

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

COUNTY TEXT AMENDMENT NO. 18008:)	
TEXT AMENDMENT TO THE LANCASTER)	
COUNTY ZONING RESOLUTION, TO ADD)	
A NEW SPECIAL PERMIT FOR ACCESSORY)	RESOLUTION NO. <u>R-18-0094</u>
DWELLING UNITS AS PROVIDED IN)	
ATTACHMENT 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 (“Department”) has requested a text amendment to the Lancaster County Zoning Resolution to add a new special permit for accessory dwelling units, as provided in Attachment “A,” attached hereto and incorporated by this reference;

WHEREAS, the Department has recommended approval of this amendment concluding that allowing accessory dwelling units by special permit with conditions would increase housing choices, allow a care giver to live nearby, and protect the rural character of the County. The Comprehensive Plan states the County should consider revising the zoning code to allow accessory dwelling units where appropriate and adopt accompanying design standard. The Department has also concluded that accessory dwelling units are compatible with multiple strategies found in the Comprehensive Plan;

WHEREAS, on September 12, 2018, after public hearing, the Planning Commission voted 7-0 to recommend approval of said text amendment;

WHEREAS, on December 18, 2018, the Board conducted a public hearing regarding said text amendment;

WHEREAS, on December 18, 2018, the Board during a public meeting voted to _____ the proposed text amendment;

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

DATED this _____ day of _____, 2018, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this _____ day of
_____, 2018.

Deputy County Attorney
for PAT CONDON
County Attorney

13.049 Accessory Dwelling Unit (ADU)

An accessory dwelling unit may be allowed by special permit in the AG zoning district under the following conditions:

1. The lot area shall be 20 acres or larger. For purposes of determining minimum lot area, abutting County section line and one-half section line road right-of-way is included in the total area.
2. The total square footage of the ADU shall not exceed the lesser of 800 square feet or 40% of the square footage of the principal dwelling, excluding garages and carports. The calculation for the principal dwelling shall be based on the floor area prior to the construction of the ADU.
3. No more than two (2) bedrooms are allowed in the ADU.
4. The owner is required to live on the property in either the principal dwelling or the ADU.

The owner shall file a deed **restriction** against the property stating that the accessory dwelling cannot be sold separately from the main house. The deed **restriction** must be to the satisfaction of the County Attorney. This deed **restriction** shall be filed prior to any building permit for the ADU.

5. The ADU must share the same access point to the public or private street as the principal dwelling.
6. The ADU must meet the same setbacks as the principal dwelling. The height of the ADU must meet the height limit of the district for a dwelling, but be no higher than the principal dwelling.
7. A detached ADU shall be located a distance no greater than 200 feet from the principal dwelling and must not be closer to the street right-of-way than the principal dwelling.
8. Must share utilities with principal dwelling unless owner can demonstrate a practical problem with sharing due to topography or other unique site considerations.

The **County Board Planning Commission** may adjust the conditions, with the exception of Conditions 4 and 5.

Conditions 4 and 5 may not be adjusted by the County Board.