

06 **ARTICLE SIX**
SUPPLEMENTAL USE REGULATIONS

6-1 **Purpose**

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article Four of this ordinance.

6-2 **Supplemental Use Regulations: Agricultural Uses**

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, state, or federal ordinance or statute.

- A. **Crop Production in Non-Agricultural Districts:** Crop production is a permitted interim use in any zoning district.

- B. **Horticulture and Crop Production - Retail Sales:** Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG district, subject to the following requirements:
 - 1. **Garden Centers:**
 - a. A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.
 - b. Garden centers must conform to all site development regulations for the zoning district.
 - c. Any garden center adjacent to a residential district must maintain a 20-foot landscaped bufferyard, consistent with the standards established in Sections 8-8 and 8-9.

 - 2. **Roadside Stands:**
 - a. A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
 - b. A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.
 - c. A roadside stand may operate for a maximum of 180 days in any one year.

- C. **Confined Animal Feeding Operations (CAFO):** No new confined animal feeding operations shall be established within the zoning jurisdiction of the City of Plattsburgh.

- D. **Animal Production in the RR District:**
 - 1. Breeding and raising of small animals and fowl, such as birds, rabbits, chinchilla, and hamsters is permitted in the RR district, provided that any building housing such animals shall be at least 50 feet from any property line and 25 feet from any dwelling unit on the site. Any such activity must be located entirely within a rear yard. The raising of fowl shall be limited to 50 birds per acre, up to a maximum of 500 birds.

 - 2. Within the RR district, any lot of two acres and over may maintain one horse, llama, and other hooved animal or bipedal bird. Such a lot may have one additional animal for each additional full acre of lot area over two acres, up to a maximum total of five animals.

6-3 Supplemental Use Regulations: Residential Uses

- A. Two-Family Residential:
 - 1. The second dwelling unit shall be located to the rear of the site and shall be separated from the front dwelling unit by a minimum of 25 feet.
 - 2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.
 - 3. Both structures shall meet all other setback requirements of the zoning district.

- B. Multi-Family and Group Residential in CBD District: Multi-family and group residential uses are permitted in the CB district only on levels above street level except that a unit specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.

- C. Mobile Home Residential in the MH District: Mobile home parks and mobile home residential use are permitted in the MH district. Such use may be configured in a mobile home park or mobile home subdivision. Following the effective date of this ordinance, no mobile home shall be located outside of a mobile home park or mobile home subdivision. A mobile home park is subject to compliance with the following regulations:
 - 1. Certification:
 - a. A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection, and any other applicable requirements shall be required of all mobile home parks.
 - b. The Building Official is authorized to perform an annual inspection of any mobile home park to ensure compliance with these regulations.
 - c. These regulations do not address the structural integrity of any units within a mobile home park. Compliance with these regulations does not represent city warrant of the structural integrity of any structure or unit in such a facility.
 - d. Permitted Uses: Permitted uses in the MH district are set forth in Table 4-1.
 - 2. Permitted Accessory Uses: The following uses of land, buildings, and structures shall be permitted within this district provided they are recognized as accessory to the performance of use permitted in Table 4-1.
 - a. Open or enclosed swimming pools.
 - b. Recreation or community use.
 - c. Other accessory structures permitted in residential zoning districts.
 - 3. Special Use Exceptions: Business offices shall be permitted in this district if management of the mobile home park is the primary function of the office. Other uses may be permitted in accordance with an approved plan.
 - 4. Special Use Permit: A special use permit may be granted by the City Council upon receipt of a recommendation from the Planning Commission for placement of mobile homes within this district based upon appearance, wiring which meets the National Electrical Code as of the date of manufacture, unit must be structurally stable, and meet the minimum accepted living conditions and further shall be attached to the appropriate utilities such as gas, electricity, water and sewer.
 - 5. Minimum and Maximum Site Area: A mobile home park shall be considered to be one zoned lot. The minimum area for a mobile home planned park shall be two acres.

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6. Minimum Yard Requirements: Yards of 20 feet shall be maintained between each separate structure in this district. All other yards shall be maintained as stated in the approved plan.
7. Permissible Floor Area to Lot Area Ratio: The maximum permissible ratio of total building floor area to the lot area in this district is 20 percent except that when open spaces contiguous to a lot or lots in mobile home developments is dedicated to remain an open space, the dedicated open space may be computed together with the lot areas to meet the required ratio for open space.
8. Additional Standards:
 - a. Recreation Areas: Not less than 8 percent of the gross area of every mobile home park shall be developed as recreation areas easily accessible to all park residents. Recreation areas may include, but are not limited to, such facilities as recreation buildings, adult recreation areas, child play areas, and swimming pools.
 - b. Off-Street Loading and Parking. In addition to the provisions of Article 09, the following shall apply:
 - (1) Off-street parking and storage shall be provided for sorting of park occupants' boats, boat trailers, pickup coaches, truck tractors, trucks over three-fourths ton pickup size, and items of a similar nature, if permitted in the park, in addition to and separated from the parking required elsewhere in this chapter. Such areas shall be located so as not to be visible from adjoining streets and screened. Temporary mobile home storage may be permitted prior to permanent placement on the mobile home stand but shall not exceed seven days.
 - c. Streets: Streets shall be provided as follows:
 - (1) Entrance streets shall be not less than 35 feet wide. Interior streets shall be not less than 25 feet wide.
 - (2) Every dead-end street shall be provided with a cul-de-sac with not less than an 80-foot turning diameter.
 - (3) All streets shall be constructed with a curb to provide for drainage.
 - (4) The location and design of all intersections of access streets with public streets shall be approved by the public works department.
 - d. Walks: Walks shall be provided as follows:
 - (1) Common sidewalks shall be provided along all entrance streets and in areas of high pedestrian traffic such as in the vicinity of community buildings and recreation facilities. The sidewalks shall be at least four feet wide and of asphaltic or Portland cement binder pavement.
 - (2) Individual walks shall be provided to connect all mobile home stands to common sidewalks, to paved streets, or the paved driveways or parking spaces connected to a paved street. Such individual walks shall be at least two feet wide and of asphaltic or Portland cement binder pavement.
 - e. Lighting: The park street system shall be furnished with lighting units so placed and equipped to provide the following average minimum maintained levels of illumination:
 - (1) Upon all parts of the park street system, 0.2 foot-candle.
 - (2) Upon potentially hazardous locations including major street intersections and park entrances, 0.4 foot-candle.
 - f. Solid Waste Receptacles: Refuse collection stands consisting of a holder or rack elevated at least 12 inches aboveground or on an impervious slab at ground level shall be provided for all solid waste receptacles.
 - g. Height Limitation: The maximum height of any structure from ground level at the street side shall not exceed 35 feet.
 - h. Storm Shelter: A storm shelter house shall be provided. There shall be a minimum of 10 square feet of storm shelter floor area for each mobile home space.

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9. Special Provisions: Any person requesting change of a zone to an MH district for the purpose of developing a mobile home planned park shall submit a proper request for change in zone together with the following documents:
 - a. Plan of the proposed planned park showing all utility, street, and facility improvements, dimensions of all lots and building sites, proposed size of each lot or site, and location with relation to existing abutting streets and facilities.
 - b. Proposed constitution, articles of incorporation and/or bylaws of an association of homeowners or renters within the proposed planned park which documents will, at a minimum, deal with pet control and garbage and trash control.
 - c. Detailed drawings of proposed moorings and tie-downs and utility hookups of mobile homes where applicable.
 - d. Drawings and plans for individual storage buildings, office and community facilities proposed for any planned park area for mobile homes.

10. Final zoning changes will not be granted until preliminary plans are approved and all submitted documents are again submitted in final reproducible form. Approval of the submitted final documents will be passed by ordinance and such approved documents will become a permanent record and part of the zoning regulations for this district. Any deviation from the submitted and approved final documents without due amendment by the City Council shall be a violation of these regulations.

D. Retirement Residence:

1. Maximum floor area ratio is 0.5 for buildings up to and including three stories. The number of living units and occupants is determined by floor area ratio rather than site area per unit regulators. For example, the maximum gross floor area of a retirement residence on a 100,000 square foot site is 50,000 square feet.

2. Any action that would result in occupancy of the project by persons less than retirement age requires approval of a Special Use Permit by the City Council following a recommendation by the Planning Commission.

6-4 Supplemental Use Regulations: Civic Uses

- A. Clubs: Clubs located adjacent to residential uses shall maintain a bufferyard of not less than 15 feet along the common boundary with such residential use.

- B. Daycare: Daycare facilities are permitted by special use permit in the G1 zoning district only if incidental to a permitted primary use.

- C. Daycare Centers (General):
 1. Each daycare center (general) must be validly licensed by either the State of Nebraska or the appropriate governmental agency.

 2. Each facility shall provide a minimum of 50 square feet of outdoor play area per child, fully enclosed by fence or wall that is at least 42 inches but not more than 72 inches in height. Play areas shall be easily accessible from the main facility and be free of hazards, including potential traffic hazards.

 3. Special use permit applications for general daycare centers shall specify the number and projected ages of children to be cared for at the facility, and the number of projected full- and part-time staff.

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- D. Group Care Facilities and Group Homes:
1. Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.
 2. Group homes are permitted in the CB district only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.

6-5 Supplemental Use Regulations: Commercial Uses

- A. Auto Repair, Equipment Repair, Body Repair and Travel Center, Truck Stop, RV Storage, and Repair:
1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Article 08.
 2. Any spray painting must take place within structures designed for that purpose and approved by the building official.
 3. All entrances and exits serving a gasoline or diesel service station, convenience store offering fuel sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from the right-of-way line of any intersection.
 4. All fuel pumps shall be set back at least 15 feet from any street line.
- B. Auto Washing Facilities:
1. Each conveyor operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.
 2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.
- C. Automobile, RV, and Equipment Rental and Sales:
1. All outdoor display areas for rental and sales facilities shall be hard-surfaced.
 2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25 percent of the gross floor area of the building.
- D. Bed and Breakfasts: Bed and breakfasts permitted in the CB district must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.
- E. Campgrounds:
1. Minimum Size: Each campground established after the effective date of this title shall have a minimum size of one acre.

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2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot bufferyard from all other property lines.
 3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all city ordinances, or, alternatively, be limited to use by self-contained campers, providing their own on-board water and disposal systems.
- F. Convenience Storage: When permitted in the AG, RR, and GC districts, convenience storage facilities shall be subject to the following additional requirements:
1. The minimum size of a convenience storage facility shall be two acres.
 2. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
 3. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
 4. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
 5. No storage buildings may open into required front yards.
 6. Facilities must maintain landscaped bufferyards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article 08.
- G. Construction Sales and Service: Retail home improvement stores and centers may include outdoor storage of materials and must comply with the following conditions:
1. Architectural design and materials shall be consistent with the current or projected character of the surrounding area.
 2. All outside storage or display of merchandise or other materials or equipment shall be screened from view at eye level from a public street or adjacent property.
 3. All storage buildings with overhead doors, drive openings, or open bays and all loading areas shall be fully screened from view at eye level from a public street or adjacent property.
 4. Minimum screening shall be consistent with screening standards set forth in Article Eight.
 5. All areas not occupied by buildings or landscaping shall be paved with concrete or asphalt, or surfaced with gravel or similar treatment to reduce dust.
- H. Kennels:
1. The minimum lot size shall be two acres.
 2. No building or dog runs shall be located nearer than 100 feet from any property line and 500 feet to the property line of any residential use or district.
 3. All kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Screening shall be of a type provided by Article 08, establishing landscape and screening standards.
- I. Recreational Vehicle Campgrounds: Recreational Vehicle Campgrounds are permitted in a General Commercial District by Special Use Permit. To ensure compliance with the purpose and intent of this use type, Recreational Vehicle Campgrounds are subject to the following regulations:

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1. Submission and approval of a Site Plan in accordance with the Plattsmouth Municipal Code, Chapter 11, Article 12, Section 12-3 and, upon approval, be recorded as a restrictive covenant on the property. In addition to the requirements of Section 12-3, the Site Plan must document compliance with all applicable statutes, rules, regulations, and ordinances and illustrate the proposed layout for the Recreational Vehicle Campground including all utility, street and facility improvements; dimensions of all Recreational Vehicle lots, recreational vehicle spaces, and commercial accessory sites; compliant separation distances between all recreational vehicle pads; the location of the site with relation to existing abutting streets, facilities and landscape buffer improvements; the designation of common areas for use by authorized users of the Recreational Vehicle Campground; and compliance with all site requirements set forth below or otherwise applicable to the site.
2. Submission to the Zoning Enforcement Officer of certifications of compliance with all statutes, ordinances and regulations regarding zoning, health, plumbing, electrical, building, fire protection, floodplain/floodway, landscape and screening, and other applicable regulations.
3. The Recreational Vehicle Campground shall comply with the following site requirements:
 - a. A minimum site area of twenty acres;
 - b. Compliance with landscaping and screening requirements as set forth in Chapter 11, Article 8;
 - c. Each Site Plan must identify Recreational Vehicle lots (available for sale) and Recreational Vehicle spaces (available for lease) which are parcels of ground intended to accommodate recreational vehicles on a temporary living basis. If the site shall contain saleable lots, the Recreational Vehicle Campground must separately comply with the Subdivision Ordinance found at Chapter 10 of the Plattsmouth Municipal Code;
 - d. Each Recreational Vehicle lot and space shall contain a stabilized parking pad of concrete or asphalt except when in the opinion of the approving authority that surface is not feasible;
 - e. All Recreational Vehicle pads and the Recreational Vehicles placed thereon must have a minimum separation distance of 15 feet;
 - f. All Recreational Vehicle lots and Recreational Vehicle spaces shall have a minimum size of 1,500 square feet;
 - g. All Recreational Vehicle Campgrounds shall provide a minimum of 15 Recreational Vehicle lots and/or spaces;
 - h. All Recreation Vehicle lots and/or spaces shall have a minimum width of 20 feet;
 - i. All Recreational Vehicle lots and spaces shall abut a drive or collector travelway and have direct access thereto;
 - j. All Recreational Vehicle Campgrounds shall include a location for dumpsters for refuse disposal with proper storm water drainage located at least 50 feet from any external travelway, screened by a solid landscaped fence, and maintained in accordance with Nebraska State health standards and Municipal Code;
 - k. All Recreational Vehicle Campgrounds and each Recreational Vehicle lot and space must be maintained so as to provide adequate storm water drainage as required by law;
 - l. All travelways within the Recreational Vehicle Campground shall be concrete or asphalt except when in the opinion of the approving authority that surface is not feasible and shall meet the following minimum stabilized travelway width standards:
 - i. One-way travelway shall be 15 feet; and
 - ii. Two-way travelway shall be 20 feet.
 - m. Turnarounds shall be provided for all dead-end travelways over 100 feet in length with a minimum radius of 30 feet;
 - n. Management headquarters, toilets, dumping stations, showers, benches, grills, and other uses customarily incidental to operation of a Recreational Vehicle Campground along with designated commercial areas to service the Recreational Vehicle Campground may be permitted so long as said areas are identified on the original (or amended) Site Plan, approved through the Site Plan and Special Use Permit process, and are developed and

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- maintained in accordance with all applicable statutes, rules, regulations, and ordinances and covenants; and
- o. All Recreational Vehicle Campgrounds must meet the requirements of a Developed Campground or Semi-Developed Campground as those requirements and terms are defined in the Nebraska State Fire Marshall's then-adopted version of the NFPA.
4. The Recreational Vehicle Campground shall comply with the following use and maintenance restrictions and responsibilities:
 - a. No Recreational Vehicle shall be continuously occupied as a dwelling or other capacity. Continuously occupied shall mean occupying a Recreational Vehicle for more than 179 consecutive days.
 - b. Any removal of wheels from a Recreational Vehicle, except for temporary maintenance purposes not to exceed 15 days, is strictly prohibited.
 - c. No Recreational Vehicle lot or space may be occupied by more than eight persons and one Recreational Vehicle.
 - d. All solid waste generated within the Recreational Vehicle Campground shall be stored and disposed of in accordance with Nebraska statutes, rules, regulations and local ordinances governing solid waste.
 - e. No Recreational Vehicle lot or space may be used for any other use type other than the accommodation of a recreational vehicle for temporary parking or living quarters.
 - f. All other statutes, rules, regulations, ordinances and restrictive covenants governing use.
 5. A plan for management and maintenance of the entire site area must be submitted with the Site Plan and Special Use Permit Process and, upon approval, if granted, be recorded as a restrictive covenant on the property. That management and maintenance plan shall include:
 - a. A statement that all lots, spaces and other areas of the Recreational Vehicle Campground will be developed, maintained, and used in accordance with all applicable statutes, rules, regulations, ordinances and restrictive covenants governing the site;
 - b. A requirement that all purchasers and tenants of lots or spaces or owner/operators of commercial areas shall be required to and acknowledge their obligations to comply with all statutes, rules, regulations, ordinances and restrictive covenants governing their respective lots and the Recreational Vehicle Campground and that violations of same shall be considered a violation of law including, but not limited to, a violation of the Plattsmouth Municipal Code.
 - c. Designation of a Membership Camping Operator and Controlling Persons of the Membership Camping Operator as those terms are defined in the Membership Campground Act who shall be responsible for operating, managing and maintaining the Recreational Vehicle Campground in accordance with all applicable statutes, rules, regulations, ordinances and the restrictive covenants.
 - d. An acknowledgement that, in addition to all other rules and remedies, any failure to comply with any statute, rule, regulation, ordinance or covenant applicable to the Recreational Vehicle Campground which injures or endangers the comfort, health, or safety of others or which otherwise meets the definitions of a nuisance as set forth in Chapter 3, Article VI of the Plattsmouth Municipal Code, shall be deemed a nuisance which allows the City to pursue any and all remedies as set forth in that Article against the Operator or Control Persons (for nuisance violations on property within its control) or lot owners (for nuisance violations on property owned by said lot owner) (Ordinance No.1920 April 3, 2017).
- J. Restricted (Adult Entertainment) Businesses: Adult entertainment businesses shall be subject to the following restrictions, and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions:

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1. No adult entertainment business shall be open for business between the hours of 12:00 midnight and 6:00 a.m.
2. A new adult entertainment business shall not be allowed within 1,000 feet of an existing adult entertainment business.
3. A new adult entertainment business shall not be located within 500 feet of any residentially zoned district or 1,000 feet of a preexisting school, public park, or place of worship.
4. The provisions of this chapter shall apply to any adult entertainment businesses in existence at the time the ordinance codified in this chapter takes effect. All nonconformances shall come into compliance on or before, and no such nonconforming use shall be permitted to expand in size or scope and the rights granted in this chapter shall terminate upon cessation of business, sale, or transfer of ownership of the adult entertainment business.
5. Measurement of Distances: For the purpose of this chapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park, or areas zoned for residential use which is closest to the said main entrance of such adult entertainment business.
6. No adult entertainment business shall be conducted in any manner that permits the observation of models or any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult entertainment business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the premises which is prohibited by this code or any laws of the state or the United States.
7. No part of the interior of the adult entertainment business shall be visible from any pedestrian sidewalk, walkway, street, or other public or semi-public area.
8. An adult entertainment business shall post a sign at the entrance of the premises, which shall state the nature of the business and shall state that no one under the age of 18 years is allowed on the premises. The sign shall comply with the city's sign regulations. This section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
9. Nuisance Operation: Any adult entertainment business operated, conducted, or maintained contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance, and the City Attorney may, in addition to or in lieu of prosecuting a criminal action under this chapter, commence an action or actions, proceeding or proceedings, for the abatement, removal or enjoinder thereof, in the manner prescribed by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating, conducting, or maintaining an adult entertainment business contrary to the provisions of this chapter.

6-6 Supplemental Use Regulations: Industrial Uses

- A. Resource Extraction: Resource extraction, where permitted, is subject to the following additional requirements:

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1. Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties. Erosion control facilities, including retention and sediment basins, are required of each facility if necessary to meet this standard.
 2. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted by the City Council.
 3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.
 4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
 - a. Restoration of slopes to a gradient not exceeding 33 percent as soon as possible.
 - b. Installation of perimeter safety screening.
 - c. Installation of visual screening adjacent to any property within a residential or public use district.
 5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternatively, the site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the City Council and the Lower Platte South Resources District.
- B. Salvage Services:
1. Screening:
 - a. The perimeter of each new facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be ten feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
 - b. Each existing salvage services facility shall be screened as provided above within one year of the effective date of this ordinance.
 2. Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.
 3. No salvage services use may be established within 300 feet of the nearest property line of a residential or public use zoning district.

6-7 Supplemental Use Regulations: Miscellaneous Uses

- A. Landfills:
1. Compliance with Codes: Each landfill must comply with all relevant city, county, state, or federal codes and statutes.
 2. Prevention of Hazards: No facility shall present a hazard to surrounding residents or properties.
 3. Drainage and Water Supply: No landfill may modify or prevent the flow of major natural drainage ways within the jurisdiction of the City of Plattsmouth. Landfills shall not produce a measurable increase in pollution in any public water-based recreational facility or in any waterway or well that is a part of a public or private water supply.
 4. Minimum Separation from Residential Uses: No non-putrescible landfill may be established within 300 feet of a developed residential or public use. No landfill involving the disposal of

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putrescible or septic wastes shall be established within one-fourth mile of any residential, public, or commercial zoning district; or any state or federal highway.

5. Restoration of Site: The site of any landfill must be restored, stabilized, planted, and seeded within six months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the State of Nebraska's Department of Environmental Control.
6. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Plattsmouth and its extra-territorial jurisdiction.

B. Communication Towers:

1. In any AG, RR, UC, or GC districts, communications towers are subject to approval by the Planning Commission after public hearing as a special permit use. Notice of the hearing shall be provided to all owners of record of property within 300 feet of the subject property. The Commission shall consider each of the following requirements and criteria in making its determination:
 - a. A communications tower which does not comply with the height limitations in the district bulk regulations shall be located on a lot of at least ten acres, and no reduction in the lot size shall be permitted which would result in the lot being less than ten acres unless such reduction is authorized by the Planning Commission.
 - b. A tower shall be set back from the property line of any adjoining residentially zoned property a distance of 180 feet, unless the tower is otherwise adequately screened from adjoining residential uses.
 - c. A tower and any antenna thereon shall be painted sky blue or an alternate color compatible with the surrounding area.
 - d. Except for the minimum lighting, if any, necessary to comply with the airport height and hazard zoning regulations and any applicable federal regulations, no lights may be mounted on a tower or antenna, and the tower and antenna shall not be illuminated.
 - e. The height of a tower, inclusive of any antenna thereon, shall not exceed 180 feet.
 - f. For towers less than 180 feet in height, the applicant shall provide a certification by a professional engineer licensed in this state that said tower is designed and constructed to permit extension to a height of 180 feet or the maximum allowed by airport zoning regulations and to accommodate additional antenna systems.
 - g. Any service building or equipment located at grade shall be adequately screened from adjoining residential uses.
 - h. The applicant shall present a signed lease agreement, a recorded declaration of covenants, or other satisfactory evidence showing that the owner/operator of a tower is obligated to promptly remove the tower at the end of the lease term or when the antenna thereon is no longer used, and that the site will be sodded unless otherwise approved by the Zoning Official for compatibility with the surrounding area.
 - i. Any tower shall be of a monopole design without guy wires, or of an ornamental design compatible with the surrounding area.
 - j. The adverse visual impact of a tower shall be minimized through careful design, siting, landscape screening and innovative camouflaging techniques.
 - k. The applicant shall demonstrate to the satisfaction of the Commission that the need for the tower cannot be served by an antenna on any existing structure.
2. In a UC or GC district, communications towers and antennas shall be permitted subject to approval by the Planning Commission after public hearing. Notice of the hearing shall be provided to all owners of record of property within 300 feet of the subject property. In its determination, the Planning Commission shall consider all of the following:

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- a. Any service building or equipment located at grade shall be screened from adjoining residential uses.
 - b. Any tower shall be adequately set back and screened from adjoining residential uses. In no event shall the tower be setback less than 90 feet from an adjoining residential district.
 - c. The adverse visual impact of a tower shall be minimized through careful design, siting, landscape screening, and innovative camouflaging techniques.
 - d. The applicant shall demonstrate to the satisfaction of the City Council that the need for the tower cannot be served by an antenna on any existing structure.
 - e. The applicant shall present a signed lease agreement, a recorded declaration of covenants, or other satisfactory evidence showing that the owner/operator of a tower is obligated to promptly remove the tower at the end of the lease term or when the antenna thereon is no longer used, and that the site will be sodded unless otherwise approved by the Zoning Official for compatibility with the surrounding area.
 - f. The height of a tower, except a tower accessory to a radio or television studio, shall not exceed 180 feet inclusive of any antenna.
 - g. For towers less than 180 feet in height, the applicant shall provide a certification by a professional engineer licensed in this state that said tower is designed and constructed to permit extension to a height of 180 feet or the maximum allowed by the airport zoning regulations and to accommodate additional antenna systems.
3. In a GI or HI district, except for those accessory to a permitted use which comply with the bulk regulations, a communications tower or antenna shall comply with the following:
- a. A tower shall be set back from the property line of any adjoining residentially zoned property a distance of 90 feet.
 - b. A tower and any antenna thereon shall be painted sky blue or an alternate color approved by the zoning official which minimizes the visibility of the tower.
 - c. Except for the minimum lighting, if any, necessary to comply with the airport height and hazard zoning regulations and any applicable federal regulations, no lights may be mounted on a tower or antenna, and the tower and antenna shall not be illuminated.
 - d. The height of a tower, except a tower for a radio or television studio, shall not exceed 180 feet inclusive of any antenna.
 - e. For towers less than 180 feet in height, the applicant shall provide a certification by a professional engineer licensed in this state that said tower is designed and constructed to permit extension to a height of 180 feet or the maximum allowed by the airport zoning regulations and to accommodate additional antenna systems.
 - f. The applicant shall provide a certification by a professional engineer licensed in this state that any tower is designed to permit a second antenna system of comparable size to be added to the tower above or immediately below the original antenna system.
 - g. Any service building or equipment located at grade shall be screened from adjoining residential uses. If such service building or equipment is to be enclosed by a fence other than a board fence, such fence shall be screened from the street and adjoining residential uses.
 - h. The applicant shall present a signed lease agreement, a recorded declaration of covenants, or other satisfactory evidence showing that the owner/operator of a tower is obligated to promptly remove the tower at the end of the lease term or when the antenna thereon is no longer used, and that the site will be sodded unless otherwise approved by the Zoning Official for compatibility with the surrounding area.
4. Non-Use/Abandonment: In the event the use of any tower or antenna has been discontinued for a period of 60 consecutive days, the tower or antenna shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the city which shall have the right to request documentation and/or affidavits from the tower or antenna owner/operator regarding the issue of tower or antenna usage. Upon such abandonment, the owner/operator of the tower or antenna or the owner of property upon which such facility is located shall have an additional 60 days within which to:

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- a. Reactivate the use of the tower or antenna or transfer the tower or antenna to another owner/operator who makes actual use of the tower or antenna; or
- b. In the event that abandonment as defined in this regulation occurs due to relocation of an antenna at a lower point on the antenna support structure, reduction in the affected radiated power of the antenna or reduction in the number of transmissions from the antennas, the operator of the tower shall have six months from the date of effective abandonment to co-locate another service on the tower. If another service provider is not added to the tower, then the operator shall promptly dismantle and remove that portion of the tower which exceeds the minimum height required to function satisfactorily. Notwithstanding the foregoing, changes which are made to personal wireless facilities which do not diminish their essential role in providing a total system shall not constitute abandonment; however, in the event that there is a physical reduction in height of substantially all of the providers' towers in the county, then all of such providers' towers within the county shall similarly be reduced in height.
- c. Dismantle and remove the tower or antenna. If such tower or antenna is not removed within said 60 days from the date of abandonment, the city may remove such tower or antenna, in accordance with applicable law, at the facility owner's and/or property owner's expense. If there are two or more users of a single tower or antenna, then this provision shall not become effective until all users cease using the tower or antenna.
- d. At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, city approval for the tower or antenna shall automatically expire.

C. Wind Energy Conservation Systems (WECS):

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a special use permit approval if the City Council, after recommendation by the Planning Commission, finds that the reduction is consistent with public health, safety, and welfare.
2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a special use permit approval if the City Council, after recommendation by the Planning Commission, finds that the reduction does not impede the operation of either WECS.
3. Any tower or rotor shall maintain a distance of at least 100 horizontal feet from any structure, power line, or antenna located on another property.
4. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
5. A fence eight feet high with a locking gate shall be placed around any WECS tower base, or the tower climbing apparatus shall begin no lower than 12 feet above ground.
6. The height of the WECS may exceed the height restrictions of the base district by up to 50 percent. The bottom tip of any rotor must be at least 10 feet above any area accessible to pedestrians.

6-8 Supplemental Use Regulations: Accessory Uses

- A. Home Occupations: Home occupations are permitted as an accessory use in residential units subject to the following conditions:
 1. External Effects: No noise, odors, bright lights, storage, or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.

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2. Employees: A home occupation may not employ individuals other than the residents of the dwelling unit.
 3. Service Traffic: Deliveries or service by commercial vehicles or trucks over ten tons licensed weight is prohibited.
 4. The home occupation shall be clearly incidental to or secondary to the residential use of the premises.
 5. There shall be no outside operation, storage, or display of materials or products.
 6. One sign advertising the business is allowed, attached to the residence. Such sign shall not exceed one square foot in total area. Freestanding signs are not permitted.
 7. Not more than one-half of the area of one floor level of the dwelling or accessory building shall be used for such business, including the storage of materials or products.
- B. Permitted Accessory Uses - Residential Uses: Residential uses may include the following accessory uses, activities, and structures on the same lot.
1. Private garages and parking for the residential use.
 2. Recreational activities and uses by residents.
 3. Home occupations, subject to Section 6-8A of these regulations.
 4. Residential convenience services for multiple-family uses or mobile home parks.
 5. Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous two-month period or four sales during any 12-month period.
- C. Permitted Accessory Uses - Civic Use Types: Guidance services and health care use types are permitted in the GI and HI zoning districts only as accessory uses to a primary industrial use.
- D. Permitted Accessory Uses - Other Use Types: Other use types may include the following accessory uses, activities, and structures on the same lot:
1. Parking for the principal use.
 2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided that such manufacturing is totally contained within the structure housing the principal use.
 3. Services operated for the sole benefit of employees of the principal use.
- E. Permitted Accessory Uses - Agricultural Use Types:
1. Garden centers and roadside stands, subject to the regulations set forth in Section 6-2B.
 2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

6-9 Supplemental Use Regulations: Outdoor Storage

Outdoor storage is prohibited in all zoning districts except the GI and HI zoning districts, except as provided in this section.

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- A. Agricultural Use Types: Outdoor storage is permitted only where incidental to agricultural uses.
- B. Civic Use Types: Outdoor storage is permitted only where incidental to maintenance facilities.
- C. Commercial Use Types:
 - 1. Outdoor storage is permitted only where incidental to agricultural sales and service; auto rentals and sales; construction sales; equipment sales and service; stables and kennels; and surplus sales.
 - 2. Outdoor storage is permitted where incidental to body repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Article 08. This provision shall apply to any body repair use established after the effective date of this ordinance.
- D. Industrial and Miscellaneous Use Types:
 - 1. Light Industry within the CB district zoning district may not include outdoor storage.
 - 2. Outdoor storage is permitted where it is incidental to light industry outside of the CB district, general industry, heavy industry, resource extraction, salvage services, warehousing, and construction yards. Any such outdoor storage is subject to screening requirements set forth in Section 08.
 - 3. Outdoor storage is permitted where incidental to landfills.

6-10 Supplemental Use Regulations: Temporary Uses

- A. Purpose: These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.
- B. Temporary Use Types: The following temporary uses are permitted, subject to the regulations contained within these sections:
 - 1. Model homes or apartments, if contained within the development to which they pertain.
 - 2. Development sales offices. Such offices may remain in place until 90 percent of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
 - 3. Public assemblies, displays, and exhibits.
 - 4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within a CB or more-intensive zoning district.
 - 5. Outdoor art shows and exhibits.
 - 6. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
 - 7. Construction site offices, if located on the construction site itself.
 - 8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month, and are located in commercial or industrial zoning districts.

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9. Construction batch plants, provided that:
 - a. No plant may be located within 600 feet of a developed residential use, park, or school.
 - b. The facility is located no more than one mile from its job site. The Building Official may extend this distance to two miles, if such extension avoids use of local streets by plant-related vehicles.
 - c. Hours of operation do not exceed 12 hours per day.
 - d. The duration of the plant's operation does not exceed 180 days
 10. Additional temporary uses that the Building Official determines to be similar to the previously described uses in this section.
- C. Required Conditions of All Temporary Uses:
1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
 2. The Building Official may establish other conditions which he/she deems necessary to ensure compatibility with surrounding land uses.
- D. Permit Application and Issuance:
1. An application to conduct a temporary use shall be made to the Building Official and shall include at a minimum a description of the proposed use, a diagram of its location, information regarding hours and duration of operation, and other information necessary to evaluate the application.
 2. The Building Official may authorize a temporary use only if he/she determines that:
 - a. The use will not impair the normal operation of a present or future permanent use on the site.
 - b. The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
 3. The duration of the permit shall be explicitly stated on the permit.
 4. Decisions of the Building Official may be appealed to the Board of Adjustment.