

ARTICLE 22
GENERAL PROVISIONS, LEGISLATIVE PROVISIONS, PENALTY

22.001. Interpretation, Purpose and conflict. In interpreting and applying the provisions of this resolution, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this resolution to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this resolution imposes a greater restriction, this resolution shall control.

22.003. Amendments. The County Board may from time to time on its own motion or on petition, amend, supplement, change, modify or repeal by resolution the boundaries of districts of regulations, or restrictions herein established.

a) Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Lincoln-Lancaster County Planning Commission for its recommendations and report. The Planning Commission's report shall contain the findings of the Commission regarding the effect of the proposed amendment, supplement, change, modification or repeal upon adjacent property and upon the comprehensive zoning plan of the County of Lancaster.

b) After the recommendations and report of the Commission has been filed, the County Board shall, before enacting any proposed amendment, supplement, change, modification or repeal, hold a public hearing in relation thereto, giving notice of the time and place of such hearing. In the event the proposed amendment or change is denied by the County board, no new request shall be made for the same of a substantially similar amendment or change within one (1) year of said denial thereof.

c) In case of

1) a protest against such proposed amendment, supplement, change, modification or repeal, signed by the owners of twenty percent (20%) or more either of the area

i) of the lots included in such proposed change, or

ii) of those immediately adjacent in the rear thereof extending one hundred feet (100') therefrom, or

iii) to those directly opposite thereto extending one hundred feet (100') from the street frontage of such opposite lots; and

2) such amendment shall not become effective except by the favorable vote of two-thirds majority of the County Board.

d) The applicant may withdraw a request for an amendment at any time before notice of the public hearing before the County Board is given by publication in a daily newspaper having a general circulation in the City of Lincoln and Lancaster County. After such notice of public hearing has been given, the application may only be withdrawn with the approval of the County Board. (Resolution No. R-13-0043, July 30, 2013; Resolution No. 4842, February 11, 1992; Resolution R-07-0016, March 13, 2007)

22.005. Notice of Hearing. Hearing required under articles 13, 19 and 22 of this resolution shall not be held until further notice thereof has been given in compliance with the following provisions:

a) A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be of a size and type approved by the County Board. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least eight (8) consecutive days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such posted notice prior to such hearing. (Resolution No. 5375, September 19, 1996)

b) At least eight (8) days before the date of the hearing, the Planning Director, on behalf of the County Board, shall have published one time in a daily newspaper having a general circulation in the City of Lincoln and Lancaster, a notice of the time, place and subject of such hearing. Notice of the time and place of such hearing shall also be given in writing to the Chair of the municipal, county or joint planning commission, which has jurisdiction over land within three miles of the property affected by such action. In the absence of a planning commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action. (Resolution No. R-13-0043, July 30, 2013; Resolution No. 5337, June 11, 1996)

c) It shall not be necessary to give further notice of adjourned or continued meetings.

d) When a proposed amendment will affect the zoning or use of specific property, a notice describing the Planning Commission's public hearing shall be mailed at least ten (10) working days prior to the Planning Commission's public hearing to the owner or owners of the affected property and to the following:

- 1) AG District: to all owners of property within one (1) mile of the boundaries of said tract or,
- 2) All other districts: to all owners of property within one-half (1/2) mile of the boundaries of said tract.

Such notice is not mandatory or required as a condition precedent to any such hearing. (Resolution No. 4431, November 15, 1988; Resolution R-07-0016, March 13, 2007)

22.007. Enforcement. It shall be the duty of the Director of the Building and Safety Department to enforce this resolution.

22.009. Violation and Penalty. If any person shall violate any provisions of this resolution, such person shall be punished upon conviction as provided by the Statutes of the State of Nebraska.

22.011. Validity. Each Section and each subdivision of a section is hereby declared to be independent of every other section or subdivision of a section, so far as inducement for passage of this resolution is concerned, and the invalidity of any section or subdivision of a section of this resolution shall not invalidate any other section or subdivision of a section thereof.

22.013. Conflicting Resolutions Repealed. All zoning resolutions and parts of zoning resolutions heretofore adopted are hereby repealed.

22.015. Purpose of Catch Heads. The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index, and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this resolution.

22.017. Effective Date. This resolution shall be in full force and effect upon its due passage and publication, as required by law.

22.019. Expiration of Applications. All existing applications which have been placed on pending by an applicant shall automatically expire and become null and void one (1) year after the approval date of this text amendment (County Change of Zone No. 06070). All applications which have been placed on pending by an applicant after the approval date of this text amendment (County Change of Zone No. 06070) shall automatically expire and become null and void one (1) year thereafter. At least thirty (30) days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the matter shall automatically terminate unless prior to the expiration date, the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or County Board agenda as appropriate. (Resolution R-07-0016, March 13, 2007)