

RESOLUTION NO. 2017- 06

COPY

A RESOLUTION TO ADOPT AND ENACT BY REFERENCE **Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District**, attached hereto, (which is a repeal of Section 4.15 of the Zoning Regulations of The county of Lincoln, Nebraska), AND ALL THE CONDITIONS, PROVISIONS, LIMITATION, AND TERMS OF SAID **REPEAL** ARE ENACTED AS IF SET OUT VERBATIM HEREIN AND SPREAD AT LARGE IN THIS RESOLUTION, TO PROVIDE FOR INVALIDITY OF A PART AND FOR REPEAL OF OTHER ZONING REGULATIONS AND RESOLUTIONS IN CONFLICT WITH THIS RESOLUTION, AND TO PROVIDE FOR EFFECTIVE DATE.

WHEREAS, the Lincoln County Planning was submitted a proposed repeal titled “Proposed Repeal of **Section 4.15 AH –Airport Hazard/Approach Overlay District,**” which repeals Section 4.15 of the Zoning Regulations of The county of Lincoln, Nebraska, and a preliminary recommendation and report was done by the Lincoln County Planning Commission,

WHEREAS, the Lincoln County Planning Commission held a public hearing on January 10, 2017, at its 5:30 p.m. meeting, regarding the proposed repeal,

WHEREAS, the Lincoln County Planning Commission, after the aforementioned public hearing, on January 10, 2017, at its 5:30 p.m. meeting, passed a Resolution, which included a report, recommending the approval of a proposed repeal titled “Proposed Repeal of **Section 4.15 AH –Airport Hazard/Approach Overlay District,**” which repeals Section 4.15 of the Zoning Regulations of The county of Lincoln, Nebraska,

WHEREAS, the Board of Commissioners of The county of Lincoln, in the State of Nebraska, on January 23, 2017, acknowledged receipt of the Lincoln County Planning Commission’s Resolution, which included a report, recommending approval of a proposal to Repeal Section 4.15 of the “Zoning Regulations of The county of Lincoln, Nebraska,” titled “Proposed Repeal of **Section 4.15 AH –Airport Hazard/Approach Overlay District,**” and

WHEREAS, the Lincoln County Board of Commissioners held a public hearing on February 27, 2017, on the proposed repeal titled “Proposed Repeal of **Section 4.15 AH –Airport Hazard/Approach Overlay District,**” which repeals Section 4.15 of the Zoning Regulations of The county of Lincoln, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN, IN THE STATE OF NEBRASKA:

SECTION 1: That the proposed amendment titled “Proposed Repeal of **Section 4.15 AH –Airport Hazard/Approach Overlay District,**” which repeals Section 4.15 of the Zoning Regulations of The county of Lincoln, Nebraska, which was presented by the Lincoln County Planning Commission as a “Proposed Repeal of **Section 4.15 AH –Airport Hazard/Approach Overlay District**” that repeals Section 4.15 of the Zoning Regulations of The county of Lincoln, Nebraska, has been modified as follows:

A. The commencement language in the aforementioned proposed repeal has been changed as follows (strikeouts showing deletions and additions shown as bold and in italics), to wit:

~~That "Section 4.15 AH –Airport Hazard/Approach Overlay District" of the "Zoning Regulations of The county of Lincoln, Nebraska," be, and the same is hereby repealed."~~

The following ~~will be~~ *is* repealed by the above action, which is shown by the strikeouts, to wit:

B. Any typing mistakes of the text of the original **Section 4.15 AH –Airport Hazard/Approach Overlay District** in the aforementioned proposed repeal has been corrected to match the text of the original **Section 4.15 AH –Airport Hazard/Approach Overlay District**.

SECTION 2: The foregoing modifications were for the purpose of clarity so that proposed change in the aforementioned amendment to repeal Section 4.15 will be adopted and take place as intended.

SECTION 3: That the **Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District**, a modification of the original proposed repeal, is attached hereto and hereby incorporated by reference into this Resolution, the same as if being set out verbatim herein.

SECTION 4: The **Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District**, is hereby approved by the Board of Commissioners of The county of Lincoln, in the State of Nebraska, on 6th day of March, 2017.

SECTION 5: The **Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District**, shall have the number of this Resolution and the date of the passage of this Resolution in parenthesis at the end of the Repeal, and also in parenthesis at the end of the Repeal state: This is a **Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District** of the Zoning Regulations of The county of Lincoln, Nebraska.

SECTION 6: The **Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District** shall be identified by the signature of the Chairman of the Lincoln County Board of Commissioners, the attestation by the County Clerk or Deputy County Clerk, and the seal of the County on the last page of the **Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District** under the following words: "ADOPTED AND APPROVED by the Governing Body of Lincoln County, Nebraska, this 6th day of March, 2017.

SECTION 7 This Resolution, which includes **Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District**, shall be spread into the minutes of this Board.

SECTION 8: **Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District** shall be published in book or pamphlet form or once in a legal newspaper published in and of general circulation in Lincoln County, Nebraska, within fifteen days of passage of this Resolution.

SECTION 9: That all other zoning regulations, resolutions or parts of zoning regulations/resolutions in conflict herewith and with the **Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District**, which is attached and incorporated by reference into this Resolution, are hereby repealed to the extent necessary to give this Resolution full force and effect.

SECTION 10: The Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District shall show that the complete text to Section 4.15 AH –Airport Hazard/Approach Overlay District has been repealed by deleting all of original text of Section 4.15 AH –Airport Hazard/Approach Overlay District by striking out the entire text of Section 4.15 AH –Airport Hazard/Approach Overlay District.

SECTION 11: This Resolution shall take effect and be in force from and after its passage and publication according to law.

A motion was made by County Board member Hewgley, seconded by County Board member Deterding to approve and adopt this herein Resolution (Resolution No.2017-06).

Upon roll call Hewgley, Deterding, and Henry voted "aye." Nays 0, and _____.

MOTION CARRIED BY VOTE OF 3 to 0 on this 6th day of March, 2017.

WHEREUPON the Chairman declared this herein Resolution (Resolution No. 2017-06) duly adopted, passed, and approved this 6th day of March, 2017.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN,
IN THE STATE OF NEBRASKA

Bill J. Henry
BILL J. HENRY, CHAIRMAN

Duane Deterding
DUANE DETERDING, COMMISSIONER

Joseph Hewgley
JOSEPH HEWGLEY, COMMISSIONER

ATTEST:

Rebecca J. Rossell
Rebecca J. Rossell
Lincoln County Clerk



Resolution, Repeal of Section 4.15 –AH of the Zoning Regulations of The county of Lincoln, Nebraska, 2017

Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District

“Section 4.15 AH –Airport Hazard/Approach Overlay District” of the “Zoning Regulations of The county of Lincoln, Nebraska,” be, and the same is hereby repealed.

The following is repealed by the above action, which is shown by the strikeouts, to wit:

~~Section 4.15 AH –Airport Hazard/Approach Overlay District~~

~~4.15.01 Intent~~

~~This section is intended to provide for the safe operation of aircraft into and out of North Platte Regional Airport in Lincoln County, Nebraska.~~

~~4.15.02 Location, boundaries, Zones, and Height Restrictions~~

~~The areas located within the Airport Hazard Area as described in this Section are hereby zoned as follows:~~

~~1. Airport Hazard Area Description~~

~~The Airport Hazard Area shall consist of Operation Zones, Approach Zones, Turning Zones and Transition Zones as described in this section.~~

~~2. Zone Descriptions~~

~~A. The Operation Zones are longitudinally centered on each existing or proposed runway.~~

- ~~1) Length. For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway. For existing and proposed turf runways, the operation zones begin and end at the runway ends.~~
- ~~2) Width. For existing and proposed instrument runways, the operation zones are 1,000 feet wide. For all other existing and proposed runways, the operation zones are 500 feet wide.~~
- ~~3) Height. The height limit of the operation zones is the same as the height of the nearest point on an existing or proposed runway or the surface of the ground, whichever is higher.~~

~~B. The Approach Zones extend from the end of each operation zone and are centered along the extended runway centerlines. The zones' dimension are:~~

~~1) Instrument Runways~~

- ~~a. Length and Width. The approach zones extend from the Operation Zone to the limits of the Turning Zone, measured along the extended runway centerline. The approach zones are 1,000 feet wide at the at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline three miles from the Operation Zone, the Approach Zone is 5,820 feet wide.~~

~~b. **Height Limit.** The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 50 feet horizontally (50:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.~~

~~2) **Visual Runways**~~

~~a. **Length and Width.** The approach zones extend from the Operation Zone to the limits of the Turning Zone, measured along the extended runway centerline. The approach zones are 500 feet wide at the end nearest the runway and expand uniformly so that a point on the extended runway centerline three miles from the Operation Zone, the Approach Zone is 3,700 feet wide.~~

~~b. **Height.** The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 40 feet horizontally (40:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.~~

~~C. The **Transition Zones** extend outward at right angles to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of these zones begins the height limit of the adjacent Operation Zones or Approach Zones. The Transition Zones end at a height of 150 feet above the nearest existing or proposed runway end.~~

~~D. The **Turning Zones** extends three miles from the existing or planned airport property line, excluding the Operation Zones, Approach Zones, or Transition Zones. The height limit of the Turning Zones is 150 feet above the nearest existing or proposed runway end.~~

~~3. **Height Restrictions.**~~

~~No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in above in item 2.~~

4.15.03 Location Sketch and Zoning Map

The boundaries, operation zones, approach zones, transition zones, and turning zones of the airport are indicated on the Zoning Map that accompanies and is hereby made a part of these regulations. A copy of the zoning map shall at all times be on file in the office of the County clerk and Planning Administrator, Lincoln County, Nebraska.

4.15.04 Permit Required and Exceptions

1. Permit Required

It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, pole, tower, chimney, wires, or any other structure or

appurtenance within the Hazard Area without first obtaining a permit from the Lincoln County Zoning Office. It shall also be unlawful to plant or replant any tree or other object of natural growth without the necessary permit.

2. — Exceptions

Within the Turning Zones, no permit shall be required for any construction or planting that is not higher than 75 feet above the nearest existing or proposed runway end.

4.15.05 — Non-conforming Structures

Within the hazard area, no non-conforming building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow to a height above the heights permitted by these regulations, if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 80 percent or more of their original condition, or abandoned for a period of twelve months or more. Transmission lines and communication lines shall be interpreted as all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the regulated zone.

4.15.06 — Marking of Non-conforming Structures

Whenever the Lincoln County Zoning Office determines that a specific structure or object exceeds the height restrictions and existed prior to the enactment of these regulations, the owner(s) and the lessor(s) of the premises on which the structure or object is located shall be notified in writing by the Lincoln County Zoning Office. The owner(s) and lessor(s) shall, within a reasonable time, permit the marking and lighting of the structure or object. The Lincoln County Zoning Office shall specify the required marking and lighting, based on the recommendations of the Nebraska Department of Aeronautics. The cost of marking or lighting shall not be assessed against the owner or lessor of said premise.

4.15.07 — Administrative Agency

The Planning Administrator of Lincoln County, Nebraska shall administer and enforce these regulations and shall be the administrative agency provided for in Section 3-319 R.R.S. 1943, and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act.

4-15.08 — Zoning Board of Adjustment

The Board of Adjustment of Lincoln County, Nebraska shall be the Board of Adjustment with respect to these regulations. Said board shall have and exercise the powers conferred by Section 3-320, R.R.S. 1943 and such other powers and duties as are conferred and imposed by law.

(This is a **Repeal of Section 4.15 AH –Airport Hazard/Approach Overlay District** of the Zoning Regulations of The county of Lincoln, Nebraska, which was passed and adopted under Resolution No. 2017-06 on March 6, 2017, by the Board of Commissioners of The county of Lincoln, in the State of Nebraska.)

ADOPTED AND APPROVED by the Governing Body of Lincoln County, Nebraska, this 6th day of March, 2017.

By: Bill J. Henry
Bill J. Henry
Chairman of the Lincoln County Board of Commissioners

ATTEST:

Rebecca J. Rossell
Rebecca A. Rossell
Lincoln County Clerk

