

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

COUNTY TEXT AMENDMENT NO.)
23003: TEXT AMENDMENT TO THE)
LANCASTER COUNTY ZONING) RESOLUTION NO. R-23-0022
RESOLUTION, ARTICLES 2, 6, 13, AND)
17, AS PROVIDED IN EXHIBIT A)

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114, the Lancaster County Board of Commissioners (“Board”) 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”);

WHEREAS, the Lincoln-Lancaster County Planning Department (“Planning Department”) has requested a text amendment to the Lancaster County Zoning Resolution, Articles 2, 6, 13, and 17, as provided in Exhibit “A,” attached hereto and incorporated by this reference, which revises Article 2 Definitions for Academies and Private School; Article 6 Residential District to delete Mobile Home Courts as an allowed use; Article 13 Special Permit to add conditions for Campgrounds and to delete Mobile Home Courts, and Article 17 Additional Height and Area Regulations to allow non-commercial antennas and satellite dish antennas up to a maximum height of 65 feet;

WHEREAS, the Planning Department has recommended approval of this amendment concluding that the Text Amendment No. 23003 is compatible with the Comprehensive Plan goals of streamlining the process and striving for predictability;

WHEREAS, the Planning Department identified the main purpose of Text Amendment No. 23003 as adding conditions for campgrounds special permits in Section 13.014, and the proposed amendments to Section 13.014 and the Planning Department's justification for those amendments is as follows:

- a. There shall be a minimum of forty (40) campsites in the campground. Each campsite shall contain at least 2,500 square feet.

Requiring a minimum of 40 campsites prevents allowing a property to have a few cabins or recreational vehicle pads. A campground should provide facilities and add to the recreational options in the County. A minimum of 40 also provides enough scale for there to be services for camper and/or RV vehicle. The minimum number of 40 campsites still provides flexibility in the size of campgrounds.

- b. The lot area shall be ten (10) acres or larger.

A minimum 10-acre parcel allows plenty of space for 40 campsites and accessory buildings and uses.

- c. The campground shall be supplied with a water supply and sewage disposal facilities, including washing, toilets, and similar facilities, all of which meet all applicable county codes and regulations.

These services are typical of most campgrounds.

- d. A side yard and rear yard of sixty (60) feet and a front yard of fifty (50) feet shall be maintained on the campground.

The proposed setbacks will provide a buffer to adjacent properties. The zoning regulations for the AG District for all uses require a 50' front, 60' side and 100' rear

yard setback. A 60' setback on the side and rear lot lines provides a sufficient setback to adjacent properties and provides for a uniform setback. The 50 feet front yard matches the AG and AGR Districts.

- e. Public roads and highways providing primary access to the campground shall be paved.

Requiring campgrounds to take access to a paved road will eliminate dust from vehicles impacting adjacent properties. It will also reduce maintenance costs to the public that would be needed with a gravel road.

- f. Internal roads shall be provided to each campsite and all internal roads shall have a minimum unobstructed width of fourteen feet for all one-way roads, and twenty feet for all two-way roads.

This provides for adequate width for traffic within the campground.

- g. No campground may be occupied by the same person or persons more than thirty-one days in any three hundred sixty-five (365) day period. However, if the campground provides recreation and support facilities including but not limited to a swimming pool, convenience goods shop, and office, then up to thirty-five (35) percent of the campground campsites may be occupied by the same person or persons for not more than a cumulative total of one hundred eighty (180) days in any three hundred and sixty-five (365) day period.

Campgrounds are typically for persons staying less than 30 days. There are situations where a person may need to stay for more than 30 days. This could include

a worker that does not live in the area and is on a project that lasts more than 30 days or someone who parks a recreational vehicle and leaves it during the football season. Other situations could include someone building a house and needs a temporary place to live or is visiting a family member for an extended time. The support facilities are required if the campground allows stays over 31 days. The number of campsites for stays up to 180 days is limited to 35% when the support facilities are included. The support facilities provide for a full service campground that will provide needed amenities for campers wanting an extended stay.

- h. One dwelling unit, campground site or mobile home occupied by the owner or caretaker year-round is permitted.

Often a campground will have someone live on site year-round. This will allow the owner or caretaker to have a permanent residence at the campground.

- i. The sale of alcoholic beverage within the campground shall be prohibited.

Prohibiting the sale of alcohol will help to keep a family friendly campground and will reduce conflicts with neighbors. This condition does not prohibit persons from bringing in their own alcohol on site.

- j. All campground operators shall keep accurate records as to the length of time a person stays in the campground, and shall make said records available to the County Attorney, director of Building and Safety, or the Director of the Planning Department upon request.

This will allow county officials to respond to any complaints filed by reviewing the campgrounds records on length of stay.

- k. Signs are allowed within the front yard setback.

Allowing signs in the front yard setback will allow greater visibility for travelers. Most users of the campground are not from the area and allowing the sign closer to the street will help in locating the campground.

- l. Screening or fencing of the campground may be required.

There may be situations where screening of fencing is needed to offset the impact to adjacent property.

WHEREAS, on March 8, 2023, the Planning Commission voted 7-0 to recommend approval of said text amendment;

WHEREAS, on April 11, 2023, the Board conducted a public hearing regarding said text amendment;

WHEREAS, on April 11, 2023, the Board during a public meeting voted to approve the proposed text amendment;

NOW, THEREFORE, BE IT RESOLVED, by the Board, that the amendments to the Lancaster County Zoning Resolution, as provided in Exhibit "A," are hereby approved.

DATED this 11th day of April, 2023, in the County-City Building, Lincoln,

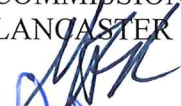
Lancaster County, Nebraska.


BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA


APPROVED AS TO FORM
this 11th day of April, 2023.




Deputy County Attorney
for PAT CONDON
County Attorney












Exhibit "A"

ARTICLE 2 DEFINITIONS

2.002. A.

Academies shall mean education and instruction facilities including but not limited to dance or music academies, gymnastic or martial arts school. Academies shall not include early childhood care facilities, public schools, or private schools that meet the State of Nebraska requirements for elementary or secondary education, or industrial trade or vocational schools. (Approved Resolution No. R-17-0040, May 30, 2017)

2.017. P.

Private School shall mean privately owned education and instruction facilities that ~~meet the State of Nebraska requirements for~~ provide education and instructions that is generally equivalent to a public elementary or secondary education. Private schools generally provide instruction to the same grade levels as public schools, but may include facilities with fewer grades than a public school. Private school shall not mean academies, early childhood care facilities, private colleges, or vocational schools. (Resolution No. R-17-0040, May 30, 2017)

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. Academies, Private Schools, or Post-Secondary Education Facilities; (Resolution No. R-17-0040, May 30, 2017)
- d. Reserved; (Resolution No. R-17-0040, May 30, 2017).
- e. ~~Mobile home courts; (Resolution No. R-17-0040, May 30, 2017; Resolution No. 3777, January 18, 1983).~~
- f. Community unit plans;
- g. Health Care Facilities, Residential; (Resolution No. R-17-0040, May 30, 2017).
- h. Wind energy conversion systems over the district height; (Resolution R-08-0090, Approved October 15, 2008; Resolution No. 3744A, October 5, 1982).
- i. Dwellings for Members of Religious Orders; (Resolution No. R-17-0040, May 30, 2017);
- j. Flood Plain Construction; (Resolution No. R-17-0040, May 30, 2017);
- k. Broadcast Towers; (Resolution No. R-17-0040, May 30, 2017);
- l. Personal Wireless Services Facility; (Resolution No. R-17-0040, May 30, 2017)
- m. Early Childhood Care Facilities. (Resolution No. R-18-0078, November 20, 2018)

n. Small Solar Facility. (Resolution No. R-20-0037, July 14, 2020)
(Resolution No. R-22-0022, March 22, 2022)

ARTICLE 13 SPECIAL PERMIT

13.002. Procedures

- A. 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 buildings or uses, the County Board shall refer the proposed application to the Planning Commission. The Planning Commission shall hold a public hearing and 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. Any action by the Planning Commission may be appealed to the County Board. An existing use of the type listed in this Chapter lawfully established on the effective date of this resolution shall be deemed to have received a 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. Applications for Special Permits shall expire as provided in Section 22.019. (Resolution No. R-17-0040, May 30, 2017)
- B. Prior to the start of the procedures provided in subsection (a) above, a text amendment shall be completed upon receipt of an application for a special permit for the following types of special permits:
- ~~1. Mobile Home Courts;~~
 - ~~2. Campgrounds;~~
 1. Salvage Yards;
 2. Garden Centers;
 3. Off-premises Signs. (Resolution No. R-22-0022, March 22, 2022; Resolution No. R-23-0001, 01/03/2023)

~~13.013. Mobile Home Courts Reserved~~

~~Mobile home courts may be allowed by special permit in the R zoning district upon completion of the procedures pursuant to Section 13.002(b). (Resolution No. R-17-0040, May 30, 2017; Resolution No. 3777, January 18, 1983; Resolution No. R-18-0078, November 20, 2018; Resolution No. R-22-0022, March 22, 2022).~~

13.014. Campground

Campground may be allowed by special permit in the AG zoning district under the following conditions; upon completion of the procedures pursuant to Section 13.002(b).

- a. There shall be a minimum of forty (40) campsites in the campground. Each campsite shall contain at least two-thousand five-hundred (2,500) square feet;
- b. The lot area of the campground shall be ten (10) acres or larger;
- c. The campground shall be supplied with a water supply and sewage disposal facilities, including washing, toilets, and similar facilities, all of which meet all applicable county codes and regulations;
- d. A side yard and rear yard of sixty (60) feet and a front yard of fifty (50) feet shall be maintained on the campground;
- e. Public roads and highways providing primary access to the campground shall be paved;
- f. Internal roads shall be provided to each campsite and all internal roads shall have a minimum unobstructed width of fourteen (14) feet for all one-way roads and twenty (20) feet for all two-way roads;
- g. No campground may be occupied by the same person or persons more than thirty-one days in any three hundred sixty-five (365) day period. However, if the campground provides recreation and support facilities including, but not limited to, a swimming pool, convenience goods shop, and office, then up to thirty-five percent (35%) of the campground campsites may be occupied by the same person or persons for not more than a cumulative total of one hundred eighty (180) days in any three hundred sixty-five (365) day period;
- h. One (1) dwelling unit, campground site, or mobile home occupied by the owner or caretaker year round is permitted;
- i. The sale of alcoholic beverages within the campground shall be prohibited;
- j. All campground operators shall keep accurate records as to the length of time a person stays in the campground, and shall make said records available to the County Attorney, Director of Building and Safety Department, or the Director of the Planning Department upon request;
- k. Signs are allowed within the front yard setback;
- l. Screening or fencing of the campground may be required.

(Resolution No. R-17-0040, May 30, 2017; Resolution No. R-18-0078, November 20, 2018; Resolution No. R-22-0022, March 22, 2022).

ARTICLE 17 ADDITIONAL HEIGHT AND AREA REGULATIONS

17.003

Barns, chimneys, cooling towers, meteorological towers, elevator bulkheads, fire towers, grain elevators, and storage structures, monuments, ornamental towers, silos, spires, stacks, stage towers of scenery lofts, tanks, water towers, and WECS over the district height are exempt from the height regulations as contained herein.

Noncommercial antenna towers for amateur radio and satellite dish antennas are permitted to be up to sixty-five (65) feet in height.

SECS and WECS are permitted accessory uses associated with a primary use on the premises in all zoning districts provided they are in conformance with the provisions of Article 17 and any other applicable regulations of this Resolution and have a rated capacity of twenty-five (25) kilowatts (kW) (ac) or less.

- a. SECS and WECS that are part of the main structure shall comply with the applicable district's height, front, side, and rear yard requirements of the main structure.
- b. SECS and WECS that are not part of the main structure shall comply with the height, front, side, and rear yard requirements applicable to accessory buildings as described in Section 17.005 of this Resolution.
- c. Accessory SECS and WECS located on top of a building are exempt from the height regulations as contained herein.

(Resolution No. 3744A, October 5, 1982; Resolution R-08-0090, Approved October 15, 2008; Resolution No. R-17-0040, May 30, 2017; Resolution No. R-20-0037, July 14, 2020; Resolution No. R-22-0022, March 22, 2022).