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**REVISED
ZONING
REGULATIONS**

**lancaster county
nebraska**

**approved
september 3, 1968
resolution 2391
amended to
october 1, 1975**

amended to sept. 77.

REVISED ZONING REGULATIONS

LANCASTER COUNTY, NEBRASKA

A RESOLUTION TO PROMOTE, IN ACCORDANCE WITH PRESENT AND FUTURE NEEDS, THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE CITIZENS OF THE PRESCRIBED UNINCORPORATED PORTIONS OF LANCASTER COUNTY, NEBRASKA, AND TO SECURE SAFETY FROM FIRE, FLOOD AND OTHER DANGERS: TO CONSERVE THE VALUE OF PROPERTY, TO ENCOURAGE THE MOST APPROPRIATE USE OF LAND. TO REGULATE AND RESTRICT THE LOCATION, HEIGHT, BULK AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF A LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, BUSINESS, RESIDENCE, AND OTHER PURPOSES: TO SAFEGUARD ADEQUATE PROVISION FOR WATER, SEWERAGE, SCHOOLS, PARKS AND OTHER PUBLIC FACILITIES, ALL IN ACCORDANCE WITH A COMPREHENSIVE PLAN: AND PROVIDING FOR A BOARD OF ZONING APPEALS AND FOR ENFORCEMENT OF THIS RESOLUTION.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA:

ARTICLE 1

PURPOSE AND TITLE

Section 101. Purpose. This resolution has been made in accordance with a Comprehensive Plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations have been made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for encouraging the most appropriate use of land throughout prescribed unincorporated portions of Lancaster County, Nebraska.

Section 102. Title. This resolution shall be known, referred to, and recited as the 1968 Revised Zoning Resolution of Lancaster County.

ARTICLE 11

DEFINITIONS

Section 201: For the purpose of this resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure", and the word "shall" is mandatory and not directory.

Section 202. Accessory Buildings and Uses: A subordinate use which is incidental to that of the main building or to the main use of the premises.

Section 203. Alley: A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

Section 204. Apartment: A room or suite of rooms in a multiple dwelling, or where more than one dwelling unit is established above non-residential uses, intended or designed for use as a residence by a single family including culinary accommodations.

Section 205. Apartment House: See Dwelling, Multiple

Section 206. Basement: A story having part but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

Section 207. Boarding House: A building other than a hotel, or a motel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals. are provided for three (3) or more persons, but not exceeding twenty (20) persons, including nursing homes with less than twenty-one (21) patients, and tourist homes accommodating not more than twenty (20) persons.

Section 208. Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property. Poles used for the support of wires and appurtenant equipment for supplying public utility services shall not be considered as buildings or structures under this resolution.

Section 209. Buildings, Height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip and gambrel roofs.

Section 210. Cellar: A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for purpose of height measurement.

Section 211. Clinic: A clinic is an establishment where patients are admitted for special study and treatment by a group of physicians practicing medicine together.

Section 212. District: A section or sections of Lancaster County for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Section 213. Dwelling: Any building or portion thereof which is designed and used exclusively for residential purposes.

Section 214. Dwelling, Single-Family: A building having accommodations for and occupied exclusively by one (1) family.

Section 215. Dwelling, Two-Family: A building having accommodations for and occupied exclusively by two (2) families.

Section 216. Dwelling, Multiple: A building having accommodations for and occupied exclusively by more than two (2) families.

Section 217. Dwelling Unit: One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

Section 218. Family: One or more persons related by blood, marriage, or adoption occupying a dwelling unit as an individual housekeeping organization. A family may include two but not more than two, persons not related by blood, marriage or adoption.

Section 219. Farm: An area which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, and their storage on the area, as well as the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the product; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

Section 220. Farmstead: An area of twenty (20) acres or more in which is located at least one dwelling unit and on which farm products of a value of one thousand dollars (\$1,000.00) or more are raised each year.

Section 221. Floor Area: The total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

Section 222. Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Section 223. Garage, Private: An accessory building designed or used for the storage of not more than four (4) vehicles owned and used by the occupants of the building to which it is accessory.

Section 224. Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing vehicles.

Section 225. Garage, Storage: A building or portion thereof designed and used exclusively for housing more than four (4) vehicles.

Section 226. Grade:

(a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

(c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street and where no sidewalks exists the sidewalk grade shall be established by the County Engineer.

Section 227. Home Occupation: Any occupation or activity carried on by a member of the family residing on the premises, in connection with which (1) there is used no sign other than a non-lighted and non-reflecting name plate not more than two square feet in area, which name plate may designate the home occupation carried on within, in letters not to exceed two inches in height, and which name plate must be clearly visible at the entrance to the premises where said home occupation is carried on and must be attached to the building wherein the home occupation is conducted; (2) there is no commodity sold upon the premises, except that which is prepared on the premises in connection with such occupation or activity; (3) there is no person employed other than a member of the family residing on the premises; and (4) there is no mechanical equipment used except of a type that is similar in character to that customarily found in the home.

Section 228. Hotel: A dwelling not consisting of dwelling units and occupied by more than twenty (20) persons all of whom may reach their living accommodations by passing through one central lobby.

Section 229. Institutions: A non-profit corporation or a non-profit establishment for public use.

Section 230. Lodging House: A building or place where lodging is provided (or which is equipped to provide lodging regularly) by prearrangement for definite periods, for compensation, for three (3) or more persons in contradistinction to hotels open to transients.

Section 231. Lot, buildable: (1) a parcel of land occupied or intended for occupancy by a use permitted in this resolution, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this resolution, and fronting upon a street, as herein defined, except for lots recorded in the Register of Deeds Office prior to the adoption of this resolution, which need not front on a public

street. (2) A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Lancaster County at the time of the adoption of this resolution, provided that said lot has a frontage of not less than forty (40) feet; or an irregular tract lot described by a deed recorded in the Register of Deeds of Lancaster County at the time of passage of this resolution; provided that if a lot has less width or area as required by this resolution; and if the ownership of this lot is or has been common with any contiguous land, the lot is not a buildable lot.

Section 232. Lot, corner: A lot abutting upon two (2) or more streets at their intersection.

Section 233. Lot, depth of: The average horizontal distance between the front and rear lot lines.

Section 234. Lot, double frontage: A lot having a frontage on two (2) streets as distinguished from a corner lot.

Section 235. Mobile Home Court: Any mobile home court, camp, court, site, lot, parcel, or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for mobile homes and upon which mobile homes are parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the mobile home court and its facilities or not. "Mobile Home Court" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

Section 236. Motel: A dwelling not consisting of dwelling units and occupied by more than twenty (20) persons, in which there is no central lobby to reach individual living accommodations.

Section 237. Non-Conforming Use: Any building or land lawfully occupied by a use at the time of passage of this resolution or amendment thereto, which does not conform after the passage of this resolution or amendment thereto with the use regulations of the district in which it is situated.

Section 238. Parking Space: An area, enclosed or unenclosed sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Section 239. Place: An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

Section 240. Rooming House: See Lodging House.

Section 241. Service Station: Any building or premises where automotive fuels are stored underground and made available for sale and dispensing through fixed equipment into fuel supply tanks or motor vehicles and where automotive lubricants, supplies and accessories and related services to motorists may or may not be available except that if the sale and dispensing of automotive fuels is incident to the conduct of a public garage, the premises are classified as a public garage.

Section 242. Signs: Any outdoor advertising having a permanent location on the ground or attached to or painted on a building including bulletin boards, bill boards and poster boards. A banjo sign is a sign having a total area of not more than fifty (50) square feet on one side, the advertising content of which is not closer than ten (10) feet to the surface of the ground.

Section 243. Sign Area: That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the

sign background, whether it be columns, a pylon or a building or part thereof, shall not be included in the sign area.

Section 244. Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Section 245. Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than sixty (60) percent of the floor area is finished off for use.

Section 246. Highway, Street, or Road: All property acquired or dedicated to the public and accepted by the appropriate governmental agency for highway, street or road purposes. Property that has been commonly used or dedicated to be used for highway, street or road purposes prior to the adoption of this resolution shall be considered a highway, street or road.

Section 247. Highway, Street or Road Centerline: A line midway between highway, street or road lines.

Section 248. Highway, Street or Road Line: A dividing line between a lot, tract or parcel of land and a contiguous highway, street or road. The location of a highway, street or road line shall be as shown on the County Engineer's Sectional Plats.

Section 249. Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, and pergolas, provided the foregoing shall not apply to gasoline pumps and gasoline pump islands in the "C" Commercial and "H-S" Highway Service districts which shall be located not less than twelve (12) feet from the nearest property line.

Section 250. Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls.

Section 251. Tourist Home: A building in which not to exceed twenty (20) rooms are rented to transients.

Section 252. Trailer: A vehicle, without motive power, designed for living quarters and for being drawn by a motor vehicle.

Section 253. Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as permitted in Section 1105: In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard the minimum horizontal distance between the lot line and the main building shall be used.

Section 254. Yard, Front: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of the usual steps, unenclosed balconies, or open porch.

Section 255. Yard, Rear: A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed porches, or unenclosed balconies. On corner lots the rear yard may be to the rear of either street, provided that the minimum rear yard depth requirement shall be calculated on the longest average lot dimension. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Section 256. Yard, Side: A yard between the main building and the side line of the lot being the minimum horizontal distance between the building and the side yard line, and extending from the front lot line to the rear yard line.

ARTICLE III

DISTRICTS AND BOUNDARIES THEREOF

Section 301. In order to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the location and use of buildings, structures, and land for trade, industry, residence, and size of the yards, courts, and other open spaces, the density of population, and or other purposes, the unincorporated portions of the county are hereby divided into districts, of which there shall be five (5) in number known as:

"AA"	Rural and Public Use District
"A"	Residential District
"C"	Commercial
"H-S"	Highway Service District
"I"	Industrial District

Section 302. The boundaries of the districts are shown upon the maps which are attached hereto and made a part of this resolution, which maps are designated as the District Maps for the Unincorporated Portions of Lancaster County. That part of the maps designating the different districts and their boundaries and that part of the legend designating the letter symbol for each district are a part of this resolution and have the same force and effect as if the district maps and that part of the legend referred to above were all fully set forth herein. Other notations and references are for information only.

Section 303. Interpretation of District Boundaries:

1. A district name or letter symbol shown on the district maps indicates that the regulations pertaining to the district designated by that name or letter symbol extend throughout the whole area in the unincorporated portions of the county bounded by the district boundary lines within which such name or letter symbol is shown or indicated, except as otherwise provided by this section.
2. Where uncertainty exists with respect to the boundaries of the various districts as shown on the maps accompanying and made a part of this resolution the following rules shall apply:
 - (a) In cases where a boundary line is given a position within a street or alley or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream, and if the actual location of such street, alley or stream varies slightly from the location as shown on the district map, then the actual location shall control.
 - (b) In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
 - (c) In cases where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated mainline track.
 - (d) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines and where the districts designated on the maps accompanying and made a part of this resolution

are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the maps or by resolution.

- (e) In unsubdivided property, unless otherwise indicated, the district boundary line on the maps accompanying and made a part of this resolution shall be determined by the use of the scale contained on such maps.

Section 304. All territory which may hereafter become a part of the unincorporated area of Lancaster County by the disincorporation of any village, town, or city, or for some other reason may fall within the zoning jurisdiction of Lancaster County, shall automatically be classified in the "AA" Rural and Public Use District until within a reasonable time following disincorporation, or acquisition of zoning jurisdiction, the territory shall be appropriately classified by resolution in accordance with Article XVI of this resolution.

Section 304A. Whenever any street, alley, county road, or other public way is vacated by official action of the Board of County Commissioners, the zoning district adjoining each side of such street, alley, County road, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Section 305. Three Mile Zone: The districts referred to in Article III shall apply to all unincorporated areas of the entire County except all of the area lying between the Corporate limits of any city of the Primary Class in the County of Lancaster and three miles distance therefrom and all of the area lying between the corporate limits of a village and one mile distant therefrom.

Section 306. Except as hereinafter provided:

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established for the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area and parking regulations of the district in which the building is located.
4. The minimum yards and other open spaces, including lot area per family, required by this resolution for each and every building at the time of passage of this resolution or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other buildings, nor shall any lot area be reduced beyond the district requirements of this resolution.
5. Every building hereafter erected or structurally altered shall be located on a buildable lot as herein defined and in no case shall there be more than one (1) main building on one (1) buildable lot except as otherwise provided herein in Articles X and XI.
6. Nothing contained in these regulations shall prevent the use of any land for farming or agricultural purposes, nor shall any construction or occupancy permit be required for any main or accessory building located on a farmstead and used for the usual farming purposes, provided, however, that the provisions of this section shall not prevent the enforcement of the front yard regulations.

7. No premises shall be used nor shall any building be erected, converted, enlarged, reconstructed or structurally altered, for a rifle or pistol range within eighteen hundred (1800) yards of the boundaries of a military, naval or air force base, including ammunition storage area.
8. All inhabited trailers, except those on a farmstead and used in connection with usual farming purposes, shall be located in a trailer court or in a private recreational area that has received a special permit as required by Article X hereof. No trailer outside of an approved trailer court shall be connected to utilities except those trailers being offered for sale by dealers or manufacturers and not inhabited. Any vehicle, with or without motive power, designed for living quarters, must comply with the provisions of this resolution relating to trailers.

ARTICLE IV

"AA" RURAL AND PUBLIC USE DISTRICT REGULATIONS

Section 401. The regulations set forth in this Article or set forth elsewhere in this resolution, when referred to in this Article, are the district regulations in the "AA" Rural and Public Use District.

Section 402. Use Regulations: A building or premises shall be used only for the following purposes:

1. Farming, truck gardening, orchards, and nurseries, including temporary stands for seasonal sale of products raised on the premises, provided that no livestock feed yard shall be hereinafter established within five hundred (500) feet of any "A" District Boundary.
- S.P.* 2. Lumbering, mining and extraction of minerals or raw materials.
- S.P.* 3. Manufacturing, processing, treating and storing of materials of minerals, which are extracted from any portion of the district.
4. Publicly owned or operated properties, other than overhead electric transmission lines.
5. Public parks, playgrounds, golf courses and recreational uses.
6. Railroad tracks and yards and similar railroad facilities.
7. Single-family dwellings.
8. Churches and other places of worship, Sunday School buildings and parish houses.
9. Dog breeding establishment and kennels, chinchilla farms, and stables and riding academies, provided that the above uses shall not create a public nuisance because of noise, odors or waste materials.
10. Public elementary and high schools, or private schools with a curriculum the same as ordinarily given in public elementary and high schools, and having no rooms regularly used for housing and sleeping rooms.
- cond. use* 11. Cemeteries, including mausoleums; provided that mausoleums shall be distant at least two hundred (200) feet from every street line and adjoining lot lines, and provided further that any new cemetery shall contain an area of twenty (20) acres or more.
- included in Public Use*
S.P. 12. Hospitals and institutions of an educational, religious, charitable, philanthropic nature; provided however, that such buildings shall

not be located upon sites containing an area of less than five (5) acres, may occupy not over ten percent (10%) of the total area of the lot, that the buildings shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height.

13. Accessory building and uses customarily incident to any of the above uses, including home occupations, bulletin boards and signs not exceeding sixty (60) square feet in area appertaining to the lease, hire, or sale of a building or premises or to any material that is mined, manufactured, grown or treated within the district; provided, however, that such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed or stored.

14. The following signs shall be allowed:

- (a) Traffic and official signs,
- (b) Signs pertaining to the sale or lease of property or to activities conducted on the property provided that these not exceed sixty (60) square feet in area, and
- (c) Signs with an area no greater than one square foot for each ten (10) lineal feet of highway frontage, and provided however, that:
 - (a) No sign may be permitted that interferes with, imitates or resembles any official traffic sign, signal, or device;
 - (b) No sign may be permitted which contains, includes, or is illuminated by any flashing, intermittent or moving light or lights or any animated or moving parts; and
 - (c) No sign may be permitted to be erected upon or maintained or painted upon trees or rocks.

Section 403. Height Regulations. No building shall exceed two and one half (2½) stories nor shall it exceed thirty-five (35) feet in height except as provided in Articles X and XI hereof.

Section 404. Area Regulations.

1. Front Yard.

- (a) There shall be a front yard having a depth of not less than thirty (30) feet except as provided in Article XI hereof.
- (b) Where lots have double frontage, the required front yard shall be provided on both streets.
- (c) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of passage of this resolution need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yard.

- (a) Except as hereinafter provided in the following paragraph and in Article XI, there shall be a side yard on each side of a building having a width of not less than fifteen (15) feet.
- (b) Wherever a buildable lot at the time of the passage of this resolution has a width of one hundred (100) feet or less, the side yard may be reduced to a width of not less than ten (10) percent of the width of the lot but in no instance shall it be less than four (4) feet.

3. Rear Yard.

- (a) Except as hereinafter provided in Article XI, there shall be a rear yard having a depth of not less than fifty (50) feet or twenty (20) percent of the depth of the buildable lot at the time of the passage of this resolution, whichever amount is smaller.
4. Intensity of Use. Every buildable lot or tract of land shall have an area of not less than one (1) acre and an average width of not less than one hundred fifty (150) feet, and a minimum lot width of one hundred twenty (120) feet on the minimum front yard line, except that if a lot or tract has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this resolution and have not since changed, such parcel of land may be used for a single family dwelling.

ARTICLE V

"A" RESIDENTIAL DISTRICT REGULATIONS

Section 501. The regulations set forth in this Article, or set forth elsewhere in this resolution when referred to in this Article, are the district regulations in the "A" Residential District.

Section 502. Use Regulations: A building or premises shall be used only for the following purposes:

1. Farms and farmsteads.
2. Single-family dwellings.
3. Two-family dwellings.
4. Multiple dwellings.
5. Public parks, playgrounds, and community buildings.
6. Public libraries.
7. Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
8. Churches, but any church that is on a new site shall provide off-street parking space upon the lot or within two hundred (200) feet thereof, which space is adequate to accommodate one (1) car for every five (5) persons for which seating is provided in the main auditorium of the church exclusive of the seating capacity of Sunday School and other special rooms.
9. Golf courses, except miniature courses and driving tees.
10. Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business), including a private garage, home occupations, the use of a lot or portion thereof for a vegetable or flower garden, and the keeping of small animals and fowl, but not on a commercial basis or on a scale reasonable objectionable to adjacent property owners. Accessory uses shall also include public building bulletin boards and temporary signs not exceeding ten (10) square feet in area, pertaining to the lease, hire or sale of a building or premises, and church bulletin boards not exceeding twenty (20) square feet in area.

Section 502A. Use Regulations. An accessory building that is not a part of the main structure shall be located not less than sixty (60) feet from

the front lot line.

Section 502B. Parking Regulations. Whenever a structure is erected, converted or structurally altered for a dwelling, there shall be provided accessible parking space on the lot to accommodate one (1) automobile for each dwelling unit.

Section 503. Height Regulations. No building shall exceed two and one half (2½) stories nor shall it exceed thirty-five (35) feet in height except as provided in Articles X and XI hereof.

Section 504. Area Regulations.

1. Front Yard:

- (a) There shall be a front yard having a depth of not less than thirty (30) feet except as provided in Article XI hereof.
- (b) Where lots have a double frontage, the required front yard shall be provided on both streets.
- (c) Where a lot is located at the intersection of two (2) or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a buildable lot at the time of the passage of this resolution need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street and the front yard line shall be separately computed for accessory building except that the buildable width for accessory buildings shall not be reduced to less than twenty-two (22) feet.

2. Side Yard:

- (a) Except as hereinafter provided in the following paragraph and in Article XI, there shall be a side yard on each side of a building, having a width of not less than ten (10) feet.
- (b) Wherever a buildable lot at the time of the passage of this resolution has a width less than required in this district, the side yard on each side of a building may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than four (4) feet.

3. Rear Yard: Except as hereinafter provided in Article XI, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

4. Intensity of Use: Minimum buildable lot areas and buildable lot width for dwellings shall be provided as follows:

- (a) Where a public water supply and connection to a public sanitary sewer system are provided: Nine thousand (9000) square feet for a single-family dwelling; fourteen thousand (14,000) square feet for a two-family dwelling; and fourteen thousand (14,000) square feet plus five thousand (5000) square feet for each family more than two in a multiple dwelling. The minimum lot width shall be sixty (60) feet.
- (b) Where connection to a public sanitary sewer system is not provided: Twenty thousand (20,000) square feet for a single-family dwelling; thirty thousand (30,000) square feet for a two-family dwelling and thirty thousand (30,000) square feet plus ten thousand (10,000) square feet for each family more than two in a multiple dwelling. The minimum lot width shall be one hundred (100) feet.

- (c) Where connection to a public sanitary sewer system is not provided, but where soil conditions permit individual sewage disposal systems, and written approval is obtained from the Lincoln-Lancaster County Health Department: Nine thousand (9000) square feet for a single-family dwelling and fourteen thousand (14,000) square feet for a two-family dwelling. Minimum lot areas as set out in Item (b) above shall be provided for all multiple dwellings without connection to a public sanitary sewer system. The minimum lot width shall be seventy-five (75) feet.
- (d) A buildable lot containing less area or width than herein required may be used for single-family purposes, provided its boundary lines along their entire length touched lands under other ownership on the effective date of this resolution and have not since been changed.

ARTICLE VI

"C" COMMERCIAL DISTRICT REGULATIONS

Section 601. The regulations set forth in this Article, or set forth elsewhere in this resolution when referred to in this Article, are the regulations in the "C" Commercial District.

Section 602. Use Regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "A" Residential District.
2. Banks, stores, shops and personal service establishments.
3. Bowling alley, dance hall or skating rink.
4. Farm implements, sale and repair.
5. Farm store or feed store including accessory storage of liquid or solid fertilizer.
6. Funeral home or mortuary.
7. Hotels, motels and lodging houses.
8. Hospital or clinic for animals.
9. Laboratories, research, experimental or testing.
10. Offices and office buildings.
11. Public garages, filling stations and automobile repair shops or parking lots.
12. Theatres, drive-in theatres, assembly halls, restaurants and taverns.
13. Truck terminals.
14. Wholesale merchandising or storage warehouses.
15. General service and repair establishments including dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstering, tinsmithing or appliance repair shop.
16. Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
17. Manufacture or assembly of boats, bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products and vitreous enameled metal products.

18. Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.
19. Manufacture or storage of food products including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
20. Manufacture of boxes, crates, furniture, baskets, and other wood products of a similar nature.
21. Generally those light manufacturing uses similar to those listed in items 16 to 20 above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.
22. Accessory buildings and uses, including accessory signs and advertising structures related to the activity conducted on the premises but with sign area not to exceed one hundred (100) square feet.

Section 603. Parking Regulations: Accessory parking spaces shall be provided on the lot in the amount of one space for each two hundred (200) square feet of floor area in the building or buildings on the premises.)

Section 604. Height Regulations: No building shall exceed four (4) stories nor shall it exceed fifty (50) feet in height, except as otherwise provided in Articles X and XI hereof.

Section 605. Area Regulations:

1. Front Yard: The front yard regulations are the same as those in the "A" Residential District, except that on the side street side of a corner lot the front yard need not exceed ten (10) feet in depth.
2. Side Yard: The side yard regulations for dwellings are the same as those in the "A" Residential District. Where a lot is used for any of the commercial or industrial purposes permitted in this district a side yard is not required except on the side of a lot abutting on an "A" Residential District, in which case there shall be a side yard of not less than five (5) feet.
3. Rear Yard: The rear yard regulations for dwellings are the same as in the "A" Residential District. In all other cases a rear yard is not required except where a lot abutts on an "A" Residential District, in which case there shall be a rear yard of not less than twenty (20) feet in depth.
4. Intensity of Use: When a buildable lot is improved with a single-family dwelling, two-family dwelling, or a multiple dwelling, or when living facilities are erected above other uses the intensity of use regulations are the same as those required in "A" Residential District. The minimum lot width for a commercial use shall be fifty (50) feet.

ARTICLE VII

"H-S" HIGHWAY SERVICE DISTRICT REGULATIONS

Section 701. The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the regulations in the "H-S" Highway Service District.

Section 702. Use Regulations: A building or premises shall be used only for the following purposes:

1. Hotels, motels, including, as an accessory use, a retail shop or store primarily for the use of residents or guests of the establishment when such uses are entirely within the building with no separate entrance to the outside.
2. Public or storage garages.
3. Restaurants.
4. Service Stations.
5. Accessory buildings and uses, including accessory signs and advertising devices, and dwellings for persons employed on the premises.

Section 703. Parking Regulations: Accessory off-street parking spaces shall be provided as follows:

1. Hotels, motels and apartment hotels: One space for each sleeping room or suite plus one space for each one hundred (100) square feet of floor area used for accessory stores or restaurants.
2. Restaurant: One space for each one hundred (100) square feet of floor area.
3. Public and storage garages, or service stations: One space for each one hundred fifty (150) square feet of floor area.

Section 704. Height Regulations: No building shall exceed four (4) stories nor fifty (50) feet in height except as otherwise provided in Articles X and XI hereof, and except that buildings may exceed four (4) stories or fifty (50) feet in height provided the building is set back one foot from all required yard lines for each one foot of additional height above fifty (50) feet.

Section 705. Area Regulations:

1. Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet except as provided in Article XI.
2. Side Yard: Except as hereinafter provided, there shall be a side yard on each side of a building having a width of not less than fifteen (15) feet.
3. Rear Yard: Except as hereinafter provided, there shall be a rear yard of not less than thirty (30) feet.
4. Intensity of Use: Every buildable lot or tract of land shall have an area of not less than ten thousand (10,000) square feet and an average width of not less than one hundred (100) feet.

ARTICLE VIII

"I" INDUSTRIAL DISTRICT REGULATIONS

Section 801. The regulations set forth in this article, or set forth elsewhere in this resolution, when referred to in this article, are the regulations of the "I" Industrial District.

Section 802. Use Regulations: Any building or premises may be used for any purpose not in conflict with any resolution of Lancaster County regulating nuisances or laws of the State of Nebraska; provided, however, that no building shall be erected, converted, reconstructed or structurally

altered for church, library, school, hospital, or residential purposes, except for resident watchmen and caretakers employed on the premises and except for farmsteads; provided, further that uses listed in Section 1001 of Article X follow the procedure of that paragraph; and provided further that no building or occupancy permit shall be issued for any of the following uses or manufactured, compounding, processing, packaging or treatment of the following products until and unless the location of such use shall have been approved by the Board of Commissioners, after report by the Lincoln-Lancaster County Planning Commission.

Chemicals, Petroleum, Coal, and Allied Products

Acids and derivatives
Acetylene
Ammonia
Carbide
Caustic soda
Cellulose and cellulose storage
Chlorine
Coke oven products (including fuel gas) and coke oven products storage
Creosote
Distillation, manufacture, or refining of coal, tar, asphalt, wood and bones
Explosives (including ammunition and fireworks) and explosives' storage
Fertilizer (organic)
Glue, gelatin (animal)
Hydrogen and oxygen
Lamp black, carbon black, and bone black
Nitrating of cotton or other materials
Nitrates (manufactured and natural) of an explosive nature, and storage
Petroleum, gasoline and lubricating oil refining, and wholesale storage
Plastic materials and synthetic resins
Potash
Pyroxylin
Rendering and storage of dead animals, offal, garbage, or waste products
Turpentine and resin
Wells, gas and oil
Fish oils and meal

Clay, Stone, and Glass Products

Brick, firebrick, refractories, and clay products (coal fired)
Cement, lime, gypsum, or plaster of Paris
Minerals and earths: quarrying, extracting, grinding, crushing, and processing

Food and Beverage

Fat rendering
Fish curing, packing and storage
Slaughtering of animals
Starch manufacture

Metals and Metal Products

Aluminum powder and paint manufacture
Blast furnace, cupolas
Blooming mill
Metal and metal ores, reduction, refining, smelting, and alloying
Scrap metal reduction or smelting
Steel works and rolling mill (ferrous)

Wood and Paper Products

Match manufacture
Wood pulp and fiber, reduction and processing

Unclassified Industries and Uses

Hair;hides, and raw fur, curing, tanning, dressing, dyeing and storage
Stockyard or livestock feed yard
Junk yards and auto wrecking yards

Section 803. Parking Regulations: Accessory off-street parking spaces shall be provided as follows:

1. For permitted industrial uses or service establishments: one space for each two employees on the maximum working shift.
2. For office buildings: one space for each four hundred (400) square feet of floor area.
3. For restaurants and other commercial uses: one space for each two hundred (200) square feet of floor area.

Section 804. Height Regulations: No building shall exceed four (4) stories nor fifty (50) feet in height except as otherwise provided in Article X and XI hereof, and except that buildings may exceed four (4) stories or fifty (50) feet in height provided the building is set back one foot from all required yard lines for each one foot of additional height above fifty (50) feet.

Section 805. Area Regulations:

1. Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet except as provided in Article XI.
2. Side Yard: Except as hereinafter provided, there shall be a side yard on each side of a building having a width of not less than fifteen (15) feet.
3. Rear Yard: Except as hereinafter provided, there shall be a rear yard of not less than thirty (30) feet.
4. Intensity of Use: Every buildable lot or tract of land shall have an area of not less than ten thousand (10,000) square feet and an average width of not less than one hundred (100) feet.

ARTICLE IX

NON-CONFORMING USES

Section 901. The lawful use of a building and premises existing at the time of the effective date of this resolution may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section 902. Whenever the use of a building becomes a non-conforming use through a change in the zoning resolution or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a non-conforming use, such use shall not thereafter be changed to a less restricted use.

Section 903. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of two (2) years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

Section 904. No existing building devoted to a use not permitted by this resolution in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, converted, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which the building is located.

Section 905. When a building, the use of which does not conform to the provisions of this resolution, is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, it shall not be restored except in conformity with the regulations of the district in which the building is situated, or as provided in Article XI hereof.

Section 906. Where land occupied by a non-conforming open storage use within the "AA", "A" and "C" Districts and contained no main buildings, as distinguished from accessory buildings, and fences, and was used solely for non-conforming open storage at the time of the passage of this resolution, use of such land for open storage shall be discontinued within two (2) years.

Section 907. All trailers shall comply with the requirements of this resolution within five (5) years.

Section 908. Nothing in this resolution shall be interpreted as authorization for, or approval of, the continuance of the use of a building or premises in violation of zoning regulations in effect at the time of the effective date of this resolution.

ARTICLE X

ADDITIONAL USE REGULATIONS

Section 1001. The Board of Commissioners may by special permit after public hearing authorize the location of any of the following buildings or uses in any district from which they are prohibited by this resolution, and may also permit an increase in the height of any such building and permit a lesser area than required aforesaid in this resolution.

1. Any public building erected by any department of a governmental agency.
2. Private schools, including nursery, pre-kindergarten, kindergarten, play and special schools.
3. Hospitals, clinics and institutions, including educational, religious, and philanthropic institutions; provided, however, that such buildings occupy not over forty (40) percent of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property and provided further, that the buildings shall be set back from all yard lines a distance of not less than one (1) foot for each foot of building height and that adequate off-street parking space will be provided.
4. Cemetery.
5. Community buildings or recreation field.
6. Airport or landing field.
7. Greenhouses and nurseries.
8. Trailer courts in accordance with the provisions of the Lancaster County Trailer Regulations, and amendments thereto.
9. Outdoor theatres, but only in the "AA" Rural and Public Use District and only after plans have been approved by the State Highway Department.

10. Private recreational activities, including cabins and trailers not used as a residence.
11. Riding stables and private stables.
12. Roadside stands for temporary or seasonal operation in the "A" Residential District.
13. Radio and television towers and broadcasting stations.
14. Extraction of sand, gravel or other raw material.
15. Clubs, and semi-public buildings.
16. Nursing homes when approved by the City-County Health Department.
17. Industrial uses upon which the Board is required to pass under Article VIII.

Before the issuance of any special permit of any of the above building uses, the Board of Commissioners shall refer the proposed application to the Lincoln City-Lancaster County Planning Commission, which Commission shall be given thirty (30) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public health, public safety and general welfare. No action shall be taken on any application for a proposed building or use above referred to until and unless the report of the Planning Commission has been filed; provided, however, that if no report is received from the Planning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the said Commission. An existing use of the type listed above lawfully established on the effective date of this resolution shall be deemed to have received special permit as herein required and shall be provided with such a permit by the Building Inspector upon request and shall not be a non-conforming use; provided, however, that such an existing use shall require a special permit for enlargement, extension or relocation.

Section 1002. Community Unit Plans: The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the Board of Commissioners a plan for the use and development of all the tract of land for residential purposes. The development plan shall be referred to the Lincoln-Lancaster County Planning Commission for study and report and for public hearing. If the Commission approves the plans, they shall then be submitted to the Board of Commissioners for consideration and approval. The approval and recommendations of the Planning Commission shall be accomplished by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets the following conditions:

1. That the property adjacent to the areas included in the plan will not be adversely affected.
2. That the plan is consistent with the intent and purpose of this resolution to promote public health, safety, morals and general welfare.
3. That the buildings shall be used only for single-family dwellings, two-family dwellings or multiple dwellings and the usual accessory uses such as garages and storage space.
4. That the average lot area per family contained in the site will not be less than the lot area per family required in the district or districts in which the development is located.

If the Board of Commissioners approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

ARTICLE XI

ADDITIONAL HEIGHT AND AREA REGULATIONS

The district regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this resolution.

Section 1101. Public, semi-public, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

Section 1102. Barns, chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, grain elevators and storage structures, monuments, ornamental towers, silos, spires, stacks, stage towers of scenery lofts, tanks, water towers, windmills, wireless towers, or necessary mechanical appurtenances, are exempt from the height regulations as contained herein.

Section 1103. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building the garage shall be regarded as part of the main building for the purpose of determining side and rear yards and the distance back from the front property line.

Section 1104. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.

Section 1105. Every part of a required yard shall be open to the sky, unobstructed by any structure, except as heretofore permitted, or by any vehicle or motor vehicle, except:

1. Fences.
2. Accessory buildings in a rear yard.
3. Projection of sills, belt courses, cornices and ornamental features are not to exceed twelve (12) inches.
4. Parking of a motor vehicle and vehicles in the rear yard and that part of the side yard to the rear of the front yard, provided that such use of such motor vehicle or vehicles shall be accessory to the main use of the premises.

Section 1106. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

Section 1107. Open-lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3½) feet and where the same are so placed as not to obstruct light and ventilation.

Section 1108. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.

Section 1109. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.

Section 1110. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one (1) building occupying one (1) lot.

Section 1111. Temporary buildings and uses that are used in conjunction with construction work only may be permitted in any district during the period of construction, but such temporary buildings shall be removed upon completion of the construction work.

Section 1112. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

Section 1113. In the event that a buildable lot is to be occupied by a group of two or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one (1) main building on the buildable lot; provided, however, that the open space between buildings, that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one story buildings, thirty (30) feet for two story buildings, and forty (40) feet for three or four story buildings.

Section 1114. Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three or four-story buildings.

Section 1115. No side yards are required where dwelling units are erected above commercial and industrial structures.

Section 1116. The front yards heretofore established shall be adjusted in the following cases:

1. Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is developed with two or more buildings that have (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.
2. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with two or more buildings that have a front yard of less depth than herein required, then:
 - (a) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or -
 - (b) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

ARTICLE XII

SPECIAL HEIGHT AND USE REGULATIONS NEAR AIRPORTS

Section 1201. Approach Areas: There shall be three types of approach areas near airports: Class 1 approach areas shall be located at airports accommodating jet aircraft. Class 2 approach areas shall be adjacent to airports handling all other types of aircraft. Class 3 approach areas shall be those areas not included in Class 1 or Class 2 that are within 2,500 feet of the boundary of any airport. The boundaries of approach areas Class 1 and Class 2 are shown on the District Maps.

Section 1202. Height Limitations:

- (a) Before a building permit is granted for any building in Class 1 approach areas the Building Inspector shall review the plans with the proper officials of the airport or airbase affected and shall not allow construction of said building if it interferes with established requirements for air navigation at said airport; provided, however, that this shall not preclude the construction of any building not exceeding 20 feet in height.
- (b) The Building Inspector shall not grant a building permit for any building in Class 2 approach areas where this building would encroach upon the glide angle established for said airport by the Nebraska Aeronautics Commission; provided, however, that this shall not prohibit the construction of buildings not exceeding 20 feet in height.
- (c) No building exceeding 20 feet in height may be erected in Class 3 approach areas.

Section 1203. Use Limitations: Places of public assembly, schools, churches, hospitals and residential uses where the lot area per family is less than one acre are prohibited in Class 1 approach areas.

ARTICLE XIII

BOARD OF ZONING APPEALS

Section 1301. A Board of Zoning Appeals is hereby created. Such board shall consist of five (5) members, all of whom shall be residents and electors of the County of Lancaster. They shall be appointed by the Board of Commissioners.

Upon the passage of this resolution one member shall be appointed for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years and one member for a term of five years; and upon expiration of said terms, appointments shall be made for a term of five years. Vacancies shall be filled by appointment for the unexpired term only. Members of the Board shall serve without compensation, but may be allowed their reasonable expenses, in an amount to be fixed by the County Board. A member of the Board may be removed by the affirmative vote of two members of the Board of Commissioners after being given a written statement of the charges against him and a hearing, which shall be a public hearing if he so requests.

Section 1302. The members of the Board of Zoning Appeals shall meet at least once each month at such time and place as they may fix by resolution. They shall select one of their number as chairman, who shall serve one (1) year and until his successor has been selected. Special meetings may be called at any time by the chairman. A majority of the Board shall constitute a quorum for the transaction of business, and three affirmative votes shall be required for final action on any matter acted upon by the Board. The Board shall cause a proper record to be kept of its proceedings.

Section 1303. (a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any office, department or bureau of Lancaster County affected by any decision of the County Building Inspector. Such appeal shall be taken within a reasonable time by filing with the County Building Inspector a notice of appeal specifying the grounds thereof. The County Building Inspector shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from is taken.

(b) Upon the receipt of the appeal by the Board, the Board shall fix a reasonable time for the hearing thereon within thirty (30) days. Notice shall be given as provided in Article XVI hereafter.

(c) If due to the absence of one or more of the members of the Board any proposition put to a vote shall fail to receive three or more votes either for or against, said proposition shall be deemed to have received neither approval or disapproval.

(d) A fee of twenty dollars (\$20.00) shall be paid to the County Clerk at the time the notice of appeal is filed to be credited to the general fund of Lancaster County.

Section 1304. The jurisdiction of the Board of Zoning Appeals shall be limited to the following:

1. POWERS RELATIVE TO ERRORS. To hear appeals where it is alleged there is an error in any order, decision, or determination made by an administrative official in the enforcement of this resolution.
2. POWERS RELATIVE TO VARIANCES. To hear and decide upon petitions for variances, and, subject to such standards, principles and procedures provided in this resolution, to vary the strict application of the height, area, parking or density requirements to the extent necessary to permit the owners a reasonable use of his land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.
3. POWERS RELATIVE TO EXCEPTIONS. Upon appeal, the Board is hereby empowered to recommend the following exceptions:
 - (a) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
 - (b) To permit the reconstruction of a non-conforming building which has been destroyed, or partially destroyed, by fire or Act of God where the Board shall find some compelling public necessity requiring the continuance of the non-conforming use.
 - (c) To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare. Such uses lawfully existing on the effective date of this resolution shall be deemed to have received such a permit, shall be provided with such a permit by the Building Inspector upon request and shall not be non-conforming uses; provided, however, that a permit shall be required for enlargement, extension or relocation of any of these existing uses.
 - (d) To interpret the provision of this resolution where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this resolution.

Section 1305. In exercising the above mentioned jurisdiction, such Board may in conformity with the provisions of this resolution, reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such recommendation as ought to be made. In considering all appeals under this resolution, the Board, shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the District Map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets, or increase the public danger or fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of Lancaster County. Every change recommended by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation.

Section 1306. Recommendations of the Board of Zoning Appeals, accompanied by the written findings of fact, shall be transmitted to the Board of Commissioners by the Board within one week after such actions have been taken. The Board of Commissioners shall not take final action on the recommendation of the Board of Appeals without holding one or more public hearings, due notice of which shall be given as provided in Article XVI hereafter.

ARTICLE XIV

OCCUPANCY PERMITS

Section 1401. Subsequent to the effective date of this resolution, no change in the use or occupancy of land nor any change of use or occupancy in any existing building other than for farming or for single-family dwelling purposes shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the County Building Inspector. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this resolution.

Section 1402. No permit for excavation for, or the erection or alteration of, any building, except for farm purposes, shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued.

Section 1403. A certificate of occupancy shall be required of all lawful non-conforming uses of land or buildings created at the time of the passage of this resolution. Application for such certificates of occupancy for non-conforming uses shall be filed with the County Building Inspector by the owner or lessee of the land or building occupied by such non-conforming use within two (2) years from the effective date of this resolution. It shall be the duty of the County Building Inspector to issue a certificate of occupancy for a lawful non-conforming use, but failure to apply for such certificate of occupancy for non-conforming use, or failure of the County Building Inspector to issue such certificate of occupancy for non-conforming use, may be considered evidence that such non-conforming use did not lawfully exist at the effective date of this resolution.

Section 1404. A record of all certificates of occupancy shall be kept on file in the office of the County Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.

ARTICLE XV

PLATS

Section 1501. Each application for a building permit shall be accompanied by a plat showing the actual dimensions of the buildable lot to be built upon, the size, shape and location of the building to be erected,

and such other information as may be necessary to provide for the enforcement of this resolution. A record of applications and plats shall be kept in the office of the County Building Inspector.

ARTICLE XVI

GENERAL PROVISIONS, LEGISLATIVE PROVISIONS, PENALTY

Section 1601. 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.

Section 1602. Amendments: The County Commissioners may from time to time on its own motion or on petition, amend, supplement, change, modify or repeal by resolution the boundaries of districts or regulations, or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Lincoln-Lancaster County Planning Commission for its recommendations and report, such report to be made within thirty (30) days thereafter. Said 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. After the recommendations and report of the Lincoln-Lancaster County Planning Commission have been filed, the County Commissioners, 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.

Before any action shall be taken as provided in this resolution, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the County Commissioners the sum of thirty dollars (\$30.00) to cover the approximate cost of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said change to be adopted by the County Commissioners. No deposit of money shall be required when any action is recommended by the County Commissioners on its own motion or by any person or group officially designated to participate in the administration of this title. In the event the proposed amendment or change is denied by the Commissioners, no new request shall be made for the same or a substantially similar amendment or change within one year of said denial thereof.

Section 1603. Notice of Hearing. Hearing required under Article XIII and X of this resolution shall not be held until 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 not less than twenty-four (24) inches in height and thirty-six (36) inches in width with a yellow background and black letters not less than one and one-half (1½) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street and shall be so posted at least five (5) 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 hearing.
- (b) At least five (5) days before the date of hearing the County Commissioners shall have published in a daily newspaper having a general circulation in the City of Lincoln and Lancaster County, a notice of the time, place, and subject matter of such hearing.
- (c) It shall not be necessary to give further notice of adjourned or continued meetings.

Section 1604. Enforcement. It shall be the duty of the Lancaster County Building Inspector to enforce this resolution.

Section 1605. 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.

Section 1606. 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.

Section 1607. Conflicting Resolutions Repealed. All zoning resolutions and parts of zoning resolutions heretofore adopted are hereby repealed.

Section 1608. 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.

Section 1609. Effective Date. This resolution shall be in full force and effect upon its due passage and publication, as required by law.

Adopted September 3, 1968 by the Board of Commissioners,
Lancaster County, Nebraska - Resolution No. 2391
and as amended by Resolution No. 2538 (3-17-70); Resolution
No. 2741 (6-27-72); Resolution No. 2894 (3-13-74); and
Resolution No. 2896 (9-17-74).