

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 450

FINAL READING

Introduced by Campbell, 25.

Read first time January 20, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Nebraska State Capitol Environs
2 District; to amend section 90-303, Reissue Revised
3 Statutes of Nebraska; to change a height restriction
4 within the district; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 90-303, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 90-303 (1) The maximum height of any buildings and
4 structures built after March 8, 1977, shall be restricted as
5 follows:

6 (a) The maximum height of buildings and structures shall
7 be forty-five feet or National Geodetic Survey elevation 1235.0
8 feet, whichever is lower, within an area bounded on the west by
9 Seventeenth Street, on the north by K Street, on the east by a
10 boundary formed by a line extending in a true south direction as
11 an extension of the east property line of Twenty-fourth Street, and
12 on the south by a boundary formed by a line extending directly in
13 a true east direction to the east property line of Twenty-fourth
14 Street from the centerpoint of the intersection of Seventeenth and
15 H Streets, all streets in the city of Lincoln, Lancaster County,
16 Nebraska;

17 (b) The maximum height of buildings and structures shall
18 be forty-five feet or National Geodetic Survey elevation 1235.0
19 feet, whichever is lower, within an area bounded on the west
20 by Fourteenth Street, on the north by G Street, on the east
21 by Sixteenth Street, and on the south by Washington Street, all
22 streets in the city of Lincoln, Lancaster County, Nebraska;

23 (c) The maximum height of the buildings and structures
24 shall be fifty-seven feet or National Geodetic Survey elevation
25 1247.0 feet, whichever is lower, within an area bounded on the west

1 by Thirteenth Street, on the north by L Street, on the east by
2 Seventeenth Street, and on the south by G Street, all streets in
3 the city of Lincoln, Lancaster County, Nebraska;

4 (d) The maximum height of the buildings and structures
5 shall be fifty-seven feet or National Geodetic Survey elevation
6 1247.0 feet, whichever is lower, within an area bounded on the west
7 by Fourteenth Street, on the north by S Street, on the east by
8 Sixteenth Street, and on the south by L Street, all streets in the
9 city of Lincoln, Lancaster County, Nebraska; and

10 (e) The maximum height of the buildings and structures
11 shall be fifty-seven feet or National Geodetic Survey elevation
12 1247.0 feet, whichever is lower, within an area bounded on the west
13 by ~~Tenth~~ Fifth Street, on the north by K Street, on the east by
14 Thirteenth Street, and on the south by H Street, all streets in the
15 city of Lincoln, Lancaster County, Nebraska.

16 (2) For the purposes of the Nebraska State Capitol
17 Environs Act, the areas and the full width of the right-of-way
18 boundary streets described in subsections (1) and (3) of this
19 section shall together constitute and be defined as the Nebraska
20 State Capitol Environs District.

21 (3) Design approval shall be required for all aboveground
22 utility, construction, and landscape improvements in the public
23 right-of-way bounded on the north and south by the property lines
24 of J Street, on the west by a boundary formed by a line extending
25 in a true south direction as an extension of the east property line

1 of Twenty-fourth Street, and on the east by a line extending in a
2 true north direction as an extension of the east property line of
3 Thirty-fifth Street.

4 (4) The city of Lincoln shall insure, through its
5 inspection and permit procedures, that the maximum height
6 restrictions and design review process prescribed by this section
7 for the Nebraska State Capitol Environs District are enforced.

8 (5) The height restrictions and design review process
9 required by this section shall apply, within the Nebraska State
10 Capitol Environs District, to all real estate in private or
11 quasi-public ownership and to real estate owned by the State of
12 Nebraska and local governmental units of all types.

13 (6) The following appurtenances shall be exempt from
14 the height restrictions required by this section, but such
15 appurtenances shall not exceed twenty feet in height above the
16 maximum height permitted in subsection (1) of this section and
17 shall be set back a minimum of fifteen feet from all faces of
18 a building when such faces are adjacent to a street: Church
19 spires, cooling towers with approved screening, elevator bulkheads,
20 fire towers, monuments, stage towers or scenery lofts, ornamental
21 towers, and spires.

22 (7) Nothing in the act shall be construed as limiting
23 the authority of the city of Lincoln to impose lower height
24 restrictions than those maximum height limits established by
25 subsection (1) of this section or in establishing lower height

1 restrictions for appurtenances than those required by subsection
2 (6) of this section.

3 (8) The city of Lincoln shall review and approve or
4 disapprove plans and proposals for demolition, exterior alteration,
5 and construction of structures and other improvements in the
6 Nebraska State Capitol Environs District. The city of Lincoln shall
7 adopt regulations within its zoning code vesting responsibility for
8 review, approval, and disapproval of projects with the Nebraska
9 State Capitol Environs Commission established by the city of
10 Lincoln.

11 (9) The regulations of the city of Lincoln for design
12 review in the Nebraska State Capitol Environs District shall
13 emphasize the long-term enhancement of the State Capitol's setting
14 and of enjoyment of the State Capitol by the citizens while
15 respecting the interests of property owners, including economic
16 interests and the desirability of predictable, expeditious review.

17 Sec. 2. Original section 90-303, Reissue Revised Statutes
18 of Nebraska, is repealed.