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LANCASTER COUNTY
CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

COUNTY CHANGE OF ZONE NO. 11004:)	
TEXT AMENDMENT TO THE LANCASTER)	
COUNTY ZONING RESOLUTION,)	RESOLUTION NO. <u>R-11-0023</u>
DELEGATING FINAL ACTION AUTHORITY)	
TO THE PLANNING COMMISSION AND THE)	
COUNTY BOARD OF ZONING APPEALS,)	
AS PROVIDED IN ATTACHMENT A)	

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2007), the Lancaster County Board of Commissioners is authorized to make amendments to the 1979 Zoning Resolution of Lancaster County, which are consistent with the County's Comprehensive Plan and after receipt of specific recommendations from the Lincoln/Lancaster County Planning Commission ("Planning Commission"); and

WHEREAS, the Director of Planning has requested a text amendment to Articles 4 AG Agriculture, 5 Agricultural Residential, 6 Residential, 9 Industrial, 13 Special Permits, 14 Community Unit Plan and 19 Board of Zoning Appeals, to delegate final action authority to the Planning Commission and the Board of Zoning Appeals, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, the Lincoln-Lancaster County Planning Department has recommended approval of this amendment concluding that the adoption of this text amendment should result in a more streamlined process for applicants; and

WHEREAS, on February 23, 2011, after public hearing, the Lincoln-Lancaster County Planning Commission agreed with the staff recommendation and voted 8 to 0 to recommend approval of said text amendments; and

WHEREAS, on March 29, 2011, the Board of Commissioners of Lancaster County

conducted a public hearing regarding said text amendment and voted to approve said amendments.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster County, Nebraska that the amendments to Articles 4 AG Agriculture, 5 Agricultural Residential, 6 Residential, 9 Industrial, 13 Special Permits, 14 Community Unit Plan and 19 Board of Zoning Appeals of the Lancaster County Zoning Resolution, as provided in Attachment "A," are hereby adopted and approved.

BE, IT FURTHER RESOLVED, that any other references in said Resolution which may be affected by the above specified amendments be, and they hereby are, amended to conform to such specific amendments.

DATED this 29 day of March, 2011, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this 29 day of
March, 2011.

Bryan Bohren
Deputy County Attorney
for JOE KELLY
Lancaster County Attorney

Joe Kopylov
Bob Schorr
Harry Halkins
Heier Absent

ARTICLE 4
"AG" AGRICULTURAL DISTRICT

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.

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) 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; schools; publicly owned or operated airports; and public utilities and utility distribution systems; excluding governmental landfill operations. (Approved Resolution No. 5367, August 26, 1996)
- f) Single family dwellings;
- g) Churches.
- h) Cable and fiber optic communication distribution systems (Resolution No. R-01-21, April 4, 2001)
- l) Wind energy conversion systems (WECS) (Resolution No. R-08-0090, October 15, 2008)

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 or premises of 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 traveled roadway;
 - 2) Such roadside stands 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.

e) Public uses: including but not limited to public parks, playgrounds, golf courses and recreational uses; fire stations; public elementary and high schools; airports; and public utilities and utility distribution systems; excluding governmental landfill operations.

(Resolution No. 4147, January 21, 1986)

f) Wind energy conversion systems (WECS), over the district height, provided they meet the following conditions: (Resolution R-08-0008, February 24, 2009)

1) The distance from all lot lines to any tower support base of the WECS shall be equal to the height of the tower plus the rotor radius. The Planning Commission County Board may grant a reduction in the setback through appeal when it finds that such reduction shall not adversely affect surrounding property and is consistent with the intent of this title to promote the public health, safety, and general welfare. (Resolution No. R-08-0090, October 15, 2008)

2) The distance from any tower support base of a WECS to any tower support base of another WECS under other ownership shall be a minimum of five (5) rotor distance figured by the size of the largest rotor. The Planning Commission County Board may grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS.

3) The WECS operation shall not cause interference to the radio and television reception on adjoining property.

4) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to WECS. (Resolution R-08-0090, Approved October 15, 2008; Resolution No. 3744A, October 5, 1982)

g) Mobile Homes:

1) The mobile home has:

i. No less than an eight hundred (800) square foot floor area, excluding garages.

ii. No less than an eighteen (18) foot exterior width;

iii. A three (3) inch in twelve (12) inch pitched roof or steeper;

iv. A non-reflective exterior siding material which is or simulates wood, stucco or masonry;

v. A non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock;

vi. Permanent connections to permanently located utilities complying with plumbing codes and electrical codes;

vii. A certificate stating the construction complies with the Federal Department of Housing and Urban Development's mobile home construction and safety standards.

2) The mobile home's longest exterior dimension is less than three (3) times the most narrow exterior dimension.

3) The towing bar and hitch, wheels and tires, and axles are removed.

4) The mobile home's exterior siding extends to the ground and is supported to withstand wind loads as set forth in the building code or the foundation forms a complete

enclosure under the exterior walls. The space beneath the mobile home shall be properly ventilated.

5) The mobile home is securely and permanently attached to a permanent foundation complying with the building code.

6) The mobile home's placement is inspected and complies with this resolution before the mobile home is occupied. (Resolution No. 3777, January 18, 1983)

h) Family Airfield, under the following conditions:

1) The approach must provide a 150 feet clear height over any residential zoned area, 100 feet over any agriculture residential zoned area and safe and reasonable clearances over utility lines, poles, towers and appurtenances, which may be located in the path of any runway.

2) A minimum effective length of the runway shall be 300 feet if paved and 500' if turfed.

along 3) The paved runway shall be 25 feet or more in width, and the turfed runway shall be at least 50 feet wide. There shall be a primary surface (unobstructed area) the full length of the turfed runway. All structures beyond the primary surface and the approach slope shall clear a 7:1 transitional or lateral slope as measured from the outside edge of the primary surface or approach slope.

4) The approach surface to each end of each paved runway or turfed runway extends outward along the runway centerline and shall be unobstructed along a 10:1 vertical slope for a horizontal distance of 500 feet. The approach slope shall begin at the turfed runway threshold or at a properly marked displaced threshold. The width of the approach slope shall be 50 feet at the beginning and widen out to 150 feet at a distance of 500 from the beginning. The surface area beneath the approach zone shall be controlled by ownership, fee title or easement.

5) The runway centerline extended shall not cross any existing building within 1/4 mile of the end of the runway.

6) The runway shall be set back 50' from all lot lines.

7) Runway lighting shall be limited to 45 watts in power. No more than 36" above grade and producing no more than 1/2 foot candle of illumination at the property line.

8) A "bubble" of clearance of 200' over and around all buildings shall be maintained.

9) Flight operations shall be prohibited from 10 PM to 5 AM.

10) Abutting property/families may use the same runway provided there are no more than four (4) properties, each of which has at least 150' of frontage on the runway. (Resolution No. 5367, August 26, 1996)

(l) Domestic shelter:

1) Parking shall be one space for every four residents based on the maximum occupancy allowed by the lot area and two spaces for every three employees on the largest shifts.

2) The maximum number of residents occupying such a facility shall not exceed one person per 3,000 square feet of lot area.

3) The distance between the proposed use of any existing domestic shelter measured from lot line shall not be less than one mile. (Resolution No. 5407, November 19, 1996)

(j) Farm Winery:

- 1) No farm winery shall manufacture wine in excess of fifty thousand gallons per year;
- 2) A farm winery must produce a minimum of fifteen percent of product from fruit or other agricultural products harvested from the premises following five years business;
- 3) Wines produced at the farm winery may be sold on site at wholesale and retail and/or at off premise sites holding the appropriate license;
- 4) Wine samples and/or consumption on the licensed premises is permitted in reasonable amounts;
- 5) A farm winery may sell retail items as an accessory to wine sales through tasting or wine sales room. Retail space shall not exceed two thousand square feet;
- 6) A farm winery may only serve food prepared off site by a Health Department licensed establishment in association with sampling and/or consumption of wine. A farm winery may not act in the capacity of a retail food establishment. (Resolution No. 5437, February 18, 1997)

(k) Any use that the Lancaster County Board of Commissioners has approved by granting an amusement license for such use. Said conditional use is permitted on a premises for no more than one event per calendar year. (Resolution No. R-05-0058, May 25, 2005).

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) Radio and television towers and stations, and television production facilities;
- (Resolution No. 3958, August 21, 1984)
- 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) Except as provided in Section 17.031, church steeples, towers and ornamental spires which exceed the maximum district height; (Resolution No. 5408, November 19, 1996)
 - l) Expansion of non-conforming use;
 - m) Historic Preservation;
 - n) Pet cemeteries; minimum area shall be five (5) acres;
 - o) Trailer, Mobile Home Courts; (Resolution No. 3777, January 18, 1983)
 - p) Outdoor theaters;
 - q) Clubs and semi-public buildings; (Resolution No. 3569, March 10, 1981)
 - r) Nursing homes; (Resolution No. 3569, March 10, 1981)
 - s) Non-commercial distillation and storage of fuel and fuel products produced in whole

or in part from agricultural products raised within the County; (Resolution No. 3501, July 29, 1980)

t) A mobile home on an individual lot subject to the following conditions:

- 1) The lot meets all the height and area regulations of this district except the Planning Commission County Board may increase the yard areas;
- 2) The mobile home is securely and permanently attached to a permanent foundation complying with the building codes;
- 3) The towing bar and hitch, wheels and tires, and axles are removed.

(Resolution No. 3777, January 18, 1985)

u) Governmental landfill; (Resolution No. 4147, January 21, 1986)

v) Heritage center; (Resolution No. 4277, April 28, 1987)

w) Airfield; (Resolution No. 5367, August 26, 1996)

x) Storage of agricultural conservation construction equipment; (Resolution No. 5367, August 26, 1996)

y) Parking lots; (Resolution No. 4928, October 27, 1992)

z) Commercial agricultural airfields; (Resolution No. 5367, August 26, 1996)

aa) Heliports. (Resolution No. 5367, August 26, 1996)

bb) Race track, drag strip or motor sport facility (Resolution No. R-07-0061, July 24, 2007)

cc) Expanded home occupations (Resolution No. R-09-0076, September 29, 2009)

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 17) all of the Lincoln-City Lancaster County Comprehensive 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 of seventy five (75) acres. (Resolution No. 5238, June 20, 1995)

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

4.013. Parking Regulations. No parking is required except that one (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 in 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 Height
All Permitted Uses	20 acres	550'	550'	50**	60'	100'	35'

* However, in no event need the sum of the distance from the centerline of the abutting road to the street line, and the required front yard exceed a total of 80'. The required front yard of any such property exceeding the 80' sum may be reduced accordingly. (Resolution No. 3740, August 31, 1982)

The general requirements of this subsection (a) are not required to be met in the event a 40 acre tract of land is subdivided into two buildable lots of not less than three acres each and a nonbuildable outlot of not less than 30 acres. In such event, the yard requirements of subsection (h)(1) below shall apply to the two buildable lots. (Resolution No. R-05-0125, October 5, 2005)

Minimum Lot Area. In all interior sections of the minimum area for a buildable lot shall be one half ($\frac{1}{2}$) of the total acreage contained in that quadrant of the quarter ($\frac{1}{4}$) section in which said lot is located.

In all closing sections except those which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be as follows:

- i) For those lots located within a Government Lot, the minimum required area shall be one-half ($\frac{1}{2}$) of the total acreage contained in said Government Lot;
- ii) For those lots which are not located within a Government Lot, the minimum required area shall be one-half ($\frac{1}{2}$) of the total acreage contained in that quadrant of the quarter ($\frac{1}{4}$) section in which said lot is located.

In those closing sections which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be 20 acres, provided, however that the Board of Zoning Appeals, in conformance with the terms of Article 19, may hear and decide upon petitions to vary strict application of this requirement. (Resolution No. 3478, June 24, 1980) For purposes of this section 4.017, Minimum lot area, County Section and one half Section Line Road Right-of-Way is included for the purpose of determining area. (Resolution No. R-00-16, February 22, 2000)

- 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 of 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 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 buildable lot on the effective date of this Resolution has an average width of 550 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 fifteen (15) feet; (Resolution No. 4130, December 3, 1985)
- e) Where a buildable lot 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, whichever is smaller;
- f) (1) If a buildable lot has less area, width or frontage or any combination thereof, than

herein required, and its entire boundary under different ownership on the effective date of this title and has not since been changed, such lot may be used in the following manner:

- i) If the area of a parcel is 10 acres or more, such parcel may be used for:
 - 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. A single-family dwelling;
 - g. Churches.

- ii) If the area of such parcel is less than 10 acres, such parcel may be used for:
 - a. Agriculture, except commercial feedlots;
 - b. 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;
 - c. A single family dwelling;
 - d. Churches

- iii) Those lots which would qualify under (I) above and have been since reduced by government right-of-way acquisition, may utilize the uses permitted in (I) if the remaining lot is nine (9) acres or larger. (Resolution No. 4689, October 23, 1990)

(2) If two or more abutting 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 lot shall contain a minimum area of two (2) acres and shall have an average lot width of one hundred fifty (150) feet. Abutting lots in common ownership may be combined to meet these minimum standards. If a lot has less width or depth, the required side and rear yards may be adjusted as provided in (d) and (e) above. (Resolution No. 3740, August 31, 1983)

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:

- (1) In the required rear yard, but such accessory buildings shall not be nearer than two (2) feet to the side or rear lot line; and
- (2) not nearer than a distance equal to ten percent (10%) of the average lot width from the side lot line. Such accessory buildings located in the required rear and required side yard shall not occupy more than thirty percent (30%) of the required rear yard. (Resolution No. 3740, August 31, 1983)

h) A lot or parcel of land of one (1) acre or more may be used for a single-family dwelling or public use including any public utilities and distribution systems, or for preservation

or conservation of land having significant natural, scenic, historic or scientific value (Resolution No. 5172, November 1, 1994) provided that:

(1) Such lot or parcel of land and structure shall be in conformance with the following maximum height and minimum lot requirements:

(I) General requirements:

	<u>Min. Lot Area</u>	<u>Avg. Lot Width</u>	<u>Min. Frontage</u>	<u>Req'd Front Yard</u>	<u>Req'd Side Yard</u>	<u>Req'd Rear Yard</u>	<u>Max. Height</u>
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.

(ii) There shall be a required front yard on each street side of a double frontage lot:

(iii) 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 November 2, 1953, 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.

(iv) 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 rear yard, but such accessory building 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. However, if the lot or parcel of land and structure does not meet the requirements of item (I) above, it shall be considered a non-standard use.

(2) Such Single family dwelling:

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

(ii) is, or has been used as the primary residence associated with a farm; and,

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

- (3) Such lot or parcel created for such public use shall not be used by itself, for any purpose other than public use or agriculture. (Resolution No. 4048, April 9, 1985)
- (4) Such a lot or parcel created for preservation or conservation purposes;
 - (i) Shall be evaluated, prior to action by the County Board, by the Lancaster County Ecological Advisory Committee or other appropriate committee to determine the property's natural, scenic, historic or scientific significance;
 - (ii) Shall have an affected deed restriction or conservation easement attached to the deed, in perpetuity, assuring appropriate limitations on development of the property and permanent preservation of its natural, scenic, historic or scientific values. (Resolution No. 5172, November 1, 1994)

ARTICLE 5 "AGR" AGRICULTURAL RESIDENTIAL DISTRICT

This district is intended to provide for a vigorous agricultural industry combined with low density, acreage residential development in selected 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.

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; schools, publicly owned or operated airports, heliports and public utility distribution systems;
- d) Churches;
- e) Single-family dwellings more than 1,320' from property line of a publicly owned lake property of over 30 acres in size; (Resolution No. 5428, January 22, 1997)
- f) Airports. (Resolution No. 5367, August 26, 1996)
- g) Cable and fiber optic communication distribution systems (Approved Resolution No. R-01-21, April 4, 2001)
- h) Wind energy conversion systems (WECS) (Resolution No. R-08-0090, October 15, 2008)

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 stands 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;

e) Wind energy conversions systems (WECS) over the district height, provided they meet the following conditions: (Resolution No. R-09-0008, February 24, 2009)

1) The distance from all lot lines to any tower support base of the WECS shall be equal to the height of the tower plus the rotor radius. The Planning Commission County Board may grant a reduction in the setback distance through appeal when it finds that such reduction shall not adversely affect surrounding property and is consistent with the intent of this title to promote the public health, safety and general welfare. (Resolution No. R-08-0090, October 15, 2008)

2) The distance from any tower support base of a WECS to any tower support base of another WECS under other ownership shall be a minimum of five (5) rotor distances figured by the size of the largest rotor. The Planning Commission County Board may grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS.

3) The WECS operation shall not cause interference to the radio and television reception on adjoining property.

4) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then-current service

regulations applicable to WECS. (Resolution R-08-0090, Approved October 15, 2008; Resolution No. 3744A, October 5, 1982)

f) Mobile homes:

1) The mobile home has:

I. No less than an eight hundred (800) square foot floor area, excluding garages;

II. No less than an eighteen (18) foot exterior width;

III. A three (3) inch in twelve (12) inch pitched roof or steeper;

IV. A non-reflective exterior siding material which is or simulates wood, stucco or masonry;

V. A non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock;

VI. Permanent connections to permanently located utilities complying with plumbing codes and electrical codes;

VII. A certificate stating the construction complies with the Federal Department of Housing and Urban Development's mobile home construction and safety standards.

2) The mobile home's longest exterior dimension is less than three (3) times the most narrow exterior dimension.

3) The towing bar and hitch, wheels and tires, and axles are removed.

4) The mobile home's exterior siding extends to the ground and is supported to withstand wind loads as set forth in the building code or the foundation forms a complete enclosure under the exterior walls. The space beneath the mobile home shall be properly ventilated.

5) The mobile home is securely and permanently attached to a permanent foundation complying with the building code.

6) The mobile home's placement is inspected and complies with this resolution before the mobile home is occupied. (Resolution No. 3777, January 18, 1983)

(g) Domestic Shelter:

1) Parking shall be one space for every four residents based on the maximum occupancy allowed by the lot area and two spaces for every three employees on the largest shifts.

2) The maximum number of residents occupying such a facility shall not exceed one person per 3,000 square feet of lot area.

3) The distance between the proposed use of any existing domestic shelter measured from lot line to lot line shall not be less than one mile. (Resolution No. 5407, November 19, 1996)

5.007. Permitted Special Usage. A building or premise may be used for the following purpose 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 members 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) Except as provided in Section 17.031, church steeples, towers and ornamental spires which exceed the maximum district height; (Resolution No. 5408, November 19, 1996)

- 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;
- o) Trailer, Mobile Home Court; (Resolution No. 3777, January 18, 1983)
- p) A mobile home on an individual lot subject to the following conditions;
 - 1) The lot meets all the height and area regulations of this district except the Planning Commission County Board may increase the yard areas;
 - 2) The mobile home is securely and permanently attached to a permanent foundation complying with the building code;
 - 3) The towing bar and hitch, wheels and tires, and axles are removed.
- q) Airfields; (Resolution No. 5367, August 26, 1996)
- r) Parking lot; (Resolution No. 4928, October 27, 1992)
- s) Commercial agricultural airfields; (Resolution No. 5367, August 26, 1996)
- t) Family airfields; (Resolution No. 5367, August 26, 1996)
- u) Heliports; (Resolution No. 5367, August 26, 1996)
- v) Dwellings within 1,320' of the property line of a publicly owned lake property of more than 30 acres in size. (Resolution No. 5428, January 22, 1997)

5.009. Accessory Uses. Accessory uses permitted in the "AGR" Agricultural Residential District are accessory buildings and uses customarily incidental 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 requirements:

	<u>Min. Lot Area</u>	<u>Avg. Lot Width</u>	<u>Min. Frontage</u>	<u>Req'd Front Yard</u>	<u>Req'd Side Yard</u>	<u>Req'd Rear Yard</u>	<u>Max. Height</u>
All Permitted Uses:	3 acres	220'	175'	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.

** For lots abutting cul-de-sacs, this requirement may be met by providing a frontage of 175 feet measured at the required front yard setback line. (Resolution No. 4452, January 17, 1989; prior Resolution No. 3639, October 6, 1981)

- 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 of land has less area or width, or both less area and width than herein required, and its boundary lines along their entire length abut lands under other ownership on October 9, 1979, and have not since been changed, such parcel may be used for:
 - 1) Agriculture, except confined feeding facilities for livestock or poultry;
 - 2) Public use 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;
 - 3) Churches;
 - 4) A single-family dwelling (Resolution No. 3644, November 10, 1981)
- f) Accessory buildings which are attached to or not located more than ten (10) feet from 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.

Article 6

"R" Residential District

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 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 setback 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) Cemeteries;
- g) Community buildings or recreation fields;
- h) Airports or landing fields;
- i) Trailer, mobile home courts in accordance with the provisions of the Lancaster County Trailer Regulations, and amendments thereto; (Resolution No. 3777, January 18, 1983)
- j) Except as provided in Section 17.031, church steeples, towers, and ornamental spires which exceed the maximum district height; (Resolution No. 5408, November 19, 1996)
- 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;
- s) Wind energy conversion systems over the district height; (Resolution R-08-0090, Approved October 15, 2008; Resolution No. 3744A, October 5, 1982)
- t) A mobile home on an individual lot subject to the following conditions: (Resolution No. 3777, January 18, 1983)

1) The lot meets all the height and area regulations of this district except the Planning Commission County Board may increase the yard areas.

2) The mobile home has:

I. No less than an eight hundred (800) square foot floor area excluding garages.

II. No less than an eighteen (18) foot exterior width.

III. A three (3) inch in twelve (12) inch pitched roof or steeper.

IV. A non-reflective exterior siding material which is or simulates wood, stucco or masonry.

V. A non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock.

VI. Permanent connections to permanently located utilities complying with plumbing codes and electrical codes.

VII. A certificate stating the construction complies with the Federal Department of Housing and Urban Development's mobile home construction and safety standards.

3) The mobile home's longest exterior dimension is less than three (3) times the most narrow exterior dimension.

4) The towing bar and hitch, wheels and tires, and axles are removed.

5) The mobile home's exterior siding extends to the ground and is supported to withstand wind loads as set forth in the building code or the foundation forms a complete enclosure under the exterior walls. The space beneath the mobile home shall be properly ventilated.

6) The mobile home is securely and permanently attached to a permanent foundation complying with the building code.

7) The mobile home's placement is inspected and complies with this resolution before the mobile home is occupied. (Resolution No. 3777, January 18, 1983)

Article 9
"I" Industrial District

9.003. Use Regulations. Any building or premise 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 been approved by the Planning Commission 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;
Wind energy conversion systems over the district height. (Resolution R-08-0090,
Approved October 15, 2008; Resolution No. 3744A, October 5, 1982)

**ARTICLE 13
SPECIAL PERMIT**

13.001 Special Permit. In addition to uses allowed under other districts, the ~~County Board~~ Planning Commission 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, and may modify or waiver or add conditions of approval to the listed conditions in this Article as deemed appropriate to maintain the health, safety and general welfare of the surrounding properties. The ~~Planning Commission~~ County Board may also grant special permits for variances from the provisions of Article 11 of this resolution. (Resolution No. R-09-0076, September 29, 2009; Resolution No. 3667, January 26, 1982)

13) Radio and television towers and stations, and television facilities. A special permit may be granted in any district to allow such facilities under the following conditions:

- (a) The towers shall comply with all applicable governmental regulations and standards.
- (b) The towers may exceed the maximum height for the district in which they are located.
- ©) The application shall be accompanied by the following information:
 - (1) A site plan showing site boundary, locations of the proposed towers, guy wire anchors, nearby structures, tower design and building materials, equipment to be attached to the towers and setbacks from the site boundary; and landscaping as appropriate for the site;
 - (2) A statement indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to their unobtrusiveness, minimum height necessary to accommodate planned equipment, avoidance of artificial light and coloring provisions;
 - (3) If towers are located within one mile of any existing tower, the applicant shall demonstrate that existing towers cannot accommodate the communication equipment planned for the proposed towers.
- (d) The towers shall be set back from abutting public streets by a distance equal to or greater than the tower height. The distance between towers and the site boundary shall be equal to or greater than 50% of the tower height. The distance between tower anchors and the site boundary shall be equal to or greater than the setback requirements established in the underlying zoning district. The ~~County Board~~ Planning Commission may grant a reduction in the required setbacks when it finds that such reduction shall not adversely affect adjacent properties and is consistent with the intent of this resolution to promote health, safety, morals and general welfare of residents in the County.
- (e) The towers shall not be painted with bright colors or equipped with lights unless specifically required by the government for safety reasons. If required by the government, the lights shall not exceed its minimum standards.
- (f) To prevent vandalism or injuries, adequate security measures shall be provided around the tower base. (Resolution No. 4567, November 21, 1989)

14) Excavation and stone milling may be allowed by special permit in the AG and AGR zoning districts under the conditions below. For purposes of this section, excavation shall mean the removal of clay, soil, limestone, sandstone, sand or gravel from the earth on a project site in excess of one acre by excavating, stripping, leveling or any other process together with all other types of mining and quarrying operations for material that is removed from the earth. Excavation shall not include grading of land in accordance with an approved preliminary plat, building permit or normal farming practices.

- (a) An application for a special permit for excavation or stone milling shall be accompanied by the following information:
 - (1) A legal description of the proposed site;
 - (2) A site plan drawn to scale that includes but is not limited to identifying proposed vehicle and equipment storage areas and entrance and exit locations to the operation;

(3) A map showing the site location and the location of private access roads, existing or proposed, and public roads and highways adjacent to the site which will be affected by the operation;

(4) A grading map showing existing contours, proposed excavation contours, proposed final grade contours, and excavation volumes;

(5) A full and adequate description of all phases of the contemplated operation and the specific listing of the type of machinery and equipment which will be or might be used to carry on the operation;

(6) A groundwater report from a groundwater hydrologist in cases where proposed soil mining operations are: (i) within 1000 feet of any off-site private well, (ii) within 2000 feet of a community well, or (iii) designed to result in an excavated area that does not drain to a lower area (i.e. a "hole"); the report should demonstrate that the operation and ultimate grading will not negatively impact nearby wells by draw-down or contamination, and/or that monitoring wells will be installed to provide early warning of any such impact;

Where a pond or lake is proposed, the groundwater report shall also demonstrate that adequate water will be supplied via runoff and/or wells to maintain the pond or lake as a functioning and attractive year-round water feature.

(7) Reclamation plans for returning the site to agricultural use, approved by a local official of the Federal Department of Agriculture Natural Resources Conservation Service as meeting the standards of "Farm Bill Compliance".

(b) Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and County land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.

(c) No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the County. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the County.

(d) Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase of operation.

(e) Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control Program Regulations, and the Lincoln/Lancaster County Health Department may additionally require dust control on unpaved perimeter roads;

(f) Safety screening may be required at the outer boundary of the site; visual screening through setbacks, berming and other techniques may also be required where said boundary is adjacent to residential or park land, school property, or at major entryways/corridors into a city, town, or village, or at the discretion of the County Board Planning Commission.

(g) Operating hours shall be limited to daylight hours, Monday through Saturday.

(h) A sign shall be posted and maintained at the entrance to the site. The sign shall be:

(1) Clearly visible from the adjacent road;

(2) At least 32 square feet in area;

(3) Lettering shall be at least two inches in height, black on a white background;

(4) The sign shall list:

(i) The approved Special Permit Number;

- (ii) The name, contact phone, and email address for the land owner;
- (iii) The name, contact phone, and email address for the operator/contractor;
- (iv) The Building and Safety Department contact number.

(l) The County or City Engineer may require installation of traffic signs to warn motorists of mining operations and truck traffic.

(j) The applicant will take appropriate measures, such as street sweeping or "rumble bars" as specified by the County Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.

(k) Permittee shall not begin operations until it has received a certificate of operation from the Director of Building and Safety.

(1) The Permittee shall comply with all terms, conditions and requirements of the special permit that are required to be completed before beginning operations. Upon completion of all such terms, conditions and requirement of the special permit, the applicant shall advise the Director of Building and Safety that the applicant has met all such conditions and shall apply to the Director of Building and Safety for a certification of operation.

(2) The certificate of operation shall not be issued until the Director of Building and Safety has inspected the premises covered by the special permit, reviewed documentation and evidence of completion of the conditions which shall be provided by the applicant, and has found that all terms, conditions and requirements of the special permit, that are to be completed before beginning operations, have been complied with.

(3) Any amendment to a special permit approved subsequent to the issuance of a certificate of operation for such special permit shall require application by the permittee for a new certificate of operation which shall not be issued until the Director of Building and Safety has ascertained that any terms, conditions and requirements of the amendment to the special permit have been complied with.

(l) Operations shall commence within one year of approval of the special permit or the special permit will terminate and be considered null and void.

(m) Prior to commencing operations, the Permittee shall provide the County with a penal bond in the amount of \$525.00 per acre intended to be disturbed to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A private engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.

(n) Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

(o) A special permit may be approved for up to a three year period of time by the County Board Planning Commission. Such period of time shall commence upon the date the special permit is approved by the County Board Planning Commission.

(p) Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of operations and each condition of the special permit.

(q) Permittee shall be subject to an annual site inspection by the Director of Building and Safety or his assigns. Such inspection shall be paid for by the applicant. Building and Safety shall:

1. Inspect the site to determine whether terms, special conditions and requirements imposed by the County Board Planning Commission in the approval of the special permit have been met and complied with; and

2. Review all complaints from public and other departments/agencies

®) The County Board Planning Commission may modify or adjust any of the above conditions or impose additional conditions to preserve the public health, safety, and general welfare or to allow the applicant use of the property, while at the same time, protecting the surrounding property. (Resolution No. R-09-0011, March 10, 2009)

15) Clubs and semi-public buildings;

16) Nursing homes when approved by the City-County Health Department;

17) Industrial uses upon which the Board Planning Commission is required to pass under Article 9 only in the "I" Industrial District;

18) Dwellings for religious orders;

19) Pet cemeteries in the "AG" and "AGR" Districts, provided they contain a minimum of five (5) acres;

20) Trailers for residential occupancy when utilized in conjunction with construction of a residence and not to exceed three (3) 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" Districts;

25) Except as provided in Section 17.031, church steeples, towers, and ornamental spires which exceed the maximum district height. (Resolution No. 5408, November 19, 1996)

26) Community unit plans in the "AGR" and "R" Districts;

27) Expanded home occupations; Expanded home occupations may be allowed by special permit in the AG zoning district under the following conditions:

(a) The expanded home business may include such uses as, but no limited to:

1. Farm-related, maintenance and repair of agricultural equipment, including those serving non-farm customers with equipment and skills applied to agricultural uses;

2. Vehicle repair and body work (including non farm vehicles). Vehicle repair and body work shall not include junk yards and inoperable vehicles.

Vehicles being repair and reconditioned must be moved inside or off the property within 30 days,

3. Trucking,

4. Welding.

5. Blacksmithing

6. Heat treating or machine shop

7. Landscaping

8. Boarding of horses and other animals

9. Bed-and-breakfasts

10. Conference centers

11. Outside storage of vehicles, motor homes, watercraft and camper trailers, boats,

12. Manufacturing or assembly; including assembly of small mechanical or electrical devices or components.

13. Household dining establishments in the main dwelling (by reservation only and limited to seating for no more than 16 patrons at a time)

14. Contractors' storage of vehicles, equipment, and materials

15. Custom butchering, meat curing and processing

16. Manufacturing of ceramic products

17. Production, processing, packing or treatment of food-related products

18. Production, fabrication or assembly of small implements used in homes, shops, garages, lawn, garden and farm

19. Use of accessory buildings for non-agricultural storage

(b) On-site sales shall be limited primarily to products grown, manufactured, processed, treated or assembled on the premise.

(c) No more than two (2) persons, who are not members of the family residing on the premises, may be employed to carry out the occupation or activity on the premises.

(d) The lot area shall be 10 acres or larger

(e) Driveways and parking areas shall be provided with an all-weather (gravel or rock) surface to minimize dust and mud

(f) No more than 50% of the floor area of the residence may be used for said business.

(g) The total floor area for all buildings used for said business shall not be more than 10,000 square feet

(h) Outside area used for work area, storage or other business activity (of vehicles, equipment, or materials used in the business) and parking shall not exceed 15,000 square feet.

(i) All outside business related activity shall be located at least 200 feet from all premise property lines and shall be visually screened from public streets and adjacent property lines. Said visual screening shall be approved as part of the special permit

(j) Health Department regulations and all other County, State, and Federal rules and regulations shall apply. The Health Department may require dust control of nearby unpaved roads to mitigate the impact of traffic approaching and leaving the premise.

(k) Building permits will be obtained as required for all new construction and remodeling of existing buildings under this permit.

(l) Only one vehicle/truck over 2.5 tons (gross weight) is permitted on the site. No more than four (4) business vehicles shall be parked or stored outside on the site at any one time.

(m) There is no sign other than one non-animated, non-illuminated, non-reflecting nameplate not more than twenty (20) square feet in area, which name plate designates the home occupation carried on within.

(n) A site plan for this special permit shall be approved and followed

The Planning Commission/County Board may establish additional conditions such as hours of business operation, maximum daily non-resident trips to and from the business, as deemed appropriate for compatibility, health safety and welfare relative to this use and activity. (Resolution No. R-09-0076, September 29, 2009)

35) Parking lots in the "AG" Agricultural and "AGR" Agricultural Residential Districts abutting and adjacent to "B" Business or "I" Industrial Districts, provided that:

(a) The parking lot is designed and constructed to the satisfaction of the County Engineering Department;

(b) It is paved or surfaced with gravel or crushed rock;

(c) The parking lot is screened from abutting roads and residential uses;

- (d) Any lighting is directed so as not to cause light trespass on surrounding roads and residential uses;
- (e) The lot is setback the minimum front and side yard setbacks of the district in which it is located;
- (f) And, that access to the parking lot to be taken through the business or industrial zoned property and the location of the access is approved by the County Engineering Department.

The ~~County Board~~ Planning Commission may modify or adjust any of these conditions or impose additional conditions to allow the applicant use of the property, while at the same time, protecting the surrounding properties. (Resolution No. 4928, October 27, 1992)

13.002. Procedures. An application and copies of the plot plan drawn to an accurate scale and showing all pertinent information shall be filed in writing with the Planning Department. Before the issuance of any special permit of any of the above buildings or uses, the County Board shall refer the proposed application to the Planning Commission. the Planning Commission shall hold a public hearing and ~~make a report to the County Board regarding shall consider~~ the effect of such proposed building or uses upon the character of the neighborhood, traffic conditions, public utility facilities, the Comprehensive Plan and other matters relating to the public health, safety and general welfare. ~~No action by the County Board 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 with the County Clerk. Any action by the Planning Commission may be appealed to the County Board.~~ 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 nonconforming use; provided, however, that such an existing use shall require a special permit for enlargement, extension or relocation. (Resolution R-07-0016, March 13, 2007)

13.003. Special Permit Administrative Amendments. After the County Board has approved a special permit, including the specific plot plan under Article 13, 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 Article 13;
- c) The intent of the County Board in preserving the public health, safety and general welfare will still be carried out. (Resolution R-07-0016, March 13, 2007)

13.006. Heritage Center. In the AG District, a special permit may be granted by the Planning Commission ~~County Commissioners~~ to allow a heritage center subject to the following conditions:

- a) More than one main building may be located on a lot in conformance with the district regulations.
- b) More than one main building may be located on a parcel of thirty (30) acres or more and buildings shall not cover more than five percent (5%) of the lot area.
- c) Mechanical rides shall be prohibited except for sightseeing vehicles.
- d) Parking: One space for every 200 square feet of floor area for permanent retail and service use. In addition, an overflow parking area shall be provided with three stalls for every acre contained within the special permit.
- e) The application shall address the guidelines of the County change of zone policy and include provisions for minimizing impacts on County or community services. (Resolution No. 4277, April 28, 1987).

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 an 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~~ Planning Commission. 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 significant 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 shall be reviewed;
- e) The manner in which the public shall be able to relate to or utilize the structure of site in the future shall be considered'
- f) A plan of the existing and proposed grounds surrounding 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 modification 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 County 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.

13.009. Permitted Special Uses. Wind energy conversion systems (WECS). In the "R", "B" and "I" Zoning Districts, a special permit may be granted to allow wind energy conversion systems (WECS) over the district height. A special permit may be granted by the County Board Planning Commission subject to the following conditions:

a) The distance from all lot lines to any tower support base of the WECS shall be equal to the height of the tower plus the rotor radius. The County Board Planning Commission may grant a reduction in the specific setback table distance when it finds that such reduction shall not adversely affect surrounding property and is consistent with the intent of this title to promote the public health, safety and general welfare.

b) The distance from any tower support base of a WECS to any tower support base of another WECS under other ownership shall be a minimum of five (5) rotor distances figured by the size of the largest rotor. The County Board Planning Commission may grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of+ either WECS.

c) The WECS operation shall not cause interference to the radio and television reception on adjoining property.

d) The applicant shall provide access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on the site.

e) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations application to WECS. (Resolution R-08-0090, Approved October 15, 2008; Resolution No. 3744A, October 5, 1982)

13.010. Permitted Special Use: Storage of Agriculture Conservation Equipment and Materials.

Storage of agriculture conservation construction equipment and materials may be allowed by special permit in the "AG" Zoning District under the following conditions:

a) Such use shall comply with the height and area regulations of the "AG" District; except that the County Board Planning Commission may reduce the minimum lot area to ten acres.

b) Such use shall be permitted for a time period which shall be determined by the County Board Planning Commission. The permittee may request administrative amendments for an extension of time.

c) The permittee shall maintain an exemption application for earth moving equipment for agriculture and soil conservation purposes; Form 410 as authorized by 77-202.46 R.S. or as may be amended.

d) The exemption application shall be filed with the County Assessor's Office and the exempt uses of the total equipment shall not be less than 75%. (Resolution No. 4656, June 26, 1990)

13.012 Special Permit. Special permitted use: Dwellings within 1,320 feet of the property line of a publicly owned lake property of 30 acres or more may be allowed in the AGR district under the following conditions:

a) The ~~County Board~~ Planning Commission may amend the conditions of the special permit upon a showing that exceptional and unusual circumstances exist in connection with the specific parcel of land.

b) All dwellings, occupied buildings and live stock feed lots shall be located a minimum of 600 feet (200 yards) from the property line of the public lake property to protect from noise and gunfire. Adjustment for other factors such as roads, lot size, abutting uses and private agreements should be considered in applying this.

c) Sewer systems shall be designed so no effluent will reach the lake.

d) Well information shall be provided that shows there is adequate quantity and quality of water on the site and the development will not adversely affect adjacent property wells.

e) Unless already in permanent vegetation, a buffer of native grasses and forbs shall be planted within 200' abutting the public property line. Overall use of native plants and "xeroscaping" is encouraged.

f) Any disturbance of surface soils shall use the "Best Management Practices" to prevent any sediment from moving off site, in accordance with a sediment plan shall be approved by the Lower Platte South based on the Sediment and Erosion Manual.

g) Exterior lighting shall meet the Lincoln Design Standards for Outdoor Recreational Lighting sections on illumination levels beyond the property line (I.B) and Glare control (III) shielded to prevent trespass of light off the property.

h) Vehicular access points shall be designed so as not to conflict with other entrances and to recognize the additional traffic as well as the character of that traffic on the road. Access to paved roads is required if possible.

i) The boundary between the private and public ownership shall be posted as "private property". The signs shall be at least eleven by fourteen inches and shall be spaced no more than 1,320 feet apart and at all property corners and field entrances.

j) The public agencies of the adjacent lake property shall have the opportunity to review the special permit application as well as the Nebraska Game and Parks Commission, Natural Resources District, Corps. of Engineers and Department of Environmental Quality.

k) All chimneys shall be equipped with spark arresters.

l) No antenna or any other structure over 35' in height shall be permitted unless approved by this permit.

m) The applicant shall acknowledge and advise future purchasers of, the full utilization of all legal uses and activities that would normally occur on the public lake property abutting the application. Protective covenants shall be filed on the property containing this information.

n) Density/number of dwelling units permitted in the parcel (a range is suggested of no less than 5 nor more than 10 acres per dwelling unit).

o) The developer shall enter into a written agreement with the county on the conditions of the special permit. (Resolution No. 5428, January 22, 1997)

13.015 Permitted Special Use Sexually oriented live entertainment establishments must meet all applicable federal, state and local regulations and may by special permit be located in the "I" Industrial zone district under the following conditions:

(a) It meets minimum separation distance of one thousand five hundred (1,500) feet between such uses.

(b) It meets minimum separation distance of one thousand (1,000) feet between such use and from churches, public elementary and high schools or private schools having a curriculum equivalent to public elementary or high schools, residential uses, early childhood

care facility, public park, hospital, public library, public museum, amusement park, recreation area or playground that primarily serves persons younger than eighteen (18) years old, correctional facility, residential facility licensed by the State of Nebraska in which people reside while receiving therapy, counseling or rehabilitation for physical, emotional or mental disease or disability.

c) All distancing requirements shall be measured using door to door measurement of distance.

Before making a final decision on the issuance of the above building use, the Planning Commission will hold a public hearing to consider the effect of the proposed 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", ~~and then report its findings and make recommendation to the Lancaster County Board of Commissioners for final decision.~~ (Resolution 00-129, October 13, 2000)

13.016 Permitted Special Use: Race Tracks, Drag Strips, and Motor Sport Facilities in "AG" District:

Race tracks, drag strips, and motor sport facilities may be allowed by special permit in the AG zoning district in conformance with the following conditions:

(a) The application shall be accompanied by the following information:

- (1) A plot plan drawn to an accurate scale showing the layout of the entire site including the track, seating area, restrooms, parking lot, concession stands, lighting facilities, and other pertinent information.
- (2) Proposed water and sewer systems.
- (3) Drainage and grading plan.
- (4) Description of the racing facility, including the type, number and average speed of motorized vehicles and time and frequency of operations.
- (5) Landscaping and screening plan.
- (6) Proposed measures to mitigate potential adverse environmental impacts, such as air quality, hazardous liquids and glare.
- (7) Anticipated peak event attendance and parking needs.
- (8) Days and hours of operation.
- (9) Description, type, and frequency of other anticipated events or uses incidental to the racing facility described above.
- (10) Entrances, exits and traffic flow.
- (11) A professional sound assessment of the proposed race track, drag strip or motor sports facility shall be submitted by the applicant to the Health Department for review and recommendation for approval or denial. The professional sound assessment may be done in one of two ways: computer modeling or Health Department approved on-site noise generation and monitoring. If the professional sound assessment predicts or identifies NPL levels that exceed the regulatory limits established in Section 13.016(d), a sound mitigation strategies plan shall be proposed by the applicant. Such sound mitigation strategies plan shall be signed by an accredited engineer with speciality or advanced knowledge in acoustics. The sound mitigation strategies plan shall be submitted to the

Health Department for review and recommendation for approval or denial of the sound mitigation strategies plan. The Health Department shall take action to recommend approval or denial of the plan within 30 days of receipt.

(b) the site shall contain at least seventy (70) acres in the AG district.

(c) The proposed water, sewer and drainage facilities shall be reviewed and approved by the Lincoln Lancaster County Health Department.

(d) The operation of a race track, drag strip or motor sports facility shall not create an A-weighted Noise Pollution Level (NPL) sound level (dBA) which exceeds the current conditional NPL on the nearest receiving properties with occupied residences in existence on the date of approval of the special permit by more than 10 dB between the hours of 10:00 a.m. and 6:00 p.m., nor more than 6 dB between the hours of 6:00 p.m. and 10:00 p.m. In addition, the NPL level shall not exceed 81 dB, no matter what the baseline NPL level. The current condition NPL noise levels shall be established by conducting noise monitoring at the closest residence(s) in outside areas that will likely be actively used for the enjoyment of their property.

(1) Noise samples shall be acquired continuously for one hour using a one second sampling rate.

(2) The sound level meter shall be set to the "A" weighting and "fast" mode.

(3) The sound level meter shall be calibrated to an approved standard before and after each measurement period.

(4) The current condition NPL shall be established by measuring both during what is believed to represent the peak noise conditions and during evening hours.

(5) Noise measurements shall be made with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1983 as amended by S1.4A-1985, or the latest approved revision thereof), or its successor body, using a Type I or Type II meter.

(6) Noise monitoring shall be conducted by the Health Department.

(7) Noise measurements for enforcement purposes shall be conducted using the same protocol as provided in subsection (d)(1), (2), (3), (5) and (6) above. The formula for calculating the NPL shall be:

$$NPL = (L50 + L10 - L90) + [(L10 - L90)^2 / 60]$$

(8) Before a special use permit is issued for a race track, drag strip or motor sports facility, a professional sound assessment of the proposed race track, drag strip or motor sports facility shall be submitted by the applicant to the Health Department for review and recommendation for approval or denial. This may be done in one of two ways: computer modeling or Health Department approved on-site noise generation and monitoring. If this sound assessment predicts or identifies NPL levels and exceed the regulatory limits established herein, sound mitigation strategies shall be proposed by the applicant. Such sound mitigation strategies shall be signed by an accredited engineer with speciality or advanced knowledge in acoustics. The noise mitigation plan shall be submitted to the Health Department for review and recommendation for approval or denial. The Health Department shall take no action to recommend approval or denial of the plan within 30 days of receipt.

(9) Prior to operation, the race track, drag strip or motor sports facility shall install an approved continuous noise monitoring device at a location to be determined by the Health Department. Data collected from this monitor shall be made available to the Health Department. The Health Department shall be provided

access to the race track, drag strip or motor sports facility at any reasonable time to inspect, investigate complaints or conduct noise monitoring.

(e) The site shall not be located in areas for residential use, rural use/low density residential, schools, parks and open space, and the major ecological and environmental protection areas in accordance with the Comprehensive Plan.

(f) The boundary of the property legally described in the application shall be located at least one half (½) mile away from existing cemeteries, hospitals and churches and residential areas, rural use/acreage areas, schools and parks and open space as designated by the Comprehensive Plan.

(g) The site shall be readily accessible from a major street or paved road with adequate access for law enforcement and emergency vehicles.

(h) The site shall be located within reasonable reach of existing fire protection facilities or fire protection may be provided on-site, and shall be approved by the fire protection district. A report thereon shall be obtained from the fire protection district or authority in which the site is located.

(i) The events shall not operate between the hours of 10:00 p.m. to 10:00 a.m.

(j) The operation of a race track, drag strip or motor sports facility may exceed the noise sound level set forth in Section 13.016(d) for a certain number of events each calendar year upon approval by the ~~County Board~~ Planning Commission. At the time of application for the special permit, the applicant shall request the number of events it proposes to exceed the noise level set forth in Section 13.016(d) each calendar year. In the event the applicant wishes to amend the number of event exceptions in any given year, the applicant must request an amendment to the special permit. The ~~County Board~~ Planning Commission shall act on such request after holding a public hearing.

The ~~County Board~~ Planning Commission may amend any of the above conditions of the special permit, or impose additional conditions, upon a showing that such conditions are reasonably related to the interest of public health, safety, morals, and the general welfare. (Resolution No. R-07-0061; July 24, 2007)

13.017 Enforcement and Revocation of Special Permits.

(a) The Director of Building and Safety shall make a report to the County Board at anytime the Director of Building and Safety finds the following:

1) Any of the terms, conditions, requirements of a special permit have not been complied with by the Permittee or that any phase thereof has not been completed within the time required under said special permit or any administrative amendment thereto

(b) The ~~County Board~~ Planning Commission may, after a public hearing of which the permittee shall be notified, take any of the following actions:

- 1) Revoke the special permit for failure to comply with any of the terms, conditions, and requirements of the special permit, or
- 2) Take such other action as it may deem necessary to obtain compliance with the special permit, or
- 3) Take such action that it deems necessary to preserve the public health, safety and general welfare. (Resolution No. R-09-0011; March 10, 2009)

13.018 Appeal of Planning Commission Action.

(a) Any aggrieved person, or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the County Board by filing notice of appeal with the County Clerk within fourteen days following the action of the Planning Commission.

(b) Upon receipt of the appeal by the County Board, the board shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Article 22, Section 22.005 hereafter.

©) In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the County Board may, after public hearing, in conformity with the provisions of this Article, make such decision as ought to be made.

**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 Requirement. 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 Planning Commission 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 Planning Commission shall apply the standards contained in this chapter in consideration of all applications for community unit plans. The plan may propose a modification of height and area of regulations of the district in which the community unit plan is located.

g) Additional dwelling units may be granted by the ~~County Board~~ Planning Commission 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.

14.005. Procedures. An application and copies of the plot plan drawn to an accurate scale and showing all pertinent information and development of a community unit plan under this article shall be filed in writing with the Planning Department. Upon the filing of an application, the ~~County Board~~ Planning Department shall refer the application to the Planning Commission. The Planning Commission shall hold a public hearing and ~~make a report to the County board regarding~~ shall consider the effect of the proposed use upon character of the neighborhood, the Comprehensive Plan, traffic conditions, public utility facilities and other matters relating to the public health, safety and general welfare. ~~No action by the County Board shall be taken on any application for a proposed use above referred to until and unless the report of the Planning Commission has been filed with the County Clerk.~~ (Resolution R-07-0016, March 13, 2007)

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:

~~14.007. County Board Consideration of Final Action.~~ Upon receipt of a report from the Planning Commission, ~~the County Board~~ The Planning Commission shall proceed to give final consideration to approve or deny the application and require that certain conditions be fulfilled by the applicant in conjunction with the approval of the community unit plan applied for. Any action by the Planning Commission may be appealed to the County Board.

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, 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 Planning Commission 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:

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 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 the ~~County Board~~, Planning Commission 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 (5) 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, water mains, 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 distance 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 uses 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 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 addresses;
 - 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 three hundred (300) feet 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 No. 2382 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 (10) 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;
 - iv) A copy of the drainage computations.
- 9) A map or an aerial photograph showing the proposed streets, private roadways, driveways, parking areas, building 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 the five (5) or more trees are located so that each end 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.

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 three years, one member for a term of four years and one member for a term of five years; and upon expiration of said terms, appointments shall be made for a term of five years. Vacancies shall be filled by appointment for the unexpired term only. Members of the Board shall serve without compensation, but may be allowed their reasonable expenses, in an amount to be fixed by the County Board. A member of the Board may be removed by the affirmative vote of two (2) 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. (Resolution No. 3545, November 18, 1980)

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 chairperson, who shall serve one (1) year and until a 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 (3) 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 Director of Building and Safety. Such appeal shall be taken within a reasonable time by filing with the Director of Building and Safety a notice of appeal specifying the grounds thereof. The Director of Building and Safety 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 nor disapproval Thereafter, the Board of Zoning Appeals shall schedule a subsequent hearing to reconsider and decide upon said proposition.

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 their 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 empowered to recommend the following exceptions:

a) To permit the reconstruction of a non-conforming building which has been destroyed by fire or Act of God, where the Board shall find some compelling public necessity requiring the continuance of the non-conforming use;

b) 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;

c) To interpret the provisions 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. (Resolution No. 3781, February 2, 1983)

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 decisions 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 decided upon 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. Decisions of the Board of Zoning Appeals shall be final unless appealed to the County Board pursuant to Section 19.011.

~~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 (1) week after such actions have been taken. The County Board shall not take final action on the recommendation of the Board of Zoning Appeals without holding one (1) or more public hearings, due notice of which shall be given as provided in Article 22 hereafter.~~

19.011.

(a) Any aggrieved person, or any person or group officially designated to participate in the administration of this title may appeal any action of the Board of Zoning Appeals to the County Board by filing notice of appeal with the County Clerk within fourteen (14) days following the action of the Board of Zoning Appeals.

(b) Upon receipt of the appeal by the County Board, the board shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Article 22 hereafter.

(c) In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the County Board may, after public hearing, in conformity with the provision of this title, make such decisions as ought to be made.