

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 Three 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. 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 Development Reserve 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 30-foot landscaped bufferyard, consistent with the standards established in Article 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.

6-3 Supplemental Use Regulations: Residential Uses

a. Zero-Lot Line Single-Family Detached Residential

Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

1. The side yard opposite to the zero yard must equal at least twice the normal required side yard.
2. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.
3. An easement for maintenance of the zero lot line facade is filed with the Douglas County Register of Deeds and the City Clerk at the time of application for a building permit.

b. Single-Family Attached

When permitted, the minimum side yard opposite the common wall shall be equal to twice the normal required side yard.

c. Townhouse Residential

Where permitted, townhouse residential is subject to the following regulations:

1. The site area per unit must be 5,000 square feet in the R-3 and R-4 Districts and 3,000 square feet in all other districts where permitted.
2. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved creative subdivision.
3. Coverage percentages are computed for the site of the entire townhouse common development.

d. Two-Family Residential

1. Two family residential is a permitted use in R-3, R-4, LO and TC Districts, and is allowed with a Special Use Permit in LC and GC Districts. When permitted, 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 right-of-way adjacent to the lot.

e. Mobile Home Residential

Mobile homes parks are permitted subject to the following regulations:

1. **Setbacks.** Within the mobile home park development, each mobile home shall have a 10 foot front setback. The minimum separation between mobile homes, including an attached accessory structure, shall be 15 feet provided that in no case shall there be a side or rear setback of less than 5 feet on any mobile home lot.
2. **Community facilities.** Each mobile home unit lot shall have access to a hard surfaced drive not less than 25 feet in width. All mobile home units shall be connected to a community water and disposal facilities. Fire hydrants with adequate water supply for fire protection shall be provided. There shall be 1.5 off-street hard surfaced parking spaces provided for each mobile home unit lot.
3. All mobile home units shall be tied down in a manner approved by the Building Official.
4. **Landscaping and Open Space.** Not less than 10 percent of the total mobile home park site shall be designated and used for park, playground and recreational purposes. All perimeter yards, park and open space areas shall be landscaped.
5. **Site Development Permit.** Each mobile home park development shall obtain a site development permit. The permit shall be issued upon approval by the City Council of a site development plan. The site development plan shall present information and maps regarding the development, including:
 - (a) Site map showing property lines, rights-of-way, utilities, easements, topography and all other existing conditions.
 - (b) Proposed development plan including but not limited to the layout and dimensions of mobile home unit lots; all utilities; drives; parking spaces; landscaping; drainage systems; community facilities and all other major improvements.

6-4 Supplemental Use Regulations: Civic Uses

a. Clubs

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

b. Group Care Facilities and Group Homes

Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.

6-5 Supplemental Use Regulations: Commercial Uses

a. Auto Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building.
2. Any spray painting must take place within structures designed for that purpose and approved by the State Fire Marshall or appropriate local government official.

b. Auto Washing Facilities

1. Each conveyor-operated auto washing facility shall provide 200 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.
3. Stacking spaces may not be located within a required front yard.

c. Automobile 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% of the gross floor area of the building.

d. Campgrounds

1. **Minimum Size:** Each campground established after the effective date of this title shall have a minimum size of one acre.
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.

e. Convenience Storage

When permitted in the LI, and GI and 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 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 Nine.

6-6 Supplemental Use Regulations: Industrial Uses

a. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

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 three to one.
 - (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.

b. Salvage Services

1. Screening: The perimeter of each facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be eight feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
2. 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, and 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 Ralston. 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 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 twelve months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the Douglas County Health Department and the State of Nebraska's Department of Environmental Quality.
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 Ralston and its extra-territorial jurisdiction.

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. The activity must be secondary to the residential use of the dwelling unit.

2. A home occupation may employ one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available, and used by that non-resident employee.
3. No commodity, merchandise or material may be received, exchanged, manufactured, or stored on the premises except that which is clearly incidental to the service provided. No external storage is permitted.
4. No equipment or process shall be used in such activity, which creates noise, vibration, glare, fumes, odors, bright lights, electrical interference or other external effects attributed to the home occupation and noticeable beyond the dwelling unit from any adjacent property or public right of way.
5. Deliveries or service by commercial vehicles or trucks over 10 tons is prohibited.
6. A home occupation may not include on-premise signs, display, purchase or sale of commodities, except as provided herein.
7. No residential structure shall be used for a home occupation unless it is in conformance with these regulations and has received a permit. An application for a permit for a home occupation shall be submitted to the City Clerk, who shall review application to ensure that all requirements have been met. The City Clerk may issue the permit if all requirements have been met. In the event that the application does not clearly meet requirements, the City Clerk shall place the application on the next regularly scheduled City Council agenda for final determination of the approval or denial of the permit. Upon issuance, the permit shall be valid for a period of 1 year from the date of issue. The City Council shall establish by resolution the fee for the issuance of a permit for a home occupation.

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 6-8 (a) of these regulations.
4. Residential convenience services for multi-family uses or mobile home parks.
5. Garage sales, provided that items offered for sale are residential items, and that the sale operate no more than four (4) days in any ninety (90) day period.

6. No accessory structure may exceed the greater of 600 square feet or 25% of the footprint of the primary residential structure. The maximum height of such accessory structure shall not exceed one-half the permitted maximum height for the zoning district.

c. 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.

d. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands.
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 General Industrial and LI Limited Industrial zoning districts, except as provided in this section.

a. Agricultural Use Types

Outdoor storage is permitted where incidental to agricultural uses.

b. Civic Use Types

Outdoor storage is permitted where incidental to Maintenance Facilities.

c. Commercial Use Types

1. Outdoor storage is permitted 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.

d. Industrial and Miscellaneous Use Types

1. Light Industry within the TC Town Center zoning district may not include outdoor storage.
2. Outdoor storage is permitted where it is incidental to Limited Industry outside of the TC Town Center zoning district. Any such outdoor storage is subject to screening requirements set forth in Article Nine.
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% of the lots or units within the development are sold.
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 TC 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.

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 three 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.
 - (c) The duration of the permit shall be explicitly stated on the permit.
3. Decisions of the Building Official may be appealed to the Board of Adjustment.