

Code Audit 2022

City of Omaha

A Report for



Prepared by



Enabling Better Places: A Coding Reform Roadmap for Omaha, Nebraska

Most of today's zoning codes were written during the postwar housing boom, and while they may have accommodated that unprecedented growth, those codes had the unintended consequence of rendering illegal the kind of vibrant, walkable streets and neighborhoods that are the most attractive and desirable, as well as financially beneficial to the city. These codes pushed development to the outskirts of cities, contributed to loss of rural land, and created high transportation costs for residents; resulting in dispersed, low-density development, under-used Main Streets and neighborhood centers, and over-dependence on cars citywide.

AARP is particularly interested in making places more livable and walkable, and in creating more housing choices, particularly those building types known collectively as Missing Middle housing: everything from a duplex to a small apartment building. As part of this work, the Congress for the New Urbanism (CNU) and AARP collaborated to identify the most significant land use regulations which act as barriers to these goals, and to create a roadmap for AARP Nebraska state office advocacy. With that in mind, we asked these questions:

- What are the most significant barriers to better development?
- What are the simplest code changes that will yield the biggest impact?
- How can we better equip the state office to take advantage of advocacy opportunities?

The purpose of this analysis is to identify the most problematic coding barriers and provide simple, clear suggestions to address those barriers. This audit is not intended to be a complete, holistic, or thorough code audit, but instead seeks to identify barriers that can be addressed with small changes to the code in wording, elimination, or clarification of the language.

As we investigated the existing codes for Omaha we looked specifically at the current Master Plan and zoning map to identify barriers to affordable and Missing Middle housing, as well as barriers to redevelopment within the city. We identified nine places in the Omaha code that we believe could be altered to allow a better, more vibrant Omaha to evolve.

Taken together or singly, we believe that these recommendations will allow a better urban form in Omaha. Local advocates may choose which of these suggestions to implement first, as each is a stand-alone recommendation.

Code Topic:

1. Commit to regulatory reform in Omaha's new housing action plan

Current Code Provisions in Omaha:

The City of Omaha has a Housing Element in its current Master Plan that focuses on these subjects: ¹

- Summary of current conditions and trends
- Creating and preserving healthy neighborhoods
- Expanding affordable housing opportunities
- Developing neighborhood businesses and creating jobs
- Developing public services and facilities

This Housing Element also summarizes the vision statement and goals for housing that had been adopted into the Concept Element of the Master Plan. Noticeably missing is a commitment to a reform of local regulations that unnecessarily interfere with the private-sector production of housing in Omaha.

Suggested Improvement:

State law requires Omaha to adopt a new “Affordable Housing Action Plan” by January 1, 2023. This requirement was established by the state’s “Municipal Density and Missing Middle Housing Act.” ²

Any city that fails to adopt such a plan will be required to change its zoning regulations to allow the development of:

- “Middle housing in all areas in the city zoned for residential use that allow for the development of detached single-family dwellings; and
- A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.”

Both of these changes have merit. Omaha would be well-served by adopting a Housing Action Plan that considers both of these changes and many other potential regulatory changes, along with other solutions to the dire situation Omaha faces with housing affordability.³

Omaha should seriously consider including every housing-related code recommendation in this series into its new Affordable Housing Action Plan and incorporating that new plan into the Housing Element of Omaha’s Master Plan. These recommendations provide a highly targeted set of regulatory changes that Omaha could quickly implement through formal changes to its zoning and subdivision codes.

Here is a summary of these code recommendations:

#2 — PERMIT ACCESSORY DWELLINGS BY-RIGHT AND FINE-TUNE CURRENT STANDARDS

¹ *The Housing Element was most recently amended by Omaha Ordinance No. 34338 in October 1997*

² *Municipal Density and Missing Middle Housing Act, adopted by LB866 in 2020, codified as Section 19-5505*

³ *Build More Housing: Land Use Reform Opportunities for Nebraska's Cities, by Emily Hamilton and Kelcie McKinley, December 2020, available from <https://platteinstitute.org/build-more-housing-land-use-reform-opportunities-for-nebraskas-cities/>*

#3 — ACKNOWLEDGE STRUCTURAL CODE BARRIERS THAT INHIBIT NEW HOUSING IN OMAHA

#4 — ENCOURAGE MISSING MIDDLE HOUSING IN APPROPRIATE OMAHA NEIGHBORHOODS

#5 — MAKE IT EASY TO (RE)DEVELOP IN TOD DISTRICTS - STREAMLINE THE PROCESS

#6 — MAKE IT EASY TO (RE)DEVELOP IN TOD DISTRICTS - BUILDING DESIGN

#7 — MAKE IT EASY TO (RE)DEVELOP IN TOD DISTRICTS - LARGE-SCALE REDEVELOPMENT

#8 — STOP REQUIRING OVERSIZED PARKING LOTS IN OMAHA

#9 — PROVIDE MORE FLEXIBLE ACCESS TO OMAHA’S ZONING MAP

Benefit of Suggested Improvement:

By adopting these code recommendations into the new Affordable Housing Action Plan, the city of Omaha can use this state-mandated plan to commit to a locally tailored approach to code reform in support of more housing opportunities for its citizenry.

Code reform is no substitute for the physical production of additional housing, but it is a prerequisite for enlisting local businesses in the production of missing middle housing in Omaha.

Code Topic:

2. Permit accessory dwellings by-right and fine-tune current standards

Background:

Omaha is facing a shortage of affordable housing and is in the process of developing a new Housing Action Plan, as required by state law (see Recommendation #1). The City has already identified accessory dwelling units (ADUs) as a housing type that can be compatibly developed within existing neighborhoods and acknowledged that such units currently exist throughout the City (some illegally, some as quasi-legal nonconforming uses).¹

Current Code Language in Omaha:

Omaha's zoning code clearly states where accessory apartments and ADUs (two separate types) may be permitted and which supplemental regulations apply to each type.

Several years ago, Omaha expressly permitted "accessory apartments" in the AG, DR, and R1 through R4 zoning districts. The purpose statement recognizes:

"...the need for alternative housing for special population groups and the economic difficulty of maintaining very large single-family houses in specific parts of the city. It is intended to meet these needs in designated areas, while maintaining the single-family nature of a neighborhood." ²

However, an accessory apartment may be allowed only following an application process initiated by petition signed by at least half the property owners in a defined area (unless initiated by the city council). The defined area must be at least one block face (one side of the street between the nearest intersecting streets). If allowed, an accessory apartment on that block must meet a series of supplemental requirements.³ City approval automatically expires whenever the lot is sold.

Although the code language indicates that the city is interested in increasing the affordable housing supply with the development of accessory apartments, the actual code requirements create nearly overwhelming impediments to individual homeowners investing in one of the most promising methods for adding small and thus more affordable housing within existing neighborhoods. Reportedly, no accessory apartments have been created under these regulations.

More recently, as part of the new TOD district, the City will also allow an accessory dwelling unit (ADU) on lots with a single-family home in TOD zoning districts,⁴ but only if approved through the discretionary conditional use process.⁵ These ADUs must comply with numerous supplemental use regulations regarding site development regulations, size of the ADU, entrance locations, parking, building design, occupancy limits, and ownership requirements.⁶

¹ *Transit Oriented Development Zoning Summary & Guide*, p. 11

² *Omaha Zoning Code*, Sec. 55-763(a)(1), *accessory apartment purpose statement*

³ *Ibid.*, (a)(2) *application process*, (a)(3) *city council action*, (a)(4) *permitted location*, and (a)(5) *additional regulations for interior accessory apartments*

⁴ *See Recommendation #5 concerning requirements for creating TOD districts.*

⁵ *Omaha Zoning Code*, Sec. 55-573 (b), *accessory dwelling units*

⁶ *Omaha Zoning Code*, Sec. 55-763 (g), *accessory dwelling units*

Suggested Improvements:

Despite the code's stated purpose and the acknowledged desirability of accessory dwellings, Omaha's approval processes (and some of the standards) impede rather than facilitate the construction of accessory apartments and ADUs. This is true even in many Omaha neighborhoods where such units already exist, and where additional affordable housing would be most desirable—the newly designated TOD areas, as well as older walkable mixed-use neighborhoods, and other neighborhoods that are close to neighborhood shopping and services.

IMPROVEMENTS TO SPECIFIC STANDARDS:

- Omaha should consolidate and streamline the code's standards for accessory apartments and ADUs. The purpose statements for each type are similar and there is considerable overlap in the standards, but they are not identical. A single set of standards would reduce confusion and make it clear what is expected, simplifying the development of accessory units wherever the code allows them.
- The following specific changes to the standards should be considered, whether the two types are unified or kept separate:
 - Do not limit the development of accessory units to detached single-family properties. An ADU could be equally valuable, and equally inconspicuous, if built on a lot with a duplex or a townhouse, instead of being limited to lots with only a single-family detached residence. There is no inherent reason that ADUs cannot be accommodated on properties with duplexes or townhouses – whether freestanding, as garage apartments, or as English basement units – while still maintaining the character and respecting the style and scale of the surrounding neighborhood.
 - Do not require additional on-site parking for an accessory unit. In many locations, an extra parking space may not be an issue. However, in older, pre-auto era neighborhoods, lots are typically smaller and often constrained by the location of the existing home and/or mature trees – without room for an extra parking space that meets today's standards.
 - Stop limiting “internal” accessory units to houses that are over 2,000 square feet.
 - If the code retains accessory apartments as a separate type, they should be permitted in the same configurations as ADUs are today: detached, attached, or internal.

IMPROVEMENTS TO APPROVAL PROCESSES:

- The most important improvement would be to allow ADUs and/or accessory apartments “by-right” in targeted locations (if not citywide). This would remove the complex discretionary steps that currently impede the creation of legal accessory units:
 - Remove the current requirement for a conditional use permit in TOD zoning districts.
 - Remove the requirement for a majority of property owners to petition to allow accessory apartments on any particular block in Omaha.

Benefit of Suggested Improvements:

As Omaha officials have acknowledged, ADUs are a valuable tool for adding scattered small apartments into residential neighborhoods. ADUs allow more people to live within walkable, mixed-use neighborhoods without owning a car; and ADUs would be an important supplement to the difficult task of creating larger pockets of affordable housing in new buildings. Specific benefits include:

- ADUs can help intensify transit-supported neighborhoods, better taking advantage of the City's current (and future) investment in major transportation infrastructure.
- By not requiring additional parking for an ADU, the number of lots where ADUs could be constructed is increased, while decreasing development costs.
- ADUs can increase affordability for first-time homeowners or can help older residents stay in their homes because the ADU can provide additional income to assist with mortgage payments or housing maintenance.
- By simplifying the process and avoiding unnecessary impediments to providing ADUs, their development will be incentivized at no cost to government agencies (and with a potential savings in staff time and effort) through code changes that would carry out already-adopted public policy.

Code Topic:

3. Acknowledge structural code barriers that inhibit new housing in Omaha

Background:

Omaha has an exceptionally complex system for approving new multifamily housing in older portions of the city, which are frequently the neighborhoods close to goods and services, with inherent walkability and access to transit:

- **Zoning Districts:** Multifamily housing can be built only in zoning districts that specifically allow it, such as R5, R-WRN, R6, R7, R8, NBD, CBD, DS, and MU.¹ Omaha's zoning pattern is very old and quite haphazard, reflecting continuing rezoning of individual properties plus a few efforts by the city to rezone similarly situated land in a consistent manner. In addition to allowable uses, residential zoning districts in Omaha contain regulations such as:
 - Minimum lot size
 - Maximum building height
 - Maximum building and impervious coverage
 - Minimum setbacks between buildings and property lines
 - Maximum floor area ratio
- **Urban design overlay districts and standards:** Due to the inadequacy of Omaha's zoning district standards to regulate building form and character, and to ensure that new development complies with Omaha's Master Plan, additional urban design standards were adopted about fifteen years ago.² These standards apply to most development in various "overlay districts" that overlap zoning district boundaries (but often exclude single-family lots). These urban design standards often differ from, and thus override, zoning district standards. The main urban design overlay districts are:
 - "Area of Civic Importance" (with four gradations, from downtown-like to suburban)
 - "Neighborhood Conservation/Enhancement" (either 'conservation' or 'enhancement')
 - "Major Commercial Corridor"Residential projects in MU zoning districts are also subject to these urban design standards, as well as to the special-use permit procedure that requires city council approval.
- **Planned Unit Redevelopment (PUR) overlay district:** Despite the new urban design standards, or in some cases because of them, desirable urban buildings often cannot meet all the standards in Omaha's codes. Thus a third system was adopted in 2014 that allows the city council, on a case-by-case basis, to modify or waive code standards, such as setbacks and minimum parking requirements, for specific development proposals.³ The PUR overlay process was needed in recent years for the city council to enable multifamily buildings such as these:

¹ Section 55-68, Omaha Zoning Ordinance

² Articles XI and XXII of Chapter 55, Omaha Zoning Ordinance

³ Section 55-596 through 55-600, Omaha Zoning Ordinance

- 3625 Dewey Avenue (Dewey 3700, 4 stories, 24 units)
- Dewey Avenue at S. 38th Street (Dewey Row, 3 stories, 9 units)
- 3820 Harney Street (Blackstone Depot, 4 stories, 56 units)
- 3814 Leavenworth Street (5 stories, 172 units)
- Leavenworth Street at S 27th Street (5 stories, 134 units)

Current Code Provisions in Omaha:

Omaha combines extremely outdated zoning districts with partial overlays of forward-looking but incomplete urban design overlays. An additional and quite different overlay (PUR) is often needed for desirable redevelopment to take place.

In addition, the inclusion of maximum floor area ratios (FARs) for multi-family buildings greatly reduces the amount of housing that can be accommodated on a given site. Despite the generous 75- and 150-foot height limits in the R7 and R8 multifamily zoning districts, the FARs are very low – 2.0 and 3.0, respectively. Because these districts already have lot coverage and height limitations, FARs are at best redundant and actually encourage suburban development patterns even where more compact urban patterns are desired.

- For illustrative purposes, consider these examples: A FAR of 2.0 means that a single-story building covering the entire lot would be limited to two stories in height. A six-story building (about 75 feet tall) could cover 33% of the lot, well below the permitted 75% coverage, either leaving a large portion of the lot unused or covered by parking lots.
- Under an FAR system, as buildings get taller, they must move further apart, often detracting from the pedestrian realm and walkability. FARs provide deceptive specificity; the same ratio can produce either a shorter building with significant lot coverage or a much taller building surrounded by parking or leftover space.

The complexity of multiple overlays and redundant standards is bewildering for anyone to contemplate and very time-consuming for developers and city staff to navigate. Development requests must be analyzed in great detail by staff and advisory boards, and often the site plans must then be negotiated with prospective developers, all on a case-by-case basis. Even then, these approvals must go before the city council on three separate occasions before they can be approved by ordinance. In some cases, as many as five separate ordinances are required to approve a single building.

Suggested Improvements:

There is no easy way to overhaul Omaha's current approach to approving infill redevelopment. The good news is that, despite all the complexity, some Omaha developers have learned this system and are producing new housing in walkable mixed-use neighborhoods. Most of this new housing is in quite large buildings, where the potential profits to developers are large enough to support the overhead of the professional engineers, planners, and land use attorneys whose services are required to determine if a new building is even potentially viable, let alone likely to obtain approval within a timeframe consistent with financing requirements.

A far better system would combine the urban design overlays with the underlying zoning districts in a manner that would make the actual rules clear and predictable, while also providing a less cumbersome mechanism for adjusting site planning details. Many cities are using form-based codes for this purpose, most commonly for their downtown and nearby neighborhoods, but occasionally for their entire cities (as in Miami, Denver, and Buffalo). These codes can accommodate large buildings such as those being constructed in Omaha; they can also accommodate smaller buildings where the profit

margin is insufficient to navigate the complexity of Omaha's current system (see Recommendation #4 on missing-middle housing).

In the absence of significant code reform, Omaha could undertake the following steps to make the current system more legible and less cumbersome:

- Given the importance of the urban design overlays, the public as well as developers need an opportunity to understand exactly where these overlays apply. At present, the overlays are shown only by suffixes to the zoning district labels on individual parcels; the overall pattern cannot be determined except by examining the labels on all parcels within city limits. (See Recommendation #9 for further information.)
- The urban design overlay standards were originally written to address the design of large scale suburban development. They therefore contain some requirements that are not well-calibrated to smaller scale infill and redevelopment, particularly in the older areas of the city. The NCE district acknowledges this fact by stating that the urban design standards and guidelines should be "modified as appropriate to address the characteristics of the area to be conserved or to be enhanced, as the case may be."⁴ The TOD zoning district includes a set of supplemental design standards to address elements that are important in a transit-oriented context. A similar approach should be considered for other areas where the urban design standards apply, or more explicit context-sensitive exceptions should be included in the urban design overlay standards themselves, such as:
 - Further reducing the requirements for landscaping within and around parking lots in small-scale infill contexts. These requirements are important for large parking lots; but for small parking lots on small sites, they can greatly limit the amount of parking provided and thus constrain the redevelopment potential of such sites. Priority should be placed on investing in curbside landscaping and sidewalks, which contribute greatly to the overall walkability of an area.
 - Including additional context-based standards for building size (in addition to those for large buildings), which will increase the compatibility of infill development.
- Remove the FAR requirements for multi-family residential buildings, as they are redundant with other standards and produce unpredictable and dubious results.

Benefit of Suggested Improvements:

Serious code reform is needed to help Omaha accommodate its growing population in the form and character of development that the city desires. In the interim, the improvements suggested above (and in other recommendations) would make some improvements with a relatively small investment on the part of the city of Omaha.

⁴ Section 55-607(a), Omaha Zoning Ordinance

Code Topic:

4. Encourage Missing Middle housing in appropriate Omaha neighborhoods

Background:

Omaha recognizes the importance of a wide range of housing options, as many households would prefer to live somewhere other than a single-family home or in a large apartment or condo complex.

“Missing Middle” refers to the in-between scale of buildings that current developers (and many local governments) have all but forgotten. These buildings, once common, are more intense than single-family detached houses but physically much smaller than garden apartment complexes or high-rises.¹ These buildings typically have a limited footprint and height that complements traditional neighborhoods or can help transition from single-family detached houses to more intense areas such as downtown, neighborhood business districts, and commercial corridors.



Missing Middle forms can provide housing choices not currently available, often at more affordable costs. They can also be designed and built in a context-sensitive form and scale for an infill lot or in redeveloping neighborhoods. Missing Middle housing can take many forms—including some that exist in Omaha today. As always, context is important; not every form is appropriate in every residential district.

The city has made the decision to accommodate Missing Middle housing in the new TOD zoning districts.² However, to truly encourage the development of more housing options at a variety of rental and sales prices, Omaha should consider coding changes in addition to implementing the TOD zoning districts. Because the TOD districts currently require rezoning (see Recommendation #5) and are limited to a very small area of the city, the immediate impact of TOD zoning on the housing market will likely be limited. The city needs to make sure that the zoning and development tools are available to produce Missing Middle housing across a variety of desired locations; this should be a key priority in implementing the new Housing Action Plan

¹ Valuable information about Missing Middle housing is provided by Opticos Design, Inc at: <https://missingmiddlehousing.com/>

² Transit Oriented Development Zoning Summary and Guide, p. 11

Current Code Provisions in Omaha:

The Omaha zoning code currently defines all multi-family residential buildings within a single broad category of “three or more dwelling units within one or more buildings.”³ This definition fails to distinguish smaller Missing Middle house-sized residential forms such as triplexes, quadplexes, and small courtyard apartment buildings, from larger forms such as block-sized mid-rise buildings with dozens of units, let alone large suburban apartment complexes with hundreds of units in multiple buildings or high-rise apartments and condominiums. Smaller Missing Middle housing forms were once common, but are now forbidden from all but the most intense neighborhoods or mixed-use areas simply because they have been categorized as “multiple-family residential” by Omaha’s zoning code.

The stated purposes of Omaha’s residential zoning districts include the following (emphasis added):⁴

- (c) *To allow a wide range of residential densities and a variety of housing types.*
- (d) *To accommodate the need to provide housing that is affordable to all residents of the Omaha jurisdiction.*
- (e) *To promote flexibility in the design and development of housing, while maintaining high standards of design and ensuring neighborhood compatibility.*
- (h) *To encourage the conservation of established neighborhoods in the city.*
- (i) *To encourage more varied urban environments by allowing mixed uses of equal effects in certain areas.*

The Omaha code establishes various zoning districts that might allow some Missing Middle housing types, either “by right” or if approved as a conditional or special permit use. Several are residential districts (R4, R5, R6, R7, R8); others are office or commercial districts (LO, GO, LC, CC, GC), mixed-use districts (NBD, CBD, DS), or special districts (MU, TOD).

Each residential district includes site development regulations that require minimum lot sizes (overall and per unit) and lot widths, maximum building height and lot coverage, maximum impervious surface, and minimum setbacks from property lines. The R6, R7, and R8 site development regulations also apply as the base standards when multi-family development is approved as a conditional or special use in the LC/LO, CC/GO, and GC districts respectively. Here is a summary of relevant residential districts:

- R4 is identified as the “high-density” single-family district. It allows detached homes on 5,000-square-foot lots, as well as attached single-family as a conditional use, and townhouses via special use permit only if part of a planned unit development.⁵
- R5 is identified as the urban family residential district “with single-family characteristics ... intended for medium-density residential neighborhoods with single-family characteristics, while allowing considerable latitude in the physical design of housing.” The R5 district permits single-family detached homes, duplexes, and up to four attached townhouses.⁶
- R6 is identified as the low-density multiple-family residential district which “... provides for the integration of [multiple-family] buildings with lower density housing types, including single-family, duplex and townhouse residential. The R6 district applies to established neighborhoods, including those where the limited conversion of large single-family houses is necessary to extend their economic life; areas in which a mix of single- and multiple-family housing is appropriate to create an urban neighborhood; transitional areas between lower and higher intensity uses; and developing multiple-family areas.” In addition to the usual height and coverage limitations for all housing, lots for multifamily buildings in the R6 district must have at least 2,000 square feet per unit and must have larger front yard and

³ Omaha Zoning Code, Sec. 55-43. Residential use types (e), Multiple-family residential

⁴ Omaha Zoning Code, Sec. 55-102. General purpose

⁵ Omaha Zoning Code, Sec. 55-181 through Sec. 55-187

⁶ Omaha Zoning Code, Sec. 55-201 through Sec. 55-207

interior side yard setbacks, regardless of building height. Also, the interior square footage of all stories is limited to half the lot area.⁷

- R7 is identified as the medium-density multiple-family residential district, similar to R6 but allowing some additional uses. Lots for multifamily buildings in the R7 district must have at least 1,000 square feet per unit. The interior square footage of the building (all stories) is limited to exactly the lot area, even though this district allows buildings up to 75 feet tall.⁸
- R8 is identified as the high-density multiple-family residential district, similar to R7 but allowing more additional uses. Lots for multifamily buildings in the R8 district must have at least 500 square feet per unit. The interior square footage of the building (all stories) is limited to double the lot area, even though this district allows buildings up to 150 feet tall.⁹

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The purpose statement for R5 mentions “single-family characteristics,” and both R6 and R7 say that they “provide for the integration” with lower-density housing types; however, there are no standards relating to form, character, or design in those districts. The site development regulations are so general that it is difficult to predict what the resulting form of development might be. By requiring more lot area per unit (and frequently larger setbacks), the existing standards almost guarantee that new buildings will be of a larger scale than the existing neighborhood context and fabric.

Suggested Improvements:

The city could create either new separate categories within the definition of multiple-family housing based on scale (i.e. missing middle), or new residential zoning districts with clear development standards addressing form and character – or some combination of the two. Either approach could implement the stated purposes of various residential zoning districts (and provide better tools for implementing the new Housing Action Plan).

For example, the R4 and R5 districts could be adjusted to permit triplexes or quadplexes that fit within the existing site development regulations for a detached home, thereby maintaining the existing lot pattern, building footprints, and heights, which are the primary components of neighborhood character. In many neighborhoods, a tri- or quadplex in a house form would be a more compatible design than a row of 3 or 4 townhouses. Such a change could be made citywide, or applied to targeted geographic areas, such as within walking distance of transit lines or near neighborhood business districts.

Omaha does not explicitly cap residential density in zoning districts. The multi-family districts are defined with modifiers (low, medium, and high), with the actual number of allowable units capped based on lot area. R6 allows about 20 units per acre; R7 about 40. However calculated, such metrics can be very deceptive because individual units may be very small or very large, and on-site parking may or may not be provided. Historically, traditional neighborhoods often accommodated small apartment buildings, often at block corners or along streetcar lines. Even though they had anywhere from a half-dozen up to 20 units, they were often constructed as a 2-3 story building on a quarter or third of an acre lot, fitting nicely within the neighborhood fabric. Such apartments can be as dense as 24 to 60 units per acre, although they are usually perceived to be much less intense. There is a major difference in character between a small apartment building with perhaps 10 to 12 units on a moderate-sized lot, compared to an apartment complex with multiple buildings on a large parcel, even though statistically they have the same number of units per acre. For older neighborhoods where some intensification or reinvestment is desired, but transformation is NOT desired, standards can be crafted

⁷ *Omaha Zoning Code, Sec. 55-221 through Sec. 55-227*

⁸ *Omaha Zoning Code, Sec. 55-241 through Sec. 55-247*

⁹ *Omaha Zoning Code, Sec. 55-261 through Sec. 55-267*

¹⁰ *See Recommendation #3 for further discussion of floor area ratios*

that will accommodate and shape fine-grained infill housing within the existing lot and block pattern, in buildings that won't be out of place within or near neighborhoods of detached homes.

Many of the concepts that Omaha recently created for urban design and TOD standards could be adapted for Missing Middle housing. Such standards should:

- Include maximum limits on lot size, building footprint, and width or frontage length. Such standards would discourage excessive consolidation of lots and would maintain the overall development pattern of small to moderate-sized buildings that fit in with existing homes.
- Require that the fronts of new buildings face the street and sidewalk and provide windows and doors, instead of presenting blank walls or rows of garage doors to the street.
- Limit parking locations; for instance, prohibit parking lots between the front of a building and the sidewalk, and provide most access to parking from side driveways (or from the rear where there are alleys).
- Calibrate the scale of new districts and standards at a range of intensities to match various existing contexts. For example, a more intense residential district that accommodates slightly taller and larger buildings might be permitted (and mapped) along 4-lane corridors, while a less intense district would be more appropriate on the intimate 2-lane streets (rather than lot-by-lot rezonings that are sprinkled around the neighborhoods as they often are today).

Benefit of Suggested Improvements:

Acquiring and demolishing houses in order to consolidate lots and build large apartment complexes, especially in the absence of appropriate site and development standards, has a destabilizing effect on surrounding properties. This can promote disinvestment by other owners, with the ripple effect of disruption to previously stable neighborhoods.

Standards such as those suggested above would provide greater predictability as to the character of future infill and redevelopment. These changes would improve long-term stability for core neighborhoods and corridors, while encouraging current owners to reinvest and maintain their properties.

Context-sensitive development standards would allow for small-scale intensification while maintaining the pedestrian scale in areas where the existing street and block network already includes sidewalks and perhaps bike lanes, thus promoting walkability and multi-modal transportation options.

By more clearly defining specific building forms based on scale and character, the Omaha zoning code would help increase the housing supply in appropriate contexts while maintaining the existing neighborhood scale. Clear and appropriate standards for these building forms would ensure that all new Missing Middle buildings become integral parts of their neighborhoods rather than out-of-place "developments."

These changes would distinguish higher-density multifamily housing from less-intense housing types. The lower intensity types, as illustrated in the background section above, can be appropriate in many urban neighborhoods, even those dominated today by single-family homes.

Code Topic:

5. Make it easy to (re)develop in TOD districts - Streamline the process

Transit Oriented Development (TOD) Background:

In late 2020, Omaha adopted a Transit Oriented Development (TOD) zoning district to facilitate “infill development and redevelopment in those parts of the city which, because of their proximity to pedestrian oriented mass transit infrastructure, are considered of primary importance to create active, pedestrian oriented streetscapes and developments that vary in intensity...”¹ In addition to the financial investment in the Omaha rapid bus transit (ORBT) line, this effort represents a significant commitment of the city’s planning resources and staff time.

The TOD District was approved both as a Master Plan amendment and a zoning ordinance text amendment. However, as a matter of policy, neighborhoods within the TOD areas designated on the Future Land Use Map (FLUM) were not proactively rezoned to the new TOD zoning sub-districts. Instead, the city decided that individual developers or property owners would be “encouraged to proceed through a rezoning process, which includes public hearings at Planning Board and City Council. Thus, property owners will “opt-in” to the newly established TOD zoning.”²

The overall TOD area identified on the FLUM is generally one-half mile north and south of the ORBT line along Dodge Street, from the downtown riverfront on the east to I-680 on the west. TOD sub-districts are defined by size and scale of development (TOD 1-4) and are further modified by four general use types (MX - Mixed Use, MUR - Mixed Urban Residential, MNR - Mixed Neighborhood Residential, and SFA - Single Family Accessory), to produce a complex set of sub-districts with specific site development standards and permitted use lists for each.³

Potential sub-district boundaries have been carefully and precisely calibrated down to the parcel level, based on the proximity to transit stops, existing zoning (i.e. development rights), type of existing cross streets, neighborhood/community input, and the need to transition between differing scales and intensities to preserve existing neighborhoods.⁴

The **TOD Zoning Summary & Guide** highlights the general characteristics of TOD development including street-oriented buildings with a consistent build-to line and a high degree of transparency along the ground floor, mixed uses, on-street parking and no (or minimal) parking between the building and the curb, generous sidewalks with street trees and pedestrian-scaled lighting, and building scale (height and footprint) related to context.⁵ Related design standards are included in the TOD zoning district.⁶

The **Guide** also describes the need for alternate housing types, including “accessory dwelling units” (ADUs) and “missing middle housing” and states that the new TOD zoning will allow for the “compatible mixing of different housing formats near the ORBT route.”⁷

¹ Omaha Zoning Ordinance, Sec. 55-570 (a) Purpose

² City of Omaha Transit Oriented Development Zoning Summary & Guide, “TOD Implementation Strategy”, p. 5

³ Zoning Ordinance, Sec. 55-570 (c) Zoning district nomenclature

⁴ TOD Zoning Summary & Guide, p. 13; boundary maps are in the appendix

⁵ TOD Zoning Summary & Guide, p. 9

⁶ Zoning Ordinance, Sec. 55-576 - Supplemental standards

⁷ TOD Zoning Summary & Guide, pp. 10-11

Current Code in Omaha:

Every lot or site in the city has been assigned to a base zoning district, established by ordinance and designated on the zoning map. (They may also have one or more overlays designated in addition to the base zoning.) When the TOD district was adopted in conjunction with the ORBT route, the city left all of the existing base zoning in place (as described above), with the idea that property owners would choose to rezone their property at the point in time they might choose to redevelop it. The city council or planning board may also initiate rezonings, but for an individual property owner to request a change to the zoning on their land, the rezoning procedure established in the zoning ordinance must be followed (see *Sec. 55-886*). All rezonings require a public process.

The rezoning process includes:

- an application submission with the reason for the rezoning request,
- a dimensioned site plan (with property lines, easements, existing features and improvements),
- application fees,
- potentially a traffic impact analysis,
- planning staff review with a recommendation to the planning board,
- public notice and a public hearing at the planning board, resulting in a recommendation from the planning board (that may be more restrictive than the applicant's request) to the city council, and
- public notice and a final public hearing at the city council. If an application for rezoning is denied by the city council, it cannot be resubmitted within one year of the denial.⁸

Needless to say, few landowners would attempt rezoning without professional assistance.

In addition, ADUs are currently permitted on lots with detached single family houses within TOD districts, but only as a conditional use, which requires a separate application and discretionary approval process⁹, with a specific set of design and development standards.¹⁰ Missing Middle housing types are permitted by-right in the TOD MUR and MNR districts, but only as conditional uses in the TOD SFA district.¹¹ There are no specific development standards for missing middle forms, just the overarching site development standards for each TOD 1-4 district and the overall standards for buildings that are solely residential. Unfortunately, these standards do not properly address the character and form of Missing Middle housing, particularly at the smaller house-scale. (ADUs and Missing Middle housing are discussed further in Recommendations #2 and #4, respectively.)

Suggested Improvements:

REZONINGS

Omaha has made considerable financial investment in transit infrastructure, as well as the extensive effort that was required to establish zoning rules for the TOD district. While the many economic, environmental, and social benefits of transit-oriented development to the city are evident – from the increased tax base provided by redevelopment, reduced auto traffic and improved air-quality, and the increased and more diverse housing supply – it is unrealistically optimistic to assume that many individual property owners will choose to “opt in” to the rezoning and redevelopment process for the ORBT corridor, especially without extensive outreach to clarify the potential benefits. The rezoning process is difficult for anyone, often requiring legal and other professional assistance, but is particularly onerous for owners of small parcels. The necessity to rezone, in and of itself, creates a disincentive to redevelopment.

⁸ *Zoning Ordinance, Sec. 55-886. Amendment procedure (c) - (i)*

⁹ *Zoning Ordinance, Sec. 55-883 - Conditional use permit procedure. A conditional use permit may be applied for concurrently with a rezoning.*

¹⁰ *Zoning Ordinance, Sec. 55-763(g) - supplemental use regulations for ADUs.*

¹¹ *Zoning Ordinance, Sec. 55-573 Table 1 - Allowed Uses*

- **Recommendation A:**

If infill and redevelopment along the corridor is strongly desired, the city should proactively rezone the properties in the designated TOD areas, thereby encouraging the redevelopment of underutilized parcels along the ORBT corridor in the desired form and character to support transit use. This would leverage the city's significant new investment in transit infrastructure, as well as in the existing traditional infrastructure of streets, sewers, etc. As with any comprehensive rezoning, this would remove the necessity for each individual property owner to initiate the rezoning process; it would not require any action by current property owners or businesses who wish to continue their current operations.

- **Recommendation B:**

Recognizing that a major rezoning would require significant political will, particularly if it affects areas that are predominantly single-family residential neighborhoods, an alternative approach would be to focus the rezoning effort more narrowly on the areas immediately surrounding the fixed transit stops.

- This could be undertaken on a geographic basis, such as rezoning all properties within a ¼-mile radius of each ORBT stop (the conventional pedestrian-shed, an approximate 5-minute walk for a typical adult); or
- Rezoning all parcels within the TOD area on the FLUM that are already zoned for commercial, office, or multi-family use; or
- Building on the extensive mapping already completed, rezoning those areas designated at any level of TOD-MX or TOD-MUR; or
- Some combination of the above, as the local political situation warrants.

- **Recommendation C:**

If proactive rezoning is simply not politically viable, the city could more affirmatively communicate the benefits of rezoning to the new TOD districts, such as:

- The ability to develop mixed-use by right in the new TOD-MX sub-districts:
 - Currently, residential uses are only permitted in commercial districts other than CBD and NBD as a conditional use, which requires a subjective review process up to and including City Council approval.
 - Similarly, in the R-7 and R-8 multi-family districts, commercial uses are only permitted as conditional uses.
- There are no parking requirements in TOD-1, and minimum parking is reduced by 50% in TOD 2-4.
- The height limits and lot coverage are increased in some TOD areas.

CONDITIONAL USES

The TOD *Guide* emphasizes the importance of providing a greater variety of housing types—highlighting the concepts of “missing middle housing” and “accessory dwelling units” (ADUs)—as a way to both locate more potential transit riders within close proximity to the line, and to increase the range of housing options available to Omaha residents. It states that these forms can be compatibly included in existing neighborhoods (with access to the ORBT corridor), and that they will be permitted in the new TOD zones. However, under the current process which requires rezoning in order to use the new standards (see previous recommendation), a single-family home must be rezoned to TOD before it is legally eligible for the owner to build an ADU on their lot. In addition, both ADUs and Missing Middle housing are only conditional uses in the TOD-SFA sub-districts, requiring an additional application (and city council hearing) before they are permitted.

- **Recommendation D:**

Permit house-scale Missing Middle and ADUs by-right in TOD SFA districts; and remove the conditional use requirements for ADUs, if not for both housing types, in these areas. (Additional recommendations concerning ADU requirements and Missing Middle development standards are included in Recommendations #2 and #4, respectively.)

Benefit of Suggested Improvements:

In order for the city to capitalize on its investment in ORBT and encourage redevelopment along the transit corridor, the development approval process should be as straightforward as possible. “Time is money” — reducing the time and effort required for review and approval of both rezonings and conditional use permits can free up resources that could go into the quality of design and development rather than into spurious process.

Code Topic:

6. Make it easy to (re)develop in TOD districts - Building design

Background:

In late 2020, Omaha adopted a Transit Oriented Development (TOD) zoning district to facilitate “infill development and redevelopment in those parts of the city which, because of their proximity to pedestrian oriented mass transit infrastructure, are considered of primary importance to create active, pedestrian oriented streetscapes and developments that vary in intensity...”¹ In addition to the financial investment in the Omaha rapid bus transit (ORBT) line, this effort represents a significant commitment of the city’s planning resources and staff time.

The TOD sub-districts have been designated by size and scale of development (TOD 1-4) and are further modified by four general use types (MX - Mixed Use, MUR - Mixed Urban Residential, MNR - Mixed Neighborhood Residential, and SFA - Single Family Accessory), to produce a complex set of sub-districts with specific site development standards and permitted use lists for each.² Potential sub-district boundaries were carefully and precisely calibrated down to the parcel level, based on the proximity to transit stops, existing zoning (i.e. development rights), type of existing cross streets, neighborhood/community input, and the need to transition between differing scales and intensities to preserve existing neighborhoods.³

The *TOD Zoning Summary & Guide* highlights the general characteristics of TOD development including street-oriented buildings with a consistent build-to line and a high degree of transparency along the ground floor, mixed uses, on-street parking and no (or minimal) parking between the building and the curb, generous sidewalks with street trees and pedestrian-scaled lighting, and building scale (height and footprint) related to context.⁴ The corresponding design standards are included in the TOD zoning district.⁵

Current Code in Omaha:

The TOD zoning district includes specific use lists for each use subarea in Sec. 55-573, and site development and building size parameters by context (TOD 1-4) in Sec. 55-574. The TOD districts must also comply with the urban design standards cross-referenced in Sec. 55-575 (provided in *Article XXII*⁶) and the TOD-specific requirements mentioned above, that address several aspects of siting and building design related to creating a pedestrian-oriented environment, such as: a minimum build-to for the street frontage; provision of on-street parking, reduced minimum parking requirements, and maximum surface parking; and minimum transparency requirements for the ground and upper stories. For residential buildings, there are additional specific

¹ *Omaha Zoning Ordinance, Sec. 55-570 (a) Purpose*

² *Zoning Ordinance, Sec. 55-570 (c) Zoning district nomenclature*

³ *City of Omaha Transit Oriented Development Zoning Summary & Guide, p. 13*

⁴ *TOD Zoning Summary & Guide, p. 9*

⁵ *Zoning Ordinance, Sec. 55-576 - Supplemental standards*

⁶ *The Omaha zoning code includes Article XXII. Urban Design, which primarily addresses building location and orientation on a site, ground level transparency, and other site features such as “green” parking, signage, sidewalks, and service screening, but also includes Sec. 55-935 Building design guidelines. It is important to note that both the urban design and building design provisions were adopted well before the creation of the TOD districts, and are primarily focused on improving the appearance of suburban building forms, such as “big box” shopping centers, standalone office buildings, pad sites, and other strip commercial development. They do not specifically address pedestrian- or transit-oriented development and are completely silent on residential development such as more urban apartment forms (with the exception of a reduction of ground floor transparency requirements), much less “missing middle” housing.*

requirements for entrances, ground floor elevations, and roof forms in the less intense TOD districts.⁷ However, within all this additional specificity, there are some gaps and/or unnecessary requirements – perhaps because the standards are based on several conventional suburban assumptions and development patterns rather than design principles of traditional urbanism.

Suggested Improvements:

BUILDING SIZE

While the general urban design standards in *Article XXII* define a primarily retail building of greater than 20,000 square feet or at least one elevation that is 200-feet long as a “large retail building” with specific additional design requirements, the TOD building size standards have no footprint limitations in TOD-1 and permit up to 20,000 square feet (SF) in TOD-2 locations along arterial streets. The existing city blocks in both downtown Omaha and the traditional neighborhoods in proximity to the Dodge Street corridor have a consistent pattern of interconnected streets and blocks, with blocks ranging from approximately 200’ x 300’ up to 250’ x 600’. Blocks of this size provide a very walkable environment. When thinking about pedestrian orientation, the concepts “compact and connected” are fundamental. Buildings that can easily fit within such a traditional street grid are ideal; they maintain a human scale at the street level. (Even in the most intense areas of a downtown, massive buildings filling an entire city block often detract from the pedestrian experience, with few entrances and limited sidewalk activation.)

- **Recommendation A:**

The TOD district acknowledges the importance of building footprint size in the less intense sub-districts, with limitations based on context ranging from 10,000 SF to as low as 2,500 SF. To reinforce human scale and walkability, footprint caps should be included in the more intense areas as well. With the exception of civic and/or institutional uses (e.g. schools, hospitals, museums, etc.), other uses desired/targeted for a TOD district should have maximum footprint sizes established in the code.

BUILDING DESIGN DETAILS

Unlike the general building design guidelines in *Sec. 55-935*, the TOD supplemental standards do include design standards for buildings that are solely residential, addressing elements such as entrances (stoops, porches, forecourts, etc.), minimum ground floor elevation, balconies, and roof forms. However, the requirements include some that seem problematic and more appropriate to a suburban, rather than urban (small lot), condition, such as “facades containing residential entrances facing an interior side lot line shall be set a minimum of 15 feet back from the adjoining property.”⁸ In addition, when a TOD property abuts a single-family or duplex property, there are significant separation (from 10 to 25 feet) and screening requirements along all shared property lines. When developing in a suburban context, in which parcels are often measured in acres rather than square feet, such separation distances are easily absorbed. But in an urban context, with lots as small as 50 x 100 feet, such setbacks can render a lot undevelopable.

- **Recommendation B:**

Refine the TOD site development parameters for a compact urban environment, with greater attention to building design standards. Such standards might include:

- limiting building height within a set number of feet from the property line to the maximum height of the adjacent district, rather than increased separation distance; or
- limiting the placement of windows or balconies with views into adjacent side or rear yards for building elevations within a set distance of the shared property line.

⁷ *Zoning Ordinance, Sec. 55-576 - Supplemental standards*

⁸ *Ibid, (g) (1) Ground floor entrances*

The overall purpose and general characteristics of the TOD district are clearly provided in Sec. 55-570. However, through the layering of additional standards elsewhere in the code, and specific standards relating to lot coverage and building minimum and maximum base heights tied to development location and street type, the development standards quickly become complex, perhaps leading to unintended consequences, not least of which is simply adding to the cost of construction (and the cost of any new housing units that are developed) with minimal public benefit. Reportedly, some of these standards have prompted developers to not only rezone to TOD, but to simultaneously request the creation of a PUR overlay district in order to have some of the new TOD site standards waived by the city council. This suggests that some of the new TOD standards are working at cross purposes to their intent.

- **Recommendation C:**

Consider simplifying the design standards for buildings in the TOD 1-3 districts, particularly for parcels along arterial and collector streets:

- Remove frontage step-back requirements, which frequently require more expensive construction techniques, provide minimal public benefit, and can create difficult design/construction scenarios that greatly reduce the development potential, especially when applied to small lots.
- Clarify the design/development rules for corner lots at the intersection of different street types, which affect both the permitted height and lot coverage. (One option is to simply state that the higher/more intense street classification controls; a second approach is to state that the more intense frontage “wraps” the corner for a set frontage distance or property depth, such as 50 feet.)

Benefit of Suggested Improvements:

Simplifying and refining the development standards for building in the new TOD districts would make the process for redevelopment more straightforward for both property owners and staff, while also increasing the likelihood that new buildings will produce the quality of pedestrian-scaled, transit-oriented development that Omaha desires and deserves. Reducing the overall cost of development in these areas should also increase the affordability of new housing.

Code Topic:

7. Make it easy to develop in TOD districts - Large-scale redevelopment

Background:

In late 2020, Omaha adopted a Transit Oriented Development (TOD) zoning district to facilitate “infill development and redevelopment in those parts of the city which, because of their proximity to pedestrian oriented mass transit infrastructure, are considered of primary importance to create active, pedestrian oriented streetscapes and developments that vary in intensity...”¹ In addition to the financial investment in the Omaha rapid bus transit (ORBT) line, this effort represents a significant commitment of the city’s planning resources and staff time.

The TOD District was approved both as a Master Plan amendment and a zoning ordinance text amendment. However, as a matter of policy, neighborhoods within the TOD areas designated on the Future Land Use Map (FLUM) were not proactively rezoned to the new TOD zoning sub-districts. Instead, the city decided that individual developers or property owners would be “encouraged to proceed through a rezoning process, which includes public hearings at Planning Board and City Council. Thus, property owners will “opt-in” to the newly established TOD zoning.”²

The overall TOD area identified on the FLUM is generally one-half mile (approximately a 10-minute walk for a typical adult) north and south of the ORBT line along Dodge Street. TOD sub-districts are defined by size and scale of development and are further modified by four general use types to produce a complex set of sub-districts with specific site development standards and permitted use lists for each.³

Potential sub-district boundaries have been carefully and precisely calibrated down to the parcel level, based on the proximity to transit stops, existing zoning (i.e. development rights), type of existing cross streets, neighborhood/community input, and the need to transition between differing scales and intensities to preserve existing neighborhoods.⁴

However, in the case of large parcels without a street and block network, particularly in the West Midtown area and near the interstate interchanges, such fine grained calibration is absent, with the entire multi-acre parcel having a single TOD designation.

The ***TOD Zoning Summary & Guide*** highlights the general characteristics of TOD development including street-oriented buildings with a consistent build-to line and a high degree of transparency along the ground floor, on-street parking and no (or minimal) parking between the building and the curb, generous sidewalks with street trees, and building scale (height and footprint) related to context.⁵

¹ Omaha Zoning Ordinance, Sec. 55-570 (a) Purpose

² City of Omaha Transit Oriented Development Zoning Summary & Guide, “TOD Implementation Strategy”, p. 5

³ Omaha Zoning Ordinance, Sec. 55-570 (c) Zoning district nomenclature

⁴ TOD Zoning Summary & Guide, p. 13; boundary maps are in the appendix

⁵ TOD Zoning Summary & Guide, p. 9

Current Code in Omaha:

Many of the TOD development standards are tied to the context established by the type of street adjacent to the development. These include not only maximum building heights and footprints, but also specifications for urban and building design features such as sidewalk areas, build-to lines, ground-level transparency, building access, parking location, and design of parking structures. Without a street frontage, there is no baseline for establishing, locating, and measuring these details within a larger development. The definition states that the “baseline location” (for determining a build-to or setback) “shall coincide with the property line” and the “dominant pattern” (for establishing other building features) is set by a percentage of contiguous lots along a block face. These definitions work within an existing urban fabric condition of streets and blocks.⁶ However, they would be relatively meaningless in the context of transforming an aging strip shopping center with a large existing parking lot into a new pedestrian-oriented district.

The TOD district does include a basic block length standard for sites greater than five acres, requiring “intervening public or private street(s) connecting to the adjacent existing street system achieving block faces that do not exceed 350 feet.”⁷ However, as written, this appears to only apply around the parcel perimeter, to maintain connectivity with existing streets, with no explicit standards for the interior of a large-scale development, such as requiring an interior street and block network and the creation of new public spaces.

Suggested Improvements:

When designing or developing around a transit system, it is important to remember that all riders are pedestrians at one end of their trip or the other, if not both. One of the most important features of a pedestrian-oriented environment is a scale of fine-grained development—both at the street and block level, and in the range or variety of individual building design. The TOD standards acknowledge this, but are still relatively suburban. For example:

- The TOD district includes specific street design standards that mention street connectivity and maximum block length (described above). The supplemental standards also include pedestrian circulation; however, the requirements focus on “on-site” pedestrian circulation. The references to “all buildings on-site and other areas of the site likely to be used by pedestrians” seem to imply an internally focused, campus-like development, rather than one that is “transit-oriented” and well-integrated with the surrounding district or neighborhood.
- It is important to note that the blocks in Downtown Omaha range from approximately 60,000 to 90,000 SF (or about 1.5 to 2 acres) to produce an area that is eminently walkable. In the East Midtown neighborhoods, also developed around a pedestrian-friendly, interconnected street network, the typical blocks are only an increment larger (approximately 2 to 3 acres) and include a variety of street types. Similar street and block frameworks could serve as templates for any large-scale redevelopment sites within the TOD districts. For example, a 5-acre parcel could reasonably be transformed into two or three blocks, with both internal and external connectivity.

The concepts “compact and connected” are fundamental to creating and maintaining pedestrian- and transit-oriented areas.

⁶ *Ibid*, Sec. 55-570 (d) (1) *Baseline location*, and (3) *Dominant pattern*

⁷ *Ibid*, Sec. 55-572 (b) *Block length*

Recommendation:

- The City should provide more specific standards and enhanced tools for the redevelopment of large parcels as TOD districts. To promote walkability and encourage fine-grained development, there should be requirements for an interconnected street network, with a maximum block size, a range of street types and public spaces, and provisions for the use of alleys, pedestrian pathways, and other features to increase connectivity. These parcels should also be permitted, if not encouraged, to develop a master plan and rezone to different TOD levels of intensity within the original redevelopment parcel (particularly as this would improve the ability to transition the scale to adjacent/abutting parcels).

Benefit of Suggested Improvements:

Improving the standards for large-scale redevelopment in the new TOD districts would increase the likelihood that new neighborhoods would be both pedestrian-scaled and transit-supportive.

Code Topic:

8. Stop requiring oversized parking lots in Omaha

Current Code Provisions in Omaha:

Omaha's zoning ordinance contains very precise minimum parking requirements for most new development and redevelopment. A fixed number of parking spaces must be provided on the same site.

An excerpt of Omaha's off-street parking schedule for residential development is shown here:¹

Table 55-734. Off-Street Parking Requirements	
Use Types	Minimum Off-Street Parking Requirements
Residential use types:	
Single-family residential	2 spaces per dwelling unit
Duplex residential	1.5 spaces per dwelling unit
Two-family residential	1.5 spaces per dwelling unit
Townhouse residential	2 spaces per dwelling unit
Multiple-family residential:	
Efficiency	1 space per dwelling unit
One bedroom	1.5 spaces per dwelling unit
Two bedrooms and over	2 spaces per dwelling unit

Suggested Improvements:

At least in theory, parking requirements in zoning codes are based on observations of typical parking demands for various uses of land. The most common source of such data at the national level is the "Parking Generation Manual" from the Institute of Transportation Engineers (ITE). These sources invariably report that multifamily requires fewer parking spaces per dwelling unit than single-family. Omaha should lower the multi-family parking requirement to be considerably lower than for single-family, even for multifamily units with two or more bedrooms.

Other minimum parking requirements in Omaha are based on nearly microscopic distinctions between many types of businesses, for instance between service stations, auto repair services, and body/fender repair services. Yet there are only a few distinctions that are based on where a business or residence is located:

- Within the CBD (central business district) and within a NBD (neighborhood business district), no off-street parking is required.
- Within TOD (transit oriented development districts): only half the parking in Table 55-734 is required in TOD-2, TOD-3, and TOD-4, and no parking is required in TOD-1. However, to date, only three parcels have been zoned into a TOD district.

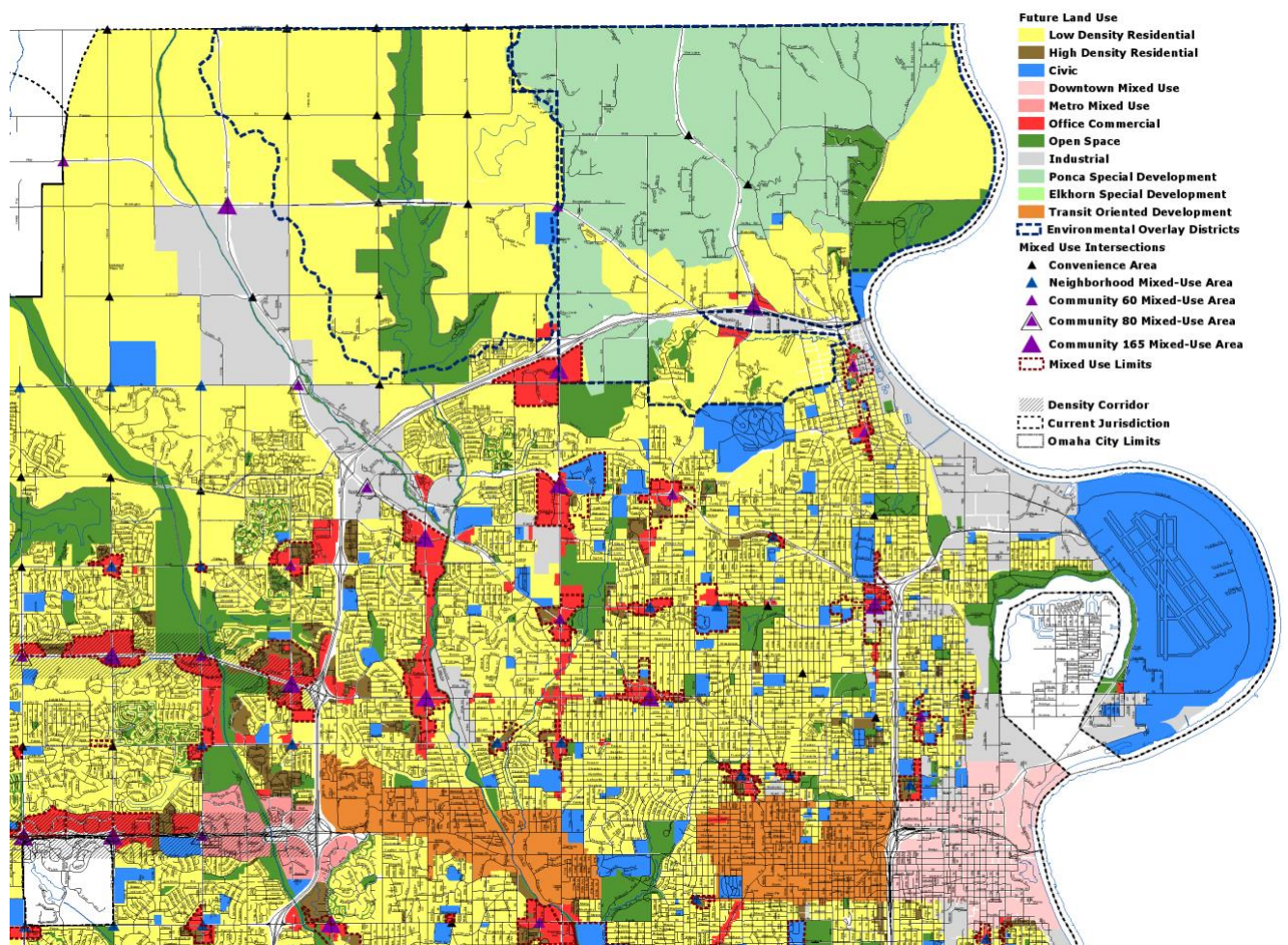
¹ Table 55-734, *Off-Street Parking Requirements, Omaha Zoning Ordinance*

An essential distinction should be added to the parking requirements in Table 55-734: the distinction between car-dependent suburban areas where most trips require the use of a vehicle, and in-town neighborhoods where destinations such as shopping, services, and parks are much closer and where sidewalks and public transportation make walking and bicycling more practical.

Ideally these neighborhoods would be delineated on a separate map in Omaha's zoning ordinance or Master Plan, which would define an established central area within perhaps five miles of downtown. Within this central area, the minimum parking requirements in Table 55-734 would be reduced by a fixed percentage, if not eliminated entirely.

Other methods could be used on an interim basis, such as relying on existing "urban design overlays" such as ACI (Areas of Civic Importance) and NCE (Neighborhood Conservation/Enhancement), and/or using multifamily zoning districts.

Another interim method might be to use existing designations on the Future Land Use Map in Omaha's Master Plan, such as Transit Oriented Development (shown in orange on the map excerpt below).²



² Future Land Use Map, Map 1 in the Future Land Use Element, Omaha Master Plan, page 67

Benefit of Suggested Improvements:

In recent years, municipalities across the country have begun accepting that parking minimums have been a poor planning tool, both in accurately predicting parking demand and successfully producing great places. In most cases, lenders and tenants will demand a minimum number of parking spaces, which will be provided regardless of municipal regulations. Municipalities should focus much more on where that parking is located (and how it is designed), than on how much parking should be required. Within in-town neighborhoods, minimum parking requirements can be eliminated entirely, or at a minimum, reduced substantially.

The effects of excessive parking requirements on housing affordability are often underestimated. Especially in areas that have public transportation and are walkable to school, jobs, and other daily needs, the cost of each unneeded parking space inflates the cost of housing. (The cost of each parking space has been estimated at up to \$10,000.) Because parking is folded into the rental or sales price, households without cars (or with one car rather than two) are forced to pay for parking that they do not need and do not use. In addition, overly high parking requirements can block new housing options that fit seamlessly into existing neighborhoods, such as accessory dwellings, small infill buildings, and conversions of large houses into more than one residence.

Two excellent resources on parking are the recent book *Parking and the City*, edited by Donald Shoup and published by the American Planning Association, and *Parking Spaces/Community Places* by the U.S. EPA, available at: <https://www.epa.gov/smartgrowth/parking-spacescommunity-places>.

Another resource is a recent look at the actual effects after the City of Buffalo (NY) stopped requiring development projects to provide a fixed number of parking spaces. A summary is available at the first link; the full study can be accessed from the second link:

<https://theconversation.com/parking-reform-could-reenergize-downtowns-heres-what-happened-when-buffalo-changed-its-zoning-rules-159683>

[*Minus Minimums - Development Response to the Removal of Minimum Parking Requirements in Buffalo \(NY\).*](#)

https://www.researchgate.net/publication/315954507_Repealing_minimum_parking_requirements_in_Buffalo_new_directions_for_land_use_and_development

Code Topic:

9. Provide more flexible access to Omaha's zoning map

Current Code Provisions in Omaha:

The current Omaha code adopts an official zoning map to show the boundaries of all zoning districts:

“Boundaries of the zoning districts established by this chapter shall be shown on a map portfolio on file in the planning department. This map portfolio, known as the Zoning Map of the City of Omaha, Nebraska, together with all legends, references, symbols, boundaries and other information thereon, shall be adopted as a part of and concurrent with this chapter.”¹

In practice, the public does not need to consult the “map portfolio” on file at Omaha’s planning department to determine the zoning district for any piece of land. Omaha’s Zoning Map is available to the public electronically through the Douglas-Omaha geographic information services (DOGIS), accessible through a web browser.²

Suggested Improvements:

Omaha’s electronic zoning map is a sophisticated tool that allows users to view zoning districts along with a variety of related information, such as parcel boundaries, subdivisions, floodplains, streets, aerial photography, topographic contours, etc.

The electronic zoning map also identifies parcels in Omaha’s “overlay districts,” which are separate districts that apply to some land in addition to each parcel’s “base” zoning district. Overlay districts are denoted on the map only for individual parcels, through a suffix after an acronym for the base zoning district (e.g., “R7-MCC” on the map means a parcel has R7 zoning and is also in a Major Commercial Corridor overlay).

An important enhancement to this electronic map would allow the public to identify all land in a particular zoning district, and all land with a particular overlay, without the cacophony of other information shown on the zoning map. This enhancement would be valuable for various purposes, including:

- The public could begin to understand, on a neighborhood or city-wide scale, how the Omaha zoning code works in practice. For instance, all land that has been assigned to a particular zoning district could be easily identified without having to study the zoning labels on parcels across the entire city. There is no easy way to do this at present.
- This enhancement would also allow the public to begin understanding Omaha’s complex system of overlay districts. For instance, the Omaha code identifies overlays districts for four types of “areas of civic importance” and for “major commercial corridors” (along with many others). However, without being able to easily see what land has been assigned to each of these overlays, their effect on the future of Omaha is impossible to assess.

¹ Section 55-65(a) – Zoning Map, Adoption, in Chapter 55 of Omaha’s Zoning Ordinance

² <https://www.dogis.org/Html5Viewer/?viewer=dogis>

- Because certain uses of land are allowed only in a small number of zoning districts, a person interested in operating a particular business would benefit by being able to determine what land has already been zoned into one of those districts. This would be particularly important for a local developer wishing to construct Missing Middle housing (or any other type of housing) that is limited to certain areas in the city.

Sophisticated GIS users can conduct these types of analyses today by downloading the full GIS dataset and querying it using their own software.³ City staffers may be able to do the same because they have better access to the online GIS data than the general public.

Omaha's zoning code (chapter 55 of the Omaha Municipal Code) is itself available online, with hyperlinks that allow a user to quickly access relevant information.⁴ Yet the zoning map, perhaps the most critical part of any zoning code, cannot be accessed by the public in a similar manner (for instance by clicking a link in the code for a particular zoning district or overlay district and being taken to a map that shows where that district has been applied).

Benefit of Suggested Improvements:

The zoning map is one of the most critical components of any zoning code. Without full and flexible access to the zoning map, it is impossible for anyone to ascertain the overall zoning pattern, or to evaluate how certain regulations are being applied, whether analyzing a single neighborhood or all of Omaha.

Examples from Other Communities:

There are no authoritative sources on how cities should present their zoning maps to the public; cities, towns, and counties are essentially on their own. This is unfortunate because zoning maps are of such tremendous importance to private property rights and to the future of our communities.

On-line GIS provides high-tech opportunities to easily present the latest zoning map to anyone with a web browser. Yet in some ways this makes the situation even more difficult, with each city now expected to provide complex up-to-the-minute zoning maps on-line, in addition to providing conventional zoning maps on paper (or as downloadable PDF files).

Several examples are provided here to show different approaches to distributing complex zoning maps in useful formats.

FOR ON-LINE GIS ZONING MAPS:

- Omaha, unlike most other communities, does present all their overlay districts in addition to their base zoning districts on their interactive GIS zoning map. This is quite an accomplishment; what's missing is some way for users to find everywhere that any particular overlay district has been applied -- without studying the detailed map labels for every parcel in the city. Fixing this isn't simple, because the Omaha GIS doesn't digitally store the polygons for each overlay in the same manner as it stores the polygons for base zoning districts. Omaha's GIS specialists would have to create those polygons and then find an intuitive way to let users select just the polygons for any particular overlay that interests them. The Omaha zoning map

³ <https://gis-dougco.opendata.arcgis.com/>

⁴ https://library.municode.com/ne/omaha/codes/code_of_ordinances?nodeId=OMMUCOCHGEORVOII_CH55ZO

would then use the exact same system to let users show just the polygons for particular base zoning districts -- preferably at the same time as selected overlay districts.

FOR CONVENTIONAL (PRINTED OR PRINTABLE) ZONING MAPS:

- Relatively few communities show their overlay districts on paper copies of their official zoning map, which is very unfortunate. In addition, in recent years, many communities (including Omaha) seem to have stopped providing paper zoning maps altogether, which puts non-technical users at a tremendous disadvantage in understanding how zoning affects their property or their community.
- Technically, showing overlay districts on printed maps is easy. A simple example is a zoning wall map for a small Florida town that shows base zoning districts in solid colors, then shows their overlays ("Platted Overlay" and "Wetlands") with patterns. (Certain parcels on this map also have codes that direct users to the zoning history on that parcel, for instance past variances and rezonings.) In the days before color maps were practical, this much information wouldn't have been legible on a single map, but it became easy about twenty years ago:
<http://www.spikowski.com/documents-Miscellaneous/FortMyersBeachFL-OfficialZoningMap-wallsize.pdf>
- A current example is from Florida's Collier County, which provides downloadable maps for half-square-mile areas that show base zoning districts (outlined and labeled) and certain overlays (with labels on each parcel), using red ink on a black base map. These maps are created in CAD and downloadable as individual PDF files; unfortunately, this distribution format makes it nearly impossible to search for any particular zoning district or overlay across a broad area:
<http://www.spikowski.com/documents-Miscellaneous/CollierCountyFL-ZoningMap-8505n.pdf>
- Another current example is from Louisville & Jefferson County in Kentucky. Their main zoning map is on-line, fairly similar to Omaha's; but Louisville also provides some PDF maps that can be printed out with a large-format printer. For instance, this wall map shows Louisville's base zoning districts, and (only) five of their many overlay districts:
<http://www.spikowski.com/documents-Miscellaneous/LouisvilleKY-ZoningMap4x3.pdf>
- As can be seen in the Louisville map, for most cities a single wall map becomes quite huge, and impractically so if it tries to legibly show every parcel. One way to handle this situation is to "cut up" the single huge map into a "map book" with individual pages, allowing users to focus on whatever part of the city interests them, and then print the map for just that area using a standard desktop printer. Appendix A of the following report shows how map books work; here it's called a "Map Atlas" (and it doesn't show individual parcels because this map covers an entire very large county, which includes a city twice the size of Omaha):
https://www.spikowski.com/documents-ElPaso/ElPasoThoroughfarePlan_DRAFT-12-11-2012_lowres.pdf