement may be met in the following manner:
 - (1) In the R-5 zoning district, the required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space requirement; except for ground level or first floor level porches, patios, and terraces as permitted in Section 27.72.060(f);
 - (2) In the R-6, R-7, and R-8 zoning districts, the required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space requirement except as follows:
 - (i) Ground level or first floor porches, patios, and terraces located in front and side yards as permitted in this chapter and in Section 27.72.060(f) may be counted.
 - (ii) The required front yard and side yard may be counted where the distance between the main building and said lot line exceeds the required yard by more than seven feet.
 - (3) In the O-2, O-3, B-1, B-2, B-3 and B-5 zoning districts the required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space requirement except for porches, terraces and balconies as permitted in this Chapter.

- (4) In the O-1, O-2, O-3, B-1, B-2, B-3 and B-5 zoning districts, required open space may be provided either on a balcony four or more feet in depth or on a rooftop; provided, the roof 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 similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.
- (c) In the R5, R-6, R-7, R-8, O-1, O-2, O-3, B-1, B-2, B-3 and B-5 zoning districts, parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement.
- (d) In the R5, R-6, R-7, R-8, O-1, O-2, O-3, B-1, B-2, B-3 and B-5 zoning districts, the depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less.
- (e) Whenever an O-2 zoning district extends further from the street than an abutting B-1, B-3, B-4, H-2, H-3, or I-1 district, then no building, structure, parking, nor access drive shall be permitted further from the street than the adjacent boundary line that is parallel to the street of the abutting B-1, B-3, B-4, H-2, H-3, or I-1 district. That portion of the O-2 district further from the street than the B-1, B-3, B-4, H-2, H-3, or I-1 districts shall be maintained as open space and have landscaping improvements, such as trees, shrubs, grasses, paths, fountains, or benches. If the B-1, B-3, B-4, H-2, H-3, or I-1 district is located on a corner and the O-2 district completely bounds the B-1, B-3, B-4, H-2, H-3, or I-1 district, the open space may be included as part of the required rear yard even though each owner of the open space may not have the required depth for the required rear yard; provided, there is joint agreement between the property owners, satisfactory to the Director of Building and Safety, for the development and maintenance of the open space.

(Ord. 19827 §41; February 25, 2013).

27.72.140 Fences.

- (a) **Permitted Locations and Heights.** Notwithstanding the area regulations of this title with respect to the requirements for open space for front yard, side yard, and rear yard, fences may be erected to a height not to exceed seventy-six inches on any part of a lot or premises. In addition, fences may be erected to a height not to exceed one hundred two inches on any part of a lot or premises under one of the following conditions:
 - (1) The fence is located in a required front yard of a lot in a residentially zoned district which has more than one required front yard;
 - (2) The fence is located within any commercial or industrial district;
 - (3) The fence is located on a common lot line between a residentially zoned district and a commercially or industrially zoned district; or
 - (4) The fence is located in the rear or side yard of a residentially zoned district; provided that no fence over seventy-six inches shall be located within four feet from any main structure on an abutting lot.

- (b) **Prohibited Locations.** No fence shall be erected within:
 - (1) The triangular area required for sight distance of vehicles entering or exiting the property or entering an adjacent intersection, in conformance with the design standards of the city and the City of Lincoln Access Management Policy.
 - (2) Ten feet from the opening side of all padmounted equipment (the side with decals on the lid), three feet from the opening side of the power pedestals (the side with the padlock), or twelve inches from the other non-opening sides of the padmounted equipment or power pedestals.
- (c) **Measurement.** The height of a fence shall be determined by a measurement from the ground beneath the fence. Swales and other earth depressions up to six feet wide shall not be used when measuring the fence's height. Man-made earth berms, terraces, and retaining walls that elevate the fence shall be considered a part of the fence. Notwithstanding the above, if a lot or premises is lower than an adjacent major street, as defined in Section 26.07.190 of the Land Subdivision Ordinance, then the height of the fence shall be determined by a measurement from the street grade at a ninety degree angle from the fence; provided, however, the total vertical measurement from the ground beneath the fence to the top of the fence shall not exceed twelve feet.
- (d) The height limitation herein provided for fences permitted on any part of a lot or premises, 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 or premises by this section, and all other structures must comply with area and use regulations of this title.

(Ord. 19970 §8; December 16, 2013; prior Ord. 19827 §42; February 25, 2013).

27.72.150 Small Lots in the R-3 Zoning District.

- (a) Single-family dwellings which do not meet the required minimum lot area, average lot width, or yard requirements in Table 27.72.020(a) are permitted in the R-3 district under the following provisions:
 - (1) Such use shall be located outside the City of Lincoln's January 1, 2010 corporate limits.
 - (2) Such use meets the following minimum lot requirements:

Average Lot Width	33 feet
Lot Area	3,300 square feet
Front Yard	15 feet to the main building 20 feet from the garage door to the lot line
Side Yard	5 feet or 0 feet if party wall
Rear Yard	20 feet or 20% the depth of the lot, whichever is less

- (3) There must be at least 22 contiguous feet of uninterrupted curb space abutting the lot measured along the face of the curb from the edge of the curb return to the lot line.
- (4) Any garage door or doors facing the street shall not occupy more than 40% of the width of the building facade, except that the garage door or doors may occupy up to 60% of the width of the building facade if there is living area or a covered balcony above the majority of the garage. Notwithstanding the above, detached garages which are not considered a part of the main building and are primarily located to the side of or behind the main building are exempt from this requirement.
- (5) Garages facing and taking access from a street must have a minimum setback of 20 feet from the lot line.
- (6) The principal street facade of each dwelling shall have at least one door. The principal street facade of each dwelling shall also have a minimum of one window per story oriented to the street. If the dwelling is two stories in height, both required windows may be located on the second floor. The minimum glazed area of a window shall be five square feet.

(Ord. 19827 §43; February 25, 2013).

27.72.160 Adjustment of Yard and Lot Area Requirements to Allow the Subdivision of a Lot.

- (a) **Subdivision of a Two-Family Dwelling on a Corner Lot.** In the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts, the Planning Director may adjust the required side yard, rear yard, or lot area for a single-family dwelling to permit the subdivision of a corner lot occupied by a two-family dwelling constructed as two attached single-family dwellings within a single structure into two lots each occupied by one of the two single-family dwellings; provided, however, the two-family dwelling must have conformed to the required lot area and yard regulations prior to the subdivision.
- (b) **Subdivision of a Two-Family Dwelling on an Interior Lot.** In the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts, the Planning Director may adjust the lot area, lot width, or both, for a single-family dwelling to permit the subdivision of an interior lot occupied by or to be occupied by a two-family dwelling constructed as two attached single-family dwellings within a single structure into separate lots each occupied by one of the single-family dwellings within said two-family dwelling; provided, the lot to be subdivided conforms to the required lot area regulations for the two-family dwelling prior to the subdivision.
- (c) **Subdivision of a Townhouse on an Interior Lot.** In the R-5, R-6, R-7, and R-8 zoning districts, the Planning Director may adjust the lot area, lot width, or both, for a single-family dwelling to permit the subdivision of an interior lot occupied by or to be occupied by a townhouse into two or more separate lots each occupied by one of the single-family dwellings within said townhouse; provided, the lot to be subdivided conforms to the required lot area regulations for the townhouse prior to the subdivision.

- (d) Any lot or premises which does not meet the area, width, or frontage requirements, or any combination thereof, of the district in which it is situated, may be enlarged without affecting the purposes for which it may be used; provided, that such enlargement does not result in the creation of an additional lot which does not conform to the applicable requirements of this code.
- (e) In the AG or AGR zoning district, the common lot lines of two or more adjoining lots, both or all of which do not meet the area, width, or frontage requirements, or any combination thereof, of the district in which such lots are situated, may be altered without affecting the purposes for which such lots may be used, provided:
 - (1) That such alteration does not result in the creation of a lot which does not meet the minimum standards for water and sanitary sewage disposal systems as required by applicable state, county, and city regulations;
 - (2) That such alteration meets all requirements of the city land subdivision ordinance;
 - (3) That the newly created lots in the AG zoning district shall have a required front yard, side yard and rear yard that conforms to Section 27.72.010(a), except that the required side yard shall not be less than ten percent of the lot width or fifteen feet, whichever is greater; and
 - (4) That the newly created lots in the AGR zoning district shall have a required front yard, side yard and rear yard that conforms to Section 27.72.010(b), except that the required side yard may be adjusted for corner lots or lots with a width of 100 feet or less as provided in subsection 27.72.010(c).
- (f) In those instances where a governmental agency acquires land for the purposes of road right-of-way from lots which were legally existing on the effective date of this title, or lots which were lawfully created after the effective date of this section, the acquisition of said right-of-way shall not affect the status of said lot as a buildable lot with respect to minimum lot area, width, or frontage requirements of this title provided:
 - (1) That all new construction, enlargements, extensions, or conversions of any buildings, structures, or uses including open land uses shall comply with all applicable provisions of this title.
 - (2) That such lots located in AG and AGR districts contain a minimum of one acre and have an average lot width of not less than 150 feet.
 - (3) That such lots located in an "R" residential district contain a lot area of not less than 4,000 square feet and an average lot width of not less than forty feet.

(Ord. 19827 §44; February 25, 2013).

27.72.170 Building Line District.

- (a) **Building Line District.** On those streets and highways shown on the "Lincoln Building Line District Map," dated November 1, 1985, which is adopted as a part hereof and incorporated by reference herein, and as the same may be from time to time amended, no structure, sign, parking, or required vehicle stacking shall be located, constructed, or erected within an area designated as a building line district, except as permitted under Section 27.72.170(b). At intersections that are designated as being within a building line district, the district shall extend for a distance of 650 feet from the centerline of the intersecting street or to the next lot line beyond 650 feet, but not to exceed 700 feet. The

street centerlines referred to in this section and on the “Lincoln Building Line District Map” refer to the street centerlines as they existed on the effective date of this title.

(b) **Location of Uses Within Building Line Districts; Adjustments.**

- (1) The City Council may authorize by resolution the location or placement of accessory buildings and structures, not including main buildings or accessory buildings which are part of a main building, within a building line district; provided that such location or placement otherwise meets the requirements of all applicable ordinances, codes, and design standards. Where such uses are not otherwise permitted in the required yard by the applicable district regulations, such uses may not be located within a building line district but the city council, by resolution, may allow such uses to encroach into the required yard, measured from the yard line, a distance equal to the width of the building line district, but in no event beyond the required yard. The applicant for such building or structure shall agree in writing that it shall be moved at the sole cost of the applicant whenever necessary for public use.
- (2) Parking spaces, other than required parking, and signs may be located within a building line district and shall not require authorization by the City Council if the applicable district regulations otherwise permit the location of such uses in the required yard. Where such uses are not otherwise permitted in the required yard by the applicable district regulations, such uses may not be located within a building line district but may encroach into the required yard, measured from the yard line, a distance equal to the width of the building line district, but in no event beyond the required yard. Such parking spaces or signs shall comply with all other applicable ordinances, codes, and design standards relating thereto. Signs authorized by this section shall be removed at the sole cost of the property owner whenever necessary for public use. In the case of parking authorized by this section, the property owner shall agree to reimburse the city for the costs of removal of the parking which exceed the costs the city would normally incur in the widening of such street without the existence of such parking spaces.
- (3) The City Council may modify the building line district along the frontage in a block to permit reasonable use of individual property; provided, however, that such a modification shall be granted only when the City Council finds that the modification will not interfere with reasonably anticipated future right-of-way requirements. Any such modification shall first be submitted to the Planning Commission for its recommendation and report and, prior to action by the Planning Commission, all property owners of the frontage in the block for which the modification is requested shall be notified of such request by United States mail. This notice shall be in addition to, and not in lieu of, the notice requirements of Chapter 27.81 of this code.
- (4) For purposes of this section, the yard line and the required yard shall be measured from the building line district line rather than the lot line or property line.

(Ord. 19827 §45; February 25, 2013).

27.72.180 Additional Exceptions to the General Requirements.

- (a) Dwellings existing in all O, B, R-T and all H and I zoning districts on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses and may be continued in conformance with the provisions of Chapter 27.61.
- (b) **Replacing Non-standard Accessory Building on Narrow Lot.** In the R-1, R-2, R-4, R-5, R-6, R-7, and R-8 zoning districts, a new or replacement accessory building may be erected on the site of an existing detached accessory building constructed on or before November 2, 1953, on a lot of record with an average lot width of less than fifty feet although the site does not meet the required minimum setback from a side, rear, or side and rear lot line(s), provided:
 - (1) Such new or replacement accessory building does not extend beyond the exterior perimeter of the existing accessory building; and
 - (2) Such new or replacement accessory building shall otherwise comply with all applicable city ordinances.
- (c) **Minimum Separation Between Buildings and Pedestrian Way Easement.** The minimum separation between a building and a pedestrian way easement shall be ten feet.
- (d) **Premises That Do Not Meet the Minimum Acreage Requirement of the O-3, B-2, B-5, or I-3 District.** A use permit may be granted upon a premises which does not meet the minimum total acreage requirement for approval of a use permit in the O-3, B-2, B-5, or I-3 zoning district, provided that:
 - (1) The premises was legally created prior to January 1, 2000;
 - (2) The premises has remained under separate ownership from adjoining properties formerly in the applicable district; and
 - (3) The zoning district in which the premises is located has been reduced in size by other changes of zone isolating the premises from similarly zoned properties. (Ord. 19827 §46; February 25, 2013).

(e) Alley Right of Way. When a property has a side or rear yard adjacent to an alley, half of the alley right of way may be counted as part of the required setback.

Comment [CJE23]: This would apply to all commercial and residential zoning districts.