LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 31, 2007 PLANNING COMMISSION MEETING

PROJECT #: County Change of Zone No.06070

PROPOSAL:

1. Set a one-year period within which applications that have been deferred at the applicants' request are presented to the Planning Commission or County Board for final action or they automatically expire.

2. Set a 12 week time period from the initial hearing date for the Planning Commission to act on applications unless the applicant consents to the deferral.

3. Change public hearing notice dates when signs are posted and notices appear in the newspaper to be consistent with the City's notification dates.

4. Clarify procedures for special permits and community unit plans and correct typing errors.

5. Clarify that no buildings or uses may be permitted in a yard via an administrative amendment by the Planning Director.

6. Relocated the provisions for pre-existing special permits.

CONCLUSION: The proposals require timely action on both the Planning Commission and the applicant on an application and clarifies procedures. Having the same notice dates for both the County and City is appropriate since the Planning Department is a joint City/County Department.

RECOMMENDATION:	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Sections 13.001,13.003, 14.005, 22.005, and 22.003, and add sections 13.002 and 22.019 of the County Zoning Regulations

ASSOCIATED APPLICATIONS: Change of Zone #06062, Misc. #06012 City Land Subdivision Ord., Misc.#06016 County Subdivision Regulations, and Misc. 06014 Planning Commission Bylaws.

ANALYSIS:

1. Currently, at the request of applicants there are dozens of applications which were placed on the staff's "pending" list and not scheduled for Planning Commission or governing body hearings. These applications have remained on the list for years, despite the Planning Staff's efforts to encourage the applicant to move forward or withdraw. Currently, the only way to dispose of these cases is to set unilateral hearing dates, prepare staff reports, and advertise the hearings. The proposed amendments would allow the Planning Department to save time and money by replacing this cumbersome process with a time period within which, if the applicant does not direct that his/her case be scheduled for hearing, the case is automatically closed. The proposed amendment will require staff to notify the applicant of the pending expiration date, in writing, at least 30 days before that date. If approved, this amendment would provide an additional year for action on applications that are already on the Planning Department pending list.

2. The Planning Commission on several occasions has postponed their final action on applications. They have been advised that their responsibility is to hold a public hearing and then act on the application. The issue of delaying action occurred on two different cases in the past two years, both involving "downzoning:" a request by a neighborhood association to rezone vacant land adjacent to the neighborhood, and a request by another neighborhood association to rezone the property within their association's boundaries.

   In the first case, the property was held on pending by the Planning Commission for nearly a year as the Commission approved repeated requests from the neighborhood association for deferral (after the Planning Commission did act, the City Council voted to place the item on its indefinite pending list, where it sits today). In the second case, the Planning Commission delayed the association's request to consider imposing new procedural requirements for that request as well as future requests of the same nature. Before these applications were filed, it was not unusual for the Planning Commission to place applications on pending for indefinite periods, to await the completion of some planning study or another.

   The deliberations on the second downzoning case led the City Attorney's office to give its opinion to the Planning Commission that due process required them to act in a timely manner and pass applications on to the governing body in a reasonable time, unless the applicant consented to further delay.

3. The County Attorney determined, in the preparation of these amendments, that the proposed appeal provision could not be used in the case of a change of zone, because state statutes require that the Planning Commission "act " before the governing body can consider the item. The Planning Staff and the County Attorney still believe it is useful to adopt this amendment for all the other types of applications that the Planning Commission considers, and at least to give guidance as to how they should act on change of zone request. The provision that the Planning Commission shall act in 12 weeks will apply to change of zone applications but the applicant will not have authority to appeal the application forward to the County Board without a report and recommendation from the Planning Commission.

   State Statutes states that any proposed amendment, supplement or modification to the zoning ordinance shall first be submitted to the planning commission for its recommendations and report. The planning commission shall hold at least one public hearing with relation thereto, before submitting its recommendations and report to the County Board.

4. Presently for a proposed special permit no action shall be taken on any application until and unless the report of the Planning Commission has been filed; provided, however, that if no report is received from the Planning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the said Commission. The proposal does not provide for an assumed approval but allows the applicant to forward the special permit to the County Board for final action.

5. Currently for community unit plans in the event the Planning Commission fails to act withing 60 days from the date of referral the applicant must appeal to the County Board requesting final action and the Board shall direct the Planning Commission to act on the application at the next regularly scheduled meeting and then the regulation presumes that the Planning Commission will heed that direction. The proposed amendments allows the applicant to forward the application to the governing body for action if the Commission has not acted in the required time frame..

6. Adjust the posting of the public hearing sign from 5 days to 8 days and the notice in the newspaper from 10 days to 8 days before the public hearing. This adjustment will be the same as the City's notifications and is appropriated since the Planning Department is a joint City County Department.

7. The Zucker report encourages the streamlining of applications.

Prepared by:

_____
Ray F. Hill, Planner

DATE: January 19, 2007

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THE PROPOSED TEXT IS ATTACHED.

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ATTACHMENT "A"

LANCASTER COUNTY ZONING REGULATIONS

ARTICLE 13
SPECIAL PERMIT

13.001 Special Permit. In addition to uses allowed under other districts, the County Board may by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this resolution, or as limited in this section, an~~y~~d may also permit an increase in the height of any such building and permit a lesser area than required aforesaid in this resolution. The County Board may also grant special permits for variances from the provisions of Article 11 of this resolution. (Resolution No. 3667, January 26, 1982). ~~Copies of a plot plan of the lot and proposed uses, drawn to an accurate scale and showing all pertinent information, shall accompany a request for a special permit.~~

1) Any public building erected by any department of a governmental agency;

2) Private schools, including nursery, pre-kindergarten, kindergarten, play and special schools;

3) Hospitals, clinics and institutions, including educational, religious and philanthropic institutions; provided, however, that such buildings occupy not over forty (40) percent of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property and provided further, that the buildings shall be set back from all yard lines a distance of not less than one (1) foot for each foot of building height and that adequate off-street parking space will be provided;

4) Cemeteries;

5) Community buildings or recreation fields;

6) Airfields, Commercial Agriculture Airfields and Heliports in "AG" and "AGR" Districts and Family Airfields in the "AGR" District as provided in Section 4.007 and 5.007 may be allowed under the following conditions:

a) The application shall be accompanied by the following information:

1) A plot plan showing the location, orientation and the general size of runways, taxiways, aprons, clear zones, approach zones and proposed accessory structures and uses including fuel storage, as well as dimensions to property lines and section lines, roadways, railroads and above ground structures including poles. towers, wires and appurtenances thereto;

2) The planned type and use of aircraft for which the facility is intended;

3) The estimated number of aircraft for which the facility is intended;

4) The estimated frequency of flights and hours of operation;

5) Diagram of the flight pattern to be used in and out of the landing area;

6) Drainage and grading plan of the site;

7) Length, width, surface and lighting facilities of the airfield;

8) Location and height of any obstructions that could obstruct or penetrate the normal 20:1 approach slopes to the runway threshold or end;

9) The distance and difference in elevation between the end of the runway and any public roadways, railroads and all utility transmission and distribution facilities and towers that are located in the approach and clear zones;

b) The site shall be located in such a manner so as not to compromise the safety of or create excessive noise for the existing schools, hospitals, theaters and nursing homes. However, nothing in this provision shall deny essential air service to hospitals and nursing homes, if needed, provided that landing and takeoff facilities for emergency aircraft are provided in accordance with

applicable State and Federal regulations.

c) The operation shall not result in air pollution and noise generation exceeding appropriate local, State and Federal standards.

d) No structures shall be located within approach and clear zones if such structures encroach upon the airspace required for the safe operation of aircraft for which the airfield is intended.

e) No use of the airfield permitted nor the immediately adjacent property shall create electrical interference with aerial navigational signals or radio communication or aircraft overflying the airfield, result in glare in the eyes of pilots using or overflying the airfield, or otherwise in any way endanger or interfere with landing, takeoff, or maneuvering of aircraft using or flying in the vicinity of the airfield.

f) Measures may be required to mitigate adverse impacts associated with the flight operations. Uses within the approach zone may be required to be under the control of the applicant through restrictive easements or ownership of the property.

g) Lighting devices such as flood lights and spot lights shall be so designed or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the ground. This provision shall not prohibit the installation of runway and taxiway lighting systems designed for the safe operation of aircraft or other safety enhancements such as visual approach slope indicator (VASI) or precision approach path indicator (PAPI) lighting systems.

h) No permit shall be granted for an airfield that would conflict with the traffic patterns, approach zones or reserved air space of an existing airport or airfield.

i) The design of an airfield shall meet the applicable State and Federal regulations and the following requirements;

(1) The effective runway length for a paved runway shall be at least 1,400 feet plus 25% of the elevation of the site measured in North American Vertical Datum (NAVD 88). The effective length for a turfed runway or landing area shall be 1,800 feet, plus the 25% correction of the elevation. Nothwithstanding the above, documents submitted before March 1, 2000 may be submitted in either NAVD 1988 or in elevations measured in relation to mean sea level.

(2) The approach surface to each end of each turfed runway extends outward from the runway, and shall be unobstructed along a 20:1 vertical slope for a horizontal distance of 1,000 feet. The width of the approach slope is to be 250 feet at the beginning and widens out to a width of 450 feet at a distance of 1,000 feet from the beginning of the approach slope. The approach slope shall begin at a point 200 feet outward from the runway threshold, or at the turfed runway threshold (normally at the end of the turfed runway), or at a marked displaced threshold.

(3) The runway (the paved surface) shall be 40 feet or more in width, and the turfed runway shall be 100 feet or more in width. There shall be a primary surface (unobstructed area) 250 feet in width, 125 feet on each side of the runway or the turfed runway centerline. The primary surface shall extend the full length of the turfed runway. All structures beyond the primary surface and the approach slope shall clear a 7:1 transitional or lateral slope as measured from the outside edge of the primary surface or approach slope.

(4) The aircraft parking apron area, all buildings, structures, fences, and vehicle parking areas shall be located outside the primary surface and clear the 7:1 lateral slopes along the surface.

(5) All farm crops (except hay) are considered as structures. The height of such structures shall be considered the height of the crops when fully grown, regardless of the crops actual height at any specific time.

(6) Roads and railroads are considered to be structures or obstructions 15 feet and 23 feet high respectively above their traveled surface when determining obstructions. An interstate highway shall be cleared by 17 feet above the closest edge of a paved surface.

(7) The effective length of a paved runway or turfed runway is determined as the total distance between thresholds, plus the length of the shortest overrun area, when both thresholds are displaced.

(8) The threshold of a turfed runway is considered to be that point on the runway end, properly marked, from which a clear 20:1 approach slope is available. The threshold of a paved runway is 200 feet inside the threshold of the turfed runway.

(9) The approach must provide a 150 feet clear height over any residential zoned area, 100 feet over any agriculture residential zoned area and safe and reasonable clearances over utility lines, poles, towers and appurtenances, which may be located in the path of any runway.

j) The design of a family airfield shall meet the following;

(1)The approach must provide a 150 feet clear height over any residential zoned area, 100 feet over any agriculture residential zoned area and safe and reasonable clearances over utility lines, poles, towers and appurtenances, which may be located in the path of any runway.

2) The minimum effective length of a paved runway shall be 300 feet. The turfedrunway shall be 200 feet longer than the paved runway (100 feet on each end). The turfed runway is required, but the paved runway is optional.

3) The paved runway shall be 25 feet or more in width, and the turfed runway shall

4) The approach surface to each end of each paved or turfed runway extends outward along the runway centerline and shall be unobstructed along a 10:1 vertical slope for a horizontal distance of 500 feet. The approach slope shall begin at the turfed runway threshold or at a properly marked displaced threshold. The width of the approach slope shall be 50 feet at the beginning and widen out to 150 feet at a distance of 500 from the beginning. The surface area beneath the approach zone shall be controlled by ownership, fee title or easement.

5) The runway centerline extended shall not cross any existing building within 1/4 mile of the end of the runway.

6) The runway shall be set back 50' from all lot lines.

7) Runway lighting shall be limited to 45 watts in power. No more than 36" above grade and producing no more than 1/2 footcandle of illumination as measured at the property line.

8) A "bubble" of clearance of 200' over and around all buildings shall be maintained.

9) Flight operations shall be prohibited from 10 PM to 5 AM.

10) Abutting property/families may use the same runway provided there are no more than four (4) properties,, each of which has at least 150' of frontage on the runway.

k) However, an airfield in a residential air park may be allowed under the provisions of the community unit plan as provided in Article 14 of this zoning resolution. (Resolution No. 5367, August 26, 1996)

7) Trailer, mobile home courts in accordance with the provisions of the Lancaster County Trailer Regulations, and amendments thereto; (Resolution No. 3777, January 18, 1983)

8) Campsites;

9) Outdoor theaters, but only in the "AG" Agricultural District and only after plans have been approved by the State Highway Department;

10) Private recreational activities, including cabins and trailers not used as a residency;

11) Riding stables and private stables;

12) Roadside stands for temporary or seasonal operation in the "R" Residential District;

13) Radio and television towers and stations, and television facilities. A special permit may be granted in any district to allow such facilities under the following conditions:

a) The towers shall comply with all applicable governmental regulations and standards.

b) The towers may exceed the maximum height for the district in which they are located.

c) The application shall be accompanied by the following information:

(1) A site plan showing site boundary, locations of the proposed towers, guy wire anchors, nearby structures, tower design and building materials, equipment to be attached to the towers and setbacks from the site boundary; and landscaping as appropriate for the site;

(2) A statement indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to their unobtrusiveness, minimum height necessary to accommodate planned equipment, avoidance of artificial light and coloring provisions;

(3) If towers are located within one mile of any existing tower, the applicant shall demonstrate that existing towers cannot accommodate the communication equipment planned for the proposed towers.

d) The towers shall be set back from abutting public streets by a distance equal to or greater than the tower height. The distance between towers and the site boundary shall be equal to or greater than 50% of the tower height. The distance between tower anchors and the site boundary shall be equal to or greater than the setback requirements established in the underlying zoning district. The County Board may grant a reduction in the required setbacks when it finds that such reduction shall not adversely affect adjacent properties and is consistent with the intent of this resolution to promote health, safety, morals and general welfare of residents in the County.

e) The towers shall not be painted with bright colors or equipped with lights unless specifically required by the government for safety reasons. If required by the government, the lights shall not exceed its minimum standards.

f) To prevent vandalism or injuries, adequate security measures shall be provided around the tower base. (Resolution No. 4567, November 21, 1989)

14) Mining, extraction of sand, gravel or other raw material and storage and processing thereof in the "AG" and "AGR" Districts. The land surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the County Board;

15) Clubs and semi-public buildings;

16) Nursing homes when approved by the City-County Health Department;

17) Industrial uses upon which the Board is required to pass under Article 9 only in the "I" Industrial District;

18) Dwellings for religious orders;

19) Pet cemeteries in the "AG" and "AGR" Districts, provided they contain a minimum of five (5) acres;

20) Trailers for residential occupancy when utilized in conjunction with construction of a residence and not to exceed three (3) years in duration;

21) Recreation facilities in "AG" and "AGR";

22) Veterinary facilities in "AG" and "AGR";

23) Sale barns in the "AG" District;

24) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals in the "AG" and "AGR" Districts;

25) Except as provided in Section 17.031, church steeples, towers, and ornamental spires which exceed the maximum district height. (Resolution No. 5408, November 19, 1996)

26) Community unit plans in the "AGR" and "R" Districts;

27) Additional percentages of floor area for home occupations;

28) Temporary residences (trailers) renewed annually;

29) Garden centers;

30) Historic preservation;

31) Non-commercial distillation and storage of fuel and fuel products produced in whole or in part from agricultural products raised within the County, provided that stills be set up in compliance with the requirements of National Fire Protection association pamphlet #30, 1973 edition, in regard to handling, manufacturing, use and storage of flammable and combustible liquid; (Resolution No. 3501, July 29, 1980)

32) Commercial feedlot. Commercial feedlot facilities for livestock and poultry shall be allowed by special permit in those parts of the "AG" Zoning District designated as "Agricultural" on the Future County Land Use Map. (Figure 17) of the Lincoln City-Lancaster County Comprehensive Plan. The application for a special permit shall be accompanied by a statement from the Department of Environmental Quality (DEQ) that either the facility does not need to provide for antipollution controls, or that the applicant has received approval from DEQ for anti-pollution controls; (Resolution No. 5238, June 20, 1995)

33) A mobile home on an individual lot in the "AG", "AGR" and "R" Districts; (Resolution No. 3777, January 18, 1983)

34) Governmental landfill operations in the "AG" District; (Resolution No. 4147, January 21, 1986)

35) Parking lots in the "AG" Agricultural and "AGR" Agricultural Residential Districts abutting and adjacent to "B" Business or "I" Industrial Districts, provided that:

a) The parking lot is designed and constructed to the satisfaction of the County Engineering Department;

b) It is paved or surfaced with gravel or crushed rock;

c) The parking lot is screened from abutting roads and residential uses;

d) Any lighting is directed so as not to cause light trespass on surrounding roads and residential uses;

e) The lot is setback the minimum front and side yard setbacks of the district in which it is located;

f) And, that access to the parking lot to be taken through the business or industrial zoned property and the location of the access is approved by the County Engineering Department.

The County Board may modify or adjust any of these conditions or impose additional conditions to allow the applicant use of the property, while at the same time, protecting the surrounding properties. (Resolution No. 4928, October 27, 1992)

~~Before the issuance of any special permit of any of the above buildings or uses, the County Board shall refer the proposed application to the Lincoln City-Lancaster County Planning Commission, which Commission shall hold a public hearing and be given thirty (30) days in which to make a report regarding the effect of such proposed building or useds upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public~~

~~health, public safety and general welfare. No action by the County Board shall be taken on any application for a proposed building or useds above referred to until and unless the report of the Planning Commission has been filed with the County Clerk; provided, however, that if no report is received from the Planning Commission within forty-five (45) days, it shall be assumed that a recommendation of approval of the application has been given by the said Commission. An existing use of the type listed above lawfully established on the effective date of this resolution shall be deemed to have received special permit as herein required and shall be provided with such a permit by the Building Inspector upon request and shall not be a nonconforming use; provided, however, that such an existing use shall require a special permit for enlargement, extension or relocation.~~

13.002. Procedures. An application and copies of the plot plan drawn to an accurate scale and showing all pertinent information shall be filed in writing with the Planning Department. Before the issuance of any special permit of any of the above buildings or uses, the County Board shall refer the proposed application to the Planning Commission. The Planning Commission shall hold a public hearing and make a report to the County Board regarding the effect of such proposed building or uses upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters relating to the public health, safety and general welfare. No action by the County Board shall be taken on any application for a proposed building or use above referred to until and unless the report of the Planning Commission has been filed with the County Clerk; provided, however, if the Planning Commission fails to make a required report and recommendation within twelve (12) weeks following the date of their first public hearing on the matter, the applicant may request the matter be forwarded to the County Board for consideration.

An existing use of the type listed above lawfully established on the effective date of this resolution shall be deemed to have received special permit as herein required and shall be provided with such a permit by the Building Inspector upon request and shall not be a nonconforming use; provided, however, that such an existing use shall require a special permit for enlargement, extension, or relocation.

13.003. Special Permit Administrative Amendments. After the County Board has approved a special permit, including the specific plot plan under ~~Section~~ Article 13.~~001~~, the Planning Director is authorized to approve amendments to the special permit provided:

a) A request for an administrative amendment is filled with the Planning Director accompanied by a plot plan drawn to an accurate scale and showing all pertinent information relating to the requested amendment;
b) No buildings or uses are permitted within the yards required by Article 13 ~~this title or exterior open space specifically designated by special permit or community unit plan. For purposes of this section, the minimum horizontal distance between the lot line and a building or use shall be used in determining the required side yards, front yards and rear yard; unless the required yard or required exterior open space is otherwise specifically identified on the approved plot plan or by the County Board resolution~~;
c) The intent of the County Board in preserving the public health, safety and general welfare will still be carried out.

ARTICLE 14
COMMUNITY UNIT PLAN

14.005. Procedures. An application and copies of the plot plan ~~and plans~~ drawn to an accurate scale and showing all pertinent information and ~~for~~ development of a community unit plan under this article shall be filed in writing with the ~~Codes Administration Division.~~ Planning Department. Upon the filing of an application ~~together with all information required by this article~~, the County Board ~~will~~ shall refer the application to the Planning Commission. The Planning Commission shall hold a public hearing ~~upon such application,~~ and make a report to the County Board regarding the effect of the proposed use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters relating to the public health, safety, and general welfare. ~~surrounding neighborhood, the community as a whole and other matters relating to the public health, safety and general welfare. The County Board shall take no final action upon any application for a community unit plan until a report is filed with the County Clerk; provided, that in the event there is a delay in excess of sixty (60) days from the date of referral on the part of the Planning Commission in reporting its recommendations to the County Board, the applicant may appeal to the County Board, requesting final action. If the County Board determines that the delay of the Planning Commission is unjustified, it shall direct the Commission to submit a report no later than immediately after the Commission's next regularly scheduled meeting.~~ No action by the County Board shall be taken on any application for a proposed use above referred to until and unless the report of the Planning Commission has been filed with the County Clerk; provided, however, if the Planning Commission fails to make a required report and recommendation within twelve (12) weeks following the date of their first public hearing on the matter, the applicant may request the matter be forwarded to the County Board for consideration.

The report of the Planning Commission to the County Board shall include reasons for recommending approval or denial of any application and if approval is recommended, shall further include specific evidence and facts showing that the proposed community unit plan meets the following conditions:

a) That the land surrounding the tracts for the proposed community unit plan will not be adversely affected;

b) That the proposed community unit plan is consistent with the intent and purpose of this title to promote the public health, safety and general welfare;

c) That the buildings and land in the proposed community unit plan shall be used only for single-family dwellings, two-family dwellings, townhouses or multiple family dwellings and accessory uses and any other uses permitted in the zoning district in which the land is located;

d) That the average lot area per family within the proposed community unit plan will not be less than the los area per family required in the zoning district or districts in which the tracts of the proposed community unit plan is located, except as otherwise provided in this chapter.

ARTICLE 22
GENERAL PROVISIONS, LEGISLATIVE PROVISIONS, PENALTY

22.003. Amendments. The County Board may from time to time on its own motion or on petition, amend, supplement, change, modify or repeal by resolution the boundaries of districts of regulations, or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Lincoln-Lancaster County Planning Commission for its recommendations and report; ~~such report to be made within thirty (30) days thereafter~~ The Planning Commission shall act on the proposed amendment, supplement, change, modification or repeal within twelve (12) weeks following their first public hearing. ~~Said~~ The Planning Commission's report shall contain the findings of the Commission regarding the effect of the proposed amendment, supplement, change, modification or repeal upon adjacent property and upon the comprehensive zoning plan of the County of Lancaster. After the recommendations and report of the ~~Lincoln-Lancaster County Planning~~ Commission ha~~ves~~ been filed, the County Board shall, before enacting any proposed amendment, supplement, change, modification or repeal, hold a public hearing in relation thereto, giving notice of the time and place of such hearing. In the event the proposed amendment or change is denied by the County Board, no new request shall be made for the same of a substantially similar amendment or change within one (1) year of said denial thereof.

The applicant may withdraw a request for an amendment at any time before notice of the public hearing before the County Board is given by publication in a daily newspaper having a general circulation in the City of Lincoln and Lancaster County. After such notice of public hearing has been given, the application may only be withdrawn with the approval of the County Board.

22.005. Notice of Hearing. Hearing required under articles 13, 19 and 22 of this resolution shall not be held until further notice thereof has been given in compliance with the following provisions:

a) A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be of a size and type approved by the County Board. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least ~~five (5)~~ eight (8) consecutive days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such posted notice prior to such hearing.

b) ~~Ten (10)~~ At least eight (8) days before the date of the hearing, the Planning Director, on behalf of the County Board, shall have published one time in a daily newspaper having a general circulation in the City of Lincoln and Lancaster, and in a newspaper of any county which has territory within three miles of the property affected by such action of the County Board, a notice of the time, place and subject of such hearing. Notice of the time and place of such hearing shall also be given in writing to the Chair~~man~~ of the municipal, county or joint planning commission, which has jurisdiction over land within three miles.

22.019. Expiration of Applications. All existing applications which have been placed on pending by an applicant shall automatically expire and become null and void one (1) year after the approval date of this text amendment (County Change of Zone No. 06070). All applications which have been placed on pending by an applicant after the approval date of this text amendment (County Change of Zone No. 06070) shall automatically expire and become null and void one (1)

year thereafter. At least thirty (30) days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the matter shall automatically terminate unless prior to the expiration date, the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or County Board agenda as appropriate.