



#200.50

BLOCK

05015944

INST. NO 2005

CODE
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2005 MAR 25 A II: 52

015944

LANCASTER COUNTY, NE



18504

05-15

Introduce: 1-31-05

Change of Zone 04075

ORDINANCE NO. 18504

1 AN ORDINANCE amending the City of Lincoln Zoning District Maps attached to  
 2 and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the  
 3 districts established and shown on said City of Lincoln Zoning District Maps as provided in  
 4 Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area  
 5 hereinafter described as a planned unit development.

6 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:  
 7 Section 1. That the "Lincoln Zoning District Maps" attached to and made a  
 8 part of Title 27 of the Lincoln Municipal Code be and they are hereby amended by changing the  
 9 boundaries of the districts established and shown on said Zoning District Maps as follows:

10 A tract of land composed of a portion of Lot 34 I.T., located in the  
 11 Northwest Quarter of Section 21, Township 9 North, Range 7 East  
 12 of the 6th P.M., Lancaster County, Nebraska, and more  
 13 particularly described as follows:

14 Commencing at the northeast corner of said Lot 34 I.T., said point  
 15 being 50.00 feet south of the north line of said Northwest Quarter,  
 16 and on the east line of said Northwest Quarter, said point being  
 17 on the south line of Pine Lake Road right-of-way, said point being  
 18 the true point of beginning; thence on an assumed bearing of  
 19 south 00 degrees 16 minutes 19 seconds west along the east line  
 20 of said Lot 34 I.T., a distance of 1269.14 feet to the southeast  
 21 corner of said Lot 34 I.T.; thence north 89 degrees 57 minutes 40  
 22 seconds west along the south line of said Lot 34 I.T., a distance of  
 23 1749.73 feet to a point; thence north 00 degrees 01 minutes 26  
 24 seconds west, a distance of 14.71 feet to a point of curvature;  
 25 thence along a curve in a counter clockwise direction, having a  
 26 radius of 289.00 feet, arc length of 47.03 feet, delta angle of 09  
 27 degrees 19 minutes 29 seconds, a chord bearing of north 04  
 28 degrees 41 minutes 11 seconds west, and a chord length of 46.98  
 29 feet to a point of tangency; thence north 09 degrees 20 minutes  
 30 56 seconds west, a distance of 144.32 feet to a point of curvature;  
 31 thence along a curve in a clockwise direction, having a radius of  
 32 611.00 feet, arc length of 99.70 feet, delta angle of 09 degrees 20  
 33 minutes 56 seconds, a chord bearing of north 04 degrees 40

city clerk

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minutes 28 seconds west, and a chord length of 99.58 feet to a point of tangency; thence north 00 degrees 00 minutes 00 seconds east, a distance of 602.36 feet to a point; thence south 90 degrees 00 minutes 00 seconds east, a distance of 55.09 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 600.00 feet, arc length of 106.55 feet, delta angle of 10 degrees 10 minutes 31 seconds, a chord bearing of south 84 degrees 54 minutes 45 seconds east, and a chord length of 106.41 feet to a point of curvature of a non tangent curve; thence along a curve in a clockwise direction, having a radius of 450.00 feet, arc length of 163.93 feet, delta angle of 20 degrees 52 minutes 22 seconds, a chord bearing of north 12 degrees 39 minutes 30 seconds east, and a chord length of 163.03 feet to a point of reverse curvature; thence along a curve in a counter clockwise direction having a radius of 450.00 feet, arc length of 181.14 feet, delta angle of 23 degrees 03 minutes 49 seconds, a chord bearing of north 11 degrees 33 minutes 46 seconds east, and a chord length of 179.92 feet to a point of tangency; thence north 00 degrees 01 minutes 52 seconds east, a distance of 42.38 feet to a point of intersection with the north line of said Lot 34 I.T., said point being on the south line of Pine Lake Road right-of-way, thence south 89 degrees 58 minutes 02 seconds east along the north line of said Lot 34 I.T., said line being the south line of said right-of-way, a distance of 19.64 feet to a north corner of said Lot 34 I.T.; thence south 00 degrees 01 minutes 58 seconds west along an east line of said Lot 34 I.T., said line being the west line of said right-of-way, a distance of 5.00 feet to a north corner of said Lot 34 I.T.; thence south 89 degrees 58 minutes 02 seconds east along a north line of said Lot 34 I.T., said line being a south line of said right-of-way, a distance of 1,538.62 feet to the northeast corner of said Lot 34 I.T., said point being the northwest corner of said Lot 54 I.T.; thence south 89 degrees 50 minutes 43 seconds east along the north line of said Lot 54 I.T., said line being the south line of said right-of-way, a distance of 150.15 feet to the point of beginning, said tract contains a calculated area of 2,189,949.10 square feet or 50.27 acres, more or less;

be and it hereby is (1) transferred from the AG Agricultural District to the R-3 Residential District and is hereby made a part of the R-3 Residential District and (2) designated as a Planned Unit Development pursuant to and in accordance with Chapter 27.60 of the Lincoln Municipal Code entitled "Planned Unit Development District" and (3) governed by all the provisions and regulations pertaining to the R-3 Residential District, except as modified by the Development Plan approved in Section 3 below.

1                   Section 2.     That the "Lincoln Zoning District Maps" attached to and made a  
2 part of Title 27 of the Lincoln Municipal Code be and they are hereby amended by changing the  
3 boundaries of the districts established and shown on said Zoning District Maps as follows:

4                   A tract of land composed of a portion of Lot 34 I.T., located in the  
5 Northwest Quarter of Section 21, Township 9 North, Range 7 East  
6 of the 6th P.M., Lancaster County, Nebraska, and more  
7 particularly described as follows:

8                   Commencing at the northwest corner of said Lot 34 I.T., said point  
9 being 50.00 feet east of the west line of said Northwest Quarter,  
10 and 72.53 feet south of the north line of said Northwest Quarter,  
11 said point being the true point of beginning; thence on an  
12 assumed bearing of south 81 degrees 28 minutes 42 seconds  
13 east along a north line of said Lot 34 I.T., said line being the south  
14 line of Pine Lake Road right-of-way, a distance of 50.60 feet to a  
15 north corner of said Lot 34 I.T.; thence north 84 degrees 19  
16 minutes 14 Seconds east along a north line of said Lot 34 I.T.,  
17 said line being the south line of said right-of-way, a distance of  
18 100.47 feet to a north corner of said Lot 34 I.T.; thence north 78  
19 degrees 43 minutes 14 seconds east along a north line of said Lot  
20 34 I.T., said line being a south line of said right-of-way, a distance  
21 of 101.96 feet to a north corner of said Lot 34 I.T.; thence south  
22 89 degrees 58 minutes 02 seconds east along a north line of said  
23 Lot 34 I.T., said line being a south line of said right-of-way, a  
24 distance of 154.93 feet to a north corner of said Lot 34 I.T.;  
25 thence north 00 degrees 01 minutes 58 seconds east along a  
26 west line of said Lot 34 I.T., said line being an east line of said  
27 right-of-way, a distance of 10.00 feet to a north corner of said Lot  
28 34 I.T.; thence south 89 degrees 58 minutes 02 seconds east  
29 along a north line of said Lot 34 I.T., said line being a south line of  
30 said right-of-way, a distance of 145.09 feet to a north corner of  
31 said Lot 34 I.T.; thence south 00 degrees 01 minutes 58 seconds  
32 west along an east line of said Lot 34 I.T., said line being a west  
33 line of said right-of-way, a distance of 10.00 feet to a north corner  
34 of said Lot 34 I.T.; thence south 89 degrees 58 minutes 02  
35 seconds east along a north line of said Lot 34 I.T., said line being  
36 a south line of said right-of-way, a distance of 299.98 feet to a  
37 north corner of said Lot 34 I.T.; thence north 00 degrees 01  
38 minutes 58 seconds east along a west line of said Lot 34 I.T., said  
39 line being a east line of said right-of-way, a distance of 5.00 feet  
40 to a north corner of said Lot 34 I.T.; thence south 89 degrees 58  
41 minutes 02 seconds east along a north line of said Lot 34 I.T.,  
42 said line being a south line of said right-of-way, a distance of  
43 180.35 feet to a point; thence south 00 degrees 01 minutes 52  
44 seconds west, a distance of 42.38 feet to a point of curvature;  
45 thence along a curve in a clockwise direction, having a radius of  
46 450.00 feet, arc length of 181.14 feet, delta angle of 23 degrees

1 03 minutes 49 seconds, a chord bearing of south 11 degrees 33  
2 minutes 46 seconds west, and a chord length of 179.92 feet to a  
3 point of reverse curvature; thence along a curve in a counter  
4 clockwise direction, having a radius of 450.00 feet, arc length of  
5 163.93 feet, delta angle of 20 degrees 52 minutes 22 seconds, a  
6 chord bearing of south 12 degrees 39 minutes 30 seconds west,  
7 and a chord length of 163.03 feet to a point of curvature of a non  
8 tangent curve; thence along a curve in a counter clockwise  
9 direction, having a radius of 600.00 feet, arc length of 106.55 feet,  
10 delta angle of 10 degrees 10 minutes 31 seconds, a chord  
11 bearing of north 84 degrees 54 minutes 45 seconds west, and a  
12 chord length of 106.41 feet to a point of tangency; thence north 90  
13 degrees 00 minutes 00 seconds west, a distance of 55.09 feet to  
14 a point, thence south 00 degrees 00 minutes 00 seconds west, a  
15 distance of 602.36 feet to a point of curvature; thence along a  
16 curve in a counter clockwise direction, having a radius of 611.00  
17 feet, arc length of 99.70 feet, delta angle of 09 degrees 20  
18 minutes 56 seconds, a chord bearing of south 04 degrees 40  
19 minutes 28 seconds east, and a chord length of 99.58 feet to a  
20 point of tangency; thence south 09 degrees 20 minutes 56  
21 seconds east, a distance of 144.32 feet to a point of curvature;  
22 thence along a curve in a clockwise direction, having a radius of  
23 289.00 feet, arc length of 47.03 feet, delta angle of 09 degrees 19  
24 minutes 29 seconds, a chord bearing of south 04 degrees 41  
25 minutes 11 seconds east, and a chord length of 46.98 feet to a  
26 point of tangency; thence south 00 degrees 01 minutes 26  
27 seconds east, a distance of 14.71 feet to a point of intersection  
28 with the south line of said Lot 34 I.T.; thence north 89 degrees 57  
29 minutes 40 seconds west along a south line of said Lot 34 I.T., a  
30 distance of 834.32 feet to the southwest corner of said Lot 34 I.T.;  
31 thence north 00 degrees 04 minutes 00 seconds east along a  
32 west line of said Lot 34 I.T., said line being the east line of South  
33 56th Street right-of-way, a distance of 643.00 feet to a west  
34 corner of said Lot 34 I.T.; thence south 89 degrees 56 minutes 00  
35 seconds east along a north line of said Lot 34 I.T., said line being  
36 a south line of said right-of-way, a distance of 10.00 feet to a west  
37 corner of said Lot 34 I.T.; thence north 00 degrees 04 minutes 00  
38 seconds east along a west line of said Lot 34 I.T., said line being  
39 an east line of said right-of-way, a distance of 55 00 feet to a west  
40 corner of said Lot 34 I.T.; thence north 89 degrees 56 minutes 00  
41 seconds west along a south line of said Lot 34 I.T., said line being  
42 a north line of said right-of-way, a distance of 10.00 feet to a west  
43 corner of said Lot 34 I.T.; thence north 00 degrees 04 minutes 00  
44 seconds east along a west line of said Lot 34 I.T., said line being  
45 an east line of said right-of-way, a distance of 548.31 feet to the  
46 point of beginning, said tract contains a calculated area of  
47 1,089,142.67 square feet or 25.00 acres, more or less;

1 be and it hereby is (1) transferred from the AG Agricultural District to the B-3 Commercial  
2 District and is hereby made a part of the B-3 Commercial District (2) designated as a Planned  
3 Unit Development pursuant to and in accordance with Chapter 27.60 of the Lincoln Municipal  
4 Code entitled "Planned Unit Development District" and (3) governed by all the provisions and  
5 regulations pertaining to the B-3 Commercial District, except as modified by the Development  
6 Plan approved in Section 3 below.

7 Section 3. The Development Plan for the Village Gardens Planned Unit  
8 Development, attached hereto marked as Attachment "A" and incorporated herein by reference  
9 as fully as if set forth herein verbatim, be and the same is hereby approved, upon condition that  
10 construction and operation of said Planned Unit Development be in strict compliance with said  
11 Development Plan, the site plan and the following express terms, conditions and requirements:

12 A. This approval permits 348 dwelling units in the underlying R-3  
13 zoned area and a maximum of 1,062 peak hour trips in the underlying B-3 zoned commercial  
14 area.

15 B. This approval modifies the requirements in the R-3 and B-3  
16 districts as indicated in the Development Plan and waives the preliminary plat process.

17 C. Before receiving building permits:

18 (1) The Permittee shall have submitted a revised and  
19 reproducible final plan.

20 (2) The construction plans shall comply with the approved  
21 plans.

22 (3) Final Plats shall be approved by the City.

23 D. Before occupying the buildings all development and construction  
24 shall have been completed in compliance with the approved plans and the Development Plan.

25 E. All privately-owned improvements shall be permanently  
26 maintained by the owner or an appropriately established property owners association approved

AMENDED 2/14/05

1 by the City Attorney.

2 F. The site plan and the Development Plan accompanying this  
3 planned unit development shall be the basis for all interpretations of uses, setbacks, yards,  
4 locations of buildings, location of parking and circulation elements, and similar matters.

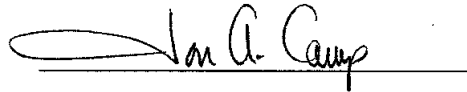
5 G. This ordinance's terms, conditions, and requirements bind and  
6 obligate the Permittee, its successors and assigns.

\* See following page.

7 H. I. The City Clerk shall file a copy of the ordinance approving the  
8 planned unit development and the letter of acceptance with the Register of Deeds. The  
9 Permittee shall pay the recording fee in advance.

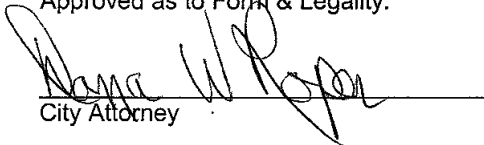
10 Section 4. That this ordinance shall take effect and be in force from and after  
11 its passage and publication according to law.

Introduced by:



AYES: Camp, Cook, Friendt,  
McRoy, Newman, Svoboda,  
Werner; NAYS: None.

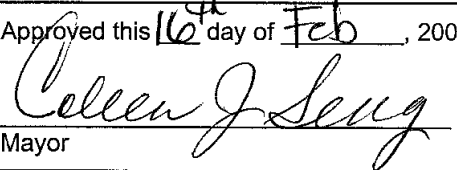
Approved as to Form & Legality:

  
City Attorney

**PASSED**

FEB 14 2005

BY CITY COUNCIL

Approved this 16<sup>th</sup> day of Feb, 2005:  
  
Mayor

H. Permittee shall convey to City, at no cost to the City, the additional right-of-way for Pine Lake Road and South 56<sup>th</sup> Street shown on the site plan to be dedicated to the City in the event such right-of-way is needed for the improvement of Pine Lake Road and/or South 56<sup>th</sup> Street prior to Permittee final platting the property abutting Pine Lake Road and/or South 56<sup>th</sup> Street. Notwithstanding the above, City shall be responsible to pay for the cost to relocate any signs, sprinkler system, or other cost to cure items, located in the area to be conveyed for right-of-way and to pay for any permanent and/or temporary construction easements needed for construction of said street improvements.

2/14/05 Council Proceedings:

SVOBODA Moved to amend Bill No. 05-15 in the following manner: 1. On page 6, between lines 6 and 7, insert a new paragraph H to read as follows: H. Permittee shall convey to City, at no cost to the City, the additional right-of-way for Pine Lake Road and South 56<sup>th</sup> Street shown on the site plan to be dedicated to the City in the event such right-of-way is needed for the improvement of Pine Lake Road and/or South 56<sup>th</sup> Street prior to Permittee final platting the property abutting Pine Lake Road and/or South 56<sup>th</sup> Street. Notwithstanding the above, City shall be responsible to pay for the cost to relocate any signs, sprinkler system, or other cost to cure items, located in the area to be conveyed for right-of-way and to pay for any permanent and/or temporary construction easements needed for construction of said street improvements. 2. Re-letter existing paragraph H as paragraph I.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.



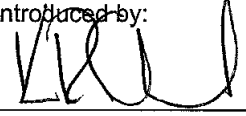
MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 05-15 in the following manner:

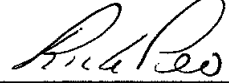
1. On page 6, between lines 6 and 7, insert a new paragraph H to read as follows:

H. Permittee shall convey to City, at no cost to the City, the additional right-of-way for Pine Lake Road and South 56th Street shown on the site plan to be dedicated to the City in the event such right-of-way is needed for the improvement of Pine Lake Road and/or South 56th Street prior to Permittee final platting the property abutting Pine Lake Road and/or South 56th Street. Notwithstanding the above, City shall be responsible to pay for the cost to relocate any signs, sprinkler system, or other cost to cure items, located in the area to be conveyed for right-of-way and to pay for any permanent and/or temporary construction easements needed for construction of said street improvements.

2. Re-letter existing paragraph H as paragraph I.

Introduced by:  
  
\_\_\_\_\_

Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney

AYES: Camp, Cook, Friendt,  
McRoy, Newman, Svoboda,  
Werner; NAYS: None.

**ADOPTED**

FEB 14 2005

**BY CITY COUNCIL**

Requested by: Law Dept.

Reason for Request: To clarify that the needed right-of-way for Pine Lake Road and South 56th Street will be conveyed to the City when the improvements are sonstructed.



# VILLAGE GARDENS

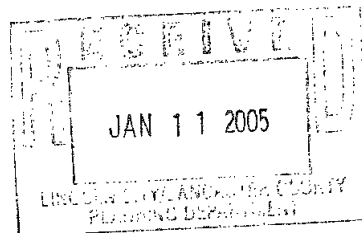
THE ART OF *Traditional Living*

Planned Unit Development District

## DEVELOPMENT

## PLAN

January 11, 2005



INTRODUCTION

THE REGULATING PLAN

R-3 AND B-3 LAND USES

THE TRANSECT ZONE MATRICES

LOT & BUILDING STANDARDS

SIGNAGE & PARKING STANDARDS

REGULATORY MODIFICATIONS

PUD MAP SHEETS

GLOSSARY

045

## INTRODUCTION

Village Gardens is designed to promote a balance of community and private life in an affordable, attractive and sustainable setting. Plan elements include a diversity of housing – from grand homesteads to small cottages and apartments – an active public realm in the Village Center and Neighborhood Centers, and a network of picturesque streets, trails and open space.

The Village Gardens Development Plan (“Development Plan”) codify the Village Garden’s principles and help assure a satisfactory level of quality in the implementation of a diverse, attractive and healthy community. The Development Plan regulates the design of streets, public spaces, landscape and buildings with sufficient flexibility to foster creativity and diversity—and will result in a place designed by many minds, hands and hearts. The Development Plan also helps build an understanding of the relationship between community space and private property.

This project is unique and different for the City of Lincoln developing area. Use limitations and other regulations of the underlying zoning district and other regulatory chapters of the Lincoln Municipal Code (“LMC”) shall apply, unless specially modified by this Development Plan.

The Village Gardens Development Plan is comprised of the following components: Introduction, the Regulating Plan, the R-3 and B-3 Land Uses, the Transect Zone Matrices, the Lot & Building Standards, the Regulatory Modifications, the PUD Map Sheets and Glossary. The Glossary is a definition of terms located at the end of this document for ease of use and understanding. These Development Plan components modify the use limitations and regulations of the LMC. The Development Plan is designed to regulate buildings on private properties to shape the public realm and help create quality streets, plazas, parks and other public spaces.

### **PUD Requirements, Construction and Amendments**

The Village Gardens PUD is authorized and approved as planned unit development district pursuant to Chapter 27.60 of the Lincoln Municipal Code, as may be amended from time to time. A separate special permit or use permit is not necessary or required to permit any special permitted use or use permit use. This Village Gardens PUD will replace any required special permit or use permit under the LMC and any applicable ordinances, regulations, codes, and design standards.

After approval of the Village Gardens PUD, building permits, certificates of occupancy and final plats of the property will be issued or approved upon general compliance with the Development Plan as approved, or as amended. In circumstances where there are minor variations from the Development Plan, the Planning Director or his designee, shall review the proposal and determine if the proposal is in general conformance with the spirit and intent of the approved Village Gardens PUD.

After the City Council has approved the Village Gardens PUD, the Planning Director is authorized to approve amendments pursuant to 27.60.060 LMC.

### **The Transect Zoning Classification**

The Transect is a planning categorization system that organizes the elements of the built environment on a scale from rural to urban. Developed by Andres Duany and his firm Duany–Plater-Zyberk.Town Planners (DPZ), the Transect (which is inspired by a conservation biology tool for studying the changes and diversity in vegetation and habitat along a line drawn across ecosystems) provides a regulatory structure that utilizes zoning categories based on the concept of immersive environments. Here, all of the elements of the human environment work as self-sustaining, interdependent subsystems, each with distinct characteristics and behavior patterns.

The Transect has several zones, from the rural open space neighborhood edge, to the village center. The transition zone between the surrounding rural landscape and Village Gardens is called the Neighborhood Edge zone. The Neighborhood Edge zone consists of single-family homes on larger lots.

The Neighborhood General zone, the largest zone in most neighborhoods, is primarily residential, but is more urban in character. In comparison with the Neighborhood Edge zone, it includes higher density with a range of housing types from medium sized single-family houses to townhouses.

The Neighborhood Center zone is typically located around a neighborhood park and functions as the social center of a neighborhood. Limited retail, office and civic uses complement higher density residential uses.

The Village Center will be the development's commercial core. A mixed-use zone, it allows for a mix of commercial and high-density residential uses.

### **The Master Plan**

The Master Plan is a visual reference map of Village Gardens that provides the conceptual and vision plan for the entire Village Gardens development. This provides information on street connectivity, future parks, and pathways for the development. See The Master Plan (Conceptual). Yet, like any visionary plan, it is subject to change as future phases of development are brought forth for approval.

### **The Regulating Plan**

The Regulating Plan is a graphic reference map of Village Gardens and identifies the boundaries of the Village Gardens PUD district. In addition, the Regulating Plan illustrates the private areas and public rights-of-way to the Transect Zones and the Lot & Building Standards. The Regulating Plan provides specific information on each building and/or lot, and describes the relationship of each lot to the public realm (the streets, parks, pathways, etc.) and the surrounding environment.

### **The R-3 and B-3 Land Uses**

The R-3 and B-3 Land Uses denote the specific uses that are appropriate to the R-3 and B-3 districts. The basis of this section is the City of Lincoln Municipal Code.

### **The Transect Zone Matrices**

#### **Land Use Types Matrix**

The Land Uses Types Matrix describes the permitted uses within each Transect Zone, complementary to the goals of developing a diverse, attractive and healthy community. Separate uses may be combined or mixed on a single lot in two ways. The first is vertical combination, where two different uses, such as retail on the first floor and housing above, are combined in one building. The second type of use integration is horizontal, where two uses that may be attached by a common wall, or detached on a single lot. For example, a professional office might be located along the side of a house, or in a garage in the rear. The combination of allowed uses is presented in an easy to understand graphic matrix, with additional clarifying notes attached.

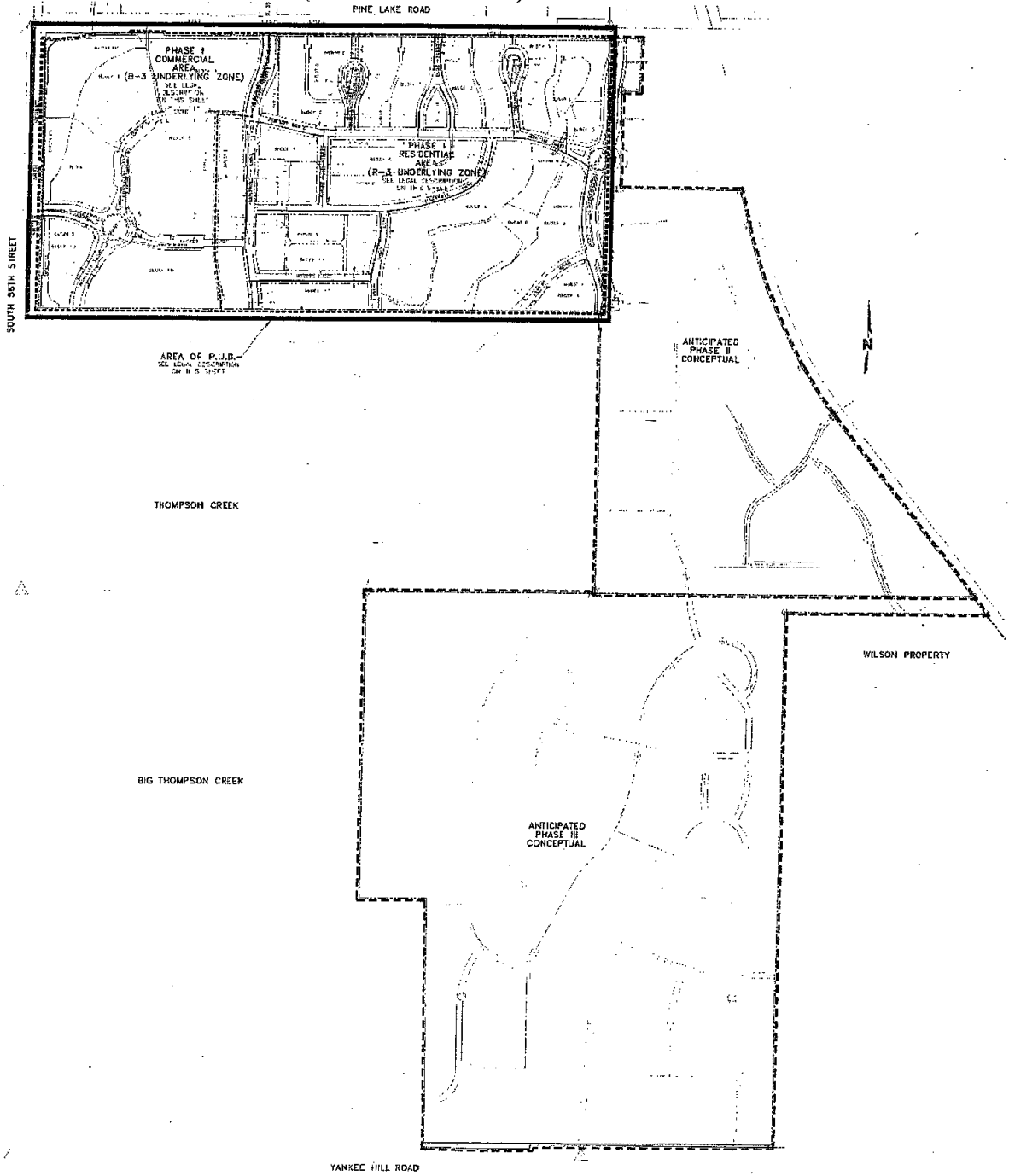
#### **Lot & Building Types Matrix**

The Lot & Building Types Matrix describes the permitted Lot & Building Types within each Transect Zone. The matrix indicates which building types, described in the Lot & Building Standards below, are permitted outright or with certain conditions. The goal is to provide for a variety of buildings in each zone while fostering compatibility and an overall coherent development pattern.

## The Lot & Building Standards

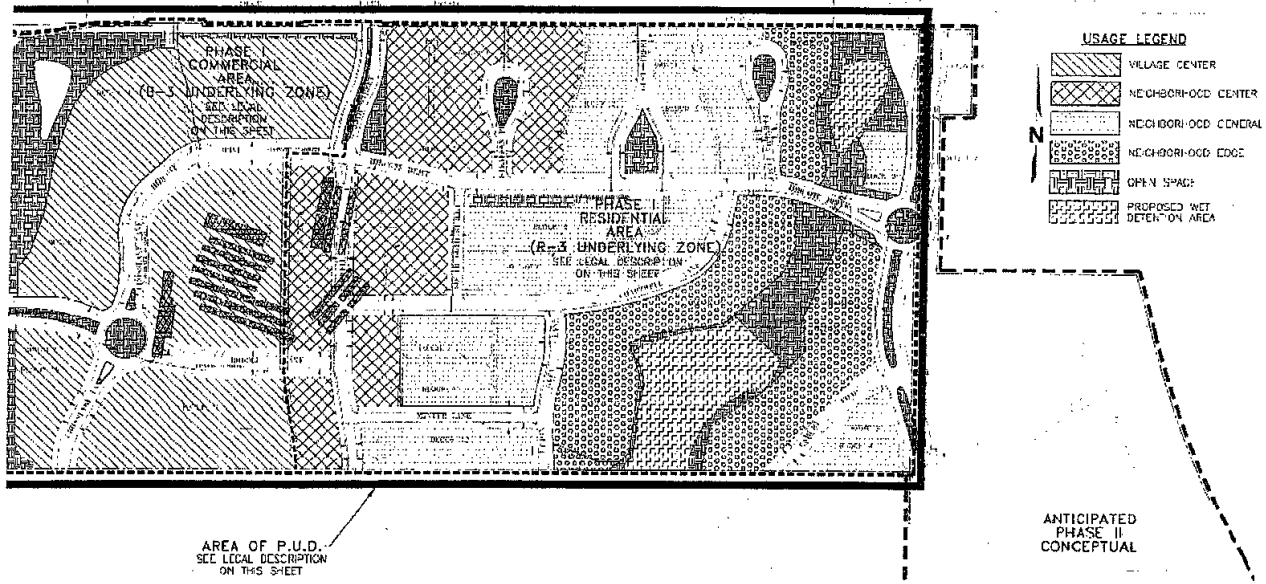
The Village Gardens Lot & Building Standards ("Building Standards") establish basic site and building design features. Building types are based on the traditional models prevalent in the region. Each lot & building type describes the physical constraints on the placement and configuration of three-dimensional building forms and façade elements, such as porches and balconies, on the lot. The Building Standards include detached, Accessory Buildings such as garages, and describe spaces for vehicle parking.

# THE MASTER PLAN (CONCEPTUAL)



049

# THE REGULATING PLAN



050

## R-3 AND B-3 LAND USES

### R-3 Permitted Uses, Conditional Uses and Special Permitted Uses

#### Permitted Uses:

A building or premises shall be permitted to be used for the following purposes in the R-3 Residential District:

- (a) Single-family dwellings (See Land Use Types Matrix; See Lot & Building Matrix);
- (b) Two-family dwellings (See Land Use Types Matrix; See Lot & Building Matrix);
- (c) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (d) Public libraries;
- (e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes;
- (f) Nursery Garden Centers and Green Houses (See Land Use Types Matrix);
- (g) Civic or Community (See Land Use Types Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
- (h) Workshop (See Land Use Types Matrix);
- (i) Retail (See Land Use Types Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
- (j) Office (See Land Use Types Matrix);
- (k) Live-Work Unit (See Land Use Types Matrix; See Lot & Building Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
- (l) Lodging (See Land Use Types Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
- (m) Residential (See Land Use Types Matrix; See Lot & Building Matrix);
- (n) Secondary Dwelling Unit (See Land Use Types Matrix; See Lot & Building Matrix).

#### Conditional Uses:

A building or premises may be used for the following purposes in the R-3 Residential District in conformance with the conditions prescribed herein:

- (a) Churches:
  - (1) Parking shall be in conformance with Chapter 27.67;
  - (2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the City Council;
  - (3) Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater;
  - (4) Buildings shall not cover more than ~~fifteen~~ ninety percent of the lot area.
- b) Group homes:
  - (1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the provisions of Chapter 27.67;
  - (2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half mile;
  - (3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.
- (c) Early childhood care facilities in churches:
  - (1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;
  - (2) Such facilities shall comply with all applicable state and local early childhood care requirements;
  - (3) Such facilities shall comply with all applicable building and life safety code requirements;
  - (4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
  - (5) Such facilities must receive a conditional use permit from the Department of



Village Gardens Development Standards

Building and Safety.

(d) Domestic shelter:

- (1) Parking shall be in conformance with Chapter 27.67;
- (2) The maximum number of residents occupying such a facility shall not exceed one person per 2,000 square feet of lot area;
- (3) The distance between the proposed use of any existing domestic shelter measured from lot line to lot line shall not be less than one mile.

e) Early childhood care facilities with a maximum of fifteen children present at any time:

- (1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;
- (2) Such facilities shall comply with all applicable state and local early childhood care requirements;
- (3) Such facilities shall comply with all applicable building and life safety code requirements;
- (4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
- (5) Such facilities shall be used as the permanent residence of the licensed childcare provider;
- (6) Such facilities with thirteen or more children must receive a conditional use permit from the Department of Building and Safety;
- (7) Early childhood care facilities located in mobile homes shall have a severe weather emergency action plan approved by the Health Department.

**Special Permitted Uses:**

A building or premises may be used for the following purposes in the R-3 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

~~(a) Community unit plans in conformance with the following requirements:~~

- ~~(1) The average lot area shall be at least 5,000 square feet;~~
- ~~(2) All the requirements of Chapter 27.65.~~
- (b) Private schools, other than those permitted above;
- (c) Health care facilities;
- (d) Dwellings for members of religious orders;
- (e) Mobile home courts;
- (f) Recreational facilities;
- (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;
- (h) Broadcast towers;
- (i) Extracting sand, gravel, and soil;
- (j) Certain parking lots as defined in Chapter 27.63;
- (k) Elderly or retirement housing;
- (l) Expansion of nonconforming uses;
- (m) Historic preservation;
- ~~(n) Garden centers;~~
- (o) Public utility purposes;
- (p) Wind energy conversion systems;
- (q) Mobile home subdivisions;
- (r) Housing and related facilities for the physically handicapped;
- ~~(s) Greenhouses;~~
- (t) Outdoor seasonal sales;
- (u) Cemeteries;
- ~~(v) Churches; increased lot coverage;~~
- (w) Domiciliary care facility;
- (x) Expansion of nonstandard single and two-family dwellings into required yards;
- (y) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.15.030;

- (z) Neighborhood support services;
- (aa) Clubs;
- (bb) Connection of single-family dwelling to accessory building for the physically handicapped;
- (cc) Adult care centers.

### B-3 Land Uses Permitted Uses, Conditional Uses and Special Permitted Uses

#### Permitted Uses:

A building or premises shall be permitted to be used for the following purposes in the B-3 Commercial District:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (b) Public libraries;
- (c) Public elementary and high schools, 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;
- (d) Churches;
- (e) Nonprofit religious, educational, and philanthropic institutions;
- (f) Banks, savings and loan associations, credit unions, and finance companies;
- (g) Barber shops, beauty parlors, and shoeshine shops;
- (h) Private schools, including but not limited to, business or commercial schools, dance or music academies, and nursery schools;
- (i) Adult care centers;
- (j) Hospitals and clinics for animals, but not open kennels;
- (k) Self-service laundromats, and laundrettes;
- (l) Receiving stores for dry cleaning or laundry;
- (m) Messenger and telegraph stations;
- (n) Office buildings; (See Land Use Types Matrix)
- (o) Restaurants;
- (p) Stores or shops for the sale of goods at retail; (See Land Use Types Matrix)
- (q) Undertaking establishments;
- (r) Photography studios;
- (s) Key shops;
- (t) Ambulance services;
- (u) Retail bakery;
- (v) Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings;
- (w) Milk distribution stations, but not involving any bottling on the premises;
- (x) Food storage lockers;
- (y) Optical lens grinding and finishing;
- (z) Clubs;
- (aa) Parking lots and storage garages;
- (bb) Enclosed commercial recreational facilities;
- (cc) Motorcycle, bicycle, and home and office equipment, but not including vehicle body repair shops
- (dd) Mail order catalog sales;
- (ee) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments.
- (ff) Health care facilities including:
  - (b) Convalescent or nursing home
  - (d) A facility for out-patient physical, occupational, or vocational therapy or rehabilitation
- (gg) Recreational facilities:
- (hh) Sale of alcoholic beverages for consumption on the premises;
- (ii) Sale of alcoholic beverages for consumption off the premises.
- (jj) Civic or Community (See Land Use Types Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
- (kk) Workshop (See Land Use Types Matrix);
- (ll) Nursery Garden Centers and Green Houses (See Land Use Types Matrix);
- (mm) Live-Work Unit (See Land Use Types Matrix; See Lot & Building Matrix--Prohibited in Neighborhood General

and Neighborhood Edge;

(nn) Lodging (See Land Use Types Matrix);

(oo) Residential (See Land Use Types Matrix; See Lot & Building Matrix);

**Conditional Uses:**

A building or premises may be used for the following purposes in the B-3 Commercial District in conformance with the conditions prescribed herein:

(a) Automobile wash facility:

(1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.

The stacking space shall not be located within the required front yard.

(2) Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.

(b) Motels and hotels: A distance of at least twenty feet shall be maintained between buildings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.

(c) Furnace, heating, sheet metal, electrical shops or electrical contractors, heating and air conditioning contractors, and cabinet shops or stores:

(1) The floor area of said premises not devoted to sales or office space shall not exceed 8,000 square feet;

(2) Not more than ten percent of the lot or tract occupied by the establishment shall be used for open and unenclosed storage of material and equipment;

(3) All outside storage of material and equipment shall be screened by an opaque six-foot tall fence constructed of wood, or a substitute material found acceptable by the Director of Building and Safety.

(d) Tire stores and sales, including vulcanizing:

(1) The floor area of said premises not devoted to sales or office space shall not exceed 4,000 square feet;

(2) There shall be no manufacturing on the premises.

(e) Tailor shops, shoe repairing, upholstery shops, printing, photocopying, household appliances repairs, or similar business establishments; dyeing and drycleaning works; laundry; plumbing and water softener service shops. The floor area of said premises not devoted to sales or office space shall not exceed 4,000 square feet.

(f) Dwellings, provided that:

~~(1) Except as provided subparagraph 2 below, dwellings shall only be permitted above the first story of a building, with the first story used for a non-dwelling use as permitted in the district. Such non-dwelling use shall not be accessory to the residential use or be a parking lot or garage.~~

~~(2) Dwellings shall be permitted in buildings that were originally constructed for a residential use prior to November 1, 1997.~~

(g) Recycling center:

(1) The building area of such center shall not exceed 4,000 square feet;

(2) Adequate traffic stacking shall be provided on site as determined by the city;

(3) All required parking shall be provided on site;

(4) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;

(5) The construction and operation of such center shall comply with all applicable health and fire codes;

(i) Early childhood care facilities:

(1) Such facilities shall comply with all applicable state and local early childhood care requirements;

- (2) Such facilities shall comply with all building and life safety code requirements;
- (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
- (4) Such facilities must receive a conditional use permit from the Department of Building and Safety.

- (j) Service stations and automobile or appliance sales and repair facilities, but not including vehicle body repair shops.
  - (1) No automobile or appliance sales and repair facility shall be permitted to locate within 100 feet of any residential use or district;
  - (2) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood, or of a substitute material found acceptable to the Director of Building and Safety subject to the provision of condition (3) below;
  - (3) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance shall have until October 1, 2003 to be brought into compliance with condition (2) above;
  - (4) The locational or screening requirements of (1), (2), and (3) above shall not apply when said residential use or district is across a public street from the service station or automobile or appliance sales and repair facility, but shall apply if said residential use or district is across an alley or private drive from the service station or automobile or appliance sales and repair facility;
  - (5) Any service station lawfully established in this district, after the effective date of this ordinance, shall screen the facility from any residential use or district by the use of an opaque fence, six feet in height, constructed of wood or of a substitute material found acceptable to the Director of Building and Safety; provided that said screening requirement shall not apply when said residential use or district is across a public street from the service station, but shall apply if said residential use or district is across an alley or private drive from the service station.

**Special Permitted Uses:**

A building or premises may be used for the following purposes in the B-3 Commercial District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Health care facilities;
  - (a) Hospitals
  - (b) convalescent or nursing home
  - (c) A facility in which sixteen or more people reside while receiving therapy, counseling, or rehabilitation for physical, emotional, or mental disease or disability;
  - (d) a facility for out-patient physical, occupational, or vocational therapy or rehabilitation
  - (e) Public health clinics and facilities;
  - (f) Ambulatory surgical care center which does not allow for overnight stay by patients. Ambulatory surgical center does not include an office or clinic used solely by a practitioner or group of practitioners in the practice of medicine, dentistry, or podiatry. Except as provided in (a) above, health care facilities does not include doctors' or dentists' professional offices and private clinics.
- (b) ~~Recreational facilities;~~
- (c) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- (d) Broadcast towers;
- (e) Expansion of nonconforming use;
- (f) Historic preservation;
- (g) Public utility purposes;
- (h) Wind energy conversion systems;
- (i) Cemeteries;
- (j) Dwellings above the first story of a building which cannot meet the yard requirements of Section 27.33.080(g);
- (k) ~~Sale of alcoholic beverages for consumption on the premises;~~
- (l) ~~Sale of alcoholic beverages for consumption off the premises.~~

## THE TRANSECT ZONE MATRICES

### Land Use Types Matrix

Village Gardens features a mix of uses, all complementary to the goal of developing a healthy, affordable community. Instead of disconnected 'pods' of single-use activity, Village Gardens reflects traditional Midwestern small town form, with streets that may contain residential, retail and civic uses within a single block.

While the Village Center provides for the majority of commercial uses, the Neighborhood Center zone allows a range of land uses. The Neighborhood General and Edge zones allow only residential development and limited home occupation opportunities.

**Transect Zones →**                      **Shaded = Permitted**   **Not Shaded = prohibited**

Land Use Types →	<b>Transect Zone/ Land Use Types</b>	Village Center (underlying B-3 district)	Neighborhood Center (underlying R-3 district)	Neighborhood General (underlying R-3 district)	Neighborhood Edge (underlying R-3 district)
	Civic or Community		See Note 1	n/a	n/a
	Workshop	See Note 2	See Note 3, 10	See Note 4, 10	See Note 4, 10
	Retail		See Note 5	n/a	n/a
	Nursery, Garden Center & Green Houses				
	Office		See Note 6, 10	See Note 7, 10	See Note 7, 10
	Live-Work Unit		See Note 10		
	Lodging		See Note 8	See Note 8	See Note 8
	Residential	See Note 11	See Note 11	See Note 11	See Note 11
	Secondary Dwelling Unit	n/a	See Note 9	See Note 9	See Note 9

**Notes:**

1. Civic or community uses serving primarily Village Gardens residents and their guests.
2. Workshop uses only permitted in conjunction with retail sales within the same building. Workshop uses shall be located on the first floor and occupy at maximum the rear 75% of the building footprint or located in the basement of the building. Outdoor storage of manufacturing components or equipment is prohibited.
3. Workshop uses shall be limited to 600 sq. ft. in floor area. Workshop uses shall be located in an Accessory Building to the rear of the primary building, or shall be located on the first floor and occupy at maximum the rear 50% of the primary building footprint or located in the basement of the primary building. Outdoor storage of manufacturing components or equipment is prohibited. Workshop uses may operate in conjunction with first floor retail.
4. Workshop uses shall be limited to 600 sq. ft. in floor area. Workshop uses shall be located in an Accessory Building to the rear of the primary building, or shall be located on the first floor and occupy at maximum the rear 50% of the primary building footprint or located in the basement of the primary building. Outdoor storage of manufacturing components or equipment is prohibited. Product sales and signage shall be prohibited.
5. Retail uses are limited to 2,000 sq. ft. located on the first floor of a live/work building. A maximum of two live/work units may be connected to create up to 4,000 sq. ft. of retail uses. Permitted uses allow retail sales, personal services (such as hair salons), childcare facilities, and coffee shops or restaurants with a maximum of 40 seats. Signage permitted.

## Village Gardens Development Standards

6. Office uses are limited to 2,500 sq. ft. located primarily in a live/work building. A maximum of two live/work units may be connected to create up to 5000 sq. ft. of office uses. Point-of-service and signage permitted.
7. Office uses shall be limited to home occupations. A home occupation shall mean any office occupation or activity carried on within a dwelling unit or Accessory Building by a member of the family residing on the residential lot, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof. Home occupations shall be a maximum of 1000 sq. ft. in floor area, located either in an Accessory Building to the rear of the primary building, or in the primary building, occupying at maximum 50% of the building footprint. Point-of-service type offices shall be prohibited. Signage permitted.
8. Lodging shall be limited to bed & breakfast establishments with a maximum of four guest rooms. One additional parking space per guest room shall be required on-site. Signage is permitted.
9. Secondary dwelling units shall not exceed 1000 sq. ft. in floor area on lots with a width of 45 ft or more. On lots with a minimum width of less than 45 ft., the secondary dwelling units shall not exceed 600 sq. ft. and shall be located within an Accessory Building to the rear of the primary building. Secondary dwelling units shall have separate outside entrances.
10. Up to two non-family member employees may be employed and work on site. One on-site parking space per employee is required.
11. See Lot & Building Types Matrix for allowed residential uses.

### Lot & Building Types Matrix

Village Gardens provides a variety of lot and building types, from large detached houses around the perimeter to small cottages, attached row houses and apartments in the Neighborhood Center and Village Center zones. The mix of uses and building types provides the choices needed to create a neighborhood where people of different ages, incomes and families can live, work and play.

Transect Zones →                      Shaded = Permitted   Not Shaded = prohibited

Lot & Building Types →	Transect Zone/ Lot & Building Types	Village Center (underlying B-3 district)	Neighborhood Center (underlying R-3 district)	Neighborhood General (underlying R-3 district)	Neighborhood Edge (underlying R-3 district)
	Type A – Rowhouse	n/a	See Note 1, 7	See Note 7	n/a
Type B – Townhouse	n/a	See Note 1, 7	See Note 7	n/a	
Type C – Small SF	n/a	See Note 1, 7	See Note 7	n/a	
Type D – Medium SF	n/a	n/a	See Note 7	See Note 7	
Type E – Large SF	n/a	n/a	n/a	See Note 7	
Type F – MF Mansion	See Note 3	See Note 1, 3, 7	n/a	n/a	
Type G – MF Apartment		See Note 4, 7	n/a	n/a	
Type H – Civic or Community	See Note 2	See Note 2, 5	n/a	n/a	
Type I – Mixed-Use	See Note 6	n/a	n/a	n/a	

Notes:

1. Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.
2. Structures that are not fully enclosed having a footprint of less than 400 sq ft. and an overall height of less than 16 ft. shall be considered landscape elements.
3. Limited to 12 units per building in the Village Center; limited to 8 units per building in the Neighborhood Center.
4. Limited to lots between Yankee Hill Road and Chatsworth Lane.
5. Limited to Civic or Community uses serving primarily Village Gardens residents and their guests. Civic or Community buildings shall be limited according to the Civic or Community use designation in the Land Use Types matrix.
6. Mixed-use buildings may occupy two or more of the following uses within the same building: retail, professional services, personal services, workshop, office, artisan, restaurant, lodging, childcare, professional business, governmental services, entertainment, recreational, residential and related accessory uses. Uses may be divided vertically or horizontally.
7. All residential lots along Pine Lake Road will have a setback of 20' from Pine Lake Road.

**SIGNAGE & PARKING STANDARDS:**

**Sign Information:**

The following requirements apply to the signage requirements in Village Gardens based on the Village Gardens PUD. If the requirement is not listed, the Village Gardens PUD is governed by the City of Lincoln code. Please refer to the Village Gardens Regulatory Modifications document for specific information on the alterations made to the City of Lincoln codes regarding Signage.

1. In the R-3 zoning districts, the specific regulations are as follows: In the Neighborhood Center areas, up to two on-premises wall signs or projecting signs per lot, each not to exceed eight square feet of sign area, used to identify commercial uses and home occupations. In the Neighborhood General and Neighborhood Edge areas, one on-premises wall sign per lot, not to exceed two square feet of sign area, nonilluminated and nonreflecting, used to identify home occupations. One on-premises wall sign per lot, not to exceed two square feet of sign area, nonilluminated and nonreflecting, used to identify transitional lot uses, block parents, the name of the premises or occupants thereof, or to provide similar information. Lighted vending machines are not permitted in view from off the premises.
2. When part of a landscape screen approved by the Planning Director, the following ground signs, not exceeding twenty square feet in area or six feet in height and identifying a multiple-dwelling complex or subdivision area, may be located in the required front yard or building line district:
  - a. Up to two signs may be located at each entrance to the multiple-dwelling complex or subdivision area.
  - b. ~~If the multiple-dwelling complex or subdivision area abuts an intersection with an arterial street, one sign per arterial frontage may be located at the corner of the intersection with the arterial street. Such signs may be illuminated by a ground light. Any sign located in the building line district shall be moved at the sole cost of the owner when necessary for public use.~~
3. Directional, educational and informational signs may be attached to any natural object due to the nature and aesthetics of the Village Gardens project with the approval of the Planning Director.

**Parking matrix:**

The following matrix defines the parking requirements per lot and building type for easy reference. This information can also be found within the Lot & Building Standards.

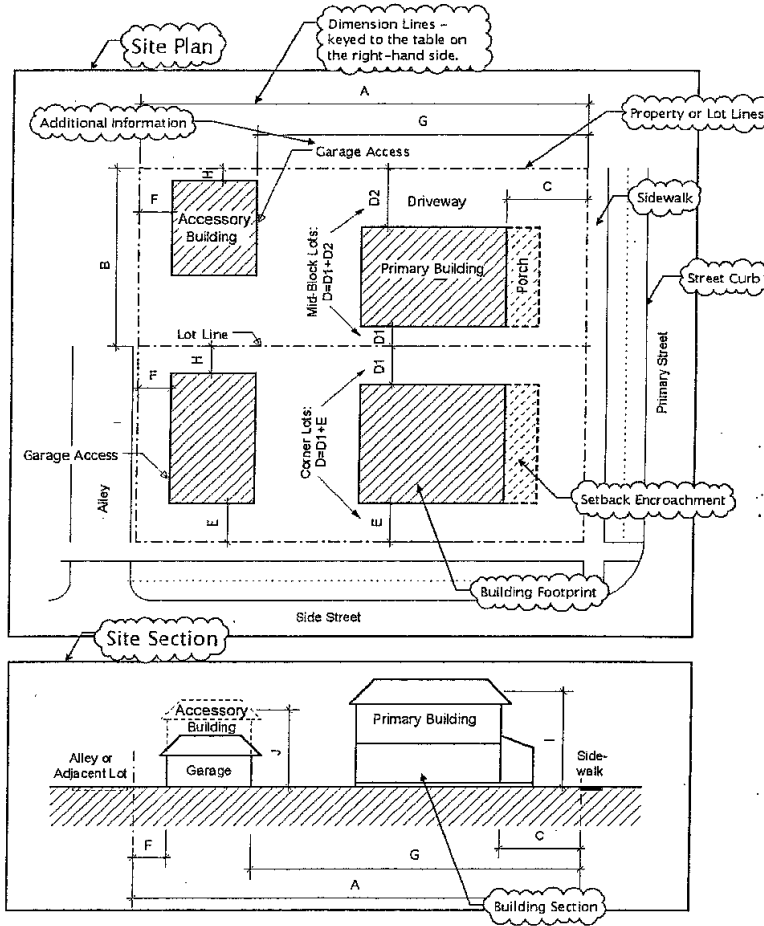
Transect Zone/ Lot & Building Types	# of Parking Spaces per du	Min. Number of Parking Spaces per 100 sq. ft of largest seating area and per 600 sq. ft for other uses	Secondary Dwelling Unit requirements	Live-Work requirements
Type A – Rowhouse	1	n/a	No on-site parking required for secondary dwelling units	2 parking spaces are required per du.
Type B – Townhouse	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type C – Small SF	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type D – Medium SF	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type E – Large SF	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type F – MF Mansion	1.5	n/a	n/a	n/a
Type G – MF Apartment	1.5	n/a	n/a	n/a
Type H – Civic or Community	n/a	1	No on-site parking required for secondary dwelling units	n/a
Type I – Mixed-Use	1	1	n/a	n/a



## LOT & BUILDING STANDARDS

### How To Interpret Lot Diagrams

The Village Gardens Lot & Building Standards are designed to be user-friendly and understandable by developers, regulators, homebuilders and homeowners. Each building type is detailed in individual pages, with key diagrams such as the following to illustrate concepts that are difficult to adequately portray only in text form.

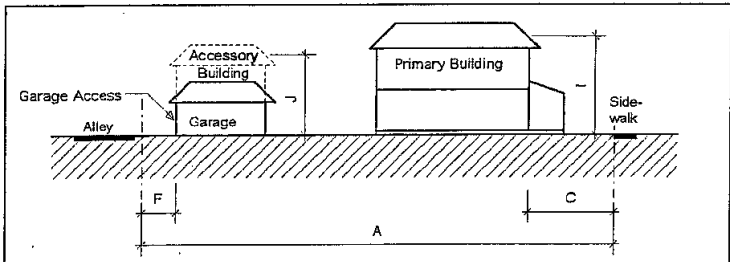
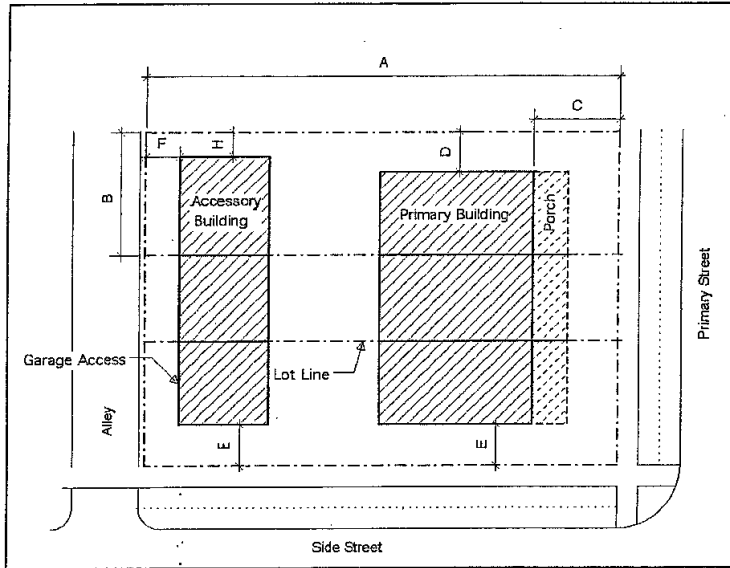


This diagram represents a site-section through the lot, and is primarily used to represent building heights. It is also useful for illustrating the lot standards 3-dimensionally.

Type X - Lot Standards	
A	Min. Lot Depth x ft.
B	Min. Lot Width x ft.
C	Min. Primary Street Setback x ft.
D	Min. Combined Side Yard Adjacent Lot Setback x ft.
E	Min. Side Street Setback x ft.
F	Min. Primary or Accessory Bldg. Rear Setback x ft.
G	Min. Accessory Bldg. Front Setback x ft.
H	Min. Accessory Bldg. Side Setback x ft.
I	Max. Primary Bldg. Height x ft.
J	Max. Accessory Bldg. Height x ft.
	Min. Number of On-Site Parking Spaces per Dwelling Unit x
	Secondary Dwelling Unit Y/N
	Y = permitted; N = prohibited
	Primary Building Entrance
	Note
	Allowable Encroachments: (Proper Sight Triangle must be maintained)
	Note
	Note
	Note

### Type A – Rowhouse

Rowhouses are attached single-family houses on individual platted lots. Rowhouses share common walls with one or more adjacent units. Rowhouse groups consist of a minimum of three units. Alleys in the rear of the lots provide vehicular access to Rowhouses. Front driveways and street facing garages are prohibited. Attached or detached garages and shared driveways are permitted.

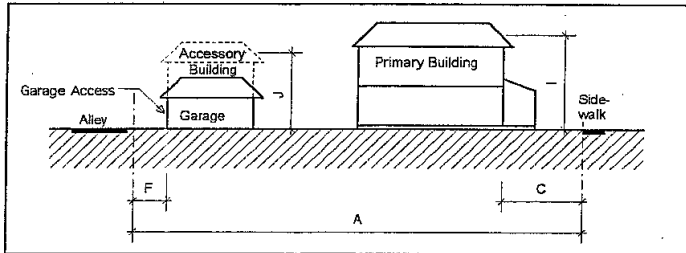
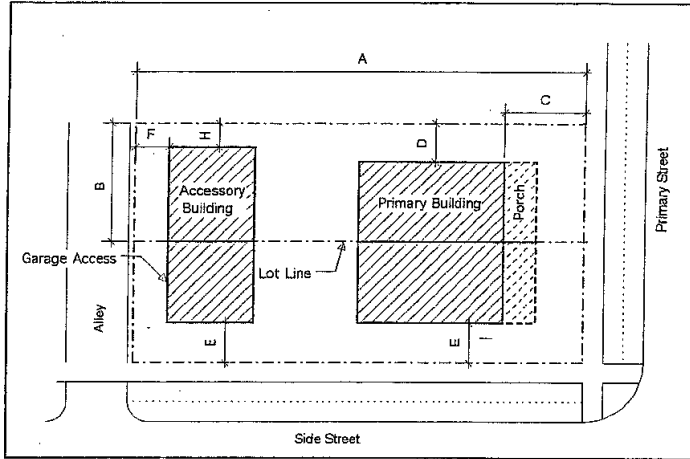


**NOTES FROM THE LOT & BUILDING TYPES MATRIX:**  
 □ Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

Type A – Lot Standards	
A	Min. Lot Depth 80 ft.
B	Min. Lot Width (each unit) 18 ft.
C	Min. Primary Street Setback
	<ul style="list-style-type: none"> <li>• Neighborhood Center 0 ft.</li> <li>• Neighborhood General 0 ft.</li> </ul>
D	Min. Combined Side Yard Adjacent Lot Setback 5 ft.
	One side of end lots only. Setback on attached side shall be 0 ft. At corner lots, only the side street setback E shall be applied.
E	Min. Side Street Setback 5 ft.
F	Min. Primary or Accessory Bldg. Rear Setback 8 ft.
G	Min. Accessory Bldg. Front Setback n/a
H	Min. Accessory Bldg. Side Setback 2 ft.
	This setback may be waived if Accessory Buildings are attached.
I	Max. Primary Bldg. Height 40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.
J	Max. Accessory Bldg. Height 30 ft.
<b>PARKING:</b>	
	Min. Number of On-Site Parking Spaces per Dwelling Unit 1*
	No on-site parking required for secondary dwelling units. * If it is a live-work unit, 2 parking spaces are required per du.
	Secondary Dwelling Unit Y**
	Y = permitted; N = prohibited * Shall be limited to 600 sq. ft.
	<b>Primary Building Entrance</b>
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.
	Allowable Encroachments: (Proper Sight Triangle must be maintained)
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building.
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.
	All building setbacks and building encroachments shall provide the proper Sight Triangle.
	Driveways may encroach into all setbacks where curb cuts are permitted.

### Type B – Townhouse

Townhouses are attached single-family houses on individual platted lots. Townhouses share a common wall with one adjacent unit. Alleys in the rear of the lots provide vehicular access to Townhouses. Front driveways and street facing garages are prohibited. Attached or detached garages and shared driveways are permitted.

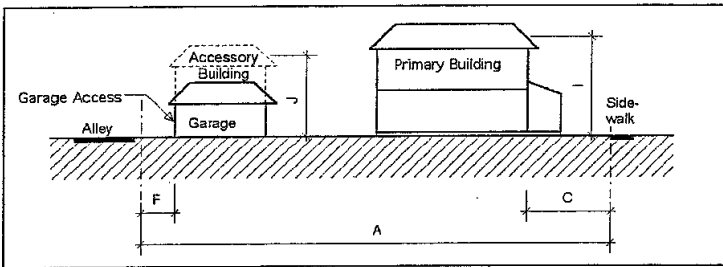
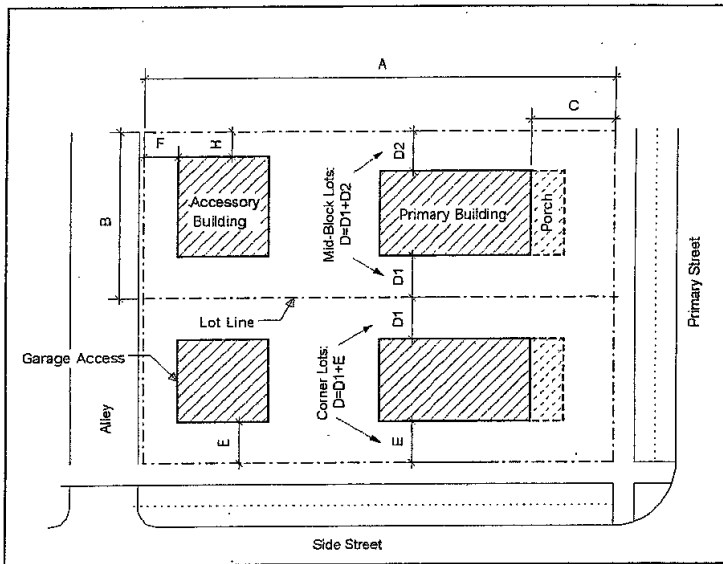


**NOTES FROM THE LOT & BUILDING TYPE MATRIX:**  
 Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

Type B – Lot Standards	
A. Min. Lot Depth	80 ft.
B. Min. Lot Width (each unit)	20 ft.
C. Min. Primary Street Setback	
• Neighborhood Center	0 ft.
• Neighborhood General	0 ft.
D. Min. Combined Side Yard Adjacent Lot Setback	5 ft.
One side of end lots only. Setback on attached side shall be 0 ft.	
At corner lots, only the side street setback E shall be applied.	
E. Min. Side Street Setback	5 ft.
F. Min. Primary or Accessory Bldg. Rear Setback	8 ft.
G. Min. Accessory Bldg. Front Setback	n/a
H. Min. Accessory Bldg. Side Setback	2 ft.
This setback may be waived if Accessory Buildings are attached.	
I. Max. Primary Bldg. Height	
• Neighborhood Center	40 ft.
• Neighborhood General	40 ft.
Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J. Max. Accessory Bldg. Height	30 ft.
<b>PARKING:</b>	
Min. Number of On-Site Parking Spaces per Dwelling Unit	2
No on-site parking required for secondary dwelling units	
Secondary Dwelling Unit	Y*
Y = permitted; N = prohibited *Shall be limited to 600 sq. ft.	
<b>Primary Building Entrance</b>	
The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
<b>Allowable Encroachments: (Proper Sight Triangle must be maintained)</b>	
Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building.	
Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
All building setbacks and building encroachments shall provide the proper Sight Triangle.	
Driveways may encroach into all setbacks where curb cuts are permitted.	

### Type C – Small Single-Family

Small Single-Family Houses are the smallest type of detached residential units in Village Gardens. Small Single-Family Houses are located on intimate lots and have reduced side yards. Alleys in the rear of the lots provide vehicular access to Small Single-Family Houses. Front driveways and street facing garages are prohibited. Attached or detached garages and shared driveways are permitted.

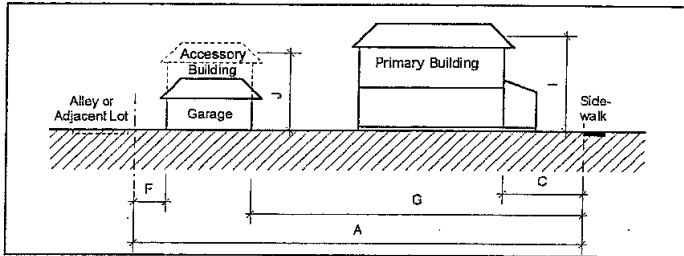
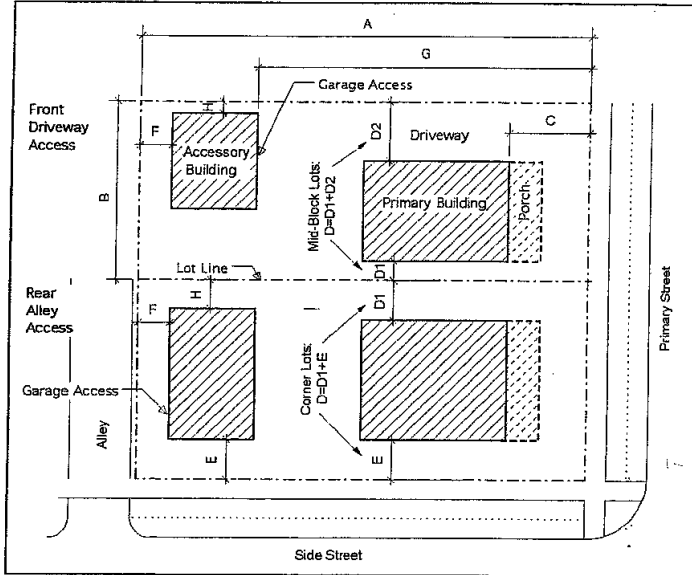


**NOTES FROM THE LOT & BUILDING TYPE MATRIX:**  
 Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

Type C – Lot Standards	
A Min. Lot Depth	80
B Min. Lot Width	35
C Min. Primary Street Setback	
• Neighborhood Center	10
• Neighborhood General	15
D Min. Combined Side Yard Adjacent Lot Setback	7
Setback shall be a minimum of 3 ft. on one side.	
At corner lots, the side street setback E shall be included in the calculation of D.	
E Min. Side Street Setback	5
F Min. Primary or Accessory Bldg. Rear Setback	8
G Min. Accessory Bldg. Front Setback	n
H Min. Accessory Bldg. Side Setback	3
This setback may be waived if Accessory Buildings are attached.	
I Max. Primary Bldg. Height	
• Neighborhood Center	40 ft
• Neighborhood General	40 ft
Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J Max. Accessory Bldg. Height	30 ft
<b>PARKING:</b>	
Min. Number of On-Site Parking Spaces per Dwelling Unit	
No on-site parking required for secondary dwelling units	
Secondary Dwelling Unit	Y
Y = permitted; N = prohibited	
Lots with less than 45 ft. wide shall be limited to 600 sq. ft. in building size. Lots 45 ft wide or are limited to 1000 sq. ft. in building size	
<b>Primary Building Entrance</b>	
The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
<b>Allowable Encroachments: (Proper Sight Triangle must be maintained)</b>	
Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 00 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building.	
Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
All building setbacks and building encroachments shall provide the proper Sight Triangle.	
Driveways may encroach into all setbacks where curb cuts are permitted.	

### Type D – Medium Single-Family

Medium Single-Family Houses are mid-sized detached residential units. Medium Single-Family Houses are located on mid-sized lots and have useable side yards. Alleys in the rear of the lots or front driveways may provide vehicular access to Medium Single-Family Houses. However, if alley access is provided front driveways and street facing garages shall be prohibited. Attached or detached garages and shared driveways are permitted.

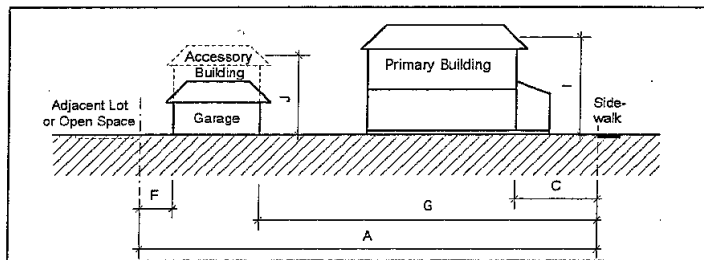
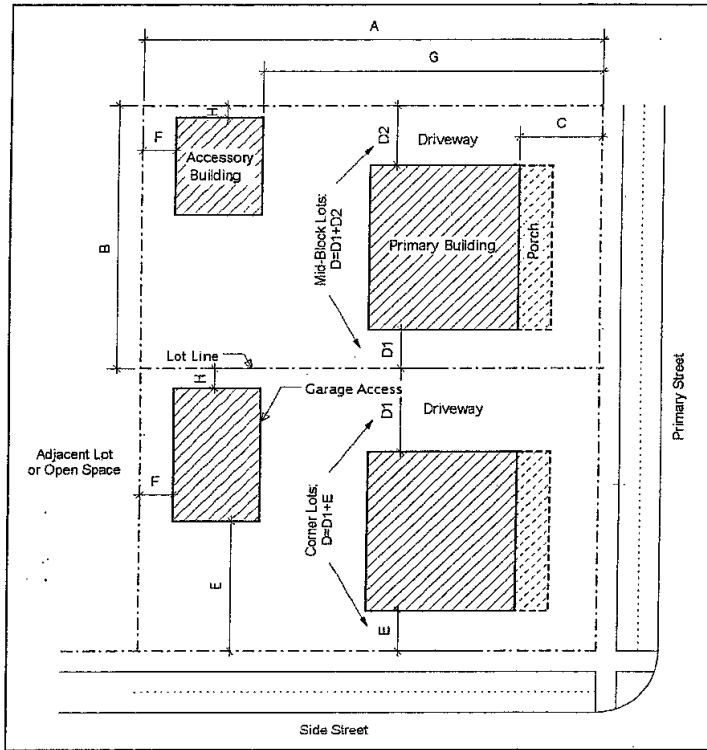


**NOTES FROM THE LOT & BUILDING TYPE MATRIX:**  
 None

Type D – Lot Standards	
A Min. Lot Depth	80 ft.
B Min. Lot Width	60 ft.
C Min. Primary Street Setback	
• Neighborhood General	15 ft.
• Neighborhood Edge	15 ft.
D Min. Combined Side Yard Adjacent Lot Setback	10 ft.
Setback shall be a minimum of 3 ft. on one side.	
At corner lots, the side street setback E shall be included in the calculation of D.	
E Min. Side Street Setback	5 ft.
F Min. Primary or Accessory Bldg. Rear Setback	8 ft.
May be reduced to 3 ft. if garage is front accessed.	
G Min. Accessory Bldg. Front Setback	45 ft.
H Min. Accessory Bldg. Side Setback	3 ft.
This setback may be waived if Accessory Buildings are attached.	
I Max. Primary Bldg. Height	
• Neighborhood General	40 ft.
• Neighborhood Edge	40 ft.
Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J Max. Accessory Bldg. Height	30 ft.
<b>PARKING:</b>	
Min. Number of On-Site Parking Spaces per Dwelling Unit	2
No on-site parking required for secondary dwelling units	
Secondary Dwelling Unit	Y*
Y = permitted; N = prohibited	
* Shall be limited to 1000 sq. ft.	
<b>Primary Building Entrance</b>	
The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
<b>Allowable Encroachments: (Proper Sight Triangle must be maintained)</b>	
Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building.	
Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
All building setbacks and building encroachments shall provide the proper Sight Triangle.	
Driveways may encroach into all setbacks where curb cuts are permitted.	

### Type E – Large Single-Family

Large Single-Family Houses are the largest detached residential units in Village Gardens. Large Single-Family Houses are located on large lots that offer flexibility in building configuration and have generous front, side and back yards. Front driveways provide vehicular access to Large Single-Family Houses. Attached or detached garages and shared driveways are permitted.

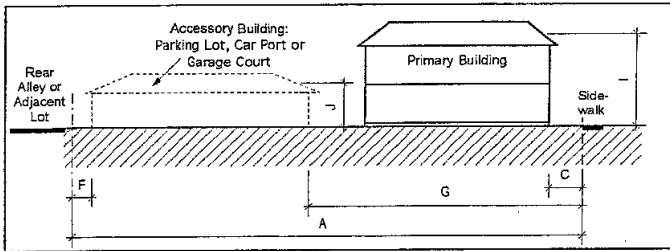
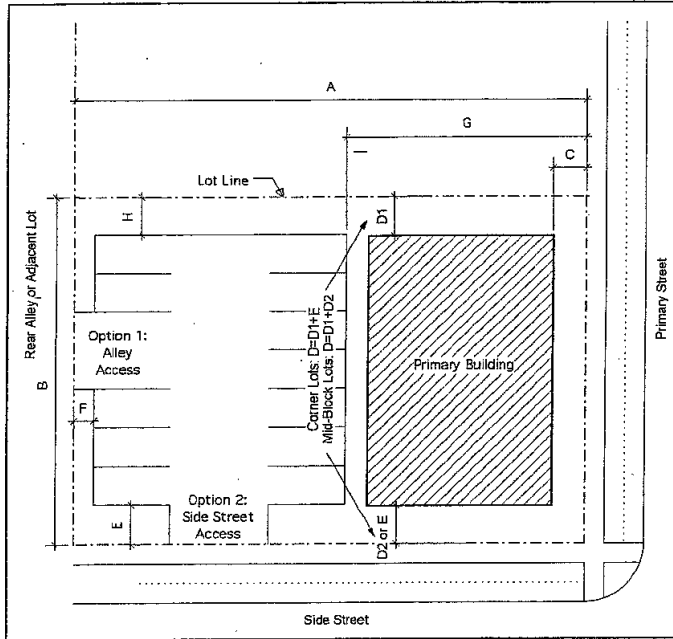


NOTES FROM THE LOT & BUILDING TYPE MATRIX:  
 None

Type E – Lot Standards	
A	Min. Lot Depth 80 ft.
B	Min. Lot Width 80 ft.
C	Min. Primary Street Setback 15 ft.
D	Min. Combined Side Yard Adjacent Lot Setback 20 ft.
	Setback shall be a minimum of 5 ft. on one side.
	At corner lots, the side street setback E shall be included in the calculation of D.
E	Min. Side Street Setback 10 ft.
F	Min. Primary or Accessory Bldg. Rear Setback 3 ft.
G	Min. Accessory Bldg. Front Setback 45 ft.
H	Min. Accessory Bldg. Side Setback 3 ft.
	This setback may be waived if garages are attached.
I	Max. Primary Bldg. Height 40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.
J	Max. Accessory Bldg. Height 30 ft.
<b>PARKING:</b>	
	Min. Number of On-Site Parking Spaces per Dwelling Unit 2
	No on-site parking required for secondary dwelling units
	Secondary Dwelling Unit Y*
	Y = permitted; N = prohibited
	* Shall be limited to 1000 sq. ft.
<b>Primary Building Entrance</b>	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.
<b>Allowable Encroachments: (Proper Sight Triangle must be maintained)</b>	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building.
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.
	All building setbacks and building encroachments shall provide the proper Sight Triangle.
	Driveways may encroach into all setbacks where curb cuts are permitted.

### Type F – Multi-Family Mansion

Multi-Family Mansions are the smallest multi-family buildings in Village Gardens. Multi-Family Mansions are designed to resemble large houses in order to be compatible with other residential building types. Multi-Family Mansions may have a minimum of 4 units per building in the Neighborhood Center zone, and a minimum of 6 units per building in the Village Center zone, but are limited to 12 units per building in the Village Center and limited to 8 units per building in the Neighborhood Center. Parking is located in small parking lots, carports or garage courts in the rear of the building, screened from public streets and walkways. Alleys in the rear of the lots or driveways off of side streets may provide vehicular access to Multi-Family Mansions. However, if alley access is provided direct street access shall be prohibited. Attached or detached garages and shared driveways are permitted.

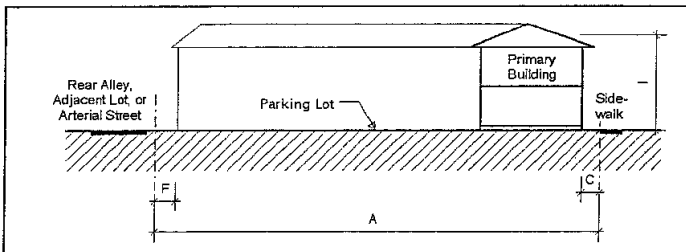
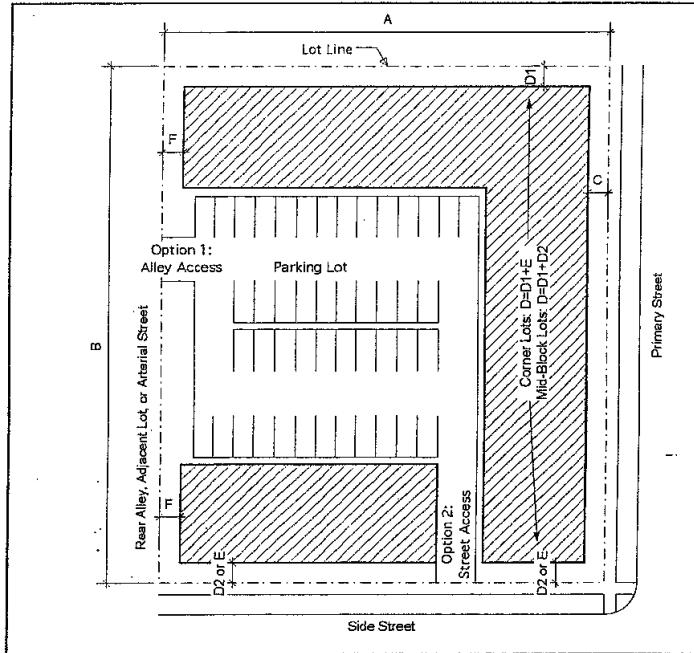


**NOTES FROM THE LOT & BUILDING TYPE MATRIX:**  
 Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

Type F – Lot Standards	
A	Min. Lot Depth 80 ft.
B	Min. Lot Width 85 ft.
C	Min. Primary Street Setback
	• Village Center 0 ft.
	• Neighborhood Center 10 ft.
D	Min. Combined Side Yard Adjacent Lot Setback 20 ft.
	Setback shall be a minimum of 5 ft. on one side.
	At corner lots, the side street setback E shall be included in the calculation of D.
E	Min. Side Street Setback 10 ft.
F	Min. Primary or Accessory Bldg. Rear Setback 8 ft.
	May be reduced to 3 ft. if there is no alley access.
G	Min. Accessory Bldg. Front Setback 45 ft.
H	Min. Accessory Bldg. Side Setback 3 ft.
I	Max. Primary Bldg. Height
	• Village Center 40 ft.
	• Neighborhood Center 40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.
J	Max. Accessory Bldg. Height 30 ft.
<b>PARKING:</b>	
	Min. Number of On-Site Parking Spaces per Dwelling Unit 1.5
	Secondary Dwelling Unit N
	Y = permitted; N = prohibited
<b>Primary Building Entrance</b>	
The primary pedestrian building entrance shall be located along a public or private street, common walkway or park.	
<b>Allowable Encroachments: (Proper Sight Triangle must be maintained)</b>	
Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building.	
Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
All building setbacks and building encroachments shall provide the proper Sight Triangle.	
Driveways may encroach into all setbacks where curb cuts are permitted.	

### Type G – Multi-Family Apartment

Apartment Buildings are the highest density residential buildings in Village Gardens. Apartment Buildings may be configured in a variety of layouts, including U-shaped courtyard, L-shaped courtyard, or bar-shaped. Parking is located in parking lots in the rear of or between buildings, screened from public streets and walkways. Attached or detached garages and shared driveways are permitted.



**NOTES FROM THE LOT & BUILDING TYPE MATRIX:**

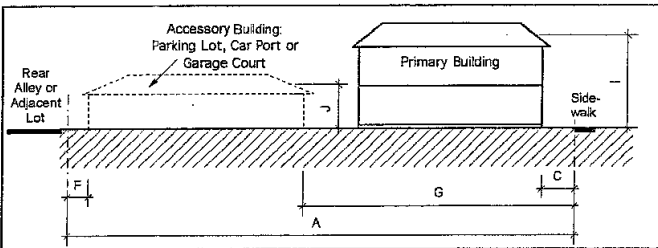
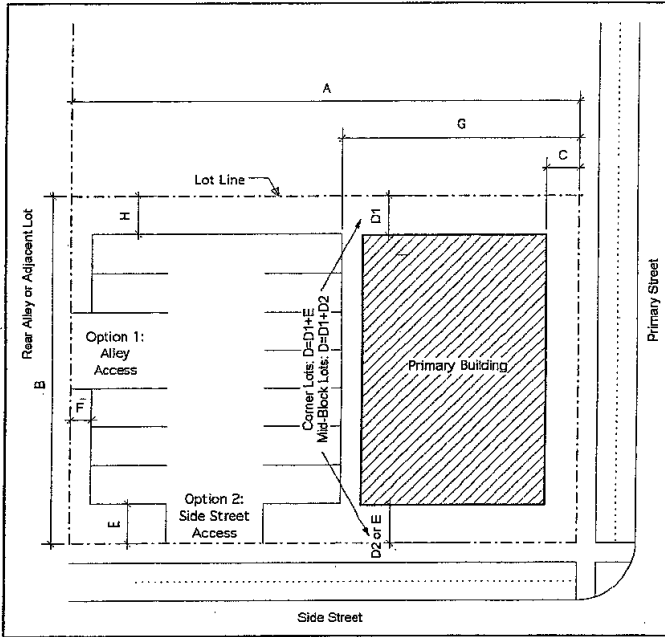
- Apartments allowed in Village Center zone. In the Neighborhood Center this use is limited to lots between Yankee Hill Road and Chatsworth Lane in a future PUD.

Type G – Lot Standards	
A Min. Lot Depth	80 ft.
B Min. Lot Width	100 ft.
C Min. Primary Street Setback	
• Village Center	0 ft.
• Neighborhood Center	10 ft.
D Min. Combined Side Yard Adjacent Lot Setback	20 ft.
Setback shall be a minimum of 10 ft. on one side.	
At corner lots, the side street setback E shall be included in the calculation of D.	
E Min. Side Street Setback	
• Village Center	0 ft.
• Neighborhood Center	10 ft.
F Min. Rear Setback	10 ft.
G Min. Accessory Bldg. Front Setback	n/a
H Min. Accessory Bldg. Side Setback	n/a
I Max. Primary Bldg. Height	
• Village Center	40 ft.
• Neighborhood Center	40 ft.
Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J Max. Accessory Bldg. Height	n/a
<b>PARKING:</b>	
Min. Number of On-Site Parking Spaces per Dwelling Unit	1.5
Secondary Dwelling Unit	N
Y = permitted; N = prohibited	
<b>Primary Building Entrance</b>	
The primary pedestrian building entrance shall be located along a public or private street, common driveway, common walkway or park.	
Allowable Encroachments: (Proper Sight Triangle must be maintained)	
Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building.	
Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
All building setbacks and building encroachments shall provide the proper Sight Triangle.	
Driveways may encroach into all setbacks where curb cuts are permitted.	



### Type H – Community

Community Buildings play a central role in the social life of local residents. They are given prominent sites, often terminating view corridors and therefore are required to have well-designed architectural emphasis on their public facades and include a main entrance on the public street or green. Community buildings may include special massing features, such as towers. In order to foster design creativity, these buildings have the least amount of zoning control, but will be subject to a special architectural design review to insure the highest quality design on important sites.



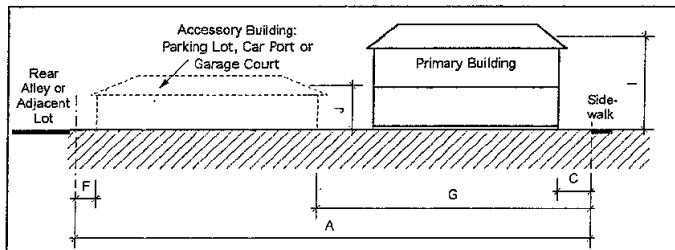
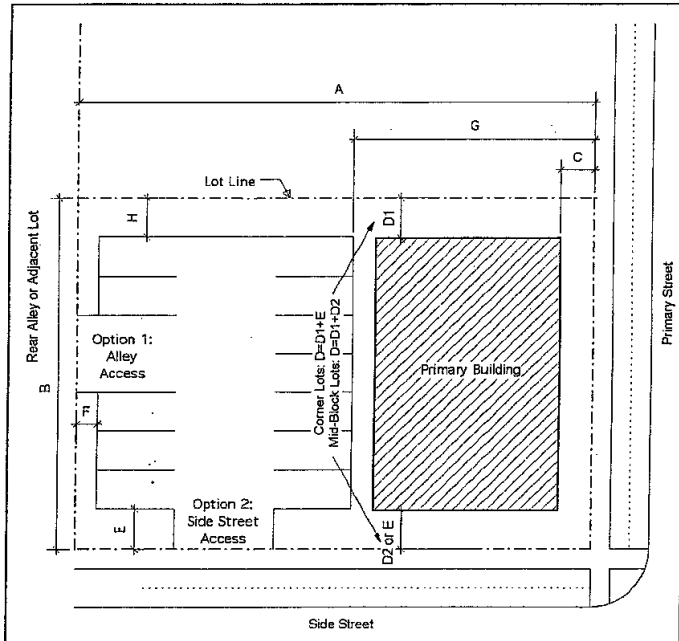
**NOTES FROM THE LOT & BUILDING TYPE MATRIX:**

- Structures that are not fully enclosed, have a footprint of less than 400 sq. ft. and an overall height of less than 16ft. shall be considered landscape elements.
- In the Neighborhood Center, Community buildings are limited to Civic or Community uses serving primarily Village Gardens residents and their guests.

Type H – Lot Standards	
A Min. Lot Depth	80 ft
B Min. Lot Width	n/
C Min. Primary Street Setback	
• Village Center	0 ft
• Neighborhood Center	10 ft
D Min. Combined Side Yard Adjacent Lot Setback	10 ft
Setback shall be a minimum of 3 ft. on one side.	
At corner lots, the side street setback E shall be included in the calculation of D.	
E Min. Side Street Setback	0 ft
F Min. Primary or Accessory Bldg. Rear Setback	8 ft.
May be reduced to 3 ft. if there is no alley access.	
G Min. Accessory Bldg. Front Setback	45 ft.
H Min. Accessory Bldg. Side Setback	3 ft.
I Max. Primary Bldg. Height	
• Village Center	40 ft.
• Neighborhood Center	35 ft.
Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J Max. Accessory Bldg. Height	30 ft.
<b>PARKING:</b>	
Min. Number of Parking Spaces per 100 sq. ft/ of largest seating area and per 600 sq. ft for other uses. Parking shall be accommodated on-site or off-site within 300 ft. or within the cross-parking easement. On street parking in the R-3 and B-3 zones are allowed to be counted in the B-3 cross-parking easement.	
	I
Secondary Dwelling Unit	Y
Y = permitted; N = prohibited	
<b>Primary Building Entrance</b>	
The primary pedestrian building entrance shall be located along a public or private street, common driveway, walkway or park.	
Allowable Encroachments: (Proper Sight Triangle must be maintained)	
Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building.	
Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
All building setbacks and building encroachments shall provide the proper Sight Triangle.	
Driveways may encroach into all setbacks where curb cuts are permitted.	

### Type I – Mixed-Use

In the Village Center zone, higher density, mixed-use development forms the core of Village Gardens. Mixed-use buildings, a common typology in small Midwestern main streets, feature ground floor storefront retail, offices or living units with walk-up apartments or offices on upper stories. Parking is located in parking lots, carports or garage courts in the rear of the building, screened from public streets and walkways. Alleys in the rear of the lots or driveways off of side streets may provide vehicular access. Drive thru's are permitted in the Village Center.



**NOTES FROM THE LOT & BUILDING TYPE MATRIX:**

- Mixed-use buildings may occupy two or more of the following uses within the same building: retail, professional services, personal services, workshop, office, artisan, restaurant, lodging, childcare, professional business, governmental services, entertainment, recreational, residential and related accessory uses. Uses may be divided vertically or horizontally.

Type I – Lot Standards	
A	Min. Lot Depth
B	Min. Lot Width
C	Min. Primary Street Setback
	Min. Combined Side Yard Adjacent Lot Setback
	Setback shall be a minimum of 5 ft. on one side, however, setback may be waived if buildings are attached.
	At corner lots, the side street setback E shall be included in the calculation of D.
E	Min. Side Street Setback
F	Min. Primary Accessory Bldg. Rear Setback
	May be reduced to 3 ft. if there is no alley access.
G	Min. Accessory Bldg. Front Setback
H	Min. Accessory Bldg. Side Setback
	This setback may be waived if Accessory Buildings are attached.
I	Max. Primary Bldg. Height
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.
J	Max. Accessory Bldg. Height
	Max. Lot Coverage
<b>PARKING:</b>	
	Min. Number Parking Spaces per Dwelling Unit for residential
	Min. Number Parking Spaces per 600 sf. of commercial uses
	Parking shall be accommodated on-site or off-site as part of a cross-parking easement. On Street parking in the B-3 area is allowed to be counted in the B-3 area cross-parking easement.
	Secondary Dwelling Unit
	Y = permitted; N = prohibited
	Primary Building Entrance
	The primary pedestrian building entrance shall be located along a public or private street, common driveway, common walkway or park.
	Allowable Encroachments: (Proper Sight Triangle must be maintained)
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building.
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.
	All building setbacks and building encroachments shall provide the proper Sight Triangle.
	Driveways may encroach into all setbacks where curb cuts are permitted.

## THE REGULATORY MODIFICATIONS

See Village Gardens Regulatory Modifications document for specific information on regulatory documents modified for the Village Gardens PUD, dated this even date and incorporated herein by this reference.

## THE PUD MAP SHEETS

See Village Gardens PUD Map Sheets (30"x42") prepared by Olsson Associates and dated this even date and incorporated herein by this reference.

## GLOSSARY

**Alley:**

The vehicle passageway within a block, which provides access to accessory building and garbage bins along the rear edge of lots.

**Accessory Building:**

A smaller, detached structure located in the rear of a lot. Accessory Buildings may contain the following uses: garage, home office, workshop, secondary dwelling units and accessory uses.

**Accessory Use:**

An accessory use is one that is incidental to the main use.

**Civic Use:**

Occupied building space used primarily for neighborhood use, public education, charity, cultural performance, gatherings, displays and accessory uses administered by non-profit neighborhood, cultural, educational, charitable and religious organizations.

**Combined Side Yard Adjacent Lot Setback:**

The sum of the distances between the side lot lines and the side elevations of a building. Roof overhangs may encroach into the setback. On street corners, the Side Street Setback shall be included in the calculation.

**Commercial Use:**

Occupied building space used for the conduct of retail, professional services, personal services, workshop, office, artisan, restaurant, lodging, childcare, professional business, governmental services, entertainment, recreational uses and accessory uses.

**Façade:**

An elevation or 'face' of a building, from ground level to roofline.

**Front Façade:**

The elevation with the main entrance to a building, usually facing a public street.

**Home Occupation:**

A home occupation shall mean any office occupation or activity carried on within a dwelling unit or Accessory Building by a member of the family residing on the residential lot, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof.

**Live/Work Unit:**

A building in single ownership that provides commercial uses on the first floor and a residential use dwelling unit on the upper floor(s). The owner may occupy the commercial space and reside in the dwelling unit, or the owner may lease or rent the commercial space or the dwelling together or separately.

**Lodging Use:**

Premises used for short-term human habitation and accessory uses. Food service may be included, unless otherwise prohibited.

**Lot:**

Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted by the Development Plan and fronting on a permitted public or private street, common driveway, common walkway or park as described in the Lots and Building Standards.

**Lot Coverage:**

The maximum area of a lot that may be occupied by a structure. Lot coverage is expressed as a ratio. Open porches, decks, terraces, and stoops are excluded from the calculations.

**Mixed-Use Building:**

A single building that occupies two or more of the following use: retail, professional services, personal services, workshop, office, artisan, restaurant, lodging, childcare, professional business, governmental services, entertainment, recreational, residential and related accessory uses. Uses may be divided vertically or horizontally.

**Office Use:**

Premises used for services, including professional, financial, clerical, administrative, medical and accessory uses. Retail and manufacturing are excluded.

**Point-Of-Service:**

Office uses or services frequented by customers or clients.

**Primary Building:**

The principal building on a site, containing the primary residence or business. The primary building fronts on the primary street.

**Primary Street:**

When there are two streets abutting a lot, the primary street will be the street identified by the building's legal address.

**Primary Street Setback:**

The distance between the frontage line of a primary street and the front façade of a building.

**Rear Setback:**

The distance between the rear lot line and the rear wall of a building. Roof overhangs may encroach into the setback.

**Residential Use:**

Premises or dwelling used primarily for human habitation and related accessory uses.

**Retail Use:**

Premises used for the exchange of services or goods and accessory uses including but is not limited to, bicycle sales and repair shops and sale of alcoholic beverages for consumption on-premise and the sale of alcoholic beverages for consumption off-premises.

**Rowhouse:**

Attached single-family houses on individual platted lots. Rowhouses share common walls with one or more adjacent units.

**Side Street:**

When there are two streets abutting a lot, the primary street will be the street identified by the building's legal address and the side street will be the other abutting street.

**Secondary Dwelling Unit:**

Secondary Dwelling Units are located on the same lot as the primary dwelling unit and may be rented but not sold separately. Secondary dwelling units may be located within the primary building or within a Accessory Building to the rear of the primary building. Secondary dwelling units shall have separate outside entrances.

**Sight Triangle:**

The applicable Figure shown on Appendix A Sight Distance, City of Lincoln Design Standards, provided that, the Sight Triangle for Figure SD-2, Uncontrolled and Yield Controlled Intersections, shall be the crossed hatched areas marked a "area free of obstructions >30" high." (a triangular area comprised of two lot lines measured 25 feet from the intersecting corner of the lots, and the third leg, the hypotenuse, that connects the two 25 foot sides.

**Side Street Setback:**

The distance between the frontage line of a side street and the street facing side elevation of the building. Roof overhangs may encroach into the setback.

**Storefront:**

The portion of a building at the first story of a building that is made available for retail use. Storefronts shall be directly accessible from sidewalks.

**Stoop:**

An entry platform on the frontage of a building. Stoops may be roofed but they need not necessarily be enclosed.

**Townhouse:**

Attached single-family houses on individual platted lot. A townhouse shares a common wall with one adjacent unit.

**Workshop Use:**

Premises used for the creation, assemblage, repair of goods and hobbies, including their retail sale, unless otherwise prohibited.

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## MEMORANDUM

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To: Planning Commission  
From: Becky Horner, Planning Dept.  
Date: January 4, 2005  
RE: Village Gardens PUD

Staff met with the applicant on January 4, 2005 and it was determined that the conditions could be further clarified. Please substitute the following conditions in the staff report. The changes are in legislative format.

### PLANNED UNIT DEVELOPMENT CONDITIONS:

#### Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan to:
    - 1.1.1 A note on the site plan indicating that the final location of the trail will be determined by the Parks and Recreation Department at the time of final plat.
    - 1.1.2 Changes to the satisfaction of the Public Works and Utilities Department.
    - 1.1.3 LES easements.
    - 1.1.5 Show the easement along Pine Lake Road is for "~~landscape, sidewalk/trail and public street~~use purposes" and revise Note 36 to state "The public street easement along Pine Lake Road is granted for purposes of public streets, underground utilities and appurtenances related thereto, sidewalks and landscaping".
    - 1.1.6 Revise Section 27.69.030(I) to indicate that signs may be attached to natural objects only with the approval of the Planning Director.

- 1.1.7 Add a note to the site and development plan that all residential lots along Pine Lake Road will have a front yard setback of 20' from Pine Lake Road.
- 1.1.8 Add a note indicating that bike racks will be a part of the commercial development.
- 1.1.9 Add a note indicating a sales building will be located within Block 1 of the B-3 commercial area and will remain until 75% of the commercial area is built out.

2. This approval permits up to 348 dwelling units in the underlying R-3 zoned area and a maximum of 1,062 peak hour trips in the underlying B-3 zoned commercial area. The requirements in the R-3 and B-3 districts are modified as indicated in the Planned Unit Development District Development Plan and waives the preliminary plat process.

General:

3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a revised and reproducible final plan.
  - 3.2 The construction plans shall comply with the approved plans.
  - 3.3 Final Plats shall be approved by the City.

Standard Conditions:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans and the Development Plan.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
  - 4.3 The site plan and the Development Plan accompanying this planned unit development shall be the basis for all interpretations of uses, setbacks,

yards, locations of buildings, location of parking and circulation elements, and similar matters.

- 4.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The City Clerk shall file a copy of the ordinance approving the planned unit development and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.


CERTIFICATE

STATE OF NEBRASKA        )  
                                  )  
COUNTY OF LANCASTER    ) ss:  
                                  )  
CITY OF LINCOLN            )

I, Joan E. Ross, City Clerk of the City of Lincoln, Nebraska, hereby certify that the foregoing is a true and correct copy of **Change of Zone 04075** passed and approved by **Ordinance No. 18504** adopted by the City Council on **February 14, 2005**, as the original appears of record in my said office.

In Witness Whereof, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, on March 23, 2005.

*Joan E. Ross*  
Joan E. Ross, City Clerk



certify.wpd

*Return to City Clerk*