



ZONING

regulations

Approved
October 9, 1979
Resolution 3404
Lancaster County, Nebraska

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1979 ZONING RESOLUTION
OF
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, SEWAGE, 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

1.001. 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 provisions 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.

1.003. Title. This resolution shall be known, referred to, and recited as the 1979 Zoning Resolution of Lancaster County.

ARTICLE 2
DEFINITIONS

2.001. Definitions - General provisions. For the purpose of this title, certain terms and words are hereby defined. Certain chapters contain definitions which are additional to those listed here. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "structure" shall include the word "building" and the word "shall" is mandatory.

2.003. Accessory buildings and uses. An accessory building is a subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

2.005. Agriculture. Agriculture shall mean the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, or honeybees; or for dairying, truck gardening, forestry, nurseries, or orchards; for the non-commercial on-farm storage or processing of agricultural products produced on the premises; or for any other similar agricultural, horticultural, or silvacultural use.

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

2.009. 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:

2.011. Apartment house. See Dwelling, Multiple

2.013. Basement. Basement shall mean that portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

2.015. 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.

2.017. Broadcast tower. Broadcast tower shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located.

2.019. 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.

2.021. 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, shed, and gambrel roofs.

2.023. Campsite. Campsite shall mean a parcel of land intended for temporary occupancy by any of the following: tent, tent trailer, or recreational vehicle.

2.025. Cellar. Cellar shall mean that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

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

2.029. Club. Club shall mean a building or facility owned or operated by persons associated for a social, educational, or recreational purposes, not operated primarily for profit nor to render a service which is customarily carried on as a business, and which is generally restricted to members and their guests using the facility for the purpose for which they have associated; this shall not include a church building, or the occasional accessory use of a private residence as a meeting place.

2.031. 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.

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

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

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

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

2.041. 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.

2.043. Family. One or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than two persons who are unrelated for the purpose of this title. The following persons shall be considered related for the purpose of this title:

- 1) A person residing with a family for the purpose of adoption;
- 2) Not more than six persons under 16 years of age, residing in a foster home licensed as such by the State of Nebraska;
- 3) Not more than four (4) persons 16 years of age or older residing with a family for the purpose of receiving foster care;
- 4) Any person who is living with a family at the direction of a court.

2.045. 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.

2.047. 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.

2.049. Commercial feed lot. A use where the principal business is the feeding of livestock or poultry for the purpose of sale for slaughter or butcher. Commercial feed lot shall not include dairy herds or the keeping of livestock other than for slaughter or butcher.

2.051. Flood plain. Flood plain shall mean those lands which are subject to a one percent or greater chance of flooding in any given year. (See Article 11 for additional definitions).

2.053. Floor area. Floor area shall mean the total number of square feet of floor space within the outside of the exterior walls of a building, not including storage space in cellars or basements and not including space used for the parking of automobiles.

2.055. Frontage. Frontage shall mean the length of the property on one side of a street between two street intersections (crossing or terminating) measured along the property line at the street, or if the street is dead-ended, the length of the property abutting on one side between an intersecting street and the dead-end of the street.

2.057. 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.

2.059. Garden center. Garden center shall mean a building or premises used primarily for the retail sale of items useful in the culture, display, or decoration of lawns, gardens, or indoor plants; including books, appliances, and tools, but not including power tools or tractors.

2.061. Grade. Grade shall mean:

- 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.

2.063. Group home. Group home shall mean a facility in which more than two but less than sixteen (16) persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care, for any of the purposes listed below. Such facility shall be licensed or approved by the State of Nebraska or other appropriate agency.

- a) Adaptation to living with, or rehabilitation from, the handicaps of physical disability;
- b) Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder, or mental retardation;
- c) Rehabilitation from the effects of drug or alcohol abuse;
- d) Supervision while under a program of alternatives to imprisonment, including but not limited to pre-release, work-release, and probationary programs.

2.065. Health care facilities. Health care facilities shall mean a building or structure licensed or approved by the State or appropriate agency, if required, used as any of the following:

- a) Hospital;
- b) Convalescent or nursing home;
- c) A facility in which sixteen (16) or more people reside while receiving therapy, counseling, or rehabilitation for physical, emotional, or mental disease or disability;
- d) A facility for out-patient physical, occupational, or vocational therapy or rehabilitation;
- e) Public health clinics and facilities.

Health care facilities does not include doctors' or dentists' professional offices and private clinics.

2.067. Home occupation. Home occupation shall mean any occupation or activity carried on within a dwelling unit or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof. The regulations pertaining to home occupations can be found in Article 15.

2.069. 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.

2.071. Housing for the elderly. Housing for the elderly shall mean any dwelling in which each occupied dwelling unit is occupied by at least one person of 60 years of age or more.

2.073. Landscaping. Landscaping shall mean that an area is permanently devoted to and maintained for the growing of trees, shrubbery, lawns, and other plant materials; landscaping shall conform to all applicable standards adopted by the County Board.

2.075. 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.

2.077. Lot, buildable. Buildable lots shall mean:

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. A lot may front upon a private roadway or have other frontage requirements if specifically provided in this title.

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.

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

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

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

2.085. Lot of record. Lot of record shall mean a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds for Lancaster County on or before September 3, 1968, provided that said lot has a frontage of not less than forty (40) feet; or, an irregular tract lot as described by a deed recorded with the Register of Deeds for Lancaster County on or before September 3, 1968, provided that such lot is numbered and described by the county surveyor and is not greater in area than one (1) acre.

2.087. Lot, platted. Platted lot shall mean a lot which is part of a subdivision the plat of which, or the appropriate permit for which, has been legally approved and recorded in the office of the Register of Deeds for Lancaster County.

2.089. Mobile home. See Trailer.

2.091. Mobile home court. Any mobile home court, camp, 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.

2.093. 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.

2.095. Nonconforming use. Nonconforming use shall mean the use of any dwelling, building, structure, lot, land, or premises, or part thereof, which was existing and lawful immediately prior to the effective date of this title and which does not conform with the provisions of this title and any amendments thereto.

2.097. Nonstandard use. Nonstandard use shall mean the category of nonconformance consisting of lots occupied by buildings or structures or uses which existed immediately prior to the effective date of this title which fail to comply with the minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set out in the provisions of this title.

2.099. 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.

2.101. Premises. A tract of land consisting of one platted lot or irregular tract, or is more than one platted lot or irregular tract, provided such lots or tracts are under common ownership and contiguous.

2.103. Recreational facilities. Recreational facilities shall mean facilities primarily for participation by the public in athletic activities such as tennis, handball, racquetball, basketball, and other court games; jogging, track and field, baseball, football, soccer, and other field games; skating swimming, or golf. Recreational facilities shall include country clubs and athletic clubs; it shall not include facilities accessory to a private residence used only by the owner and guests, nor shall it include arenas or stadia used primarily for spectators to watch athletic events.

2.105. Rooming house. See Lodging House.

2.107. Row house. See Townhouse.

2.109. Service station. Service station shall mean any building or premise which provides for the retail sale of gasoline, oil, tires, batteries, and accessories for motor vehicles and for certain motor vehicle services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. Automobile repair work may be done at a service station provided that no rebuilding of engines, spray paint operations, or body or fender repair is permitted. Gasoline pumps and gasoline pump islands shall be located more than twelve (12) feet from the nearest property line.

2.111. Sign. Sign shall mean any symbolic device capable of visual communication or attraction which is visible from off the premises upon which it is located. Signs shall include any announcement, words, written material, illustration, symbol, picture, insignia, or structure which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information with the exception of merchandise window displays, national flags and sculpture. For the purpose of removal, sign shall also include all sign structures.

2.113. Solar screen. Solar screen shall mean a device attached to a building to provide shading for glazed areas thereof.

2.115. 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.

2.117. 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.

2.119. 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.

2.121. Highway, street or road centerline. A line midway between highway, street or road lines.

2.123. 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.

2.125. 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 "B" Business district which shall be located not less than twelve (12) feet from the nearest property line.

2.127. 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.

2.129. Tourist home. A building in which not to exceed twenty (20) rooms are rented to transients.

2.131. Townhouse. Townhouse shall mean one of a group or row of not less than three (3) nor more than twelve (12) attached, single-family dwellings designed and built as a single structure facing upon a street, in which the

individual townhouse may or may not be owned separately. The townhouse need not face upon a street if otherwise specifically provided in this title. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

2.133. Trailer, mobile home. A vehicle, without motive power, designed for living quarters and for being drawn by a motor vehicle.

2.135. Yard line. The yard line is a line on the lot running parallel to and the required horizontal distance from the nearest lot line.

2.137. Yard, required, Required yard shall mean the required minimum open space between the property line and the yard line. The required yard shall contain no building or structure other than the projection of the usual steps, unenclosed balconies, or open porch or as otherwise provided in this title.

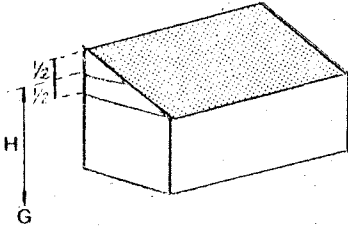
2.139. Yard, required front. The required front yard shall extend across the front of a lot between the side lot lines. There shall be a required front yard on each street side of a corner lot.

2.141. Yard, required rear. The required rear yard shall extend across the rear of a lot between the side lot lines. On corner lots, the required rear yard may be to the rear of either street, provided that the minimum required rear yard shall be calculated on the longest average lot dimension. On interior lots, the required rear yard shall in all cases be at the opposite end of the lot from the front yard.

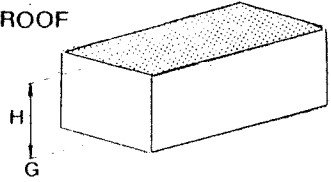
2.143. Yard, required side. The required side yard shall extend between the front yard line and the rear yard line. There shall be only one required side yard on a corner lot.

ILLUSTRATIVE EXAMPLE
BUILDING HEIGHT

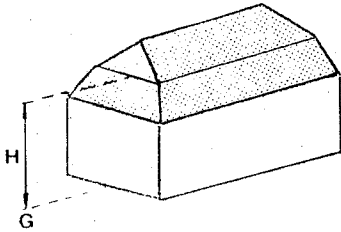
SHED ROOF



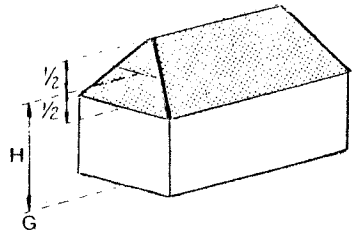
FLAT ROOF



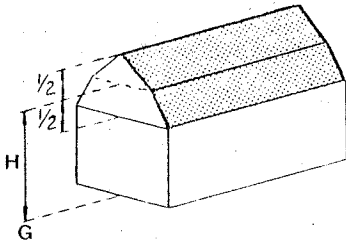
MANSARD ROOF



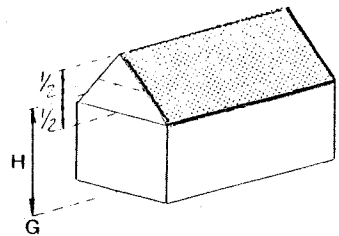
HIP ROOF



GAMBREL ROOF

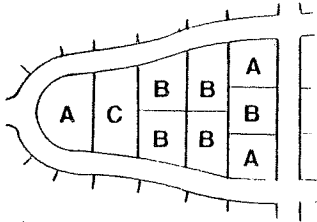


GABLE ROOF



H= HEIGHT OF BUILDING
G= GRADE

ILLUSTRATIVE EXAMPLE



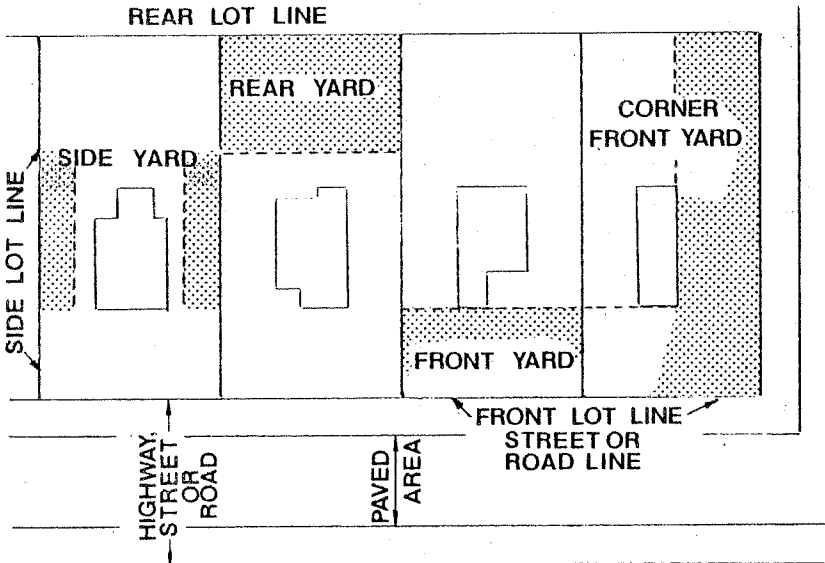
LEGEND: LOTS

A - CORNER

B - INTERIOR

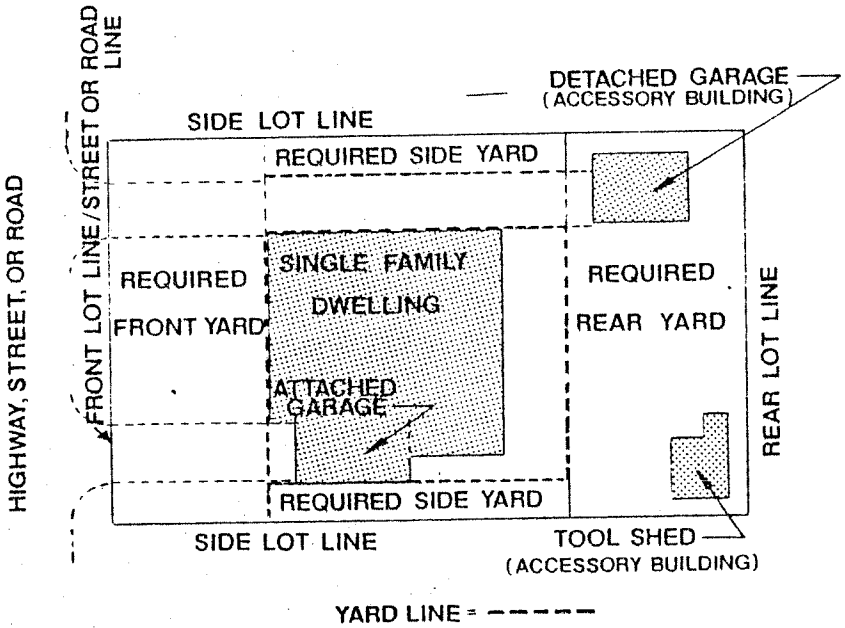
C - DOUBLE FRONTAGE

REQUIRED YARDS --- ILLUSTRATED



YARD LINE = - - - - -

ILLUSTRATIVE EXAMPLE
BUILDINGS - PRINCIPAL AND ACCESSORY



ARTICLE 3
DISTRICTS AND BOUNDARIES THEREOF

3.001. In order to regulate and restrict the height, number of stores, 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 for other purposes, the unincorporated portions of the county are hereby divided into districts, as follows:

"AG"	AGRICULTURAL DISTRICT
"AGR"	AGRICULTURAL RESIDENTIAL DISTRICT
"R"	RESIDENTIAL DISTRICT
"B"	BUSINESS DISTRICT
"I"	INDUSTRIAL DISTRICT
	FLOOD PLAIN DISTRICT

3.003. 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 Lancaster County Zoning district maps. Other maps referenced in Section 11.005 of this resolution are also made a part hereof for the purpose of designating the boundaries of a district. 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.

3.005. 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.

3.007. 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 "AG" 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 22.003 of this resolution.

3.009. 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.

3.011. Three Mile Zone. The districts referred to in Article 3 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.

3.013. 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 Article 15 and 17;

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 except as provided in the flood plain regulations as outlined in Article 11, provided, however, that the provisions of this section shall not prevent the enforcement of the front yard regulations;

7) All inhabited trailers, except those on a farmstead and used in connection with usual farming purposes, or as approved under Article 13.001(28), shall be located in a trailer court or in a private recreational area. 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. No mobile home shall be used for any purpose other than a dwelling. However, a mobile home may be used as a temporary office or shelter incidental to construction on a development of the premises on which the mobile home is located during the construction or development.

ARTICLE 4

This district is designated for agricultural use and is intended to encourage a vigorous agricultural industry throughout the county and to preserve and protect agricultural production by limiting urban sprawl as typified by urban or acreage development.

"AG" AGRICULTURAL DISTRICT

4.001. Scope of regulations. The regulations set forth in this chapter or elsewhere in this resolution when referred to in the chapter, are the district regulations in the "AG" Agricultural District.

4.003. Permitted uses. A building or premises shall be permitted to be used for the following purposes in the "AG" Agricultural District:

- a) Agriculture, except commercial feedlots;
- b) Breeding, raising, management and sale of fur-bearing animals and the produce thereof;
- c) Dog breeding establishments and kennels;
- d) Stables and riding academies;
- e) Public uses: including but not limited to public parks, playgrounds, golf courses and recreational uses; fire stations; public elementary and high schools; and public utilities and utility distribution systems;
- f) Single family dwellings;
- g) Churches.

4.005. Permitted conditional uses. A building or premises may be used for the following purpose in the "AG" Agricultural District in conformance with the conditions prescribed herein:

- a) Cemeteries, including mausoleums:
 - 1) Mausoleums shall be located at least two hundred (200) feet from every street and adjoining property line;
 - 2) Any cemetery established after the effective date of this title shall contain an area of twenty (20) acres or more;
- b) Any public building by any department of a governmental agency not included in Section 4.003(e) above;
- c) Roadside stands for the temporary or seasonal sale of produce:
 - 1) Such roadside stands shall be permitted in a required yard; however, no roadside stand shall be permitted in a right-of-way, nor closer than thirty (30) feet to the edge of a travelled roadway;
 - 2) Such roadside stand shall not be operated for more than 180 days in any one year;
- d) Group homes:
 - 1) Group homes shall comply with all parking, sign, height and area regulations of the district, and all provisions of the County Building Code;

2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half mile;

3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.

4.007. Permitted special uses. A building or premises may be used for the following purposes in the "AG" Agricultural District if a special permit for such use has been obtained in conformance with the requirements of Article 13.

- a) Private schools;
- b) Recreational facilities;
- c) Dwellings for members of religious orders;
- d) Broadcast tower and stations;
- e) Campgrounds;
- f) Veterinary facilities;
- g) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;
- h) Sale barns;
- i) Garden centers;
- j) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
- k) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- l) Expansion of non-conforming use;
- m) Historic preservation;
- n) Pet cemeteries; minimum area shall be five acres;
- o) Trailer courts;
- p) Outdoor theaters;
- q) Riding stables; private stables;
- r) Clubs and semi-public buildings;
- s) Nursing homes.

4.009. A building or premises may be used for the following purposes in those parts of the "AG" Agricultural District designated "Agricultural" on the Future County Land Use Map (Figure 8) of the Lincoln City-Lancaster County Comprehensive Regional Plan, (which for this purpose only is hereby incorporated herein by reference) if a special permit for such use has been obtained in conformance with the requirements of Article 13.

- a) Commercial feedlot;
- b) Community unit plans shall be permitted in conformance with the provisions of Article 14. Any community unit plan in the said "Agricultural" area shall contain a minimum area of seventy-five (75) acres.

4.011. Accessory uses. Accessory uses permitted in the "AG" Agricultural District are accessory buildings and uses customarily incident to any of the permitted uses in the district.

4.013. Parking regulations. No parking is required except that 1 space per 50 square feet of the largest meeting hall shall be provided at churches and schools.

4.015. Sign regulations. Signs within the "AG" Agricultural District shall be regulated in conformance with the provisions of Article 16.

4.017. Height and area regulations: The height and minimum lot requirements within the "AG" Agricultural District shall be as follows:

a) General requirements:

	Min. Lot Area	Avg. Lot Width	Min Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Max. Ht.
All Permitted Uses:	20 acres	550'	550'	50'*	60'	100'	35'

* The sum of (1) the distance from the centerline of the abutting road to the property line, plus (2) the required front yard need not exceed a total of 80'. The required front yard may be reduced, where necessary, to reach this total.

b) There shall be a required front yard on each street side of a double frontage lot;

c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on the effective date of this title need not be reduced below 35 feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards;

d) Where a lot of record on the effective date of this title has a width less than required herein, the required side yard may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than fifteen (15) feet;

e) Where a lot of record on the effective date of this Resolution has a depth of not more than three hundred (300) feet, there shall be a required rear yard having a depth of not less than fifty (50) feet or twenty percent (20%) of the depth of the lot of record, whichever amount is smaller;

f) If a lot or tract has less area, width, or frontage or any combination thereof, than herein required, and its boundary lines along their entire length abutted lands under other ownership on the effective date of this title and have not since been changed, such parcel may be used for a single-family dwelling. If two or more adjacent lots in common ownership exist on the effective date of this title, each of such lots may be used for a single-family dwelling; provided, that each such lot shall contain a minimum area of two (2) acres and shall have an average lot width of one hundred fifty (150) feet. Adjacent lots in common ownership may be combined to meet these minimum requirements;

g) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to the side or rear lot line;

Handwritten notes:
 1. No front
 2. Side
 3. Rear
 4. 100'

*Amended
5/20/77*

h) A lot or parcel of land of one acre or more may be used for a single family dwelling, provided that a residential structure;

1) has existed on such land for more than five (5) years;

2) such structure is, or has been, used as the primary residence associated with a farm; and

3) such structure is in conformance with the other provisions of this resolution, the minimum standards for water and sewage facilities, and does not represent a hazard to the health and safety of occupants.

ARTICLE 5

This district is intended to provide for a vigorous agricultural industry combined with low-density, acreage residential development in selected portions of the County. Generally, these districts are located near urban areas, villages or existing rural non-farm activities within reasonable reach of fire protection, relatively close to paved roads, and in areas of the County where ownership of land is already in small parcels.

"AGR" AGRICULTURAL RESIDENTIAL DISTRICT

5.001. Scope of regulations. The regulations set forth in this chapter, or elsewhere in this resolution when referred to in this chapter, are the district regulations in the "AGR" Agricultural Residential District.

5.003. Permitted uses. A building or premises shall be permitted to be used for the following purposes in the "AGR" Agricultural Residential District:

- a) Agriculture, except confined feeding facilities for livestock or poultry;
- b) Stables and riding academies;
- c) Public uses; including but not limited to public parks, playgrounds, golf courses and recreational uses; fire stations; public elementary and high schools; and public utilities and utility distribution systems;
- d) Churches;
- e) Single family dwellings;
- f) Airports.

5.005. Permitted conditional uses. A building or premises may be used for the following purposes in the "AGR" Agricultural Residential District in conformance with the conditions prescribed herein:

- a) Cemeteries, including mausoleums:
 - 1) Mausoleums shall be located at least two hundred (200) feet from every street line and adjoining property line;
 - 2) Any cemetery established after the effective date of this title shall contain an area of twenty (20) acres or more;
- b) Pet cemeteries: Minimum area shall be five (5) acres;
- c) Roadside stands for the temporary or seasonal sale of produce;
 - 1) Such roadside stands shall be permitted in a required yard; however, no roadside stand shall be permitted in a right-of-way, nor closer than thirty (30) feet to the edge of a traveled roadway;
 - 2) Such roadside stand shall not be operated for more than one hundred eighty (180) days in any one year;
- d) Group homes:
 - 1) Group homes shall comply with all parking, sign, height and area regulations of the district, and all provisions of the County Building Code;
 - 2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half (1/2) mile;

3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.

5.007. Permitted special uses. A building or premises may be used for the following purposes in the "AGR" Agricultural Residential District if a special permit for such use has been obtained in conformance with the requirements of Article 13.

- a) Private schools;
- b) Recreational facilities;
- c) Dwellings for member of religious orders;
- d) Broadcast towers;
- e) Campgrounds;
- f) Veterinary facilities;
- g) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;
- h) Garden centers;
- i) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
- j) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- k) Community unit plans shall be permitted in conformance with the provisions of Article 14;
- l) Expansion of non-conforming use;
- m) Historic preservation;
- n) Dog breeding establishments and kennels.

5.009. Accessory uses. Accessory uses permitted in the "AGR" Agricultural Residential District are accessory buildings and uses customarily incident to any of the permitted uses in the district.

5.011. 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.

5.013. Sign regulations. Signs within the "AGR" Agricultural Residential District shall be regulated in conformance with the provisions of Article 16.

5.015. Height and area regulations. The height and minimum lot requirements within the "AGR" Agricultural Residential District shall be as follows:

a) General requirement:

	Min. Lot Area	Avg. Lot Width	Min. Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Max. Hgt.
All Permitted Uses:	1 acre	150'	120'	50'	15'	Lesser of 50' or 20% of depth	30'

* The sum of (1) the distance from the centerline of the abutting road to the property line, plus (2) the required front yard need not exceed a total of 80'. The required front yard may be reduced, where necessary, to reach this total.

b) There shall be a required front yard on each street side of a double frontage lot;

c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on October 9, 1979, need not be reduced below thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards;

d) Where a lot of record on October 9, 1979, has a width of one hundred (100) feet or less, the required side yard may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than five (5) feet;

e) If a lot or tract has less frontage, area, or width, or both less area and width, than herein required, and its boundary lines along their entire length abutted lands under other ownership on October 9, 1979, and have not since been changed, such parcel may be used for a single-family dwelling;

f) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two feet to the side or rear lot line.

ARTICLE 6

This district is intended to provide a small town residential area of relatively low residential density. This district provides for single-family, two-family and multiple residential uses plus support facilities such as schools, parks, community buildings and churches.

"R" RESIDENTIAL DISTRICT REGULATIONS

6.001. Scope of Regulation. 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 "R" Residential District.

6.003. 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;
- 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.

6.005. Permitted special uses. A building or premises may be used for the following purposes in the "R" Residential District if a special permit for such use has been obtained in conformance with the requirements of Article 13.

- a) Expansion of non-conforming use;
- b) Historical preservation;
- c) Any public building erected by any department of a governmental agency;
- d) Private schools, including nursery, pre-kindergarten, kindergarten, play and special schools;
- e) Hospitals, clinics and institutions, including educational, religious, and philanthropic institutions; provided, however, that such buildings occupy not over forth (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;

- f) Cemetery;
- g) Community buildings or recreation field;
- h) Airport or landing field;
- i) Trailer courts in accordance with the provisions of the Lancaster County Trailer Regulations, and amendments thereto;
- j) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- k) Community unit plans;
- l) Private recreational activities, including cabins and trailers not used as a residence;
- m) Riding stables and private stables;
- n) Roadside stands for temporary or seasonal operation;
- o) Mining and storage and processing thereof in the "AG" and "AGR" Districts;
- p) Clubs, and semi-public buildings;
- q) Nursing homes when approved by the City-County Health Department;
- r) Temporary dwellings.

6.007. 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.

6.009. 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. 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 fifty (50) square feet for which seating is provided in the largest meeting hall of the church exclusive of the seating capacity of Sunday School and other special rooms.

6.011. 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 15 and 17 hereof.

6.013. Sign regulations. Signs within the "R" Residential District shall be regulated in conformance with the provisions of Article 16.

6.015. 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 17 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 17 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 17, 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;

3) Intensity of use: Minimum buildable lot areas and buildable lot width for dwellings shall be provided as follows:

- a) Single Family dwelling - - - - - 9,000 square feet;
- Two Family dwelling - - - - - 14,000 square feet;
- Multiple dwelling, provided - - 14,000 square feet plus
other applicable adopted - - 5,000 square feet for
standards and resolutions - - - each family over two
are met, i.e., percolation
tests for septic fields;

b) 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 7

This is a district providing for main street oriented commercial and light industrial uses for a small town, one surrounding rural area, and if appropriate, for the non-interstate highway traveling public. It provides for those uses normally found in a small town business area, plus other uses, such as warehouses and a variety of light manufacturing uses.

"B" BUSINESS DISTRICT REGULATIONS

7.001. Scope of regulations. 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 "B" Business District.

7.003. Use regulations. A building or premises shall be used only for the following purposes:

- 1) Any use permitted in the "R" 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) Garages, service stations and automobile repair shops or parking lots;
- 12) Theaters, drive-in theaters, 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 applicanes, 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.

7.005. Permitted special uses. A building or premises may be used for the following purposes in the "B" Business District if a special permit for such use has been obtained in conformance with the requirements of Article 13.

- a) Expansion of non-conforming use;
- b) Historical preservation;
- c) Any public building erected by any department of a governmental agency;
- d) Private schools, including nursery, pre-kindergarten, kindergarten, play and special schools;
- e) 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;
- f) Community buildings or recreation field;
- g) Trailer courts in accordance with the provisions of the Lancaster County Trailer Regulations and amendments thereto;
- h) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- i) Radio and television towers;
- j) Nursing homes when approved by the City-County Health Department;
- k) Trailers for residential occupancy when utilized in conjunction with construction of a residence and not to exceed 3 years in duration.

7.007. 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. Single family residential units shall provide one parking space per dwelling unit. Multiple family dwelling units shall provide 1.5 parking spaces per dwelling unit.

7.009. Height regulations. No building shall exceed four (4) stories nor shall it exceed fifty (50) feet in height, except as otherwise provided in Articles 15 and 17 hereof.

7.011. Sign regulations. Signs within the "B" Business District shall be regulated in conformance with the provisions of Article 16.

7.013. Area regulations.

- 1) Front yard: The front yard regulations are the same as those in the "R" 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 "R" 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 "R" 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 "R" Residential District. In all other cases a rear yard is not required except where a lot abuts an "R" 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 "R" Residential District. The minimum lot width for a commercial use shall be fifty (50) feet.

ARTICLE 8
(RESERVED FOR FUTURE USE)

ARTICLE 9

This district is intended for light and heavy industrial uses having a relatively high intensity of use and land coverage. A variety of the heavier industrial uses require locational approval prior to use.

"I" INDUSTRIAL DISTRICT REGULATIONS

9.001. Scope of regulations. 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.

9.003. 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 13.001 of Article 13 follow the procedure of that paragraph; and provided further that no building or occupancy permit shall be issued for manufacturing, compounding, processing, packaging or treatment of the following products or uses until and unless the location or expansion of such use shall have been approved by the County Board, 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;
The production, manufacture, distribution and commercial storage of toxic, radioactive, flammable or explosive materials, including chemicals, gases, fireworks and explosives;

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;

9.005. 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;

9.007. Height Regulations. No building shall exceed four (4) stories nor fifty (50) feet in height except as otherwise provided in Article 15 and 17 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.

9.009. Sign regulations. Signs within the "I" Industrial District shall be regulated in conformance with the provisions of Article 16.

9.011. 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 17;
- 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 10
(RESERVED FOR FUTURE USE)

ARTICLE 11

This is a district intended to minimize the potential for loss of life, health and property due to inundation by flood waters by restricting development within the areas subject to a one percent (1%) or greater chance of flooding in any given year as designated by the Federal Insurance Administration, U.S. Department of Housing and Urban Development.

FLOOD PLAIN DISTRICT

11.001. The Office of the Superintendent of Codes Administration of the City of Lincoln hereby has these added responsibilities and is authorized and directed to enforce all the provisions of this Resolution.

11.003. The Superintendent of Codes Administration and his staff shall be appointed to these additional responsibilities by this Resolution and his/her appointment shall continue during good behavior and satisfactory service and so long as the County shall contract with the City for such service.

11.005. The County Board of the County of Lancaster hereby designates Flood Hazard Boundary Map(s) No. 310134 0001-0008, 310134 0001A, 310134 0002A, 310134 0003A, 310134 0004A, 310134 0005A, 310134 0006A, 310134 0007A, 310134 0008A, dated February 28, 1978, and amendments, as the official maps to be used in determining those areas of special flood hazard.

11.007. Permits required. No person, firm or corporation shall erect, construct, enlarge or improve any non-farm building or structure in the established area of special flood hazard of the County or cause the same to be done without first obtaining a separate development permit for such building or structure from the Superintendent of Codes Administration.

11.009. Permits required. No person, firm or corporation shall erect, construct, enlarge or improve any farm building or structure in the established area of special flood hazard of the County or cause the same to be done without first obtaining a separate development permit for such building or structure from the Nebraska Natural Resources Commission.

11.011. Within the "A" Zone(s) on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of mobile homes.

11.013. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for the purpose. Every such application shall:

- a) Identify and describe the work to be covered by the permit for which application is made;
- b) Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;

- c) Indicate the use or occupancy for which the proposed work is intended;
- d) Be accompanied by plans and specifications for proposed construction;
- e) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority;
- f) Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest habitable floor (including basement) or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Superintendent of Codes Administration;
- g) Give such other information as reasonably may be required by the Superintendent of Codes Administration;
- h) Be accompanied by a waiver and release form, as prepared by the County Attorney's Office, signed by the applicant.

11.015. The Superintendent of Codes Administration shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State law.

11.017. The Superintendent of Codes Administration, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of mobile homes and other development(s) (as defined in Section 11.025 of this Resolution) will:

- a) Obtain, review and reasonably utilize, if available, any regulatory flood elevation data from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone "A" on the official map that the following performance standards be met:
 - 1) The first floor elevation (to include basement) of new residential structures be elevated or floodproofed to or above the regulatory flood elevation;
 - 2) The first-floor elevation (to include basement) of non-residential structures be elevated or floodproofed to or above the regulatory flood elevation;
- b) Require the use of construction materials and utility equipment that are resistant to flood damage;
- c) Require the use of construction methods and practices that will minimize flood damage;
- d) Be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding;
- e) Assure that in regard to mobile homes, specific anchoring requirements are:
 - 1) Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;
 - 2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
 - 3) All components of the anchoring system be capable of carrying a force of 4800 pounds;

4) Any additions to mobile homes be similarly anchored.

11.019. The County Board of Lancaster County shall review all applications for platted subdivisions in the established area of special flood hazard of the County and shall make findings of fact and assure that:

- a) All such proposed developments are consistent with the need to minimize flood damage;
- b) Subdivision proposals and other proposed new development greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A;
- c) Adequate drainage is provided so as to reduce exposure to flood hazards;
- d) All public utilities and facilities are located so as to minimize or eliminate flood damage.

11.021. New water, sewer, etc.. New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

11.023. This Resolution shall take precedence over conflicting resolutions or parts of resolutions. The County Board of the County of Lancaster may, from time to time, amend this Resolution to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Resolution are in compliance with the National Flood Insurance Program Regulation as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976.

11.025. Definition. Unless specifically defined below, words or phrases used in this Resolution shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Resolution its most reasonable application.

Areas of special flood hazard - The land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the official map.

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Flood - A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.

Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

Habitable floor - Any floor used for living which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a "habitable floor".

Mobile home - A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Mobile home park (subdivision) - "Mobile Home Subdivision" means a parcel (or contiguous parcels) of land which has been divided into two or more lots for rent or sale and the placement of mobile homes.

Regulatory flood elevation - The water surface elevation of the 100-year flood.

Structure - A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but not limited to: buildings, factories, sheds, cabins, mobile homes and other similar buildings.

Substantial improvement - "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 60 percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not the alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State registers of historic places.

100-year flood - The condition of flooding having a one percent chance of annual occurrence.

Building inspector - Superintendent of Codes Administration for the City of Lincoln, Nebraska, or such other individual as shall be designated by the County Board of Lancaster County, Nebraska.

Separate development permit - The permit needed for any applicant to build in the areas of special flood hazard.

Mean sea level - The average height of the sea for all stages of the tide.

The definitions listed herein shall apply to this Article of the 1979 Zoning Resolution of Lancaster County entitled Flood Plain District and to no other Articles of the Zoning Resolution.

ARTICLE 12
NONCONFORMING AND NONSTANDARD USES

12.001. Continuation of nonconforming use. Subject to the provisions of this article, the lawful use of a building, dwelling, structure, lot, land or premises existing immediately prior to the effective date of this title may be continued although such use does not conform to the provisions hereof.

If no structural alterations are made, a nonconforming use may be changed to another nonconforming use of the same or of a more restrictive category. For the purposes of this article, each of the following categories of use shall be considered to be "more restrictive" than those it precedes:

- a) Single- and two-family residential;
- b) Multiple-family residential;
- c) Office buildings;
- d) Retail sales and service;
- e) General commercial;
- f) Light industrial;
- g) Heavy industrial;
- h) Uses permitted only by special permit in the "I" Industrial District.

Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

Subject to the requirements of Sections 11.015 and 11.023 below, a nonconforming use not involving a building may be continued even though such use does not conform to the provisions hereof if no changes are made in regard to size or location of water lines, sewer lines or private roads.

12.003. Use becoming nonconforming by change in law or boundaries. Whenever the use of a building or premises becomes a nonconforming use through a change in the zoning ordinance or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restrictive category, subject to the provisions of this chapter. Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive nonconforming use.

12.005. Discontinuance of nonconforming use. In the event that a nonconforming use of any building, dwelling, structure, lot, land or premises is discontinued or its normal operation stopped for a period of two years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

12.007. Extension or enlargement. Any nonconforming building, dwelling, structure, lot, land or premises devoted to a use not permitted by this title in the district in which the building or premises is located shall not be enlarged, extended, converted, reconstructed, or structurally altered unless such use is changed to a use permitted in the district in which the building or premises is located.

12.009. Restoration after damage. When the use of a building is nonconforming as defined in this chapter and such a building is damaged by a fire, explosion, act of God, or the public enemy to the extent of more than sixty percent (60%) of its fair market value, it shall not be restored except in conformity with the regulations of the district in which the building is located, or in conformance with the provisions of Article 13.

12.011. Sign regulations. Signs for nonconforming uses and nonconforming signs shall be regulated in conformance with the provision of Article 16.

12.013. Open storage. Where land within the "AG", "AGR", "R", and "B" districts contains no main buildings as distinguished from accessory buildings and fences, and where said land was used solely for nonconforming open storage including junk yards as defined in County Resolution No. 3316, immediately prior to the effective date of this title, use of such land for open storage shall be discontinued within two years. Open storage shall not be deemed to include farm machinery stored on a farm or acreage.

Where land is used for a nonconforming or nonstandard use in conformance with the provisions of this Article and where such land contains a main building or structure in addition to open storage, said open storage shall be brought in conformance with the area, front yard, side yard, rear yard, height, unobstructed open space and parking requirements for the district in which it is located within the period of one year from the effective date of this title.

12.015. Effect on use which is illegal under prior law. 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 immediately prior to the effective date of this resolution.

12.017. Continuation of nonstandard uses. Nonstandard uses existing immediately prior to the effective date of this title may be continued, although such uses do not conform to the provisions thereof.

Nonstandard structures and buildings may be enlarged or extended, converted, reconstructed or structurally altered as follows:

a) Enlargements, extensions, conversions, reconstructions, or structural alterations may be made as required by law or resolution or ordered by the Superintendent of Codes Administration to secure the safety of the structure;

b) Enlargements, extensions, conversions, reconstructions or structural alterations of buildings or structures may otherwise be made if such changes comply with the minimum requirements as to front yard, side yard, rear yard, height, and unobstructed open space for the district in which they are located.

12.019. All trailers shall comply with the requirements of this resolution within five (5) years after September 3, 1968.

ARTICLE 13
SPECIAL PERMIT

13.001. Special permit. In addition to as allowed under other districts, the County Board 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, or as limited in this section and may also permit an increase in the height of any such building and permit a lesser area than required aforesaid in this resolution. Copies of a plot plan of the lot and proposed uses, drawn to an accurate scale and showing all pertinent information, shall accompany a request for a special permit.

- 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) Trailer courts in accordance with the provisions of the Lancaster County Trailer Regulations, and amendments thereto;
- 8) Campsites;
- 9) Outdoor theaters, but only in the "AG" Agricultural 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 "R" Residential District;
- 13) Radio and television towers and stations;
- 14) Mining, extraction of sand, gravel or other raw material, and storage and processing thereof in the "AG" and "AGR" Districts. The land surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the County Board.
- 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 9 only in the "I" Industrial District;
- 18) Dwellings for religious order;
- 19) Pet cemetery in the "AG" and "AGR" Districts provided it contains a minimum 5 acres;
- 20) Trailers for residential occupancy when utilized in conjunction with construction of a residence and not to exceed three years in duration;

- 21) Recreation facilities in "AG" and "AGR";
- 22) Veterinary facilities in "AG" and "AGR";
- 23) Sale barns in the "AG" District;
- 24) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals in the "AG" and "AGR";
- 25) Church steeples, towers, and ornamental spires which exceed the maximum district height;
- 26) Community unit plans in the "AGR" and "R" Districts;
- 27) Additional percentage of floor area for home occupations;
- 28) Temporary residence (trailers), renewed annually;
- 29) Garden centers;
- 30) Historic preservation.

Before the issuance of any special permit of any of the above building uses, the County Board 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.

13.003. Special permit administrative amendments. After the County Board has approved a special permit including the specific plot plan under Section 13.001, the Planning Director is authorized to approve amendments to the special permit provided:

- a) A request for an administrative amendment is filed with the Planning Director accompanied by a plot plan drawn to an accurate scale and showing all pertinent information relating to the requested amendment;
- b) No buildings or uses are permitted within the yards required by this title or exterior open space specifically designated by special permit or community unit plan. For purposes of this section, the minimum horizontal distance between the lot line and a building or use shall be used in determining the required side yards, front yards, and rear yard; unless the required yard or required exterior open space is otherwise specifically identified on the approved plot plan or by the County Board resolution;
- c) The intent of the County Board in preserving the public health, safety and general welfare will still be carried out.

13.005. Special permits: expansion of nonconforming uses. In all zoning districts, except the "I" Industrial District, a special permit may be granted to authorize the issuance of a building permit to permit the enlargement, extension, conversion, reconstruction or structural alteration of

any building located upon premises, the use of which constitute a nonconforming use. In consideration of applications for such special permits, the following criteria shall be given specific consideration:

- a) Effects on adjacent property, traffic, utility service needs;
- b) Density of land use zoning for the subject property and adjacent property;
- c) The degree of hardship upon the applicant which would be caused by failure to grant such a permit.

13.007. Permitted special use: historic preservation. In any zoning district except the "I" Industrial District, a special permit may be granted to allow the preservation of a historic structure or site and the reuse thereof. Such historic preservation shall be limited to structures or sites identified and approved in the Comprehensive Plan or additional structures or sites identified and approved by resolution of the County Board. A special permit for historic preservation may approve any use in any zoning district in the historic structure or site after review and consideration of the following:

- a) A review shall be made in order to balance the significance of the historic structure or site against the proposed use variance from uses otherwise permitted in the district;
- b) The extent of exterior change to the structure or site shall be reviewed;
- c) The impact on the surrounding area shall be considered;
- d) The compatibility of the proposed use to the structure or site and the surrounding area shall be reviewed;
- e) The manner in which the public will be able to relate to or utilize the structure or site in the future shall be considered;
- f) A plan of the existing and proposed grounds surrounding the structure or site including outdoor furniture and plant material shall be submitted;
- g) A parking layout shall be submitted;
- h) Details shall be provided for all proposed modifications of the structure or site, both interior and exterior;
- i) The State Historical Preservation Officer shall be given the opportunity to review the structure or site and the proposal for reuse thereof;
- j) The owner of the structure or site shall file a written agreement with the City accepting all the terms and conditions of the special permit;
- k) Details of how the preservation of the structure or site is to be accomplished will be submitted;
- l) The type of signage proposed for the structure or site shall be reviewed and approved;

ARTICLE 14
COMMUNITY UNIT PLAN

14.001. General purpose. The purpose of this chapter is to permit and to encourage the creative design of new living areas, as distinguished from subdivisions of standard lot sizes and standard street systems, and in order to permit such creative design in buildings, open space, and their interrelationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

14.003. General requirements. The owner or owners of any tract of land in the "R" zoning district which is one acre or more in area, including and up to the center line of existing public rights-of-way abutting the tract of land, or in the "AG" zoning district which is 75 acres or more, or in the "AGR" zoning district which is ten (10) acres or more in area, may submit to the County Board a plan for the use and development thereof for residential purposes or for the repair and alteration of any existing residential development; provided, however, that the County Board shall apply the standards contained in this chapter in considering all applications for community unit plans.

a) A community unit plan in the "R" District may be permitted on a tract of land which is less than 10 acres but more than 5 acres in area. The maximum permitted density on such a tract shall be calculated as follows:

The maximum number of dwelling units permitted by the underlying district will be computed and this maximum will be reduced by 10 percent to accommodate the small size of the tract.

b) A community unit plan in the "R" District may be permitted on a tract of land which is not more than five (5) acres but more than one (1) acre in area. The maximum permitted density shall be calculated as follows:

The maximum number of dwelling units permitted by the underlying district will be computed and this maximum will be reduced by 20 percent to accommodate the small size of the tract.

c) A community unit plan in the "R" District may be permitted on a tract of land which is less than ten (10) acres but more than one (1) acre in area where such tract is bounded on at least two sides by one or more existing community unit plans. The maximum density of such a tract shall be calculated as in Section 14.013.

d) A community unit plan may be permitted in the "AG" or "R" Districts on a tract of land which is ten (10) or more acres in area. The maximum permitted density of such a tract shall be calculated as in Section 14.013.

e) Notwithstanding the provisions of (a) through (d) above, where permitted in the "AG" Agricultural District, any community unit plan shall contain a minimum area of 75 acres, and in the "AGR" Agricultural Residential District a minimum area of ten acres.

f) A community unit plan which complies with the energy conservation standards if adopted by the County Board and on file with the County Clerk may receive a dwelling unit bonus in accordance with the standards adopted by resolution of the County Board.

g) Additional dwelling units may be granted by the County Board for each dwelling unit subsidized by the state or federal government for low-income families or as a dwelling unit bonus for the provision of barrier-free units; however, the number of additional dwelling units shall not exceed those provided in the standards adopted by resolution of the County Board.

h) A community unit plan located in the "AG" or "AGR" zoning districts which will protect the open space areas as designated in the Future Land Use Maps of the Lincoln City-Lancaster County Comprehensive Plan may receive a dwelling unit bonus in accordance with the standards adopted by resolution of the County Board. A similar dwelling unit bonus may be made for protection of environmentally sensitive areas not shown in the plan. However, any such request shall be accompanied by a showing by the applicant of the need and means for protection of a portion of his property.

i) The dwelling unit bonuses permitted under this section shall not exceed a total of twenty (20) percent in any community unit plan.

14.005. Procedures. An application and plot plan and plans for development of a community unit plan under this article shall be filed in writing with the Codes Administration Division. Upon the filing of an application, together with all information required by this article, the County Board will refer the application to the Planning Commission. The Planning Commission shall hold a public hearing upon such application and make a report to the County Board regarding the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to the public health, safety, and general welfare. The County Board shall take no final action upon any application for a community unit plan filed under this article until a report from the Planning Commission has been filed with the County Clerk; provided, that in the event there is a delay in excess of sixty (60) days from the date of referral on the part of the Planning Commission in reporting its recommendations to the County Board, the applicant may appeal to the County Board requesting final action. If the County Board determines that the delay of the Planning Commission is unjustified, it shall direct the Commission to submit a report no later than immediately after the Commission's next regularly scheduled meeting.

The report of the Planning Commission to the County Board shall include reasons for recommending approval or denial of any application and if approval is recommended, shall further include specific evidence and facts showing that the proposed community unit plan meets the following conditions:

a) That the land surrounding the tracts for the proposed community unit plan will not be adversely affected;

b) That the proposed community unit plan is consistent with the intent and purpose of this title to promote the public health, safety and general welfare;

c) That the buildings and land in the proposed community unit plan shall be used only for single family dwellings, two-family dwellings, townhouses, or multiple dwellings and accessory uses and any other uses permitted in the zoning district in which the land is located;

d) That the average lot area per family within the proposed community unit plan will not be less than the lot area per family required in the zoning district or districts in which the tracts of the proposed community unit plan is located, except as otherwise provided in this chapter.

14.007. County Board consideration of final action. Upon receipt of a report from the Planning Commission, the County Board shall proceed to give final consideration to the application and require that certain conditions be fulfilled by the applicant in conjunction with the approval of the community unit plan applied for.

14.009. Requirements after approval. Upon approval of the community unit plan by the County Board, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan with all required amendments and revisions. Thereafter, building permits and certificates of occupancy shall be issued only upon strict compliance with the community unit plan as approved, or as amended, regardless of any regulations to the contrary with regard to the height and location of buildings, yard requirements, open space requirements, type of dwelling unit, accessory uses and the fronting of lots upon public streets set forth elsewhere in this title and applying to the zoning district or districts in which the community unit plan is located.

14.011. Community unit plan amendments. After the County Board has approved a community unit plan, including the specific plot plan, the Planning Director is authorized to approve amendments in the community unit plan provided that:

- a) A request for amendment is filed with the Planning Director, and, if appropriate, accompanied by a plot plan drawn to an accurate scale and showing all pertinent information;
- b) There is no increase in the number of dwelling units;
- c) No public land will be accepted as a result of the amendment;
- d) The amendment shall not be contrary to the general purposes of this chapter as set forth in Section 14.001.

14.013. Form of community unit plan. A plot plan shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall contain the following information:

- a) A surveyor's certificate certifying to the accuracy of the boundary survey shown thereon and a certificate for showing the Planning Commission's approval or disapproval, and a certificate for the County Clerk to show the approval or disapproval by County Board, including the date and resolution number;
- b) Date prepared, north point, scale of plot plan, and location of section lines and section corners;
- c) Contour lines at intervals not to exceed five feet based on County data. Spot elevations on a 100-foot grid shall be required to fully indicate the topography on flat land;

d) Locations, name, tangent lengths, center line radius of each curve and its interior angle and width of all proposed and existing streets, highways, private roadways, and other public ways within and adjacent to the development;

e) Locations and widths of all existing and proposed easements for drainage, sewers, and other public utilities and, if appropriate, access easements;

f) Location, width, and direction of flow of all watercourses in and adjacent to the community unit plan, including the limits of the flood plain and floodway as defined in Article 11.

g) The location and size of all existing and proposed sanitary and storm sewers, culverts, watermains, fire hydrants, and existing power lines and other underground structures or cables within the tract of land and adjacent streets;

h) All lot lines, building setback lines for all lots, dimensions of all lot lines and building envelope lines. Chord distances shall be shown for lot lines abutting curvilinear streets;

i) Lot numbers shall begin with the number (1) and shall continue consecutively through a block with no omission or duplication. Blocks shall be numbered in the same manner. Letters shall be used to designate outlots in alphabetical order;

j) Proposed areas for parks and playgrounds. Any parcels other than streets which are to be dedicated or reserved for public use shall be clearly shown and said parcels shall be designated as outlots and assigned an alphabetical designation;

k) The location of all proposed and existing sidewalks, walkways, and other pedestrian ways;

l) Location, height and use of proposed and existing buildings with an indication as to whether an existing building is to be removed or to remain;

m) A certified accurate boundary survey showing sufficient linear, angular, and curve data to determine the bearing and length of all boundary lines of the community unit plan. Where the tract of land abuts on an existing plat, the distances, angles, and bearing of any common lines shall be shown and any differences in measurement noted. The total calculated acres within the boundaries of the community unit plan shall be shown;

n) The following data shall be shown on each sheet of the community unit plan:

- 1) The name of the community unit plan;
- 2) The name, address, and telephone number of the person or company responsible for preparation of the community unit plan;
- 3) North arrow, scale, date;
- 4) Sheet number and the total number of sheets comprising the community unit plan.

o) Accompanying the community unit plan, the following information shall be submitted to the Planning Department with the number of copies requested by the Planning Director:

- 1) Name, address, and telephone number of developer;
- 2) Certified record owner or owners and their address;
- 3) Legal description of the proposed community unit plan, including the number of acres;
- 4) Statement of present zoning and proposed use or uses of the property;

5) Profiles along the center line of the proposed streets and private roadways which show the existing ground surface elevations and the proposed street grades including the length of vertical curves between changes in grade with the profiles for stub streets ending at the boundary of the community unit plan to be extended 300' beyond the limits of the community unit plan into subdivided and unsubdivided land;

6) The proposed method of providing sanitary sewer service to the area;

i) If a public or community sewage system is established, the size and location of all proposed sanitary sewers, the proposed manhole locations, any necessary extension to the existing public system or to the proposed community sewage treatment facility, and the location of the proposed community sewage treatment facility;

ii) If the use of individual sewage disposal systems is permitted, pursuant to Resolution 2832, and amendment thereto, of the Lancaster County, plans for the proposed disposal system and its location on each lot must be shown. If a septic tank system is proposed, soil and percolation data and plans which show the location of one main subsurface disposal field for each lot which is proposed to be served by a septic tank system shall be shown.

7) The proposed method of providing an adequate potable water supply;

i) If a public, or community water system, or rural water district is used, the location and size of all proposed water mains, the proposed hydrant locations, and any necessary extension of the proposed system to existing water mains or to a proposed community well, the location of the proposed community well, and the type of water treatment to be used;

ii) If a community water system other than a rural water district is proposed, data on the quantity and quality of the water shall be obtained from a test well within the immediate vicinity of the proposed water supply well. If an individual water well system for each lot is proposed, data on the quantity and quality of the water shall be obtained from test wells which shall be drilled on the ratio of one to each ten acres on a grid system. The results of these preliminary tests shall in no way be construed to guarantee the quantity or quality of water to individual lots in the proposed community unit plan and the data obtained from these tests shall not be used to imply that an adequate quantity or acceptable quality of water is available in the proposed community unit plan;

8) A drainage study prepared in accordance with any approved Storm Sewer Design Standards of the County on file with the County Clerk. The following items must be included in the drainage study:

i) A map showing the drainage area and resulting runoff from any land lying outside the limits of the community unit plan which discharges storm water runoff into or through the community unit plan;

ii) A map showing all internal drainage areas and resulting runoff;

iii) Proposals as to how the computed quantities of runoff will be handled;

iiiii) A copy of the drainage computations;

9) A map or an aerial photograph showing the proposed streets, private roadways, driveways, parking areas, buildings and lots which includes the location and identifies, by common name, all existing trees within the area of the community unit plan. Single trees which are three (3) inches in caliper or larger measured five (5) feet above the ground must be shown. However, if five or more trees are located so that each is within approximately ten (10) feet of the edge of another tree, they will be considered a tree mass and the outline of the tree mass may be shown with a list of the common names of the trees which are within the tree mass. If the above-stated procedure is followed the individual location of each tree within the tree mass is not necessary. An indication shall be made on the map showing which trees or tree masses are to remain and which trees or tree masses are to be removed;

10) A vicinity sketch showing the general location of the community unit plan in relation to existing streets, section lines, and county limits;

11) Site grading plan showing existing and proposed contour lines with intervals at no greater distance than five (5) feet, and if necessary spot elevations showing complete proposed grading of the community unit plan. Also, cross-sections may be required showing existing and proposed ground lines and buildings. Information as to where fill will be obtained and the amount of the fill shall be included if all or part of the property is located within the flood plain as defined in Article 11. If the proposed location from which said fill is obtained is later to be changed, the developer shall inform the County Board of the location of the proposed new borrow area and obtain approval thereof from the County Board.

12) All deviations from the provisions of this article shall be fully set forth and reasons given for said deviations;

13) In the event that said real property is located within a flood plain, the developer shall comply with all requirements pertaining to flood plains contained in the Lancaster County Code and applicable state statutes.

14.013. Design standards; density. The density of a community unit plan, the shape, size and location of buildings, required open space buffers, recreational facilities, and utilities shall be constructed in conformance with the design standards adopted by resolution of the County Board.

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 nameplate 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 prepared on the premises in connection with such occupation or activity or which is sold in relation and incidental to such occupation or activity;

c) There is no person engaged in the home occupation employed on the premises other than a member of the family residing on the premises;

d) Any activities carried on outdoors in the "R" Residential District in connection with the home occupation is screened 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 is no chemical, mechanical, or electrical equipment used which will cause noise or odors disturbing to the residents of surrounding property or interference with television or radio reception;

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.

15.003. Dwellings for nonrelated persons. Dwellings for four (4) to six (6) persons not immediately related by blood, marriage, or adoption and living as a single housekeeping unit on lots of one (1) acre or more in area shall be permitted, provided that one (1) offstreet parking space is supplied for each person in the housekeeping unit.

15.005. Subdivision promotion activity. In areas of new construction or lot development, a subdivision promotion activity may be established in a residential zoning district for the purpose of selling lots or homes in the area under the following conditions:

a) The purpose of the subdivision promotion activity shall be to promote the sales of lots or homes in the subdivision or area in which the subdivision promotion activity is located or where similar homes are being constructed;

b) Any office or similar premises used in connection with the subdivision promotion activity shall be located within a subdivision display home and no exterior reconstruction or any permanent alteration of the said display home shall be permitted in establishing said office;

c) There shall be no sign on the premises other than those permitted in Article 16;

d) The subdivision promotion activity may continue for a period of one (1) year from the issuance of the first occupancy permit to each builder, contractor, or subdivider within a subdivision or lot development area. At the expiration of one (1) year, a permit shall be obtained from the Codes Administration Division to allow continuation of the subdivision promotion activity. This permit may be granted after an evaluation of the location or proposed location of the subdivision promotion activity by the Codes Administration Division with consideration given to the type of development in the immediate area of the promotion activity, and the effect of the promotion activity on the adjacent area;

e) Subdivision display homes which do not contain any subdivision promotion activities, including offices or continuing sales activities or continuing displays shall not be governed by these provisions.

15.007. Lots fronting upon private roadways. Lots located in the "AG", "AGR", and "R" zoning districts may front upon and take access to a private roadway if said lots are located within an approved community unit plan under this title. Lots located in other zoning districts may front upon and take access to a private roadway if said private roadway has been approved either in connection with a use permit under the provisions of this title or with a subdivision of property in conformance with all of the requirements of the County Subdivision Resolution. All such lots shall also comply with all of the requirements of this title as applicable.

ARTICLE 16
SIGNS

16.001. Scope of regulations. The sign regulations for this title are as set forth in this article. Any additional conditions imposed by State Statutes, the State of Nebraska, or federal government and other applicable ordinances or regulations also apply. In the event of any conflict, the most restrictive ordinance, regulations, or other requirement shall apply.

16.003. General provisions.

) No sign or part thereof shall be erected or maintained in any zoning district except in conformance with the provisions of this article.

16.005. Permitted signs. The specific regulations for signs and their supporting structures in the various zoning districts are as set out in this section. In the event of any conflict with other applicable ordinances and regulations, the most restrictive governing provision shall apply.

a) "AG" Agricultural and "AGR" Agricultural Residential District:

1) On premise signs, 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 shall be allowed, 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;

2) In addition, 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:

1) No sign may be permitted that interferes with, imitates or resembles any official traffic sign, signal, or device;

2) 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

3) No sign may be permitted to be erected upon or maintained or painted upon trees or rocks;

b) "R" Residential District:

On premise signs, including 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 shall be allowed. Home occupation signing shall be allowed provided 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;

c) "B" Business District:

On-premise signs and advertising structures related to the activity conducted on the premises but with sign area not to exceed one hundred (100) square feet and not to exceed the height of the district shall be allowed;

d) "I" Industrial District:

On-premise and off-premise signs, not exceeding the height of the district shall be allowed.

ARTICLE 17
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.

17.001. 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.

17.003. Barnes, 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.

17.005. 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.

17.007. 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.

17.009. 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 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.

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

17.013. 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 Superintendent of Codes Administration 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.

17.015. 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.

17.017. 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.

17.019. 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.

17.021. 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.

17.023. 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.

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

17.027. 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 the 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 18

SPECIAL HEIGHT AND USE REGULATIONS NEAR AIRPORTS

18.001. 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.

18.003. Height Limitations:

a) Before a building permit is granted for any building in Class 1 approach areas the Superintendent of Codes Administration 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 Superintendent of Codes Administration 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.

18.005. 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 19
BOARD OF ZONING APPEALS

19.001. 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 County Board.

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 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 County Board after being given a written statement of the charges against him and a hearing, which shall be a public hearing if he so requests.

19.003. The members of the Board of Zoning Appeals shall meet at least once each year or as may be required after a one month notice 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 chairperson. 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.

19.005.

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 Superintendent of Codes Administration. Such appeal shall be taken within a reasonable time by filing with the Superintendent of Codes Administration a notice of appeal specifying the grounds thereof. The Superintendent of Codes Administration 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 22 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.

19.007. 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 con-forming 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, and 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.

19.009. 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 of 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.

19.011. Recommendations of the Board of Zoning Appeals, accompanied by the written findings of fact, shall be transmitted to the County Board by the Board within one week after such actions have been taken. The County Board 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 22 hereafter.

ARTICLE 20
OCCUPANCY PERMITS
AND
CERTIFICATE OF COMPLIANCE

20.001. Required for Changed or New Occupancy. Subsequent to the effective date of this resolution, no change in the use or occupancy of land, nor any change of use, occupancy, or occupancy classification under the Building Code of any existing building or portions thereof shall be made, nor shall any new building be used or occupied, except as hereinafter specifically provided until a certificate of occupancy has been issued by the County Building Official. Every certificate of occupancy shall state that the new use occupancy or occupancy classification complies (a) with the provision of this resolution or with the terms, conditions and requirements of the special permit authorizing such building or use as the case may be and (b) with the provisions of Building Code. Such certificate shall include where applicable:

- 1) The building permit number;
- 2) Address and legal description;
- 3) The name of the owner;
- 4) A description of the building or portion thereof, or of the premises or portion thereof for which the certificate is issued;
- 5) The name of the building official issuing the same.

20.003. Required for Building Permit. No permit for the erection, alteration, conversion, enlargement or reconstruction of any building or use of land shall be issued before the application has been submitted, reviewed and a finding made that the proposed uses will meet the requirements of the zoning regulation for a certificate of occupancy, and no building or premises shall be used or occupied until such certificate is issued.

20.005. Required for Non-Conforming Uses. A certificate of occupancy shall be required of all lawful non-conforming uses of land or building created by adoption of or amendment to this resolution. Application for such certificate of occupancy for non-conforming uses shall be filed with the Superintendent of Codes Administration 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 or from the date that such non-conforming use is created. It shall be the duty of the Superintendent of Codes Administration to issue a certificate of occupancy for a lawful non-conforming use, but failure to apply for such a certificate of occupancy for non-conforming use, or failure of the Superintendent of Codes Administration 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 or any amendment thereto creating such a non-conforming use.

20.007. Record of Certificate of Occupancy be Kept. A record of all certificates of occupancy shall be kept on file in the Office of the Superintendent of Codes Administration, and copies shall be furnished on request to any person having a propriety or tenancy interest in land or building affected by such certificate of occupancy.

20.009. Special Permits; Certificate of Compliance. Upon completion of construction of any improvements as authorized or required by the county Board for any buildings or uses for which a special permit, including

community unit plan and trailer courts was granted, the permittee may apply for inspection and partial certification, and upon completion of construction of all such improvements, the permittee shall apply to the Superintendent of Codes Administration for a certificate of compliance, which certificate shall not be issued until the Superintendent of Codes Administration has inspected the premises covered by the special permit and has found that all terms, conditions, and requirements of the special permit have been complied with.

If the Superintendent of Codes Administration finds at any time that the terms, conditions, and requirements of a special permit have not been complied with, or that any phase thereof has not been completed within the time required under said special permit or any administrative amendment thereto, the Superintendent of Codes Administration shall report this fact to the County Board which may, after a hearing of which the permittee shall be notified, revoke such special permit for failure to comply with such terms, conditions, and requirements, or take such other action as it may deem necessary to obtain compliance.

Any amendment to a special permit approved subsequent to the issuance of a certificate of compliance for such special permit shall require application by the permittee for a new certificate of compliance which shall not be issued until the Superintendent of Codes Administration has ascertained that any terms, conditions, and requirements of the amendment to the special permit have been complied with.

For purposes of this section, the term "special permit" shall include authorizations under Articles 4, 5, 6, 7, 8, 9, 10, 11, 13, 14 and 16.

ARTICLE 21

PLOT PLAN

21.001. Plot plan to accompany application for building permit. Each application for a building permit shall be accompanied by a plot plan showing the actual dimensions of the 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 title. A record of applications and plot plans shall be kept in the office of the Superintendent of Codes Administration.

ARTICLE 22
GENERAL PROVISIONS, LEGISLATIVE PROVISIONS, PENALTY

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

22.003. Amendments. The County Board may from time to time on its own motion or on petition, amend, supplement, change, modify or repeal by resolution the boundaries of districts 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 Board, shall, before enacting any proposed amendment, supplement, change, modification or repeal, hold a public hearing in relation thereto, giving notice of the time and place of such hearing. In the event the proposed amendment or change is denied by the County Board, no new request shall be made for the same or a substantially similar amendment or change within one year of said denial thereof.

22.005. Notice of Hearing. Hearing required under Articles 13, 19 and 22 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 Board 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.

22.007. Enforcement. It shall be the duty of the Superintendent of Codes Administration to enforce this resolution.

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

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

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

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

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

ARTICLE 23
FEES

23.001. General regulations. The fees set forth in this article shall apply to this resolution. Under no condition shall any fee required hereunder be refunded for failure of said application to be granted by the County Board or other appropriate authority.

23.003. Change of zone. The following fees shall be charged at the time of filing an application for a change of zone:

a) For the filing of an application for a change of zone in the "AG", "AGR" and "R" zoning districts:

1) Where the area for which the change of zone is requested is one (1) acre or less, the application fee shall be fifty dollars (\$50.00);

2) Where the area for which the change of zone is requested is in excess of one (1) acre, the application fee shall be seventy-five dollars (\$75.00).

b) For the filing of an application for a change of zone in all other zoning districts:

1) Where the area for which the change of zone is requested is one (1) acre or less, the fee shall be seventy-five dollars (\$75.00);

2) Where the area for which the change of zone is requested is in excess of one (1) acre, the fee shall be one hundred fifty dollars (\$150.00).

23.005. Community unit plan. The application fee for a special permit for a community unit plan as required in Article 14 shall be twenty-five dollars (\$25.00), plus six dollars (\$6.00) per dwelling unit to a maximum of seven hundred and fifty dollars (\$750.00) which shall accompany the filing of the community unit plan. Credit shall be given for any fees paid in connection with subdivision of the community unit plan.

23.007. Mobile home courts. The fee for an application for a special permit for a mobile home court under Article 13 shall be twenty-five dollars (\$25.00), plus six dollars (\$6.00) per mobile home space shown on the application.

23.009. Special permit. The filing fee for an application for an application for a special permit under Article 13, other than mobile home courts and community unit plans, shall be as follows:

a) If the area for which the special permit is requested is one (1) acre or less, the fee shall be fifty dollars (\$50.00);

b) If the area for which the special permit is requested is in excess of one (1) acre, the fee shall be one hundred fifty dollars (\$150.00).

23.011. Administrative amendments. The filing fee for an application for an administrative amendment to a special permit or to a use permit shall be fifty dollars (\$50.00).

23.013. Board of zoning appeals. The filing fee for an application for an appeal to the board of zoning appeals shall be fifty dollars (\$50.00).

23.015. Airport zoning. The filing fee for an application for a height permit in connection with the airport zoning district, Article 18, shall be twenty-five dollars (\$25.00).

23.017. Changes in text. The filing fee for an application for a change of text in the 1979 Zoning Resolution of Lancaster County shall be fifty dollars (\$50.00).

23.019. General fees. The filing fee for an application in connection with the 1979 Zoning Resolution of Lancaster County not otherwise covered by this Article shall be fifty dollars (\$50.00).

23.021. Exemption for County filing on its own behalf. No fee shall be required when any action is recommended by the County Board on its own motion or by any person or group officially designated to participate in the administration of this Resolution.