



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
Text Amendment #25007

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
June 11, 2025

RELATED APPLICATIONS
Text Amendment #25008 (City
Subdivision Text Amendment)

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

The proposed application includes amendments to both the County Subdivision and Zoning Regulations. The proposed amendment to the County Subdivision Regulations is to amend Section 3.12 Filing of a Final Plat to allow the Planning Director to grant a six-month extension of a Final Plat for certain circumstances. The proposed amendments to the Zoning Regulations include amending Article 2, Definitions to add a definition for average lot width and Article 15, Additional Use Regulations to exclude certain uses which are not customary home occupations.

JUSTIFICATION FOR RECOMMENDATION

The proposed subdivision text amendment is justified because it addresses an increasing trend of final plat expirations due to other circumstances besides review of the Final Plat drawing. The proposed zoning amendments add clarity for definition for a commonly used lot requirement of average lot width and clarity for uses which are not customary home occupations.

STAFF CONTACT

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COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed text amendments are compatible with the Comprehensive Plan as they add flexibility and clarity to the subdivision and zoning regulations.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Policies Section

P12: Economic Growth - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

Action Steps

6. Explore additional opportunities for streamlining the zoning and building permitting processes.

ANALYSIS

1. The proposed text amendments include amendments to both the County Subdivision and Zoning Regulations. The amendment to the County Subdivision Regulations is to amend Section 3.12 Filing of a Final Plat. This is to allow the Planning Director to authorize a one-time, six-month extension of a Final Plat beyond the 1-year expiration for instances involving lienholder, governmental approval or release of easement. The amendments to the County

Zoning Regulations include amending Article 2, 2.013 L, adding a definition for average lot width and amending Article 15 Additional Use Regulations, 15.001 Home Occupations to exclude certain uses including welding, vehicle body repair, mechanical repair, or rebuilding or dismantling of vehicles or animal slaughter.

2. The amendment to the Subdivision Regulations is to allow the Planning Director to authorize six months of additional time before subdivision plat expiration for certain circumstances which do not involve review of the final plat drawing. Recently there have been final plats that have expired because of lienholders taking many months to review and approve for their signature of authorization. The proposed language would give the Planning Director the authority to grant a one-time extension of six months in instances involving lienholders, other governmental approvals or easement releases. Other governmental approvals could include waiting on FEMA (Federal Emergency Management Agency) to approve a LOMR (Letter of Map Revision) if there is floodplain, which can take multiple months or up to a year. Another governmental approval example would be private road approval by the County if the Final Plat expiration happens to be during the winter months when the developer cannot as easily complete the private road. Easement releases often require multiple utilities, public and private, to sign off which can take several weeks or months depending on how quickly the different utilities respond.
3. The proposed amendment to the Zoning Regulations is to add a definition of average lot width, similar to the City of Lincoln definition. Currently no definition exists in the County zoning. The County Zoning Regulations, Height and Area Regulations reference average lot width in addition to other lot requirements. The practice for interpretation of this requirement has been the same as used for the City of Lincoln. The average lot width is determined by taking the total lot area and dividing it by the distance from the front property line (right of way line) to the furthest rear lot line. The purpose of the average lot width requirement is to avoid lots which have very narrow widths and to maintain general consistency with the lot frontage width at the front property line.
4. The proposed amendment to the Zoning Regulations is to exclude certain uses from home occupations. This includes welding, vehicle body repair, mechanical repair or rebuilding or dismantling of vehicles or animal slaughter. This is similar to the City of Lincoln zoning on home occupations in most respects other than the animal slaughter. The premise for this proposed text amendment is that these types of uses are not customary home occupations. In Lancaster County, there is an additional option for a Special Permit for Expanded Home Occupations where it may still be possible to have these uses which would be excluded from the standard Home Occupations.
5. TX25008 is the related City version of the proposed amendment to the Subdivision Regulations which has the same text language allowing the Planning Director to grant a six-month expiration of the 1-year final plat expiration time.
6. The proposed text amendments are consistent with the Comprehensive Plan, including adding flexibility for subdivisions and clarity for zoning definition and uses.

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<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/25000/TX25007 County Text Amendments.gjw.docx>

LANCASTER COUNTY SUBDIVISION RESOLUTION

OUTLINE OF CHAPTERS AND SECTIONS IN THE UPDATE OF THE LANCASTER COUNTY SUBDIVISION RESOLUTION

CHAPTER 3 PROCEDURE

Sec. 3.12. FILING FINAL PLAT

- a. If the preliminary plat is still in effect as set out in Section 3.09, a final plat in accordance with the approved preliminary plat may be filed. The final plat shall be drawn in accordance with an accurate survey of the subdivision, the approved preliminary plat, and the design standards set out in CHAPTER 4 herein. The subdivider shall file with the Planning Department the final plat and in addition thereto the number of copies required by the Planning Director, together with the following documents:
 - a. Prior to the approval of the final plat by the Planning Director, the subdivider shall provide a statement from the County Treasurer's Office showing that, according to their records, there are no liens of taxes against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the County Treasurer's Office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. The County shall assume no responsibility for any tax or special assessment liability on the property to be subdivided, and approval of said final plat shall not be construed as either approval of or act as a waiver of the enforcement of all applicable statutes and resolutions with regard to the collection of taxes and special assessments on the proposed subdivided property or any part thereof. All taxes and special assessments must be paid in full on all real property dedicated in fee to a public use. (November 8, 2005, Resolution No. R-05-0142; Resolution #4852, March 31, 1992.)
 - b. In the event of any proposed dedication for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the County showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form acceptable to the County Attorney. Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be made only upon the prompt notification and certification to the Planning Director of said changes in ownership. The County shall assume no responsibility for any title problem with said proposed subdivision or any part thereof, and approval of said final plat shall not be construed as approval of the title of the proposed subdivision or any part thereof. *
 - c. No final plat shall be approved unless or until it complies with the zoning resolution of the County.
- b. If the time period between the effective date of the approved preliminary plat and the date the final plat is submitted exceeds five (5) years and the required improvements have not been installed, the subdivider may, prior to preparing the final plat, request a written opinion from the Planning Director as to whether the conditions of approval and the approved preliminary plat are still in compliance with the subdivision resolution, design standards, and required improvements. The Planning Director shall submit to the subdivider a written response indicating whether the conditions of approval and the approved preliminary plat are still in compliance with the current subdivision resolution, design

standards, and required improvements. If the preliminary plat is not in compliance, the Planning Director shall list the items of noncompliance and may require that a new preliminary plat be submitted by the subdivider pursuant to all of the provisions of the Subdivision Resolution.

- c. The Planning Director may authorize a one time six month extension for a final plat when an applicant is waiting for lien holder signatures, government approval or release of easement.
- d. A subdivider may file a final plat without an approved preliminary plat and the Planning Director or his/her authorized representative may approve such a final plat under the following conditions:
 - a. No highway, road or street is accepted or needed within the area of the new lots. (Resolution #4852, March 31, 1992)
 - b. No more than four (4) lots shall be created from any lot, tract or parcel of land. If the remaining outlot of any one parcel of land is ten (10) acres or less, it shall be considered one of the four (4) lots.
 - c. Necessary easements for drainage, utilities and any other improvement required by this resolution shall be granted.
 - d. All improvements required by this resolution shall be completed before the Planning Director approves the subdivision except individual water well systems and individual wastewater systems.
 - e. The subdivider shall submit such information as set forth in this resolution when specified by the Planning Director.
 - f. The subdivision shall be in accordance with the Comprehensive Plan.
 - g. The subdivision shall comply with the Design Standards, [CHAPTER 4](#), Minimum Improvements, [CHAPTER 5](#), and Subdivision with Flood Plain, [CHAPTER 6](#), in this resolution.
 - h. Where an individual water well system for each lot or a community water system is proposed, water quality and quantity tests, results and reports as required in Chapter 7 shall be submitted by the subdivider.
 - i. Where individual water or wastewater systems are proposed to serve any of the proposed lots, the Health Department must approve the system, and all plans and information required by the Health Department shall be provided by the subdivider.
 - j. Prior to the approval of the subdivision, the subdivider shall provide a statement from the County Treasurer's Office showing there are no liens of taxes against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the County Treasurer's Office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated for public use.
- k. In the event of any proposed dedication for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the County showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form acceptable to the County Attorney. Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be made only upon the prompt notification and certification to the Planning Director of said change in ownership. The County shall assume no responsibility for any title problem with said proposed subdivision or any part there, and approval of said subdivision shall not be construed as approval of the title of the proposed subdivision or any part thereof (Resolution [R-12-0059](#), July 24, 2012)

COUNTY ZONING REGULATIONS

ARTICLE 2 DEFINITIONS

2.013. L.

Average Lot Width Average lot width shall mean the width determined by dividing the total lot area by the depth of the lot from the right-of-way line to the furthest rear lot line. If the rear lot line and right-of-way line are not parallel, an average depth dimension shall be used.

ARTICLE 15 ADDITIONAL USE REGULATIONS

15.001. Home Occupations

A home occupation may be carried on within a dwelling unit or accessory building under the following conditions:

- a. There is no sign other than one non-animated, non-illuminated, non-reflecting nameplate not more than two (2) square feet in area, which name plate designates the home occupation carried on within, in letters not to exceed two (2) inches in height and attached to the building wherein the home occupation is conducted;
- b. There is no commodity sold upon the premises except that which is grown, manufactured, ~~or~~ processed ~~or treated~~ on the premises in connection with such occupation or activity or which is sold in relation and incidental to such occupation or activity; Welding, vehicle body repair, mechanical repair, or rebuilding or dismantling of vehicles or animal slaughter are not permitted as a home occupation.
- c. Except for a Family, no more than one (1) person may participate in the home occupation on the premises; For purposes of Section 15.001, participation shall exclude deliveries;
- d. Any activities carried on outdoors in the "R" Residential District in connection with the home occupation is screened from view of a public street or adjacent property and there is no outdoor storage of any equipment, machinery, parts, or other articles of any nature used in connection with such home occupation;
- e. There are no materials or equipment used which will cause noise, vibration, or odors, electrical interference, smoke or particulate matter in excess of the ordinary and usual conditions in the general area;
- f. No more than twenty (20) percent of the total floor area of all buildings on the premises is utilized in conducting such home occupation.

(Resolution No. R-09-0076, September 29, 2009; Resolution No. R-17-0040, May 30, 2017)