

ORDINANCE NO. 2049

AN ORDINANCE TO AMEND ARTICLE 28 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR C-O OFFICE COMMERCIAL DISTRICT; TO REPEAL ANY 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 Article 28 of the Lexington City Code is hereby amended to read as follows:

Sec. 28-16 C-O OFFICE COMMERCIAL DISTRICT

Sec. 28-16.1 Intent.

This district is intended to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas, and also professional offices which do not conflict with the residential character of a neighborhood. These districts may occur along or away from arterial streets, characteristically are small, and are distributed widely over the area for convenient accessibility by residential area occupants.

Sec. 28-16.2 Permitted Principal Uses and Structures.

The following shall be permitted as uses by right:

- (1) Barber shops and beauty parlors;
- (2) Child care center;
- (3) Child care home;
- (4) Detached banking facilities;
- (5) Home occupations; in conformance with Article 28-24;
- (6) Administrative and professional offices, including but not limited to accountants, architects, brokers, engineers, dentists, dental laboratories, attorneys, physicians, medical supply, real estate, insurance, and financial institutions.
- (7) Mortuaries;
- (8) Public and charitable institutions;

- (9) Public and quasi-public uses of an educational, recreational or religious type including public and parochial elementary schools, junior high schools, and high schools; private non-profit schools, churches, parsonages, and other religious institutions; parks and playgrounds;
- (10) Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, police and fire stations and other public buildings, structures, and facilities;
- (11) Public utility purposes and communication equipment buildings;
- (12) Any use permitted in District R-1;

Sec. 28-16.3 Construction Standards.

A building or premises not used solely for residential purposes shall comply with the following standards:

- (1) Building conversion: A building constructed for residential use may be converted for use as an office or other permitted business purpose if the following conditions are met:
 - a. Any new construction or improvements shall comply with the height and area standards of Section 28-16.9;
 - b. All required off-street parking shall be located in the side or rear yard, and shall be screened from abutting residential property by solid fencing at least six (6) feet in height;
 - c. Converted buildings shall comply with building codes and handicap access standards for a commercial building.
- (2) New Construction: Prior to issuance of a building permit for new construction, building plans shall be submitted to the Planning Commission for review and approval. The standard of review shall be whether the proposed new structure is consistent in character and appearance with the surrounding residential neighborhood.

Sec. 28-16.4 Permitted Accessory Uses and Structures.

The following accessory uses and structures shall be permitted.

- (1) Accessory uses and structures normally appurtenant to permitted uses and structures as identified in Article 28-24 of this Ordinance.

Sec. 28-16.5 Permitted Special Uses.

A building or premises may be used for the following purpose in the C-O Office Commercial 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.

Sec. 28-16.6 Prohibited Uses and Structures.

All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the C-O OFFICE COMMERCIAL District.

Sec. 28-16.7 Parking Regulations.

Parking within the C-O OFFICE COMMERCIAL District shall be in conformance with the provision of Sections 28-29, 28-29.1, and 28-29.2 of the Lexington City Code.

Sec. 28-16.8 Sign Regulations.

Signs within the C-O OFFICE COMMERCIAL District shall be in conformance with the provisions of Article 28-30.7.1 of this Ordinance.

Sec. 28-16.9 Height and Area Regulations.

The maximum height and minimum lot requirements, except as provided in Article 28-27, within the C-O OFFICE COMMERCIAL District shall be as follows:

	Dwelling, <u>Single-family</u>	Dwelling, <u>Two-family</u>	Dwelling, <u>Multi-family</u>	Other Permitted <u>Uses</u>
Lot Area (Sq. Ft.)	5,000	5,000	3,630 per unit	5,000
Lot Width	50'	50'	75'	50'
Required Front Yard	25'	25'	25'	25'
Required Side Yard (1)	10%	10%	10%	10%
Required Rear Yard (2)	25'	25'	25'	25'
Height	35'	35'	35'	35'
Maximum Lot Coverage	50%	50%	50%	50%
Minimum Dwelling Size Per Unit	400 S.F.	400 S.F.	400 S.F.	---
Maximum Height of Accessory Structures (3)	35'	35'	35'	35'

- (1) Total of both side yards must equal 20% of lot width with neither being less than 5 feet.
- (2) Smaller of 25 feet or 20% of lot depth.
- (3) Setback shall be such that structure shall not fall beyond the property line.

Section 28-30.7.1 District C-O Office Commercial District.

Each business or commercial establishment shall be permitted one (1) non-illuminated sign, either attached or detached, and not more than thirty-two (32) square feet in area. A detached sign shall be not less than twenty-five feet (25') from the curb line and off of the public right-of-way.

Section 2. That all ordinances or 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 4th day of March, 1996 .

Robert L. Hanks

ATTEST:

Gene E. Mahyha
City Clerk

