

## ORDINANCE NO. 2309

**AN ORDINANCE TO AMEND SECTIONS 28-10.5, 28-11.4, 28-19.5 and 28-20.5; TO REPEAL ORIGINAL SECTIONS 28-10.5, 28-11.4, 28-19.5 and 28-20.5, 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 28-10.5 of the Lexington City Code is hereby amended to read as follows:

Sec. 28-10.5 A-1 Permitted Special Uses.

A building or premises may be used for the following purposes in the A-1 Agricultural District if a special permit for such use has been obtained in accordance with Article 28-38 of this Ordinance.

- (1) Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services; agricultural product milling and processing; establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting and plowing; farm equipment services, sales and repairs;
- (2) Airports and heliports including crop dusting strips;
- (3) Auction/sale barns and yards;
- (4) Broadcast towers and stations, including Amateur Radio or land mobile towers of more than 100 feet;
- (5) Campgrounds;
- (6) Cemeteries, mausoleums, and mortuaries;
- (7) Child care center;
- (8) Colleges, universities and trade schools;
- (9) Contiguous expansion of intensive livestock, confinement facilities/operations, as defined in Section 28-9; (Ord. No. 2124, Sec. 3)
- (10) Facilities for the commercial storage or sale of fertilizer or toxic or flammable

agricultural chemicals;

- (11) Kennels;
- (12) Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and strip mine operations and quarries;
- (13) Mobile homes, subject to compliance with Section 25-2 (3);
- (14) Museums and art galleries;
- (15) One additional single family dwelling for the purpose of housing relatives or agricultural workers;
- (16) Public and private charitable institutions;
- (17) Water storage, sewer treatment plants, and public and private sanitary landfills.
- (18) Trailer (Camping) Parks, subject to compliance with Section 25-6.

**Section 2.** That Section 28-11.4 of the Lexington City Code is hereby amended to read as follows:

Sec. 28-11.4 A-2 Permitted Special Uses.

A building or premises may be used for the following purpose in the A-2 Urban Reserve District if a special permit for such use has been obtained in accordance with Article 28-38 of this Ordinance.

- (1) Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services; agricultural product milling and processing; establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting and plowing; farm equipment services, sales and repairs;
- (2) Broadcast towers and stations, including Amateur Radio or land mobile towers of more than 100 feet;
- (3) Campgrounds;
- (4) Cemeteries, mausoleums and mortuaries;
- (5) Child care home;

- (6) Colleges, universities and trade schools;
- (7) Expansion of nonconforming uses;
- (8) Garden centers and nurseries;
- (9) Kennels;
- (10) Mobile homes, subject to compliance with Section 25-2 (3);
- (11) Museums and art galleries;
- (12) Nursing home;
- (13) One additional single family dwelling for the purpose of housing relatives or agricultural workers;
- (14) Public and private charitable institutions;
- (15) Stables and riding academies;
- (16) Water storage and sewer treatment plants.
- (17) Trailer (Camping) Parks, subject to compliance with Section 25-6.

**Section 3.** That Section 28-19.5 of the Lexington City Code is hereby amended to read as follows:

Sec. ~~28-19.5~~ C-3 Permitted Special Uses.

A building or premises may be used for the following purpose in the C-3 Commercial Highway Service District if a special permit for such use has been obtained in accordance with Article ~~28-38~~ 28-38 of this Ordinance.

- (1) Cemeteries, mausoleums and mortuaries;
- (2) Colleges, universities and trade schools;
- (3) Expansion of nonconforming use;
- (4) Kennels;
- (5) Mobile homes, subject to compliance with Section 25-2 (3);

- (6) Water storage and sewer treatment facilities.
- (7) Warehouses or storage houses. (Ord. No. 1960)
- (8) Trailer (Camping) Parks, subject to compliance with Section 25-6.

**Section 4.** That Section 28-20.5 of the Lexington City Code is hereby amended to read as follows:

Sec. 28-20.5 M-1 Permitted Special Uses

A building or premises may be used for the following purpose in the M-1 Light Industrial District if a special permit for such use has been obtained in accordance with Article 28-38 of this Ordinance.

- (1) Expansion of nonconforming use;
- (2) Junk and salvage yards;
- (3) Kennels;
- (4) Mobile homes, subject to compliance with Section 25-2 (3).
- (5) Trailer (Camping) Parks, subject to compliance with Section 25-6.

**Section 5.** That original Sections 28-10.5, 28-11.4, 28-19.5 and 28-20.5 together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

**Section 6.** That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 27<sup>th</sup> day of December, 2011.



*John H. Fyke*

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Mayor

*Camela Burke, Deputy*  
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City Clerk