

ORDINANCE NO. _____ 2016 _____

AN ORDINANCE TO AMEND SECTIONS 25-1, 25-2 and 28-9 OF THE LEXINGTON CITY CODE; TO MAKE PROVISION FOR LOCATION OF MANUFACTURED HOMES; TO REPEAL ORIGINAL SECTION 25-1, 25-2, AND 28-9 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA AS FOLLOWS:

Section 1. That Section 25-1 of the Lexington City Code is hereby amended to read as follows:

Sec. 25-1 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

City Manager. Duly authorized agent of the City Council and of the City Planning Department to insure compliance of this chapter. This authority may be delegated by the City Manager to other City officials and employees.

City Planning Department. Shall consist of the City Manager and such employees and legal or engineering consultants who are designated by the City Manager to assist the City Planning Commission and perform planning functions.

Dependent Mobile Home. Means a mobile home which does not have a flush toilet and bath or shower.

Drive. A right-of-way which affords principal means of vehicular access to or through a mobile home or trailer park, and which is owned and maintained by the owner or operator of the park.

Independent Mobile Home. A mobile home which has flush toilet and bath or shower.

Manufactured Home. (a) A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or (b) a modular housing unit as defined in Nebraska Revised Statutes Sec. 71-1557, and bearing the seal of the State of Nebraska Department of Health.

Mobile Home. A residential structure, assembled in total or in not more than three sections at a factory, and transported over the road by truck or temporary wheel carriage to its destination.

Mobile Home, Double Wide. A mobile home, as defined above, and having been built in two sections at the factory, which two sections are transported over the road separately, with assembly into one structure of a width of not less than twenty feet occurring at the destination.

Mobile Home Park. A tract of land containing suitable drives, utilities and other supporting elements, and devoted to the sole purpose of accommodating mobile homes on a permanent or semi-permanent basis.

Mobile Home, Single Wide. A mobile home, as defined above, and being of a width of not more than fourteen feet, measured between the permanent sidewalls thereof.

Mobile Home Space. That area of land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around such mobile home, as are required in this chapter.

Mobile Home Subdivision. An area of land containing not less than thirty lots, and the public streets necessary to serve such lots, the purpose of which is to convey in fee the individual lots for the location of mobile homes in a permanent fashion.

Operating Permit. A written permit issued by the City Planning Department permitting the mobile home park to operate under this chapter and regulations promulgated thereunder.

Person. Any individual, firm, partnership, corporation, company or association.

Service Building. A building housing toilet and bathing facilities for men and women with laundry facilities and such other facilities as may be required by this chapter.

Special Use Permit. The application for amendment, revision or change in a zoning district map or for special use permit, which is made through the Planning Commission and through the City Council as described in Section 28-8.

Street. A right-of-way which affords principal means of vehicular access to or through a mobile home park or trailer park, and which is held in fee by the public or governmental unit thereof.

Trailer. A vehicle equipped with wheels, and normally towed over the road behind an automobile or light truck.

Trailer, Advertising. A trailer, as defined above, but carrying, or having attached thereto, a sign, billboard or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

Trailer, Camping. A trailer, as defined above, and equipped with an enclosure for sleeping while on vacation or other trips of short duration. Such camping trailers may also contain cooking, bath and sanitary equipment. Size and furnishings of such camping trailers may vary widely, but in no case shall they be considered structures for residential use of a temporary or permanent nature, for purpose of this chapter.

Trailer, Hauling. A trailer, as defined above, designed and normally used for over the road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

Trailer Park. A tract of land containing sites for the overnight or short term parking of camping trailers and other camping vehicles.

Zoning Jurisdiction. That area within the corporate area of the city plus that area within two miles thereof. (Ord. No. 1224, Sec. 1.)

Section 2. That Section 25-2 of the Lexington City Code is hereby amended to read as follows:

Sec. 25-2 Where Mobile Homes and Manufactured Homes Permitted; Special Use Permit

(a) Mobile homes shall be permitted only in an approved mobile home park with the following exceptions:

(1) A mobile home may be permitted by the City Council after public hearing, for purposes of temporary relief from local disaster such as fire, wind, or flood damage; provided, that such mobile home shall be removed from the premises within one (1) year of its original placement.

(2) A mobile home shall be permitted to be placed on a platted lot in an R-4 Mobile Home Dwelling District as provided by Section 28-15.2 and Section 28-15.4 of the Lexington City Code. (Ord. No. 1932, Sec. 1)

(3) A mobile home meeting the structural requirements of Section 28-15.4 of the Lexington City Code may be placed on an individual lot in Zones A-1, A-2, C-1, C-2, C-3, M-1 and M-2, all subject to the issuance of a special use permit as provided in Chapter 28 of the Lexington City Code.

(4) A mobile home meeting the structural requirements of zoning Section 28-15.4 may replace a mobile home which presently exists as a non-conforming use as a result of the application of this Section 25-2.

(5) An independent mobile home complying with Section 25-5 may be moved into or moved within a Mobile Home Park, provided, that said mobile home shall be at least 400 square feet in area. (Ord. No. 1932, Sec 1.)

(b) Manufactured homes shall be permitted in an approved mobile home park or on a lot in any district for a permitted use, provided, such manufactured home shall meet the following standard:

- (1) the home shall have no less than nine hundred square feet of floor area;
- (2) The home shall have no less than an eighteen-foot exterior width;
- (3) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;
- (4) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family houses;
- (5) the home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock;
- (6) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed;
- (7) the home shall be located and installed according to the same standards for foundation system, permanent utility connections, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot.

Section 3. That Section 28-9 of the Lexington City Code is hereby amended to read as follows:

Sec. 28-9 Definitions.

Accessory. A subordinate activity or use that is customarily incidental to and located on the same lot as the main use of the property.

Activity. The performance of a function or operation which constitutes the use of land.

Agriculture. The planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in the county. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is ten acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops.

Alley. A public or private right-of-way which is used for secondary vehicular service access to the rear or side of those properties whose principal frontage is on a street.

Alteration. Any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

Apartment. A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

Block. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys or by a combination of streets and public parks, cemeteries, railroad rights-of-way, water courses or municipal boundaries. In cases where the platting is incomplete or disconnected, the City Engineer shall determine the outline of the block.

Board of Adjustment. The legally appointed municipal board empowered to hear and decide appeals from, and to provide interpretations of, the terms of the zoning ordinance and official map as defined within this ordinance and in accordance with the laws of the State of Nebraska.

Boardinghouse or Lodginghouse. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Building. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Child Care Center. A facility which is or should be licensed by the Nebraska Department of Social Services as defined under Title 474 of the Nebraska Administration Code, Chapter 6, Section 002, as a Day Care Center.

Child Care Home. A facility which is or should be registered by the Nebraska Department of Social Services as a family day care home when care is provided for Four (4) or more children from different families as defined under Article 19, Section 71-1908-1918, Nebraska State Statutes.

Club, Private. A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

Court. An open, unoccupied space, other than yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

District. The section(s) of zoning area for which this ordinance governing the use of land, building height and bulk, size of yards and intensity of activity are uniform.

Drive-in establishments. Any restaurant, financial institution or product vending enterprise where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building or where facilities are provided for eating outside a building, shall be included in this definition.

Dwelling. Dwelling shall mean any building or portion thereof which is designed and used for residential purposes.

Dwelling, Single-family. Single-family dwelling shall mean a dwelling having accommodations for and occupied by one family.

Dwelling, Two-family. Two-family dwelling shall mean a dwelling having accommodations for and occupied by two families.

Dwelling, Multiple. Multiple dwelling shall mean a dwelling having accommodations for and occupied by more than two families.

Dwelling Unit. One or more rooms in a residential building or residential portion of a building, not including a mobile home, which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household.

Family. One or more persons, related or unrelated, living together as a single housekeeping unit with or without domestic servants, caregivers, foster children and supervisory personnel in a group living arrangement. The term "family" shall not include occupancy of a residence by persons living in fraternities, sororities, clubs or transient, or permanent commercial residential facilities catering to the general public, also excluded are nursing homes and convalescent homes.

Feedlot. The confined feeding of food, fur or pleasure animals in buildings, lots, pens, pools, or ponds which normally are not used for raising crops or pastureland. For the purpose of this ordinance, the term feedlot shall include the confined feeding of: 50 or more feeder or fat cattle, 50 or more beef breeding animals, two years or older, which are confined for more than one day, 30 or more dairy cattle, 300 or more swine, 500 or more sheep, 1,000 or more poultry, or an equivalent in combined animal units.

Garage, Private. An accessory building or portion of a main building used for storage of automobiles and other personal property incidental to the maintenance of the building and grounds.

Garage, Repair. An accessory building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles and which is operated for commercial purposes.

Height of Buildings and Structures. The vertical distance from the average ground level abutting a building or structure to the highest point of a building or highest point of any permanent part of a structure other than a building. Height where not regulated in feet shall be regulated by stories and a story shall be equal to twelve feet for purposes of measuring structures other than buildings.

Home Occupations. An accessory use of a non-residential nature within a residence or its accessory building(s).

Hotel or Motor Hotel. A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than forty sleeping rooms, and no provisions for cooking in individual rooms.

Junk or salvage yard. A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, abandoned or inoperable motor vehicles or parts thereof, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used cars or trucks presently in operable condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

Kennel. The ownership or harboring of more than four (4) dogs on the premises of a zoned lot, whether kept for private or business purposes. (Ord. 1839, Sec. 1)

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Lot, Corner. A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension; except that a lot as herein defined, when made up of more than one platted lot, shall be deemed to front on the street upon which the platted lots front.

Lot Depth. The mean horizontal distance from the front street line to the rear line.

Lot, Interior. A lot whose side lines do not abut upon any street.

Lot Line, Front. The boundary between a lot and the street on which it fronts.

Lot Line, Rear. The boundary line which is opposite and most distant from the front street line.

Lot Lines. The lines bounding a lot as defined herein.

Lot Line, Side. Any lot boundary line not a front or rear line thereof, a side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot of Record. A lot created by a subdivision of land which has been legally recorded in the office of the Register of Deeds or a parcel of land described by metes and bounds and has also been so recorded.

Lot, Through. An interior lot having frontage on two streets.

Lot Width. The horizontal distance between side lines, measured at the front building line.

Manufactured Home. (a) A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or (b) a modular housing unit as defined in Nebraska Revised Statutes Sec. 71-1557, and bearing the seal of the State of Nebraska Department of Health.

Mobile Home and Mobile Home Park. Refer to definitions in Section 25-1.

Nonconforming Use, Building, or Yard. A use, building or yard which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated and existed as such on the date of adoption of these regulations.

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

Professional Services. Offices for professional services, including but not limited to, services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, counselors, architects, engineers, lawyers and accountants.

Restaurant. A building wherein food is prepared and served in ready-to-eat form to the public for human consumption. The term restaurant shall include cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house.

Service Floor Area. The total floor area of a building exclusive of stairways, restrooms, storage rooms, hallways or other areas which are not regularly used by visitors, clients, customers, patients or patrons in their normal every day use of the building.

Sign. Exterior display of any letters, numerals, pictorial representation, symbol, flag, emblem, designs or trademarks illuminated or animated device which makes information known to the public or directs attention of the public off the site on which the sign is displayed to any object, subject, place, person, activity, product, etc.

Special use permit. A written permit issued with authorization of the City Council. The special permit provides permission under specific conditions to make certain special uses of land in specific zoning districts as stipulated under permitted special uses in each of the district zoning regulations.

Stable, Private. An accessory building and premises for the keeping of horses, ponies, mules or cows, owned by occupants of the premises, and not kept for remuneration, hire or sale.

Stable, Public. A stable other than a private or riding stable as defined herein.

Stable, Riding. A structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded or kept for remuneration, hire or sale.

Street. A right-of-way which affords principal means of vehicular access to property abutting thereon.

Street Oriented Sign. A sign that directs attention to a business, profession, service or entertainment conducted, sold, or offered on the premises of the zone lot where the sign is located.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including but not limited to signs, and excepting customary utility poles, retaining walls and boundary fences.

Tourist Cabin or Motel. A building or buildings containing in the aggregate, on one undivided tract or parcel of land, a group of individual private units, each provided with separate sleeping room or rooms, having both lavatory and toilet facilities, designed and to be used primarily for transient guests traveling by automobile.

Townhouses. One of a group or row of not less than three (3) nor more than twelve (12) attached, single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

Used For. Includes "designed for" or "intended for."

Variance. A variation from a specific requirement in this chapter, as applied to a specific piece of property, as distinct from rezoning.

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street that is designated a thoroughfare street on the thoroughfare plan, all yards abutting the street shall be measured from a line one-half the proposed right-of-way width from the center line, or from the lot line, whichever provides the greater setback. On other lots all yards abutting a street shall be measured from a line twenty-five feet from the lot line, whichever provides the greater setback.

Yard, Front. A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, Rear. A yard between the rear lot line and the rear line of the main building and the side lot lines.

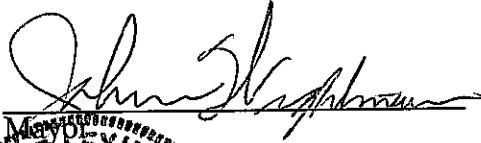
Yard, Side. A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

Zone Lot. A lot of record as of the effective date of the ordinance or any amendments to it, or two or more lots of record or any portion thereof within a block under single ownership or use as of the effective date of this ordinance or any subsequent amendments to it.

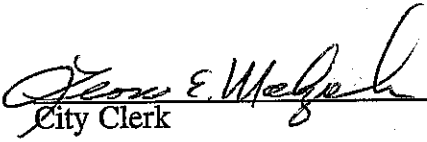
Section 4. That original § 25-1, 25-2 and 28-9, together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 5. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 28th day of February, 1995.



Attest:



City Clerk

