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**AGENDA ITEM
REQUEST/JUSTIFICATION FORM**
(To be completed by requesting Department)
Forward all requests to Sharon Bourke, LC2 Civic Center
**DEADLINE SUBMITTAL IS 3:00 P.M. WEDNESDAY
BEFORE THE TUESDAY MEETING**

Agenda item: Public Hearings
(i.e. Consent/Recognition-Proclamation/Presentation/Public Hearing/Committee, etc.)
Date to be on agenda: April 4, 2023

Exact wording to be used for the agenda:

Text amendments to the Douglas County Zoning Regulations relating to Landscape Businesses. (Environmental Services).

Action requested: Public hearing and approval of resolution.

Amount requested: _____ Object Code: _____

Is item in current year's budget? Yes _____ No _____

Does this item commit funds in future years? Yes _____ No _____

If yes, explain: _____

If an agreement or contract*, has the County Attorney reviewed and approved? Yes x No _____

**Provide County Clerk with contact info for outside organization*

Previous action taken on this item, if any: The Douglas County Planning Commission conducted a public hearing on March 15, 2023 and recommended approval. The Planning Commission discussed the proposed changes at the December 14, 2022 and February 15, 2023 meetings. The County Board was briefed on the proposed changes on March 7, 2023.

Recommendations and rationale for action: County Board approval is required for changes to the Zoning Regulations. Landscape business owners whose properties are potentially impacted by the proposed zoning regulations changes have provided input on the proposed regulation changes.

Will anyone speak on behalf of this item, if so, who: Kent Holm, Environmental Services Director

If this is a rush agenda item, please explain why: _____

Submitted by (Name & Dept.): Kent Holm Ext. 6181

Date submitted: March 29, 2023

List Attachments: Resolutions; proposed zoning regulations text amendments; Planning Commission minutes;

(Attach resolution and all pertinent documentation; i.e. contract, agreement, memorandums, etc.) _____

Certified resolutions can be obtained at the County Clerk's website:
<http://www.douglascountyclerk.org/county-board-records/search-for-resolutions>

Completed by receiving office	
Received in Administrative Office:	Date <u>3/30/23</u> Time _____
Revised 4/4/2019	

BOARD OF COUNTY COMMISSIONERS

Douglas County, Nebraska

Resolved

WHEREAS, it is in the best interest of Douglas County to provide land use regulations that support appropriate accessory and supplemental uses while protecting the character of the County's rural areas; and

WHEREAS, landscape business uses can be appropriate for several zone districts within the County's jurisdiction; and

WHEREAS, the current County Zoning Regulations need to be revised to provide a mechanism for allowing these landscape business uses, especially in the Agricultural (AG), Rural Residential (RR) and Mixed Use (MU) zone districts; and

WHEREAS, text amendments to the Zoning Regulations, a copy of which is attached hereto, have been proposed and have been discussed by the County Planning Commission, current landscape business owners, and others at the December 14, 2022 and February 15, 2023 Planning Commission meetings and additional information from landscape business owners was used to draft the proposed text amendments; and

WHEREAS, a public hearing on the proposed text amendments was held on March 15, 2023 with the Planning Commission recommending approval of the amendments on a 6-0 vote; and

WHEREAS, pursuant to a notice published in the Douglas County Daily Record on March 24, 2021 a public hearing was held in the Legislative Chamber, Omaha/Douglas County Civic Center on April 4, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS, DOUGLAS COUNTY, NEBRASKA that approval be and is hereby given for text amendments to the Zoning Regulations, as attached and referenced herein.

Douglas County Planning Commission

DOUGLAS COUNTY, NEBRASKA

Meeting Minutes

Wednesday, March 15, 2023

The Douglas County Planning Commission convened in the Douglas Room, 15335 West Maple Road, Omaha, NE with the meeting called to order by Chair Levy at 6:00pm. Advance notice, containing the time and place of the meeting, was simultaneously transmitted to all members of the Planning Commission and posted on the Douglas County Environmental Services website. In attendance: Commissioners Levy, Hoffman, Brummund, Smith, O'Callaghan, and Bruhn. Attending for staff: Madison Homan, Permits Clerk; Elizabeth O'Connor, Deputy County Attorney; Kent Holm, Environmental Services Director.

Approval of minutes of the Planning Commission meeting held Wednesday, February 15, 2023. Motion by Smith, seconded by Hoffmann. Voting yes: Brummund, Smith, Hoffman, and Bruhn. Levy and O'Callaghan Abstained. Motion approved.

Public Hearings:

1. Nick Wigle, applicant – Special Use Permit to operate a short-term rental in a residence located at 1160 Campanile Rd Waterloo, NE 68069, parcel number 2400670007.

Speaking to This Item:

Kent Holm, Environmental Services Director, spoke to the Commission and gave them some information on the Special Use Permit.

Nick Wigle, Owner and Applicant, 1160 Campanile Road, Waterloo NE 68069, spoke to the commission on his plans for the property as a short-term rental.

Carey Trowbridge, Neighbor, 2920 S 187th Plaza #414 Omaha, NE 68130, spoke in support of the applicant and the special use permit.

Carol Thompson, Neighbor, 1202 Campanile Road Waterloo, NE 68069, spoke with concerns about the applicant using the property as a short-term rental.

Michael Negley, Neighbor, 23428 Denton Street Waterloo, NE 68069, spoke with concerns about the applicant using the property as a short-term rental.

Nick Wigle, Owner and Applicant, 1160 Campanile Road, Waterloo NE 68069, spoke again to answer neighbors concerns.

Motion to consider recommending approval of the special use permit with conditions as follows; maximum occupancy at any time is 10 people, No camping allowed for Airbnb guests, Recreational access only- no airboat or gas-powered water craft use for Airbnb guests, Initial inspection of home, and the special use permit will expire should the owner sell the property, by Hoffman, seconded by Smith.

Voting Yes: Levy, Hoffman, Smith, Brummund, O'Callaghan, and Bruhn. Motion Approved.

2. Text amendment to the Zoning Regulations to add "Automotive Rental/Sales" as a Special Use in the MU zone district. (Environmental Services)

Speaking to this Item:

Kent Holm, Environmental Services Director, spoke to the Commission and gave them information as to why this was brought to them.

Carey Trowbridge, Property Owner, 2920 S 187th Plaza #414 Omaha, NE 68130, spoke in support of the text amendment.

Motion to consider recommending approval of Text amendment to the Zoning Regulations to add "Automotive Rental/Sales" as a Special Use in the MU zone district by Hoffman, seconded by O'Callaghan.

Voting yes: Levy, Hoffman, Smith, Brummund, O'Callaghan, and Bruhn. Motion passed.

3. Text amendments to the Zoning Regulations relating to Landscape Businesses.

Speaking to this item:

Kent Holm, Environmental Services Director, spoke to the Commission and gave them updated information on the text amendment.

Motion to consider recommending approval of Text amendments to the Zoning Regulations relating to Landscape Businesses by Smith, seconded by Bruhn.

Voting yes: Levy, Hoffman, Smith, Brummund, O'Callaghan, and Bruhn. Motion passed.

Discussion

Kent Holm, Environmental Services Director, updated the commission of the schedule for the remaining land use issues.

Kent Holm, Environmental Services Director, updated the commission on the proposed process for the special use permits for landscape property owners.

Announcements from staff:

Motion to adjourn by Hoffman, seconded by Smith. Voting yes: Levy, Hoffman, Brummund, O'Callaghan, Smith, and Bruhn.

Meeting adjourned at 7:12 PM.

Douglas County Planning Commission

DOUGLAS COUNTY, NEBRASKA

Meeting Minutes

Wednesday, February 15, 2023

The Douglas County Planning Commission convened in the Douglas Room, 15335 West Maple Road, Omaha, NE with the meeting called to order by Vice Chair Hoffman at 6:00pm. Advance notice, containing the time and place of the meeting, was simultaneously transmitted to all members of the Planning Commission and posted on the Douglas County Environmental Services website. In attendance: Commissioners Hoffman, Brummund, Bowers, Smith, and Bruhn. Attending for staff: Madison Homan, Permits Clerk; Elizabeth O'Connor, Deputy County Attorney; Kent Holm, Environmental Services Director.

Approval of minutes of the Planning Commission meeting held Wednesday, December 14, 2022. Motion by Smith, seconded by Bruhn. Voting yes: Brummund, Smith, Hoffman, and Bruhn. Bowers Abstained. Motion approved.

Public Hearings:

Discussion

Landscape business uses. There are currently a number of properties in the County's jurisdiction where landscape business uses exist. Kent Holm provided updated information to the Commission on the relevant issues and potential changes to the regulations to best accommodate the landscape business uses. The primary purpose of the discussion was to gather input from property owners and the Commission.

The following property owners spoke to the issue:

Matt Boice, 2510 Campanile Road, Douglas County, NE 68069

Jacob Bender, 19718 Military Road, Bennington NE, 68007

Nick Irwin, 10404 N 204th Street, Omaha NE, 68022

Mercer Gunnels, 10404 N 204th Street, Omaha NE, 68022

General discussion with the Commission ensued and lasted until approximately 7:00pm. Staff will take the information and input from the meeting and provide updated recommendations.

Announcements from staff:

Motion to adjourn by Smith, seconded by Bowers. Voting yes: Hoffman, Brummund, Bowers, Smith, and Bruhn.

Meeting adjourned at 7:02 PM.

Douglas County Planning Commission

DOUGLAS COUNTY, NEBRASKA

Meeting Minutes

Wednesday, December 14, 2022

The Douglas County Planning Commission convened in the Douglas Room, 15335 West Maple Road, Omaha, NE with the meeting called to order by Vice Chair Hoffman at 6:02pm. Advance notice, containing the time and place of the meeting, was published in the Daily Record on December 2, 2022, and simultaneously transmitted to all members of the Planning Commission and posted on the Douglas County Environmental Services website. In attendance: Commissioners Hoffman, Brummund, O'Callaghan, Smith, and Bruhn. Attending for staff: Madison Homan, Permits Clerk; Elizabeth O'Connor, Deputy County Attorney; Kent Holm, Environmental Services Director (virtually via Zoom); and planning consultant Julie Ogden with JEO.

Approval of minutes of the Planning Commission meeting held Wednesday, November 9, 2022. Motion by Smith, seconded by O'Callaghan. Voting yes: Brummund, O'Callaghan, and Smith, Hoffman, and Bruhn. Motion approved.

Public Hearings:

1. Waste Management of Nebraska, applicant – a special use permit to operate a sanitary landfill in an AG zone, parcel # 0111350000, 0111340000, 0111320003, 0111320006, 0111430000, and 0111450002, address 13505 N 216 Street, Douglas County, NE 68007.

Kent Holm spoke on the landfill Special Use Permit stating that they currently have a Conditional Use Permit. To be fully in compliance with the current zoning regulations staff has asked Waste Management to obtain a Special Use Permit. Conditions of the existing Conditional Use Permit are essentially the same.

Motion to approve by Smith, seconded by O'Callaghan. Voting Yes: O'Callaghan, Smith, Hoffman, and Brummund. Voting No: Bruhn. Motion Passed.

Discussion

Landscape business uses. There are currently a number of properties in the County's jurisdiction where landscape business uses exist. Julie Ogden provided information to the Commission on the relevant issues and potential changes to the regulations to best accommodate the landscape business uses. The primary purpose of the discussion was to gather input from property owners and the Commission.

The following property owners spoke to the issue:

Jacob Bender, 19718 Military Road, Bennington NE, 68007

Dan Michalski, 2304 Campanile Road, Douglas County NE, 68069

Mercer Gunnels, 10404 N 204th Street, Omaha NE, 68022

General discussion with the Commission ensued and lasted until approximately 7:30pm. Staff will take the information and input from the meeting and provide updated recommendations for further discussion.

Announcements from staff:

Motion to adjourn by Smith, seconded by O'Callaghan. Voting yes: Hoffman, Brummund, O'Callaghan, Smith, and Bruhn.

Meeting adjourned at 7:35 PM.

Landscaping Business

Added garden centers and landscaping businesses to these sections

	AG	RR	MU	IN
Other Permitted Use Required	Yes – Residence 5.02.E	Yes - Residence 5.02.E	No	No
SUP Required (a)	Yes	Yes	No	No
Buffer Yard (b)	No	Yes 5.02.E.2.a	Yes when adjacent to residential zoning	Yes when adjacent to residential zoning
Off-Street Parking (c)	Required 5.02.E.1.a	Required 5.02.E.2.b	Required	Required
Accessory Building(s)	Allowed	Allowed in Rear Yard – limited to 20% of rear yard area (d)	Not applicable	Not applicable
Outside Storage of Materials 5.02.E.1.b to e	Allowed – must be at least 50 feet from ROW & 150 feet from residence on adjacent property	Allowed in Rear Yard (d) 5.02.E.2. c to f	Allowed – see also Article 5.15.C	Allowed – subject to any impervious coverage standards & Article 5.15.D
Outside Storage of Equipment or Vehicles	Allowed – must be at least 50 feet from ROW & 150 feet from residence on adjacent property	Allowed in Rear Yard (d)	Allowed – see also Article 5.15.C	Allowed – see also Article 5.15.D
Composting	Allowed – must be at least 150 feet from ROW & 200 feet from residence on adjacent property	Allowed in Rear Yard – must be at least 100 feet from residence on adjacent property (d)	Not Allowed	Allowed in bins as per Section 5.15.D
Retail Sales	Not allowed	Not allowed	Not Allowed	Not Allowed
On-Site Plant Production	Allowed	Allowed in Rear Yard or Side Yard Only 5.02.E.2.h	Allowed	Allowed
Signs	Allowed per Article 11 with following restrictions: 5.02.E.1.f • No lighting on signs • Size limited to 4 sq ft	Allowed per Article 11 with following restrictions: 5.02.E.2.i • No lighting on signs • Size limited to 4 sq ft	Allowed per Article 11	Allowed per Article 11

Notes:

- (a) SUP: As per section 13.04
- (b) Buffer Yard: Any building, outdoor storage area of materials or equipment/vehicles and parking area must maintain a 20-foot landscaped buffer yard consistent with the standards established in Article 9.09
- (c) Off-Street Parking: 1 space per full-time employee + 1 stall (will update Table 10.1 to match this)
- (d) Accessory Buildings, Outdoor Storage of Materials, Equipment or Vehicles and Composting – the total area of these activities combined shall not exceed 40% of the rear yard area.

In section 5.02.E.2.g

left it to the limits in the Article since commercial sign size is defined.

changed to no interior illumination

kept this in section 5.02.E.2.i since the Article does not provide for a commercial sign in residential district.

Garden Center

	AG	MU	IN
SUP Required (a)	Garden Centers will no longer be allowed in the AG district (currently an SUP)	Yes	No
Buffer Yard (b)		Yes when adjacent to residential zoning	Yes when adjacent to residential zoning
Off-Street Parking (c)		Required	Required
Accessory Building(s)		Not applicable	Not applicable
Outside Storage of Materials		Allowed – see also Article 5.15.C	Allowed – subject to any impervious coverage standards & Article 5.15.D
Outside Storage of Equipment or Vehicles		Allowed – see also Article 5.15.C	Allowed – see also Article 5.15.D
Composting		Not Allowed	Allowed in bins as per Section 5.15.D
Retail Sales		Allowed	Allowed
On-Site Plant Production		Not Allowed	Not Allowed
Signs		Allowed per Article 11	Allowed per Article 11

Added garden centers and landscaping businesses to these sections

Notes:

- (a) SUP: As per section 13.04
- (b) Buffer Yard: Must maintain a 20-foot landscaped buffer yard consistent with the standards established in Article 9.09
- (c) Off-Street Parking: 1 space per 1,000 square foot of sales (retail) area

ARTICLE 4

ZONING DISTRICTS

4.01 Purpose

For the purposes of this regulation property within the County's planning jurisdiction is hereby divided into the following districts:

AG	AGRICULTURAL / OPEN SPACE
RR	RURAL RESIDENTIAL
R-1	URBAN RESIDENTIAL LOW DENSITY
R-2	URBAN RESIDENTIAL MODERATE DENSITY
R-3	URBAN RESIDENTIAL HIGH DENSITY
MH	MOBILE HOME PARK PLANNED DISTRICT
MU	MIXED USE
ID	INDUSTRIAL DISTRICT
HCG	HIGHWAY CORRIDOR GATEWAY OVERLAY
DISTRICT PD	PLANNED DEVELOPMENT OVERLAY DISTRICT
FP/FW	FLOODPLAIN / FLOODWAY OVERLAY DISTRICT

4.02 Application of Districts

A base district designation shall apply to each property within the county's planning jurisdiction. A site must be in one base district.

The Floodplain/Floodway, Planned Development and Highway Corridor Gateway Overlay Districts may be applied to any lot or site or any portion thereof, in addition to a base district designation.

4.03 Hierarchy

References in the Zoning Regulation to less intensive or more intensive districts shall be deemed to refer to those agricultural, residential, mixed use, and industrial base zoning districts established in Section 4.01, and shall represent a progression from the AG Agricultural District as the least intensive to the ID Industrial District as the most intensive. The Overlay Districts shall not be included in this reference.

Article 4 - Zoning Districts

4.04 Development Regulations

For each Zoning District, permitted uses are set forth in Table 4.1. Permitted Uses By Zoning District. Individual sections describe the purpose and specific development regulations for each zoning district. Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Table 4-1.

4.05 Zoning Map

The boundaries of zoning districts are hereby established as shown on the Official Zoning Map which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these regulations.

If, in accordance with the provisions of this regulation, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved and adopted by the Board of County Commissioners.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, in electronic format and which shall be administered through the office of the Zoning Coordinator shall be the final authority as the current zoning status of land, water areas, buildings and other structures. The Official Zoning Map will also be publicly available through the Environmental Services Department's web page.

4.06 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines or right of way of streets, highways or alleys shall be construed to follow such center or right of way lines unless otherwise noted.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city/village limits shall be construed as following city/village limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of

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streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

- F. Boundaries indicated as parallel to or extensions of features indicated in subsection A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. When physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through F above, the Board of Adjustment shall interpret the district boundaries.

4.07 Vacation of Streets and Alleys

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

4.08 Required Conformance

Except as specified in this Article, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used that does not comply with all of the district regulations established hereby for the district in which the building or land is located.

4.09 Required Frontage

No lot or parcel of land shall contain any building unless such lot or parcel of complies with the minimum lot width in the applicable zoning district where the parcel abuts and has access to a dedicated public road. All dedicated public roads must meet Douglas County's minimum design standards for similar types of improvements and be approved by the County Engineer. The intent is to address the concern of the County Engineer regarding multiple driveway accesses onto public roads.

4.10 Use Matrix: Levels of Permitted Uses

Within zoning districts in Douglas County, different uses are permitted with different conditions. These are displayed in Table 4.1. Permitted Use by Zoning District. Levels of permission include:

- A. Uses that are permitted by right. Uses permitted by right are indicated in Table 4.1 by a "P" in the applicable cell. These uses may be subject to criteria contained in The Supplemental Regulations and are noted in the applicable cell.
- B. Special Uses. These uses are subject to approval of a Special Use Permit by the Board of County Commissioners, following the procedure set forth herein. These uses may be subject to criteria contained in The Supplemental Regulations and are noted in the applicable cell. These uses are indicated in Table 4.1 by an "S" in the applicable cell.

- C. Site plan approval. Some use types require an additional site plan review/approval by the Zoning Coordinator. The site plan approval procedure is set forth herein. These uses are indicated in Table 4.1 by an asterisk (*) following the citing of a specific use type.

4.11 Guide to Site Development Regulators

The regulators set forth in the tables for each zoning district establish the limits and requirements for development. This section is intended to provide guidance for applying the regulators contained in those tables.

Conservation Design is mandatory for new development. As building lot clustering is a component of conservation design, the Site Development Regulators may need to be altered to accommodate such lot clustering.

- A. Minimum or maximum site area per housing unit. This indicates the gross land area per unit within a residential development.
- B. Minimum lot area. This indicates the minimum size of a legally described and recorded parcel upon which development can take place.
- C. Minimum lot width. This is the required minimum distance connecting at points along opposite side lot lines, measured at the required front yard setback. For example, the lot width of an irregular lot in a district requiring a 25-foot front yard setback is determined by:
 - 1. Locating the points along each side lot line at a distance of 25 feet back from the front property line.
 - 2. Drawing a line connecting these two points.
 - 3. Measuring the length of this line. The length is the lot width.
- D. Minimum yards. These define the required setbacks of buildings from front, side, and rear property lines. Exceptions include:
 - 1. Planned developments. Front yard setbacks may be varied within Planned Developments.
 - 2. Major streets. The County may require greater than normal setbacks along segments of the county's arterial street system, as identified in the comprehensive development plan.
 - 3. Flexibility provided by Supplemental Development Regulations. The Supplemental Development Regulations may provide flexibility or variations in setback regulations for specific contexts.

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- E. Maximum height. Height normally measures the vertical distance from the established grade to the highest point of a building. However, the point of measurement may vary for different types of buildings and roof slopes (See height definition).
- F. Maximum building coverage. This measures the percentage of a site that may be covered by the footprint of buildings. Thus, a 20,000 square foot building on a 40,000 square foot site has a building coverage of 50%. This is a method of regulating the scale of buildings in an area.
- G. Maximum Impervious Coverage. This measures the percentage of a site that may be covered by buildings and other surfaces and development features (such as driveways, porches, parking lots, and other features) which prevent the penetration of water into the ground. Limits on impervious coverage help control the velocity and quantity of storm water runoff, can improve water quality by allowing water to infiltrate rather than runoff, and can provide for groundwater recharge.
- H. Maximum amount of total parking in street yard. This controls the maximum amount of parking that can be located in the area between a building facade and the street. When applied in certain zoning districts, it is intended to reduce the number of cars seen from the street, encourage site planning which locates parking in rear and side yards, and produce a stronger relationship between buildings and streets. For example, a project with 100 parking stalls and a 50% limit on the amount of parking located in street yards must locate 50 of its stalls in rear or side yards without street exposure.
- I. Minimum buffer yard requirements. This establishes the depth of a buffer yard that must be provided by intensive land uses adjacent to primarily residential land uses in residential zoning districts. All landscaping must be done in accordance with Article 9 establishing landscaping standards.
- J. Supplemental Use Regulations. Certain permitted uses require satisfaction of specific requirements in order to function successfully and are set forth in the Supplemental Use Article. These requirements are cross-referenced in the "Supplemental Regulations" column of Table 4.1.

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TABLE 4.1 - PERMITTED USES BY ZONING DISTRICT									
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations
Agricultural Uses									
Crop Production	P	P							5.02
Animal Production	P	S							5.02
Livestock Sales	S								
Commercial Feedlots									5.02
Local Food Production									
Agritourism	S	S							
Private Garden	P	P	P	P	P	P	P	P	5.11
Community Garden	P	P	P	P	P	P	P		
Market Garden	P	S							
Urban Farm	P	S							
Onsite Farm stand	P	S							5.14
Urban Agriculture Structures (Temporary)	P	S							
Urban Agriculture Structures (Permanent)	P	S							
Composting	S	S						S	5.15
Household Composting	P	P	P	P	P	P			
Landscaping Business	S	<u>S</u>					<u>P</u>	<u>P</u>	<u>5.02, 5.14 & 5.15</u>
Garden Center	<u>See Commercial Use Section</u>								<u>5.14</u>
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations

P = Uses that are permitted by right.

S = Uses subject to approval of a Special Use Permit following the procedures in Section 13.4

Some uses may require additional Site Plan Review per Section 13.03

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TABLE 4.1 - PERMITTED USES BY ZONING DISTRICT									
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations
Residential Uses									
Single-Family Detached	P	P	P	P	P	P			
Single-Family Attached		P	P	P	P				5.03
Condominium			P	P	P				
Duplex			P	P	P		P		
Tiny House	P	P	P	P	P	P			
Townhouse			P	P	P		P		
Multiple-Family			P	P	P		P		5.11
Group Residential					S		P		5.04
Retirement Home	S	S	S	P	P	S	P		
Hospice Residence	S	S	S	P	P				
Home Occupation I (Major)	S	S	S	S	S	S	S		5.10
Home Occupation II (Minor)	P	P	P	P	P	P	P		5.10
Mobile Home						P			5.03
Mobile Home Park						S			5.03
Mobile Home Subdivision	S	S	S	S	S	S			5.03
Manufactured Home	P	P	P	P	P	P			
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations

P = Uses that are permitted by right.

S = Uses subject to approval of a Special Use Permit following the procedures in Section 13.4

Some uses may require additional Site Plan Review per Section 13.03

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TABLE 4.1 - PERMITTED USES BY ZONING DISTRICT									
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations
Civic Uses									
Administration							P	P	
Assisted Living Facility			S	S	S		P		
Cemetery	P	P	P	P	P				
Clubs (Recreational)	S	S	S	S	S	S	P	P	5.04
Clubs (Social)	S	S	S	S	S	S	P	P	5.04
College / University		S	S	S	S		P		
Convalescent Services			P	P	P	P	P	P	
Cultural Services		P	P	P	P	P	P	P	
Day Care (Limited)	P	P	P	P	P	P	P	P	5.04
Day Care (General)	S	S	S	S	P	S	P	P	5.04
Emergency Residential Services	S	S	S	S	P	S	P	P	
Health Care Facility		S	S	S	S	S	S		5.04
Group Home			S	S	S		P		
Hospital	S			S	S		P		
Maintenance Facilities	S	S						P	
Park and Recreation	P	P	P	P	P	P	P	P	
Postal Facilities							P	P	
Primary Education		P	P	P	P	P	P		
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations

P = Uses that are permitted by right.

S = Uses subject to approval of a Special Use Permit following the procedures in Section 13.4

Some uses may require additional Site Plan Review per Section 13.03

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TABLE 4.1 - PERMITTED USES BY ZONING DISTRICT									
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations
Civic Uses Cont'd									
Public Assembly	S	S	S	S	S	S	S		
Religious Assembly	S	S	S	S	S	S	S		
Safety Service	P	P	P	P	P	P	P	P	
Secondary Education		P	P	P	P	P	P		
Utilities	P	P	P	P	P	P	P	P	
Office Uses									
General Offices		S	S	S	S		P	P	
Corporate Offices							P	P	
Financial Services		S	S	S	S		P	P	
Medical Offices		S	S	S	S		P	P	
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations

P = Uses that are permitted by right.

S = Uses subject to approval of a Special Use Permit following the procedures in Section 13.4

Some uses may require additional Site Plan Review per Section 13.03

Article 4 - Zoning Districts

TABLE 4.1 - PERMITTED USES BY ZONING DISTRICT

Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations
Commercial Uses									
Agricultural Sales / Services	S						S	S	
Automotive Equipment Services							S	S	
Automotive Rental / Sales							S	P	5.05
Automobile Auction Lots								P	
Auto Services								P	5.05
Body Repair								P	5.05
Equipment Rental / Sales								P	5.05
Equipment Repair								P	5.05
Short-Term Lodging Establishment	S	S	S	S	S	S	P		
Business Support Services							P	P	
Business / Trade Schools		P	P	P	P	P	P		
Business Center		S	S	S	S		P	P	
Campground	S	S				S			5.05
Cocktail Lounge							S	P	
Commercial Recreation (Controlled Impact)	S	S						P	
Commercial Recreation (High Impact)	S	S						P	
Construction Sales and Service								P	5.05
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations

P = Uses that are permitted by right.

S = Uses subject to approval of a Special Use Permit following the procedures in Section 13.4

Some uses may require additional Site Plan Review per Section 13.03

Article 4 - Zoning Districts

TABLE 4.1 - PERMITTED USES BY ZONING DISTRICT									
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations
Consumer Service							P	P	
Convenience Storage	S							P	5.05
Food Sales							S	S	
Funeral Services			P	P	P		P		
<u>Garden Centers</u>							<u>S</u>	<u>P</u>	<u>5.05 & 5.15</u>
Kennels	S	S						P	5.05
Liquor Sales							S		
Lodging							S		
Personal Services							P		
Pet Services							P		
Recreation Vehicle Sales & Storage	S							S	5.05
Restaurants (Drive-In)							P		
Restaurants (General)							P		
Restricted (Adult) Businesses								S	5.05
Adult Arcade								S	
Adult Bookstore								S	
Adult Cabaret								S	
Adult Motel								S	
Adult Motion Picture Theatre								S	
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations

P = Uses that are permitted by right.

S = Uses subject to approval of a Special Use Permit following the procedures in Section 13.4

Some uses may require additional Site Plan Review per Section 13.03

Article 4 - Zoning Districts

TABLE 4.1 - PERMITTED USES BY ZONING DISTRICT									
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations
Commercial Uses (cont'd)									
Stables / Riding Academies	S								
Surplus Sales								P	
Travel Centers / Truck Stops								S	5.05
Vehicle Storage								S	
Veterinary Services (General)	S	S	S				P	P	
Veterinary Services (Large Animal)	S								
Preferred Permission Required Heliport	S								
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations

P = Uses that are permitted by right.

S = Uses subject to approval of a Special Use Permit following the procedures in Section 13.4

Some uses may require additional Site Plan Review per Section 13.03

Article 4 - Zoning Districts

TABLE 4.1 - PERMITTED USES BY ZONING DISTRICT									
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations
Industrial Uses									
Agricultural Industry								S	5.07
Construction Yards								S	
Custom Manufacturing								P	
Light Industry								P	
General Industry								P	
Heavy Industry								S	
Railroad Facilities								S	
Recycling Center	S							S	
Resource Extraction	S								5.06
Salvage Services								S	5.06
Architectural Salvage							S	P	
Salvage Yard								S	
Junk Yard								S	
Warehousing (Enclosed)								P	
Warehousing (Open)								S	
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations

P = Uses that are permitted by right.

S = Uses subject to approval of a Special Use Permit following the procedures in Section 13.4

Some uses may require additional Site Plan Review per Section 13.03

Article 4 - Zoning Districts

TABLE 4.1 - PERMITTED USES BY ZONING DISTRICT

Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations
Miscellaneous Uses									
Alternative Energy Production Devices	S	S	S	S	S	S	S	P	
Amateur Radio Tower	P		P	P	P	P	P	P	
Communication Tower	S		S	S	S	S	S	P	5.09
Construction Batch Plant	S							S	5.07
WECS	S		S	S	S	S	S	P	5.08
Landfill A (Non-Putrescible)	S								5.08
Landfill B (Putrescible)	S								5.08
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations

P = Uses that are permitted by right.

S = Uses subject to approval of a Special Use Permit following the procedures in Section 13.4

Some uses may require additional Site Plan Review per Section 13.03

4.12 AG Agricultural/Open Space District

A. Purpose

The AG Agricultural District applies primarily to areas that are unlikely to experience urban development. The likely long-term use of these areas is agriculture, open space, or very low density development. In addition, areas currently in agricultural or open space uses but designated for future development in the Comprehensive Plan should be retained in the AG District to prevent premature or inappropriate development. Parcels between 20 and 80 acres existing as of January 1, 2020 will remain AG zoned as legal lots/parcels and not subject to any non-conformance requirements.

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TABLE 4.2 – SITE DEVELOPMENT REGULATIONS

Regulator	1-Family Units	Other Permitted Uses
Site Area per Housing Unit	80 Acres	NA
Minimum Lot Area (Note 1)	80 Acres	80 Acres
Minimum Parcel Width (feet) (Note 2)	300	300
Minimum Yards (feet)		
Front Yard (Note 3)	50	50
Side Yard	15	25
Street Side Yard	25	25
Rear Yard	35	35
Maximum Height (feet)	35	35; 50 for Farm Buildings, 100 for Grain Storage Structures
Maximum Building Coverage	N/A	N/A
Maximum Impervious Coverage	NA	NA
Maximum Amount of Total Parking Located in Street Yard	NA	NA

Notes:

1. Minimum lot area for uses designated as a Special Use may be less than 20 acres as a condition of the Special Use Permit.
2. Parcel Width shall mean the average horizontal distance between the side parcel boundary lines, measured at right angles to the parcel depth at a point midway between the front and rear parcel boundary lines.
3. Front yard setback is measured from property line of platted lots. For unplatted parcels along roads, residential structures shall be set back sufficiently to allow for future right-of-way dedications. This setback is typically 75 feet from the center line of the adjacent road. The Zoning Coordinator may establish a different set-back requirement based on the specific context of a parcel. The reason for any such variation shall be documented in writing by the Zoning Coordinator.

B. Additional Requirements

1. All new subdivisions must comply with the Conservation Development Regulations contained herein.

C. Exception for Farmstead Lots.

The intent of this exception is to allow a one-time split of a farmstead lot out of any qualifying parcel.

1. Farmstead Lots must meet the following requirements:
 - a. The parcel of land before subdivision must be greater than 83 acres and the remaining parcel after subdivision must be greater than 80 acres; and,
 - b. The minimum lot area shall be three (3) acres in size; and,
 - c. The lot created shall meet the requirements as defined in the subdivision regulations.
 - d. A given parcel is restricted to one (1) farmstead lot split. The remaining 80+ acres parcel of land cannot have another farmstead lot split. The intent is to prevent creation of more than one farmstead lot out of any qualifying parcel. At the discretion of the Zoning Coordinator, one additional farmstead lot split may be considered if structures related to the uses in part "e" exist, an individual well and septic already exist on the proposed lot (i.e. are in existence as of the effective date of these regulations), and the additional farmstead lot split(s) is/are done at the same time.
 - e. The primary use of the original parcel must be associated AG use.
 - f. This exception is only for homes existing, or with an approved building permit, as of July 28, 2020. It cannot be used to create a building site upon which no current house exists.
2. Existing parcels as of July 28, 2020 are grandfathered in for farmstead lot split purposes provided:
 - a. The parcel of land before subdivision must be greater than 23 acres and the remaining parcel after subdivision must be greater than 20 acres; and,
 - b. The minimum lot area shall be three (3) acres in size; and,
 - c. The lot created shall meet the requirements as defined in the subdivision regulations.
 - d. A given parcel is restricted to one (1) farmstead lot split. The remaining 20 + acres parcel of land cannot have another farmstead lot split. The intent is to prevent creation of more than one farmstead lot out of any

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qualifying parcel. At the discretion of the Zoning Coordinator, one additional farmstead lot split may be considered if structures related to the uses in part "e" exist, an individual well and septic already exist on the proposed lot (i.e. are in existence as of July 28, 2020), and the additional farmstead lot split(s) is/are done at the same time.

- e. The primary use of the original parcel must be associated with AG use.

4.13 RR District Rural Residential with individual services

A. Purpose

Provides for the rural residential use of land, accommodating low density developments on individual wells and septic systems. The district also provides for previously platted acreage lots in (formerly) agricultural zone districts of between 3 and 20 acres in size that would have become non-conforming. Parcels between 20 and 80 acres existing as of January 1, 2020 will remain AG zoned as legal lots/parcels and not subject to any non-conformance requirements.

TABLE 4.3 – SITE DEVELOPMENT REGULATIONS

Regulator	1-Family Units	Other Permitted Uses
Site Area per Housing Unit	3 Acres	NA
Minimum Lot Area	3 Acres	3 Acres
Minimum Lot Width (feet)	100	100
Minimum Yards (feet)		
Front Yard	50	50
Side Yard	25	25
Street Side Yard	25	25
Rear Yard	35	35
Maximum Height (feet)	35	35
Maximum Building Coverage	Note 1	Note 1
Maximum Impervious Coverage	NA	NA
Maximum Amount of Total Parking Located in Street Yard	NA	NA
Project Size Requiring Planned Development District (PD)	NA	NA

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Setbacks may be adjusted to allow for lot clustering and in order to comply with the overall intent of Conservation Development.

Notes:

1. Residential accessory building coverage up to 20% of the rear yard.
2. Subdivision of property for residential use is not allowed in the one half mile buffer zone around the waste monofill site at the Douglas County RDF Landfill site, the industrial waste monofill site located south of the Douglas County RDF Landfill site permitted by Special Use Permit issued to Waste Management, and the Pheasant Point Landfill.

B. Additional Requirements.

1. All new subdivisions and lots must comply with the Conservation Development Regulations contained herein.
2. Currently platted lots, are encouraged to use elements of Conservation Development.
3. Open space requirements for new subdivisions (percentage of the development that must be dedicated open space and protected from future development).

For gross densities:

- a. 1 unit per 3 to 5 acres inclusive – 50%
- b. Greater than 1 unit per 5 acres to 1 unit per 10 acres inclusive – 70%
- c. Greater than 1 unit per 10 acres to 20 acres inclusive – 90%

4.14 R-1 Urban Residential Low-Density District

A. Purpose

The R-1 district is intended to provide for urban residential development, with gross densities generally below 4 units per acre. These areas generally include single-family detached and attached dwellings on relatively large lots with supporting community facilities and urban services, including municipal water and sanitary sewer service. The R-1 district will typically be used for single-family development that is provided with municipal water and sewer service.

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TABLE 4.4 – SITE DEVELOPMENT REGULATIONS

Regulator	1-Family Detached	1-Family Attached	Other Permitted Uses
Maximum Site Area per Housing Unit	10,000	6,000	
Minimum Lot Area	7,500 square feet	5,000 per unit	7,500
Minimum Lot Width (feet)	75	45 per unit	75
Minimum Yards (feet)			
Front Yard	25	25	25
Side Yard (Note 1)	15	15	15
Street Side Yard	20	20	20
Rear Yard Area	20	20	20
Maximum Height (feet)	35	35	35
Maximum Building Coverage	40%	40%	40%
Maximum Impervious Coverage	50%	50%	50%
Maximum Amount of Total Parking Located in Street Yard	NA	NA	NA

Setbacks may be adjusted to allow for lot clustering and in order to comply with the overall intent of Conservation Development.

Notes:

1. Single-Family Attached Development: Single-family attached development requires site plan approval.
2. Subdivision of property for residential use is not allowed in the one half mile buffer zone around the waste monofill site at the Douglas County RDF Landfill site, the industrial waste monofill site located south of the Douglas County RDF Landfill site permitted by Special Use Permit issued to Waste Management, and the Pheasant Point Landfill.
3. Residential accessory building coverage up to 20% of the rear yard.

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B. Additional Requirements

All new subdivisions and lots must comply with the Conservation Development regulations contained herein.

4.15 R-2 Urban Residential Moderate Density District

A. Purpose

The R-2 district is intended to provide for moderate density residential development, with gross densities generally between 6 and 12 units per acre. These developments are characterized by single-family dwellings on moderately-sized lots along with low-density multi-unit residential structures such as duplexes and townhouses. It adapts to both established and developing neighborhoods, as well as transitions between single-family and multi-family areas. This district shall be served by central/municipal water and sewer service.

TABLE 4.5 – DEVELOPMENT REGULATIONS

Regulator	1-Family Detached	1-Family Attached	Duplex	Town-house (Note 1)	Other Permitted Uses
Maximum Site Area per Housing Unit (sq. ft.) In Conservation Development and Planned Developments	5,000	4,000	3,000	2,500	
Minimum Lot Area In Conservation Development and Planned Developments	4,000	4,000	6,000	2,500	6,000
Minimum Lot Width In Conservation Development and Planned Developments	45	40 per unit	60	25	60
Minimum Yards (feet) (Note 2)					
Front Yard	25	25	25	25	25
Side Yard	15	15	15	15	15
Street Side	20	20	20	20	20
Yard Rear Yard	20	20	20	20	25
Maximum Height (feet)	35	35	35	35	35

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TABLE 4.6 – SITE DEVELOPMENT REGULATIONS

Maximum Building Coverage	40%	40%	40%	50%	50%
Maximum Impervious Coverage	50%	50%	50%	60%	60%
Maximum Amount of Total Parking Located in Street Yard	NA	NA	NA	NA	50%

Setbacks may be adjusted to allow for lot clustering and in order to comply with the overall intent of Conservation Development.

Notes:

1. Flexible Yard Setbacks in Planned Developments (PD): The required minimum setbacks in PD districts may vary. However, the setback from the front facade of a garage to any public or private street right-of-way line must be at least 20 feet.
2. Subdivision of property for residential use is not allowed in the one half mile buffer zone around the waste monofill site at the Douglas County RDF Landfill site, the industrial waste monofill site located south of the Douglas County RDF Landfill site permitted by Special Use Permit issued to Waste Management, and the Pheasant Point Landfill.
3. Residential accessory building coverage up to 20% of the rear yard.

B. Additional Requirements

All new subdivisions must comply with the Conservation Development regulations contained herein.

4.16 R-3 Urban Residential High-Density District

A. Purpose

The R-3 district is intended to provide for high density multi-family residential development, with gross densities above 12 units per acre. These developments often are characterized by low-rise buildings in multiple structure configurations, with an emphasis on open space, convenient parking, and, in many cases, common community facilities such as clubhouses and swimming pools. This district is also appropriate for larger townhouse complexes.

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Regulator	1-Family Detached	1-Family Attached (Note 1)	Duplex	Town-house (Note 1)	Multi-Family	Other Permitted Uses
Maximum Site Area per Housing Unit (sq. ft.) In Conservation Development and Planned Developments	4,000	3,000	2,500	2,500	2,000	
Minimum Lot Area In Conservation Development and Planned Developments	4,000	3,000	5,000	2,500	10,000	5,000
Minimum Lot Width (feet) In Conservation Development and Planned Developments	45	30	45	20	100	50
Minimum Yards (feet) (Note 2,3,4)						
Front Yard	25	25	25	25	25	25
Side Yard	5	5	5	5	Note 4	Note 4
Street Side Yard	15	15	15	15	15	15
Rear Yard (Note 2)	20% of lot depth	20% of lot depth	20% of lot depth	20% of lot depth	20	35
Maximum Height (feet)	35	35	35	35	48	48
Maximum Building Coverage	50%	50%	50%	60%	60%	60%
Maximum Impervious Coverage	60%	60%	60%	70%	70%	70%
Maximum Amount of Total Parking Located in Street Yard	NA	NA	NA	NA	50%	50%

Setbacks may be adjusted to allow for lot clustering and in order to comply with the overall intent of Conservation Development.

Notes:

1. One-Family Attached and Townhouse Development: Regulators are shown on a per unit basis. Side yard setbacks are indicated for detached building walls.
2. The required rear yard area is calculated as the lesser of 20 feet or 20% of the lot depth to a minimum of 15 feet.

3. Flexible Yard Setbacks in Planned Developments: The required minimum setbacks in planned districts may vary. However, the setback from the front facade of a garage to any public or private street right-of-way including the boundary of sidewalks) must be at least 20 feet.
4. Side Yard Set Back: Interior side yard is equal to five feet for each story of height.
5. Subdivision of property for residential use is not allowed in the one half mile buffer zone around the waste monofill site at the Douglas County RDF Landfill site, the industrial waste monofill site located south of the Douglas County RDF Landfill site permitted by Special Use Permit issued to Waste Management, and the Pheasant Point Landfill.

B. Additional Requirements

1. All new subdivisions and lots must comply with the Conservation Development regulations in Article 7.
2. Parking areas, accessory buildings, and garages must be at least 5 feet from a side or rear lot line. A greater separation from residential zoning districts may be required by Article 9.

4.17 MH Mobile Home Park Planned District

A. Purpose

The MH district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing.

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TABLE 4.7 – SITE DEVELOPMENT REGULATIONS			
Regulator	1-Family Detached and Mobile Home Units on Sub-divided Lots	Mobile Home Park (Note 2)	Other Permitted Uses
Site Area per Housing Unit (square feet) In Conservation Development and Planned Developments	5,000	5,000	
Minimum Lot Area In Conservation Development and Planned Developments	4,000	10 acres	6,000
Minimum Lot Width (feet) In Conservation Development and Planned Developments	40	100	60
Minimum Yards (feet) Front Yard Side Yard (Note 3) Street Side Yard Rear Yard (Note 2)	25 5 25 20% of lot depth	35 35 35 35	25 10 25 25
Maximum Height (feet)	35	35	35
Maximum Building Coverage	40%	NA	NA
Maximum Impervious Coverage	50%	50%	50%
Floor Area Ratio	NA	NA	
Maximum Amount of Total Parking Located in Street Yard	NA	NA	

Notes:

1. Mobile Home Parks and Subdivisions: Complete development standards for Mobile Home Parks and Subdivisions are as set forth herein.
2. The required rear yard area is calculated as the lesser of 20 feet or 20% of the lot depth to a minimum of 15 feet.

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3. Subdivision of property for residential use is not allowed in the one half mile buffer zone around the waste monofill site at the Douglas County RDF Landfill site, the industrial waste monofill site located south of the Douglas County RDF Landfill site permitted by Special Use Permit issued to Waste Management, and the Pheasant Point Landfill.

B. Additional Requirements

1. All new subdivisions must comply with the Conservation Development regulations contained herein.
2. Not less than 8% of the gross area of every mobile home park shall be developed as recreational areas easily accessible to all park residents. Recreation areas may include but are not limited to such facilities as recreational buildings, adult recreation areas, child play areas, swimming pools, storm shelters, etc.

4.18 MU Mixed Use District

A. Purpose

The MU district provides for a mix of residential, office, retail and service, and commercial uses. The district permits uses designed to serve the needs of residents and visitors to a relatively large service area. Development in the MU District should be served by balanced transportation systems that promote safe movement of motor vehicles, bicycles, and pedestrians, and should provide good access for all users from surrounding residential areas.

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TABLE 4.8 – SITE DEVELOPMENT REGULATIONS	
Regulator	Permitted Uses
Site Area per Housing Unit	
Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width (feet)	100
Minimum Yards (feet)	
Front Yard	25
Side Yard	0
Street Side Yard	15
Rear Yard Area	Lesser of 20% of the lot depth or 20 feet
Maximum Height (feet)	35
Maximum Building Coverage	
Maximum Impervious Coverage	
Maximum Amount of Total Parking Located in Street Yard	80%

Setbacks may be adjusted to allow for lot clustering and in order to comply with the overall intent of the Conservation Development regulations.

Notes:

1. On streets designated as arterials by the County Comprehensive Plan and with a right-of-way less than 100 feet, the Zoning Coordinator may require a greater setback from the arterial to accommodate future roadway widening. The maximum setback is established by the following formula:

$$\text{Arterial street setback} = 25 + (50 - \frac{1}{2} \text{ current ROW width})$$

2. 10 feet when abutting a zone requiring a side yard.
3. Subdivision of property for residential use is not allowed in the one half mile buffer zone around the waste monofill site at the Douglas County RDF Landfill site, the industrial waste monofill site located south of the Douglas County RDF Landfill site permitted by Special Use Permit issued to Waste Management, and the Pheasant Point Landfill site.

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B. Additional Requirements

1. All new subdivisions must comply with the Conservation Development regulations contained herein.
2. Site Development Plan

All applications for rezoning, subdivisions, or building permits in the MU District shall require submission of a detailed Site Development Plan and such other drawings, data, calculations, sketches, or diagrams that provide reasonable and adequate information on the location, size, and use of the buildings; and the location, size, arrangement, and capacity of highway frontage roads, parking, loading, and unloading areas. Vehicular access to existing streets shall be clearly indicated. Vehicular and pedestrian traffic generated to and from the proposed development shall not create undue hazards to the normal traffic movement of the existing streets and highways. These plans and documents shall become a part of the application and shall form the basis for the issuance of building permits and/or other required applications. Plan changes that alter the vehicular access between the public street and the development, or impact public health and/or safety, are subject to re-submission of the Plan. Minor plan changes may be evaluated and acted upon by the Zoning Coordinator.

4.19 ID Industrial District

A. Purpose

The Industrial District is intended to reserve sites appropriate for the location of industrial uses, some of which may have significant external effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development.

TABLE 4.9 – SITE DEVELOPMENT REGULATIONS

Regulator	Permitted Uses
Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width (feet)	100
Minimum Yards (feet)	
Front Yard	25
Side Yard	0

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Street Side Yard	20
Rear Yard Area	25
Maximum Height (feet)	45
Maximum Building Coverage	75%
Maximum Impervious Coverage	90%
Maximum Amount of Total Parking Located in Street Yard	80%

Notes:

1. Front yard setbacks may be reduced within Planned Developments, with specific setbacks established as part of the Planned Development district regulators. On streets designated as arterials by the County Comprehensive Plan and with a right-of-way less than 100 feet, the Zoning Coordinator may require a greater setback from the arterial to accommodate future roadway widening. The maximum setback is established by the following formula:

Arterial street setback = $25 + (50 - \frac{1}{2} \text{ current ROW width})$
2. Side yard setback of 15 feet when abutting a zone requiring a side yard.
3. Rear yard setback required only when a residential zoning district abuts the rear lot line.

ARTICLE 3

USE TYPES

3.01 Purpose

The purpose of this Article is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts.

3.02 Determinations

A. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Zoning Coordinator shall have the authority to determine the appropriate use type. A determination of the Zoning Coordinator may be appealed to the Board of Adjustment. In making such determinations, the Coordinator and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

3.03 Agricultural Use Types

Agricultural use types include the planting, cultivating, harvesting, and storage of grains, hay, or other plants; or the raising and feeding of livestock or poultry.

A. Horticulture

The growing of fruits, vegetables, flowers, or ornamental plants. The difference from agriculture is that horticulture deals with small scale gardening, while agriculture is done on large scale with extensive crop cultivation.

B. Crop Production

The raising and harvesting of tree crops, row crops or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under the conditions of a Special Use Permit.

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C. Local Food Production/Urban Agriculture

1. Private Garden: On site, single owner, on owned or leased property; garden may be an accessory use to a primary permitted structure, or the primary use on a vacant lot; all produce is for private consumption only, not for retail sale. Composting of materials produced on site is allowed and that compost can be used on site.
2. Community Garden: On site, single owner, multiple users, on owned or leased property; garden may be an accessory use to a primary permitted structure, or the primary use on a vacant lot; all produce is for private consumption or permitted temporary retail sale; soil test for contamination is recommended.
3. Market Garden: An establishment where food or ornamental crops are grown on the ground, on a rooftop or inside a building; all produce is for permitted retail sale; mechanical equipment is limited to typical size and type used in residential settings, with the exception of seasonal bed preparation; soil test for contamination is recommended.
4. Urban Farm: An establishment where food and/or ornamental crops are grown and/or processed to be sold and/or donated that includes, but is not limited to, outdoor growing operations, indoor growing operations, vertical farms, aquaponics, aquaculture, hydroponics and rooftop farms; soil test for contamination is recommended; temporary and permanent urban agriculture structures permitted (with appropriate permits).
5. Onsite Farm stand: Permitted subject to approval as an accessory to a community garden, market garden or urban farm; may require a special or temporary use permit. One stand permitted per site; stand must be temporary and removable, not to exceed (duration TBD); signage must meet sign regulations. Other regulations may apply.
6. Temporary Urban Agriculture Structures: Includes raised beds, cold frames, hoop houses, and high tunnels. These structures may be taken down seasonally and have no active (mechanical) venting.
7. Permanent Urban Agriculture Structures: Includes greenhouses and typically have ventilation and heating systems.
8. Composting: Accessory use to a local food production use type; may contain approved yard waste, household organic waste, and agricultural waste generated, composted together and used on the same site where it originated.

Must meet aeration and particle size requirements, and be contained in bins or holding areas. Size is greater than "household composting" but below the amount established by the Nebraska Department of Energy and Environment

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(NDEE) for (compost) operations needing a permit from the NDEE.

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9. Household composting: Composting by an individual household on the property that uses only materials from that property. Compost produced on site shall not be sold.

10. Landscaping Business: The decorative improvements of land in any manner, including, but not limited to, contouring, and the installation of plant materials. Also includes lawn care and grounds maintenance. Includes storage of landscape materials, rocks, mulch and similar materials to be used in landscapes.

This use does not include retail sales on the premises.

D. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational or educational use. Typical uses include grazing, ranching, free range dairy farming, and poultry farming.

E. Livestock Sales

The use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sales barns.

F. Commercial Feedlots

A lot, yard, building, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze. Commercial feedlots are prohibited in the County.

3.04 Residential Use Types

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

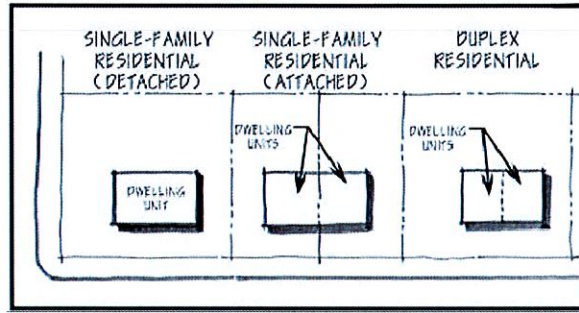
A. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family.

1. Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.

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2. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot.



B. Condominium

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions.



C. Duplex Residential

A structure containing two dwelling units, each of which has direct access to the outside.



D. Townhouse Residential

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.



E. Multiple-Family Residential

The use of a site for three or more dwelling units within one building not otherwise defined as townhouse units.

F. Group Residential

The use of a site for the residence of more than three unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. Group Residential uses are limited to facilities that are officially recognized or operated by a college or university, government agency, or nonprofit organization. Typical uses include fraternity or sorority houses and dormitories not incorporated into a college and university use type.

G. Mobile Home Park

Use of a site under single ownership for two or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the property.

H. Mobile Home Subdivision

Division of a tract of land into lots that meet all the requirements of the subdivision regulations for the location of mobile homes. Generally, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot.

I. Retirement Home

A building or group of buildings which provide residential facilities, where retired people live. A retirement home may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

J. Hospice Residence

A building or group of buildings which provide hospice care services to terminally ill patients. A hospice residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The hospice residence may accommodate food preparation in independent units or meal service in one or more common areas. Hospice residences may include additional health care supervision or nursing care.

K. Home Occupation I (MAJOR)

These type home occupations require a special use permit and include any business or use with a part time or full time employee not residing on the premises and/or any business which involves customer visits to the location. Examples may include art/craft making, seamstress services, professional offices (real estate/insurance/medical), multi-level marketing, vending services, service businesses (contracting/janitorial/mechanical), instruction (music), consulting, wholesale/catalogue sales, personal service (beauty/barber/massage/tattoo), or other similar uses with on-site sales and services or employees traveling to and from the premises. Uses not allowed include welding, vehicle body repair, or dismantling and rebuilding of vehicles.

L. Home Occupation II (MINOR)

These type home occupations do not require a special use permit and include any business or use in which an office in the home, including such things as a home phone, computer, etc. are used for telecommuting and/or in deriving other income or sales. Such occupations shall have no customers or part-time or full-time non-resident employees coming to or from the residence as part of the business operation. This includes business offices for services such as construction, repair and cosmetic services/sales rendered at other locations, internet businesses, and other similar uses.

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3.05 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses that are strongly vested with social importance.

A. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, city, and county offices.

B. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

C. Clubs

Uses providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests.

1. Clubs (Recreational): Clubs that provide indoor and/or outdoor athletic facilities, with or without social or meeting facilities. Typical uses include country clubs, private or nonprofit community or recreation centers, and private golf courses and driving ranges.

2. Clubs (Social): Clubs that provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations.

D. College and University Facilities

An educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

E. Convalescent Services

A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

F. Cultural Services

A library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest.

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G. Day Care Services (Limited)

This Use Type includes all classifications of day care facilities regulated by the State of Nebraska that operate providing care for not more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

H. Day Care Services (General)

This Use Type includes all classifications of day care facilities regulated by the State of Nebraska that operate providing care for more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

I. Emergency Residential Services

A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

J. Health Care Facility

Includes but is not limited to an ambulatory surgical center, an assisted-living facility, a center or group home for the developmentally disabled, a critical access hospital, a general acute hospital, a health clinic, a hospital, an intermediate care facility, an intermediate care facility for the mentally disabled, a long-term care hospital, a mental health center, guidance service facility, a nursing facility, a pharmacy, a psychiatric or mental hospital, a public health clinic, a rehabilitation hospital, a skilled nursing facility, or a substance abuse treatment center.

K. Group Home

A facility licensed by the State of Nebraska, providing shelter and supervision in which persons who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental illness.

L. Assisted Living Facility

A facility where shelter, food, and care are provided for remuneration for a period of more than 24 consecutive hours to persons residing at such facility who require or request such services due to age, illness, or physical disability.

M. Maintenance Facilities

A facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses.

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N. Park and Recreation Services

Publicly owned and operated open spaces, parks, playgrounds, and recreation facilities.

O. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.

P. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in Nebraska schools.

Q. Public Assembly

Facilities owned and operated by a public agency, charitable nonprofit, or organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums and arenas, convention facilities, fairgrounds, incidental sales, exhibition facilities, and publicly owned community centers.

R. Religious Assembly

A structure of which the purpose is to accommodate religious services such as customarily occur in synagogues, temples, and churches for the purpose of worship (excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Nebraska shall constitute prima facie evidence of religious assembly use.

S. Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

T. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in (Nebraska) schools.

U. Utilities

Any and all services and installations whatsoever including gas, water, sewer, electricity, telephone, and telecommunications), and all piping, wiring, conduit, and other fixtures of every kind whatsoever related thereto or used in connection therewith.

3.06 Office Use Types

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

A. Corporate Offices

Use of a site for administrative, processing, or research offices, which generally does not provide service to clientele from Douglas County and the surrounding region. Corporate offices are destinations for commuters drawn from a relatively wide region, as well as from the county itself. Typical uses include corporate headquarters offices, telemarketing, or information processing offices.

B. General Offices

Use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices.

C. Financial Services

Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, credit unions, savings banks, and loan companies. An ATM (Automatic Teller Machine) that is not accompanied on-site by an office of its primary financial institution is considered within the Personal Services Use Type. The Financial Services use type is divided into two categories. Financial Services A includes less than 4,000 square feet of floor area and has no more than two drive-up lanes (including ATM lanes). Financial Services B includes 4,000 square feet or more of floor area and/or has more than two drive-up lanes.

3.07 Commercial Use Types

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

A. Agricultural Sales and Service

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include farm implement dealerships, feed and grain stores, and tree service firms.

B. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. **Automobile Auction Lots:** Sale of motor vehicles through a process of periodic auctions or bid procedures. Automobile auction lots usually include large on-site storage areas of motor vehicles and lack showrooms, auto repair facilities and other structures and facilities that are typical of new car dealerships.
2. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
3. **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
4. **Body Repair:** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
5. **Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment,

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including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

6. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

C. Short-Term Lodging Establishment

A short term living arrangement which may include accessory structures and other features immediately surrounding the home and yard such as pools, hot tubs, and gazebos. The number of occupants shall not exceed two each per bedroom that meets residential building code standards. Regardless of the number of bedrooms, the total number of occupants shall not exceed 10. The number of guest vehicles shall not exceed the number of bedrooms that meet residential building code standards. Such uses including but not limited to; bed and breakfasts and Airbnb®.

D. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying.

E. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

F. Campground

A temporary use of land only for overnight, vacation or recreational purposes, and which may be occupied by tents, recreational vehicles or campers.

G. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

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H. Commercial Recreation (Controlled Impact)

Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Controlled Impact Commercial Recreation uses typically take place entirely within enclosed buildings or, when outdoors, have limited effects related to lighting, hours of operation, or noise. Typical uses include theaters, private dance halls, billiard or bowling centers, game arcades, indoor skating facilities, publicly owned community center, conference / retreat centers, miniature golf courses, and private golf courses.

I. Commercial Recreation (High Impact)

Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators, High Impact Commercial Recreation uses are typically located outdoors and have operating effects caused by lighting, noise, traffic, or hours of operation that create substantial environmental impacts. Typical uses include shooting ranges, lighted driving ranges, go-kart tracks, amusement parks, race tracks, and private baseball complexes.

J. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales or tool equipment rental or sales.

K. Consumer Services

Establishments that provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

L. Convenience Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

M. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food Sales establishments may include the

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sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, candy shops, and convenience stores with gasoline sales.

N. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

O. Kennels

Boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which more than four animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, pet motels, dog training centers, or pet boutiques.

P. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

Q. Lodging

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Short-term lodging. Typical uses include hotels, apartment hotels, and motels.

R. Personal Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, handicraft and hobby instruction. This also includes establishments or places of business primarily engaged in the provision of services of a personal nature such as beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or dry cleaning stations serving individuals and households. Personal Services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the State of Nebraska when performing massage services as a part of the profession or trade for which licensed or persons performing massage services under the direction of a person so licensed; or persons performing massage services or therapy pursuant to the written direction of a licensed physician.

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S. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

T. RV (Recreation Vehicle) Storage

Establishments that include the storage and/or display of boats, campers, and recreational vehicles for the purpose of rental or sale, whether indoors or outdoors.

U. Restaurants

A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use.

1. Restaurant (Drive-in or Fast Food): An establishment that principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.

V. Restricted (or Adult Entertainment) Businesses

1. Any business activity that offers the opportunity to view specified sexual activities or view and touch specified anatomical areas in a manner that lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet this criteria if the sale of such material constitutes more than 20% of the sales or retail floor area of the establishment.
2. Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize primarily sexual content in their inventory and marketing practices; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters. Businesses may be classified as adult entertainment businesses without regard to service of alcoholic beverages.

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W. Stables and/or Riding Academies

The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

X. Surplus Sales

Businesses engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales uses sometimes include regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators.

Y. Travel Center/Truck Stop

Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks. This use may contain fuel islands for Diesel fuel, truck-washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near Interstate Highways or other principal State and Federal designated highway routes.

Z. Vehicle Storage

Storage of operating or non-operating vehicles. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage.

AA. Veterinary Services (General)

Veterinary services and hospitals for small animals, typically household pets. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoria, and veterinary hospitals.

BB. Veterinary Services (Large Animal)

Veterinary services and hospitals for large animals such as cows, bulls, horses, and other livestock.

CC. Preferred Permission Required Heliport

A privately-owned area of land which is used for the landing and takeoff of helicopters, and any appurtenant areas which are used for fueling, maintenance, repairs, storage, buildings, and other heliport facilities and is developed for exclusive use of the owner and persons authorized by the owner and about which the owner and operator ensure all authorized pilots are thoroughly knowledgeable. These features include but are not limited to: approach/departure path characteristics, preferred heading, facility limitations, lighting, obstacles in the area, and size and weight capacity of the facility

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DD. Garden Center

Retail and wholesale products and produce are sold to the consumer. These centers may include a nursery and/or greenhouses, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoses, rakes, shovels and other garden variety tools and utensils. Landscaping business services can be a part of a garden center.

3.08 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by nonagricultural methods, and the storage and distribution of products.

A. Agricultural Industry

Establishments which include the storage, manufacture, sale, or distribution of agricultural supplies or products that create major external effects, including substantial truck or rail traffic and/or significant potential for hazard. Typical uses include grain elevators, storage of agricultural chemicals such as anhydrous ammonia. Agricultural industries do not include retailers of farm equipment or other, generally non-hazardous agricultural supplies.

B. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

C. Custom Manufacturing

Within an enclosed structure, the process of making products or product lines. This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

D. Light Industry

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, and apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

E. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines, but often including outdoor storage of raw materials or products. "Noticeable noise" shall exclude noises of safety signals, warning devices or emergency pressure relief valves and transient noises from moving sources, including automobiles, trucks, airplanes and railroads.

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F. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

G. Railroad Facility

Fixed railroad facilities, including switching yards, equipment servicing facilities, and freight terminal facilities, but not including normal right-of-way.

H. Recycling Center

Any facility which is maintained and operated for the purpose of receiving, collecting and processing source-separated recyclable materials for resale or transfer. For the purposes of this definition, "processing" shall mean the modification of materials by baling, crushing, grinding, chipping or other means to prepare the materials for markets.

I. Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding site grading for a specific construction project or preparation of a site for subsequent development. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and removal of dirt for off-site use. Resource extraction is allowed within areas designated as preserves, floodplain, and/or floodway as long as such use does not violate the provisions of the zoning or other regulations.

J. Salvage Services

Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials that are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, and junk / salvage yards.

K. Warehousing (Enclosed)

Uses including storage, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

L. Warehousing (Open)

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.

3.09 Miscellaneous Type Uses

A. Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities.

B. Amateur Radio Tower

A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC licensed Amateur Radio operators.

C. Communications Tower

A structure(s) for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Typical uses include broadcasting towers and cellular communications towers.

D. Construction Batch Plant

A temporary demountable or permanent facility used for the manufacturing of concrete, asphalt, or other paving materials.

E. Landfill A (Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

F. Landfill B (Putrescible and Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Nebraska. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.

G. Wind Energy Conservation System (WECS)

Any device that converts wind energy to a form of usable energy.

ARTICLE 2

DEFINITIONS

2.01 Purpose

The purpose of this Article is to promote consistency and precision in the interpretation of the Zoning Regulation. The meaning and construction of words as set forth shall apply throughout the Zoning Regulation, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2.02 General Construction of Language

The following general rules of construction apply to the text of the Zoning Regulation.

A. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of the Zoning Regulation.

B. Illustration

In the case of any real or apparent conflict between the text of the regulation and any illustration explaining the text, the text shall apply.

C. Shall, Must, and May

"Shall" and "must" are always mandatory. "May" is discretionary.

D. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

E. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items or provisions apply.
2. "Or" indicates that the connected items or provisions may apply singly or in any combination.

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3. "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.

F. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in these regulations are those of Douglas County.

2.03 Definition of Terms

For the purposes of this Zoning Regulation, certain terms and words are hereby defined. Certain Articles contain definitions that are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

A. "A"

1. Abutting: Having lot lines or district boundaries in common
2. Accessory Structure: A structure that is incidental to and customarily associated with a specific principal use or building on the same site.
3. Accessory Use: A use that is incidental to and customarily associated with a principal use on the same site.
4. Addition: Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. Adult Entertainment Business means as follows:
 - a. Adult Arcade: Any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing "specified sexual activities" or "specified anatomical areas".
 - b. Adult Bookstore, Adult Novelty Store, Adult Video Store: A commercial establishment which has significant or substantial portion of its stock-in trade, or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:

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- i. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon exhibition or description of "specified sexual activities" or "specified anatomical areas."
 - ii. Instruments, devices, or paraphernalia designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
 - iii. The term "Adult Bookstore, Adult Novelty Store, or Adult Video Store" shall also include a commercial establishment, which regularly maintains one or more "Adult Arcade."
 - c. Adult Cabaret: A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.
 - d. Adult Motel: A motel, hotel, or similar commercial establishment which:
 - i. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, other photographic reproductions, or live performances which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and which advertises the availability of such material by means of a sign visible from a public right-of-way, or by means of any on or off premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or televisions;
 - ii. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - iii. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.
 - e. Adult Motion Picture Theatre: A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas" are regularly shown any form of consideration.
6. Agent of Owner: Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

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7. Agritourism: A form of commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner. Common examples include, but are not limited to: pumpkin picking patches, corn mazes, U-Pick operations, petting and feeding zoos, hay rides, Christmas tree farms, dude ranches, demonstration farms, living history farms, on-farm farmer's markets, winery tours and wine tasting.
 8. Alley: A public right-of-way permanently reserved as a secondary means of access to abutting property.
 9. Alteration: Any change, addition, or modification in construction or occupancy of an existing structure.
 10. Apartment: A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
 11. Approving Authority: The County Board of Commissioners or its designee.
 12. Appurtenant Structure: Structure on the same parcel of property as the principal structure the use of which is incidental to the use of the principal structure.
 13. Architectural Salvage: A business that buys and sells building parts salvaged from demolished or remodeled structures.
- B. "B"
1. Base Zoning District: A district established by these regulations that prescribes basic regulations governing land use and site development standards. No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
 2. Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
 3. Block Face: The property abutting one side of a street and lying between the two nearest intersecting streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, or lakes.
 4. Board of Adjustment: A body, established by the County expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by these Regulations.
 5. Buffer yard: A landscaped area around the perimeter of a tract of land, usually intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Article 2 - Definitions

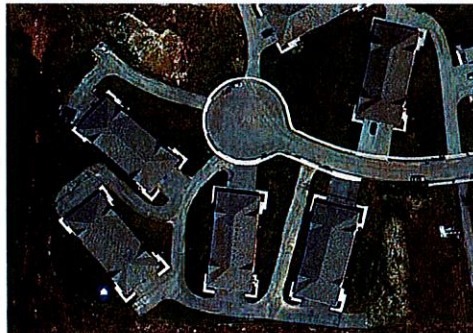
6. **Building:** A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.
7. **Building Coverage:** The at-grade area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features, also referred to as the building footprint.
8. **Building Elevation:** An exterior wall of a building exposed to public view.
9. **Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
10. **Building Line:** The outer boundary of a building established by the location of its exterior walls.
11. **Business:** Activities that include the exchange or manufacture of goods or services on a site.
12. **Business Center:** A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

C. "C"

1. **Certificate of Occupancy:** An official certificate issued by the Chief Building Inspector or his/her designee prior to occupancy of a building or structure, upon finding of conformance with this Zoning Regulation and the Building Code.
2. **Change of Use:** The replacement of an existing use type by a new use type.
3. **Channel:** The bed or banks of a natural stream or drainage way that convey the constant or intermittent flow of water, including storm run-off.
4. **Cluster Subdivision:** A characteristic of design and site planning in which several houses are grouped together on a tract of land. Each cluster of houses serves as a module, which is set off from others like it by an intervening space that helps give visual definition to each individual group. A second characteristic is the presence of undeveloped land that is held for the common enjoyment of the neighboring residents or the community at large.
5. **Common Area:** An area held, designed, and designated for common or cooperative use within a development.
6. **Common Development:** A development proposed and planned as one unified project not separated by a public street or alley.

Article 2 - Definitions

7. Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
8. Community Garden: Accessory use to a primary permitted structure, or the primary use on a vacant lot; all produce is for private consumption or permitted temporary retail sale; soil test for contamination required.
9. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
10. Composting: The controlled aerobic, thermophilic, microbial degradation of solid organic material such as raw or treated sewage sludge, animal manure paunch manure, plant or food residue or their mixtures, to a stabilized, humus-like material.
11. Comprehensive Plan: The duly adopted Comprehensive Plan of Douglas County.
12. Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions.



13. Conservation Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
14. Conservation Subdivision: An approach to laying out subdivisions so that a significant percentage of land is permanently protected in such a manner as to create interconnected networks of conservation lands. The percentage of protected land varies according to project density. This approach is distinct from "clustering" in terms of both the higher open space ratios and in terms of conscious design to forge community-wide networks of open space. This is primarily a design approach for conserving existing natural and cultural

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resources. Conservation subdivisions are generally "density-neutral", meaning that the overall number of dwellings built is not different from that done in conventional developments. Small density bonuses are sometimes granted in return for dedicating some or all of the conservation land for public access or use, for endowing permanent maintenance of the open space. Conservation subdivisions are specifically designed around each site's natural and cultural resources, with their open space networks being the first element to be "green-lined" in the design process.

15. Construction and Demolition Waste: Waste which results from land clearing, the demolition or construction of buildings, roads or other structures, including, but not limited to, fill materials, wood (including painted and treated wood), land clearing debris other than yard waste, wall coverings (including wallpaper, paneling and tile), drywall, plaster, non-asbestos insulation, roofing shingle sand other roof coverings, plumbing fixtures, glass, plastic, carpeting, electrical wiring, pipe and metals. Construction and demolition waste shall not include friable asbestos waste, special waste, liquid waste, hazardous waste and waste that contains polychlorinated biphenyl (PCB), putrescible, household waste, industrial solid waste, corrugated cardboard, appliances, tires, drums, and fuel tanks.

16. County: Douglas County, Nebraska.

D. "D"

1. Density: The amount of development per specific unit of a site.
2. Design standards: Standards that set forth specific improvement requirements.
3. Detached: Fully separated from any other building or not jointed to another building in such a manner as to constitute an enclosed or covered connection.
4. Developer: The legal owner(s) or authorized agent of any land engaged in a proposed development.
5. Development: A planning or construction project involving improvement or change in the character and/or land use of a property.
6. Drainage: The removal of surface or ground water from land by drains, grading, or other means.
7. Drainage system: The system through which water flows from the land.
8. Drive-in Services: Uses that involve the sale of products or provision of services to occupants in vehicles.
9. Dwelling or Housing Unit: One or more rooms, designed, occupied or intended

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for occupancy as a separate place of residence, with cooking, sleeping, and

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sanitary facilities provided within the dwelling unit for the exclusive use of one family, as defined in this section. Also referenced as a "housing unit".

E. "E"

1. Easement: A privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility, where fee simple title remains with the property owner.
2. Enclosed: A roofed or covered space fully surrounded by walls.
3. Existing Use: The use of a lot or structure at the time of the effective date of these Regulations.

F. "F"

1. Family: One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, including no more than two additional unrelated persons; or a group of not more than four (4) unrelated persons living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a nonprofit, cost-sharing basis. The following persons shall be considered related for the purpose of these regulations:
 - Persons related by blood, marriage, or adoption;
 - Persons residing with a family for the purpose of adoption;
 - Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.
 - Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
 - Person(s) living with a family at the direction of a court.
2. Final Approval: The final official action of the Board of Commissioners, upon a recommendation by the Planning and Zoning Commission, permitting the filing of a subdivision with the Douglas County Register of Deeds and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, negotiation of subdivision agreements, posting of required guarantees, and other requirements of these Regulations.
3. Frontage: All parts of a lot that abut a street shall be considered frontage.

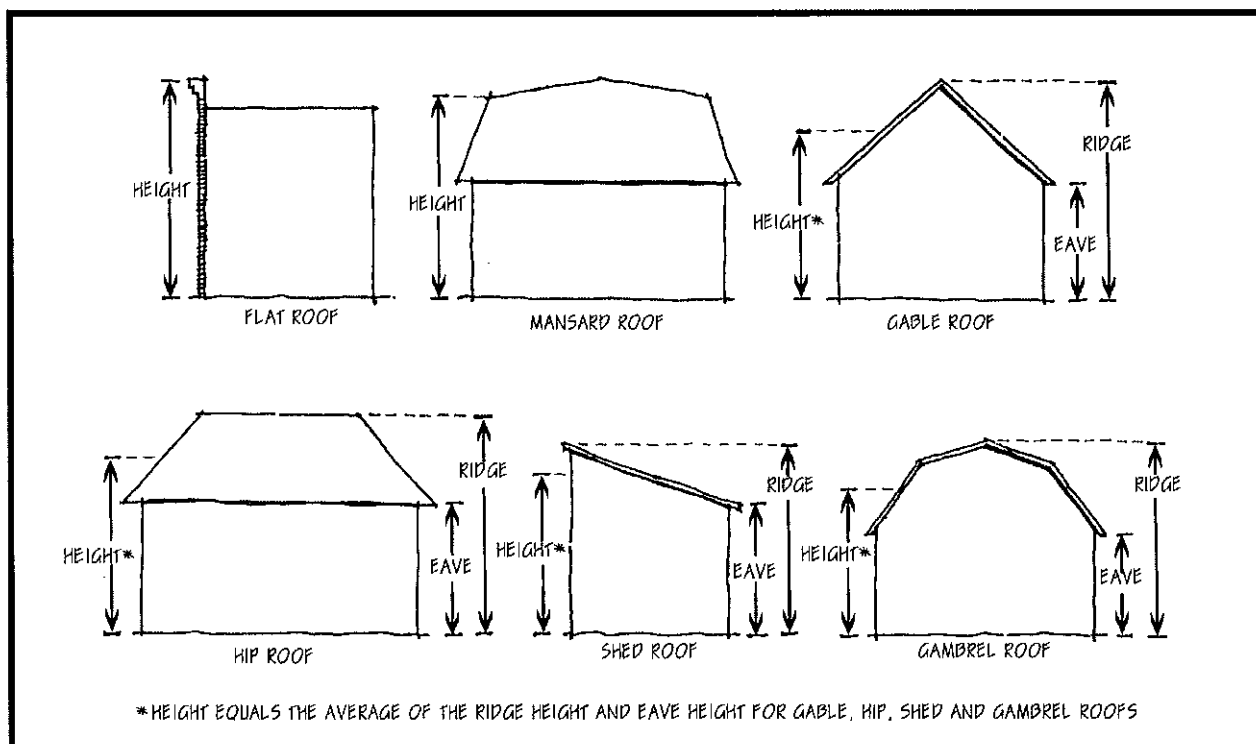
Article 2 - Definitions

G. "G"

1. Garden Center: A place of business where retail and wholesale products and produce are sold to the consumer. These centers may include a nursery and/or greenhouses, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoses, rakes, shovels and other garden variety tools and utensils.

H. "H"

1. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level five (5) feet from the exterior face of the building or structure.



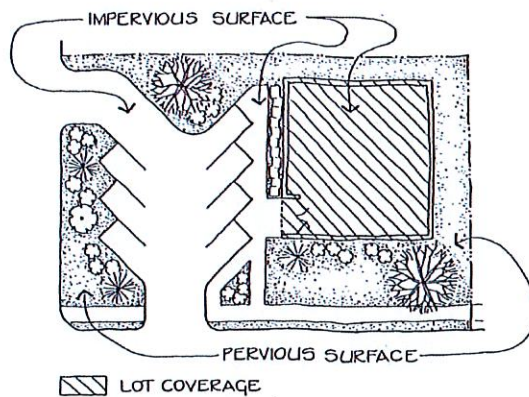
2. Home Occupation: An "in-home" or "home-based" business, industry or service operating from a residential dwelling or within an accessory structure on the same property in a residential or agricultural zoning district. Home occupations

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shall be secondary and incidental in nature to the primary residential structure and/or property in all residential zoning districts. Refer to the Supplemental Use Regulations Article for specific requirements for Home Occupations.

I. "I"

1. **Impervious Coverage:** Any surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, expressed as a percent of site area. This includes surfaces such as compacted sand, lime rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, and parking lots. The surface water area of swimming pools is excluded from this definition. Pervious concrete or other paving materials designed and installed to permit infiltration of storm water are specifically excluded from this definition.



J. "J"

1. **Junk Yard:** A place where scrap is collected before recycled or discarded. Items including but not limited to any worn out, cast off, old or discarded scrap copper, brass, lead, or any other nonferrous metal; old rope, rags, batteries, paper, trash, rubber debris, waste, used lumber or salvaged wood; dismantled or inoperable vehicles, unsafe vehicles, machinery and appliances or parts of such vehicles, machinery, or appliances; iron, steel, or other old or scrap ferrous material; old discarded glass, tin-ware, plastic, or old discarded household goods or hardware; cut brush, including dead or decaying plant material. Exceptions: contained compost pile or orderly stacked firewood if cut in length less than or equal to 4 feet.

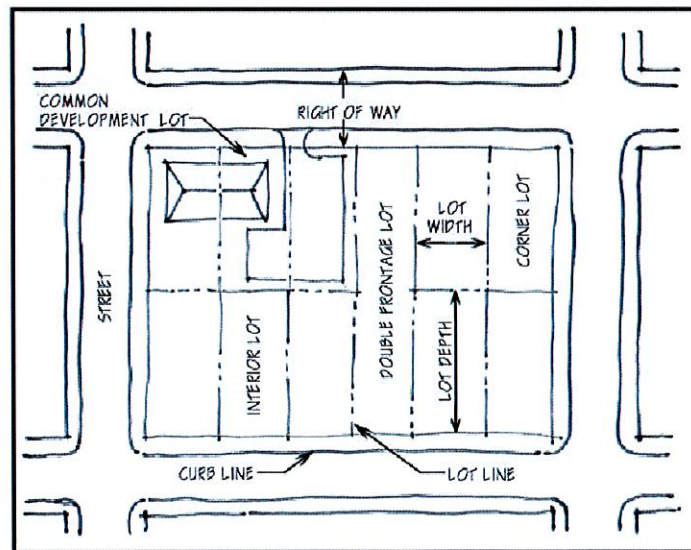
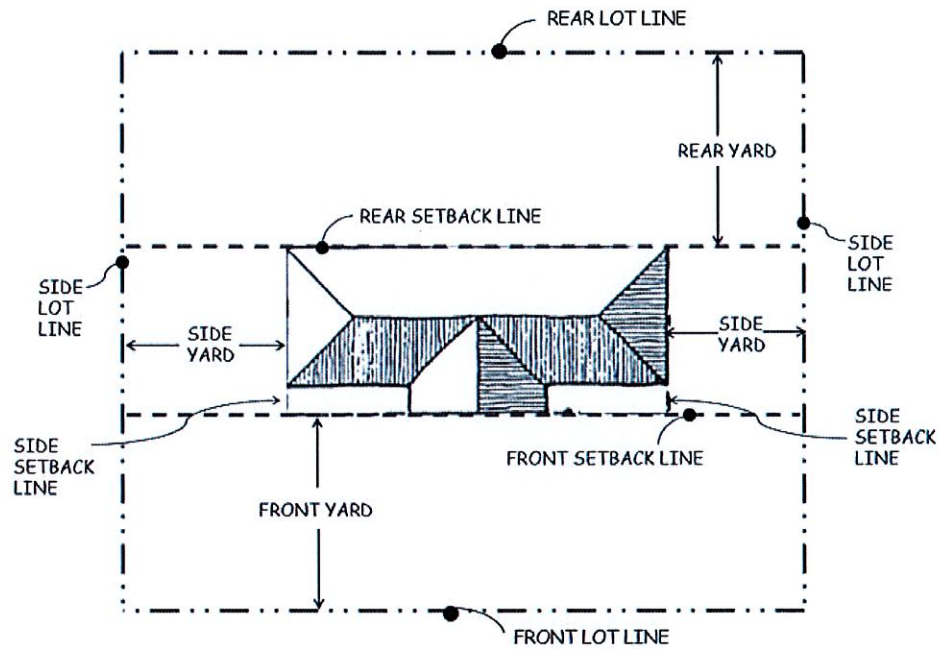
Article 2 - Definitions

K. "K"

1. Kennel: A lot or premises where the keeping, breeding, or maintaining of four or more dogs, cats, and similar small mammals or large birds, four months of age or older, that are not owned by the property owner, for commercial purposes.

L. "L"

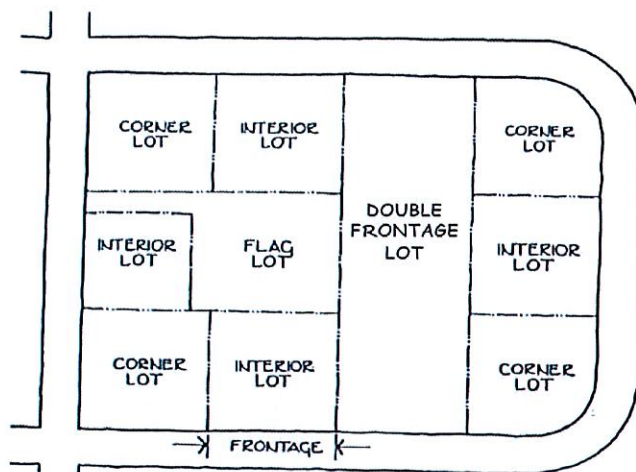
1. Landscaped Area: The area within the boundaries of a given lot, site or common development outside of any building(s) and consisting of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; and/or hardscape elements.
2. Landscape Business: A business engaged in the decorative improvement of land in any manner, including, but not limited to, contouring, and the installation of plant materials. Also includes lawn care and grounds maintenance. This use does not include retail sales on the premises. Includes storage of landscape materials, rocks, mulch and similar materials to be used in landscapes.
3. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
4. Locally Grown: Food and other agricultural products (for example wool or flowers) that are grown or produced, processed and then sold within a certain area of where it is consumed, often accompanied by a social structure and supply chain different from the large-scale supermarket system.
5. Lot: For the purpose of this Regulation, a lot is a tract of land represented and identified by number or letter designation on a final plat.



6. Lot, Corner: A lot located at the junction of at least two streets.

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7. Lot, Double Frontage: A lot other than a corner lot with frontage on more than one street, other than an alley. Both street lines shall be deemed front lot lines.



8. Lot, Interior: A lot other than a corner lot whose sides do not abut a street.
9. Lot Area: The total horizontal area within the lot lines of a lot.
10. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.
11. Lot Line: Any line bounding a property.
12. Lot Line, Front: A lot line that divides a lot from a street.
13. Lot Line, Rear: The lot line that is opposite and most distant from the front lot line.
14. Lot Line, Side: Any lot line that is neither a front nor rear lot line.
15. Lot Width: The horizontal distance measured between side lot lines measured at the required front setback.

M. "M"

1. Manufactured Home Dwelling: A dwelling unit built in compliance with National Manufactured Housing Construction and Safety Standards Act, 42USC 5401 to 5426 et seq., and regulations promulgated by the United States Department of Housing and Urban Development, and when constructed shall bear the seal of the Department of Health and Human Services Regulation and Licensure as required by Section 71-1559 of the Nebraska Revised Statutes.

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- a. Dwelling units built in compliance with the above may be placed in any zoning district where single-family dwelling units are permitted when the following additional requirements are met:
 - i. Any dwelling unit shall have no less than nine hundred (900) square feet of floor area.
 - ii. Any dwelling shall have no less than eighteen (18) feet exterior width.
 - iii. The roof shall be pitched with a minimum vertical rise of two (2) and one-half (1/2) inches for each twelve (12) inches of horizontal run.
 - iv. The exterior shall be of a color, material and scale comparable with existing residential site-built single-family dwellings. The home shall have a non-reflective roof material, which is or simulates asphalt or wood shingles, tile or rock.
 - v. The dwelling shall have wheels, axles, transporting lights, and removable towing apparatus removed if present.
 - vi. The dwelling shall be placed upon a permanent foundation approved by the Building Official.
 - vii. All utility services shall be directly connected to the structure.
 - viii. Manufactured homes which do not meet all of the standards above may be placed in a manufactured home park, provided the structure is transportable in one (1) or more sections which in the traveling mode are eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, are three hundred twenty (320) or more square feet and which are built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected

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to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

2. **Market Garden:** An establishment where food or ornamental crops are grown on the ground, on a rooftop or inside a building; all produce is for permitted retail sale; mechanical equipment is limited to typical size and type used in residential settings, with the exception of seasonal bed preparation.
 3. **Mixed Use Building:** A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Zoning District in which the building or structure is to be located.
 4. **Mixed Use Development:** A single development that incorporates complementary land use types into a single development.
 5. **Mobile Home:** A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.
 6. **Mobile Home Park:** A development under single ownership, developed, and improved for the placement of mobile homes. Mobile Home Parks may include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
 7. **Mobile Home Subdivision:** A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.
- N. "N"
1. **Nonconforming Development:** A building, structure, or improvement which does not comply with the requirements for its zoning district set forth by this Zoning Regulation but which complied with applicable regulations at the time of construction.
 2. **Nonconforming Lot:** A lot which was lawful prior to the adoption, revision, or

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amendment of this regulation but that fails by reason of such adoption,
revision,

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or amendment to conform to the present requirements of this regulation. No action can be taken which would increase the non-conforming characteristics of the lot.

3. Nonconforming Sign: A sign that was legally erected prior to the adoption, revision, or amendment of this regulation but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this regulation.
4. Nonconforming Structure: A structure which was lawful prior to the adoption, revision, or amendment of this regulation but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this regulation. No action can be taken which would increase the non-conforming characteristics of the structure.
5. Nonconforming Use: A land use which was lawful prior to the adoption, revision, or amendment of this regulation but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this regulation. No action can be taken which would increase the non-conforming characteristics of the land use.
6. Non-Putrescible: Unsegregated material (other than material containing asbestos waste or liquid waste) that results from the demolition, erection, construction, refurbishment or alteration of buildings.
7. Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

O. "O"

1. Off-Site: Located outside the boundaries of the property that is the subject of an application.
2. Open Space: Not just land, but also inland bodies of water such as rivers, lakes and reservoirs, in an essentially undeveloped state, which offer important opportunities to conserve and enhance natural or scenic resources, protect water bodies, promote conservation of soil, wetlands, and beaches, and preserve and protect forests, and other natural amenities.
3. Overlay District: A district in which additional requirements act in conjunction with the underlying zoning district(s).
4. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

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P. "P"

1. Parcel: Tract or plot of land that may or may not be subdivided or improved.
2. Parking Stall: A 9' x 18' (minimum) asphalt or concrete hard surfaced area reserved for parking of a vehicle.
3. Paved: Hard surfaced with concrete, concrete pavers, or asphalt.
4. Permitted Use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this regulation.
5. Pervious Pavement. A hard surface, typically used for parking lot and/or driveway installations that allows precipitation to infiltrate through said pavement rather than run off.
6. Planned Development: A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
7. Planning Commission: The Planning Commission of Douglas County.
8. Prairie: An ecosystem considered part of the temperate grasslands, savannas, and shrub lands biome by ecologists, based on similar temperate climates, moderate rainfall, and a composition of grasses, herbs, and shrubs, rather than trees, as the dominant vegetation type.
9. Principal Use: The primary use of land or structures as distinguished from an accessory use.
10. Private Garden: On site, single owner, on owned or leased property; garden may be an accessory use to a primary permitted structure, or the primary use on a vacant lot; all produce is for private consumption only, not for retail sale. Composting of materials produced on site is allowed and that compost can be used on site.
11. Putrescible: Capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors, gases, etc. Kitchen wastes, offal, and dead animals are examples of putrescible components of solid waste.

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Q. "Q"

1. Quarry: Any premises from which rock, sand, gravel and similar resources are extracted.

R. "R"

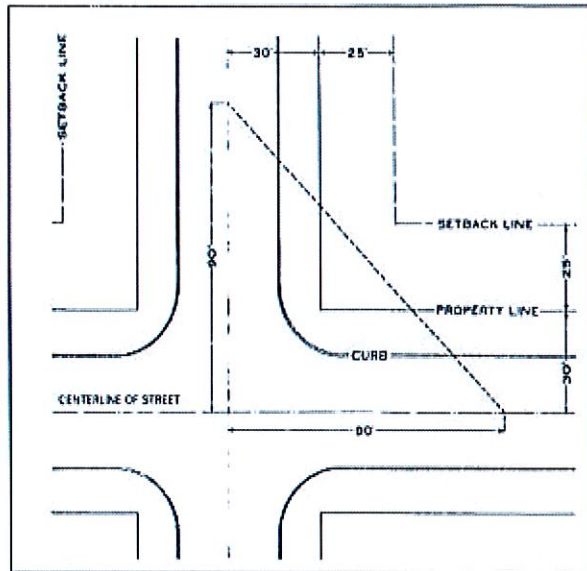
1. Recreational Vehicle: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, boat trailers.
2. Recycled: Shall mean the use of recovered waste materials, such as post-consumer material, in the manufacture or production of new items.
3. Recycling: Shall mean the process by which recovered waste materials are reused or transformed into new products in such a manner that the original products may lose their identity.
4. Right-of-Way: An area of land occupied, or intended to be occupied, by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains or similar infrastructure.

S. "S"

1. Salvage Yard: A place where disused vehicles or other machinery is broken up and the parts saved and processed for resale. This includes two or more inoperable motor vehicles, or used parts and materials thereof, which taken together equal the bulk of two or more motor vehicles.
2. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this regulation.
3. Setback: The minimum distance by which any building or structure must be separated from a lot line.
4. Sexually Oriented Entertainment Activity: The sale, rental, or exhibition, for any form of consideration, of books, films, videocassettes, magazines, periodicals, or live performances which are characterized by an emphasis on the exposure or display of specific sexual activity.

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5. Sign: Any device (included but not limited to letters, words, numerals, figures, emblems, flags, pictures, etc.) used for visual communication intended to attract the attention of the public.
6. Site Plan: A representation, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably requested by the County in order that an informed decision can be made on the associated request.
7. Site Triangle: An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) feet and eight (8) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, sixty (60) foot distance shall be increased to ninety (90) feet for each arterial leg of the intersection.



Example of 90' Sight Triangle

8. Solid Waste: Any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and mining operations, and from community activities. Solid waste shall not include slag, a product that is a result of the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material; solid or dissolved materials in irrigation return flows to industrial discharges which are point sources subject

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to

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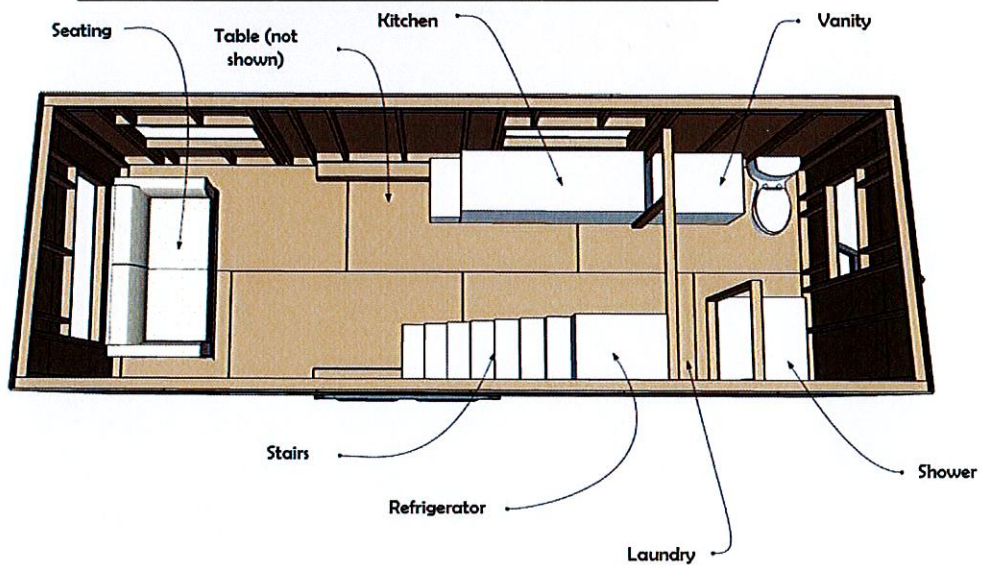
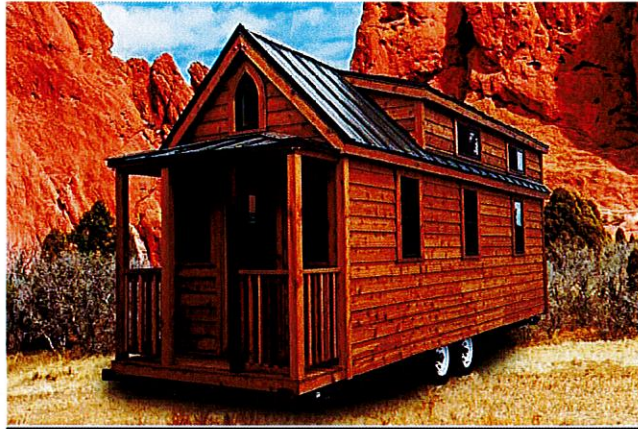
permits under section 402 of the federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq.; or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.

9. Special Use Permit: An approval of a use with a land use intensity higher than uses permitted by right in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review.
10. Stream Buffer: A natural area adjacent to streams and waterways that remain free of development, construction, or other alterations and play an important role in maintaining predevelopment water quality. The riparian vegetation stabilizes stream channels, provides terrestrial and aquatic habitat, slows runoff rates, reduces runoff volume, and filters development runoff.
11. Street: A public thoroughfare, including road, highway, drive, lane, way, circle, avenue, place, boulevard, terrace, parkway, trail, trace, and any other thoroughfare, that affords the principal means of access to abutting property.
12. Storm Drain: Infrastructure designed to carry excess rain and ground water from impervious surfaces such as paved streets, car parks, parking lots, footpaths, sidewalks, and roofs.
13. Storm Sewer: A system designed to carry rainfall runoff and other drainage that is not sewage or hazardous waste to a drainage way or stream.
14. Structure: Anything constructed or erected which requires location on the ground or attached to something having location on the ground.

T. "T"

1. Tiny House: A single-family dwelling, whether on a permanent foundation, on wheels, or any other portable method. These Zoning Regulations state that only one single-family dwelling is allowed per lot. A tiny house shall be treated the same as any other single-family dwelling, and, as such, shall comply with these Zoning Regulations, the adopted building, electrical, mechanical, and plumbing codes, County Health Department regulations, and all other County codes, rules, and regulations.

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2. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.



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U. "U"

1. Urban Agriculture: The production, distribution and marketing of food and other products beyond that which is strictly for home consumption or educational purposes. Examples include but are not limited to: community or market garden or urban farm.

12. Urban Farm: An establishment where food and/or ornamental crops are grown and/or processed to be sold and/or donated that includes, but is not limited to, outdoor growing operations, indoor growing operations, vertical farms, aquaponics, aquaculture, hydroponics and rooftop farms.

23. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a structure.

V. "V"

1. Vacation: The official abandonment of public right-of-way or easement by the County in accordance with State law.

2. Variance: A modification of the application of certain regulations or provisions of these Regulations by the Board of Adjustment, under the authority provided by these Regulations and State Statutes.

3. Vehicle, Inoperable: Any motor vehicle, recreational vehicle, boat, trailer, or semi-trailer which lacks a current registration or component part which renders the vehicle unfit for legal use upon the public right-of-way.

4. Vehicle, Motor: Any passenger vehicle, motorcycle, recreational vehicle, or truck that is propelled or drawn by mechanical power.

5. Vehicle, Unsafe: Any vehicle, recreational vehicle, boat, trailer, or semi-trailer:

- a. With a missing, broken or shattered windshield or any exposed broken glass edges;
- b. With a missing fender, door, hood, steering wheel, trunk top, or trunk handle;
- c. Which has become a habitat of rats, mice, snakes, or other vermin or insects;
- d. Left unattended on jacks, blocks, or elevated in any other way which constitutes a threat to the public health, safety or welfare;
- e. Which because of its condition constitutes a threat to the public health, safety or welfare.

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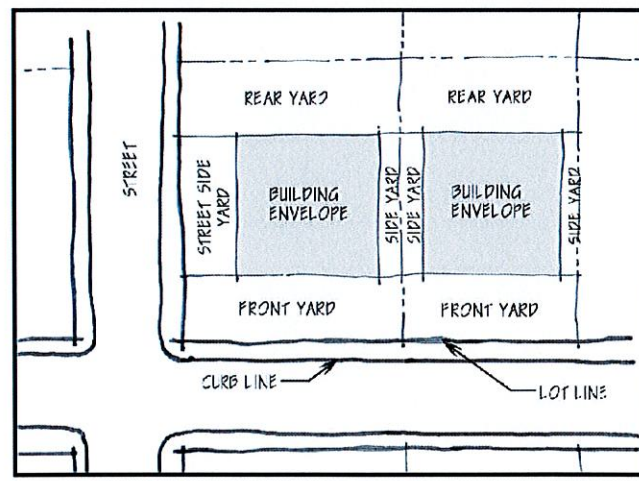
W. "W"

1. Wildlife habitat: Areas distributed horizontally and vertically across the landscape that fulfill the needs of wildlife species for the basic requirements of food, water, reproduction (nesting), and protection against predators and competitors.
2. Waterway: A way or channel for water.

X. "X"

Y. "Y"

1. Yard, Front: The open space extending across the full width of a lot between the front lot line and nearest line of the building or any enclosed portion thereof. A corner lot may have a "front yard" and a "street side yard", while a double frontage lot has 2 front yards.
2. Yard, Rear: The open space extending across the full width of a lot between the rear lot line and the nearest line of the building.
3. Yard, Required: That portion of a lot that lies between a lot line and the corresponding building setback line. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by these Regulations.
4. Yard, Side: The open space extending from the front yard to the rear yard, along the side lot line, and the nearest line of the building.
5. Yard, Street Side: For corner lots only, open space extending from the front yard to the rear yard, along the side lot line, and the nearest line of the building.



Article 2 - Definitions

- Z. "Z"
 - 1. Zoning Coordinator: The county official authorized by the Board of Commissioners to administer this regulation.
 - 2. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this regulation.