

ORDINANCE NO. 2022\_\_\_\_\_

AN ORDINANCE TO PROVIDE FOR RULE EXCEPTIONS IN GRANTING MOBILE HOME PARK PERMITS AND SPECIAL USE PERMITS; TO REPEAL ANY ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; 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. Sec. 25-12.1 Exceptions.

(1) General. Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions to the Standards in Section 25-11, so that substantial justice may be done and the public interest secured, provided that such exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve exceptions unless it shall make findings based upon the evidence presented to it in each specific case that:

(a) The granting of the exception will not be detrimental to the public safety, health, or welfare, or injurious to other property;

- (b) The conditions upon which the request for an exception is based are unique to the property for which the exception is sought and are not applicable generally to other property;
  - (c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
  - (d) The exceptions will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan or Official Zoning Map.
- (2) Conditions. In approving exceptions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (3) Procedures. A Petition for any such exception shall be submitted in writing by the developer at the time when the development plan and development agreement are presented for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Section 2. That all Ordinances and sections of Ordinances in conflict herewith are hereby repealed.

Section 3. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 13th day of June, 1995.

  
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ATTEST:

  
City Clerk

