

Lincoln County Planning
211 West Third Street
North Platte, NE 69101
(308) 535-6724

LINCOLN COUNTY CONDITIONAL USE APPLICATION AND INSTRUCTIONS

Prior to submitting a Conditional Use request, the applicant shall complete all the following required documents and submit the documents to the Lincoln County Planning Department at 211 West Third Street, North Platte, Nebraska.

1. The property owner must complete and sign an application provided at the Lincoln County Planning Department at least twenty (20) days prior to the next regularly scheduled County Planning Commission meeting. The attached application will include Form A - General Information, Form B - Justification, Form C - Site Plan, and Form D - List of property owners within 300' of the outer limits of said Conditional Use Permit.
2. At the time of filing said application, the applicant shall provide the names, addresses, and legal descriptions of all owners of any land located within 300' of the outer limits of said area to which the applicant desires a Conditional Use Permit. The 300 foot distance will commence on the opposite side of any public way abutting said area.
3. The applicant must supply the Planning Department with a copy of their deed and a copy of a cadastral map showing the area and a distance of at least 400' surrounding said area.
4. Certificate of Ownership (usually a copy of the owner's deed is sufficient certification of ownership).
5. Filing Fee. \$200.00 plus cost of certified mail plus \$0.50 per name filing fee made out to the *Lincoln County Treasurer*.
6. Power of Attorney. Form A must be signed by the title holder or authorized agent. A power of attorney certification must be attached to said form if signed by an authorized agent.
7. The Lincoln County Joint Planning Commission meets the second Tuesday of each month in the Lincoln County Board of Commissioner's Room in the Lincoln County Court House.

FORM A
LINCOLN COUNTY JOINT PLANNING COMMISSION
* * CONDITIONAL USE APPLICATION * *

Please Type or Print

1. Date _____
2. Applicant's Name _____
Address _____
_____ Phone Number _____
3. Legal Description of property being proposed for a Conditional Use Permit.
 - a. Attach Deed
 - b. Section _____, Township _____ N, Range _____ W
 - c. Lot _____, Block _____, Subdivision _____
 - d. Address or location of property being considered for Conditional Use _____

4. Flood Plain: Yes _____ No _____
5. Present Zoning _____ School District _____ Total acres _____
6. Present use of property _____

7. Conditional Use for _____

8. Submit with application adjoining property owners within 300 feet: names, addresses, legal descriptions. Copy of applicant's deed and cadastral map. (Names of property owners, legal descriptions, addresses, deed and cadastral map can be found at cadastral maps in the Lincoln County Assessor's office or at the Register of Deeds' office.)
9. What are adjoining properties actual use, including district zoning.
North _____ South _____
East _____ West _____

Signature of Owner

Signature of Owner

Signature of Authorized Agent

FORM B

LINCOLN COUNTY JOINT PLANNING COMMISSION

JUSTIFICATION

Questions 1 through 7 must be answered completely. On a separate sheet of paper, type out each question and answer.

1. What use is to be made of the area in question?
2. Explain the need for the proposed use in the area.
3. Will it be necessary to build a new structure or structures?
4. Will the proposed use increase traffic in the area? If so, will an increase in traffic be detrimental to the adjoining properties and are existing county roads adequate to carry an increase in traffic? (A signed statement from the Lincoln County Road Superintendent must be submitted as a part of question No. 4).
5. Is the area presently served by a similar type of zone and use?
6. How will surrounding property values be maintained or increased?
7. Explain in detail your intentions for the operation of the proposed Conditional Use Permit. This may include times of operation, maximum number of customers expected at one time, maximum number of vehicles expected at one time, percent of area to be used for retail, wholesale, service, and storage. Will all business activities be conducted inside a building or will part or all of the activities be conducted outside of a building? If so, what provisions will be provided to screen the area? Explain any other details that may help the Planning Commission determine if said Conditional Use Permit should be allowed in said area.

FORM C

LINCOLN COUNTY
SITE PLAN REQUIREMENTS

The following represents the guidelines regarding site plan, landscaping plans and topography plans required for change in Zoning, Conditional Use Permits and Variances.

Landscaping and topography data may be shown on the site plan if a clear and thorough plan can be presented. Otherwise, said data must be shown on separate sheets. The site plan may be drawn by the applicant if a clear and precise plan is submitted for single families, two families and general agricultural uses. For multiple family dwellings, commercial uses, commercial agricultural uses, and industrial uses it will require plans drawn by a qualified engineer, architect or surveyor.

1. Legal description of building property.
2. Date, scale, north point.
3. Zoning information.
4. Exact dimension of the exterior boundaries of the land being built on.
5. Location data (sufficient information to easily identify the specific location of the property to be built on including street names, county road numbers, land sections, etc.)
6. Show exact location and dimensions of all existing streets, county roads, alleys, and easements.
7. Location of nearest utilities (water, sewer, power, gas, etc).
8. Show exact location and dimensions of all proposed and existing buildings.
9. Show exact square footage of each building (existing and proposed).
10. Show exact number of seats in each room (for restaurant or similar use).
11. Show what each building is to be used for (existing and proposed).
12. Show exact location and dimensions of all sidewalks, driveways, etc.).
13. Designate type and depth of surfacing on vehicular use areas.
14. Show exact location of access entrances to property from public streets, county roads, alleys, etc.
15. Show exact location and dimensions of access entrances to parking stalls, garages, service entrances, etc.
16. Show exact location and dimensions of each parking stall.
17. Designate handicapped parking stalls with appropriate markings and dimensions.

18. Show the location of all existing buildings, fences, etc. abutting the exterior boundaries of the land being built on, if applicable.

Topography

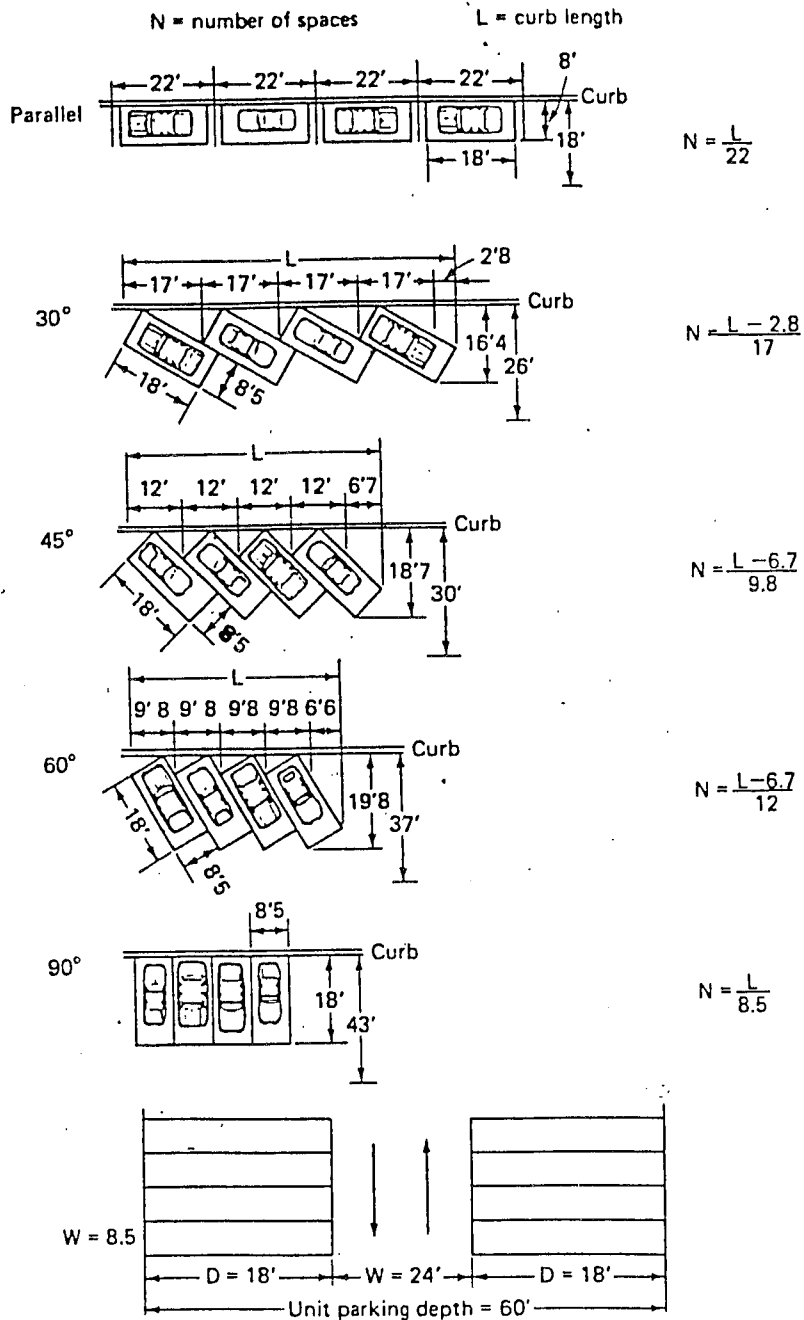
The site plan must show the overall grading and drainage course, if applicable.

Landscaping

Landscaping shall be installed in accordance with Article XII of Lincoln County's Zoning Regulations (see attached).

Minimum Parking Standards

The following are the minimum size parking stalls and aisle width for parking lots.

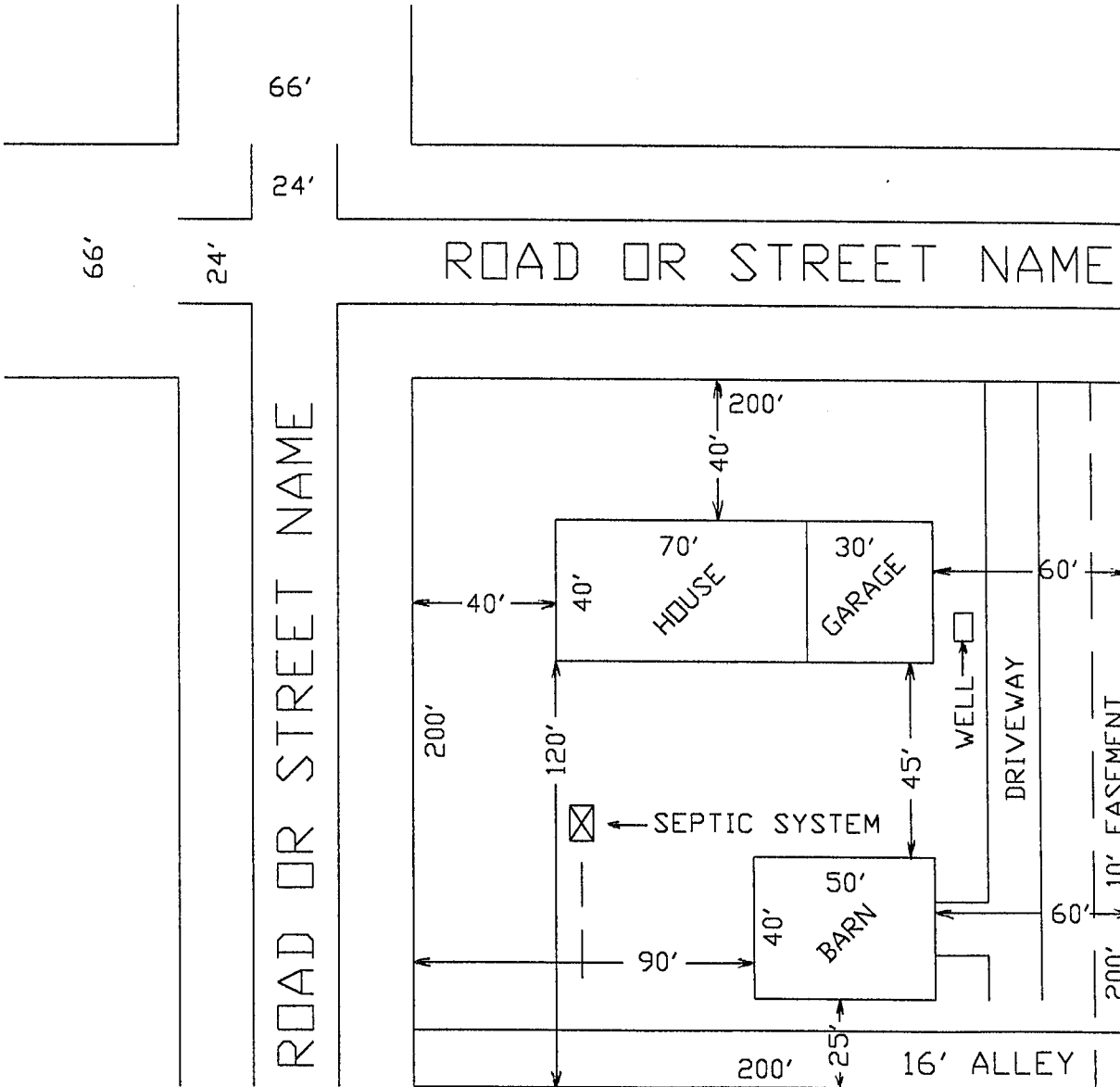


SITE PLAN

SAMPLE SHEET

FOR

RESIDENTIAL AND AGRICULTURAL



SCALE 1"=

DATE _____

LEGAL DESCRIPTION

LOT, BLOCK AND SUBDIVISION

SECTION TOWNSHIP AND RANGE

ARTICLE XII

LANDSCAPING REQUIREMENTS

12.1 OPEN AREAS, DRAINAGE, NUISANCES

The open, unpaved areas of each property shall be graded to provide for the adequate drainage of all storm water and shall be free of hazards, nuisances or unsanitary conditions.

12.2 ATTRACTIVE APPEARANCE REQUIRED

Open, unpaved areas shall be appropriately landscaped to provide an attractive appearance to enhance the character of the neighborhood.

12.3 VEGETATION

No vegetation shall overhang a public street or sidewalk or obstruct views of pedestrian and vehicular movements.

12.4 DISTRICT BORDERS

Where districts "R-P", "M-P", "C-S", "I-P", "I-1" and "I-2" adjoin any residential district, they shall be appropriately separated by a landscaped area of at least ten feet wide and ten feet high OR a decorative architectural screen of at least six feet high.

12.5 SEPARATION OF PARKING AREAS

Parking areas abutting public walkways or streets shall be appropriately separated by a landscaped area or a decorative architectural screen. The landscaped area or architectural screen shall not exceed four feet in height.

GENERAL INSTRUCTIONS FOR COMPLETING CONDITIONAL USE APPLICATION

1. Each item on Forms A and B must be completely answered or the application will not be processed for public hearing. The authority to determine the completeness of an application rests with the Planning Department. Therefore, it is of prime importance to you that all items and questions be completed in full before submission to the Planning Department.
2. Legal description of the property for the Conditional Use Permit. Since this description is advertised in the legal section of the North Platte Telegraph, the description of the lots, blocks and subdivision must be correct and all metes and bounds descriptions must close.
3. Form A must be signed by the title holder or authorized agent of the property proposed for the Conditional Use Permit. If it is signed by the authorized agent, the power of attorney certification must be attached to said form, or other proof to the satisfaction of the Planning Department.
4. Each question on Form B must be answered completely before the application will be processed for public hearing. These questions should be typed and answered to the best of your ability on a separate sheet of paper since the Planning Commission base their decisions on the information available to them.
5. In addition to the information required on Forms A and B, a certificate of ownership is also required.
6. Conditional use applications are considered at public hearings. Consult the Planning Department as to the schedule for the prearranged date, time and meeting place for said hearings.
7. Applications for a conditional use must be accompanied by Filing Fees plus the cost of certified letters plus fifty cents (\$.50) per owner that the county is required to notify by certified mail. Due to costs incurred in legal advertising and processing of applications, said Filing Fees shall not be refunded regardless of application approval or disapproval.
8. APPLICANT'S DUTIES – It shall be the sole responsibility of the applicant to justify the need for the requested Conditional Use Permit. The applicant is obligated to present any and all data necessary which will provide the Planning Commission with sufficient material on which they can base a sound and objective decision. The applicant or his representative must be present at the public hearing failure to be present shall constitute sufficient reason to continue the hearing or to deny the request.

ARTICLE VIII

CONDITIONAL USE PERMITS

8.1 Authority to grant Conditional Use Permits:

As provided by Nebraska Statute the Lincoln County Planning and Zoning Commission shall have the exclusive authority to grant conditional use permits.

8.2 Limitations of Authority:

The Planning Commission may only grant those conditional uses that are specifically set out in these regulations.

8.3 Special Requirements:

The Lincoln County Planning and Zoning Commission may require special conditions or requirements to be met by the property owners before a conditional use permit or land use permit is authorized. The issuance of a use permit or land use permit may be made subject to and conditional upon the continued and constant maintenance of the special conditions or requirements required by the Commission during the existence of the conditional use permit. Failure to maintain the special conditions or requirements, when the maintenance is required, acts to terminate the use permit or land use permit.

8.4 Procedure for granting a Conditional Use Permit:

The following procedure shall be followed in applying for and receiving a conditional use permit:

- (1) The property owner must complete an application provided by the Planning Director and submit the completed application to the Director's Office at least twenty (20) days prior to the next regularly schedule meeting.
- (2) The application is placed on the agenda of the next Planning and Zoning Commission meeting, subject to appropriate notice.
- (3) At the time of filing an application for a conditional use permit, the applicant shall pay a filing fee of two hundred dollars (\$200.00) plus the cost of certified letters plus \$0.50 per owner the County is required to notify by certified mail to the County Treasurer and shall provide names and addresses of all property owners of any land located within 300 feet of the outer limits of said area to which the applicant desires a conditional use permit. Written notice of the application shall be sent to said property owners at least ten days prior to the meeting.

8.5 Notice of hearing on Termination of Conditional Use Permit

Upon receipt of information leading the Lincoln County Planning and Zoning Commission to believe that a failure to maintain conditions or requirements which were prerequisites for a conditional use permit, the Commission shall set a hearing date to determine whether there was a failure to maintain and the conditional use should be declared withdrawn and revoked. At least ten days notice should be sent to the conditional use permittee at the address given on the conditional use application or last known address, and to the surrounding property owners.

8.6 Termination of Conditional Use Permit:

Before the Lincoln County Planning and Zoning Commission can declare a conditional use permit withdrawn and revoked, the Commission must find by the preponderance of the evidence submitted to the Commission that: (1) special conditions or requirements were required to be maintained by the permittee during the existence of the conditional use permit; and (2) the special conditions or requirements have not been maintained as required.

8.7 Minimum Standards:

A conditional use permit shall conform to the intent and purpose of Lincoln County's Zoning Regulations and the following requirements:

1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
2. The proposed conditional use at the specified location will contribute to and promote the welfare and convenience of the public.
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - (a) The location, nature and height of buildings, structures, walls, and fences on the site, and
 - (b) The nature and extent of landscaping and screening on the site.

5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

8.8 Concentrated Animal Feeding Operations.

Conditional use permits for concentrated animal feeding operations shall comply with those additional requirements set forth in Article XIV.