

ARTICLE XXXIII. Supplemental Use Regulations

§ 205-198. 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 this Ordinance.

§ 205-199. 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 use 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 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 and must be operated by the owner or operator of the primary agricultural use on the site.
- (c) Any garden center adjacent to a residential district must maintain a twenty-foot landscaped bufferyard, consistent with the standards established in § 205-227.
- (d) A garden center may be permitted in the AG Agricultural District only by issuance of a Special Use Permit.

(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 or street side 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.
- (d) All roadside stands require issuance of a solicitor's permit from the City Clerk per the Peddling and Soliciting section of Chapter 146 of the Papillion City Code. The permit shall specify the duration of operation and any other conditions placed upon the stand.

B. Animal production in the RE District.

- (1) Breeding and raising of small animals and fowl, such as birds, rabbits, chinchilla and hamsters, is permitted in the RE 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.
- (2) Within the RE District, any lot of one acre and over may maintain one horse, llama or other equine and/or hoofed animal and its immature offspring. Such a lot may have one additional animal for each additional two acres of lot area, up to a maximum total of three animals. No stable shall be located closer than 50 feet to any dwelling unit.

C. Commercial feedlots. No new commercial feedlots or confined animal feeding operations (CAFO's) shall be established within the zoning jurisdiction of the City of Papillion.

§ 205-200. Residential uses.

A. Single-family attached. When permitted, the minimum side yard opposite the common wall shall be equal to the normal required side yard. [Amended 5-4-1999 by Ord. No. 1286]

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

- (1) The site area per unit must be 5,000 square feet or 3,000 square feet if an attached unit.
- (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.

C. 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 10 feet in width, leading from a public street adjacent to the lot.

D. Downtown and group residential in CBD District. Downtown and group residential uses are permitted in the CBD 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 use permit by the City Council with the recommendation of the Planning Commission.

§ 205-201. 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. Day care. Day-care facilities are permitted by special use permit in the GI General Industrial Zoning District only if incidental to a permitted primary use.
- C. 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 CBD Central Business 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 use permit by the City Council with the recommendation of the Planning Commission.

§ 205-202. 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. 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 XXXV of this chapter.
 - (2) Any spray painting must take place within structures designed for that purpose and approved by the Chief Building Official prior to issuance of a building permit.
- 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 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. Bed-and-breakfasts. Bed-and-breakfasts permitted in the CBD 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 chapter shall have a minimum size of one acre.
 - (2) Setbacks. All campgrounds shall maintain a fifty-foot front yard setback and a twenty-five-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, alternately, 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, GC, LI, and GI 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 XXXV.
- G. Restaurants. Restaurants in the LC District that include the accessory on- or off-site sale of alcoholic beverages require approval of a special use permit following the process set forth in § 205-278.
- H. Restricted (or Sexually Oriented) Businesses. The location of Restricted (or Sexually Oriented) Businesses are subject to the following restrictions:
- (1) No person shall operate or cause to operate a Sexually Oriented Business within 2,500 feet of a church, a public or private elementary or secondary school, a boundary of a residential or historic district as defined by the City Code, a park, a property line of a lot devoted to a residential use as defined in this chapter, or a hospital.

- (2) No person shall cause or permit the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 2,500 feet of another sexually oriented business.
- (3) No person shall cause or permit the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
- (4) For the purposes of Subsection (1), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, or hospital or to the nearest boundary of an affected public park, residential district, historic district or residential lot.
- (5) For purposes of Subsection (2) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- (6) No person shall operate or cause to operate a Sexually Oriented Business without conforming to all requirements of Chapter 126 of the Papillion City Code titled Sexually Oriented Businesses.

I. Retail services. Outdoor display and sales are permitted on a periodic and/or seasonal basis in the CC or GC districts, subject to the following requirements:

- (1) Site plan review and approval by the Planning Director following the procedure set forth by Section 205-277. The site plan review application shall state the period of operation, operating hours, nature and location of the outdoor sales activity, location and design of the enclosure in which the sales activity takes place, and other operating details. The Planning Director shall evaluate the site plan review application based on the consistency of the outdoor display and sales activity for compatibility with the overall site development and the surrounding neighborhood.
- (2) No outdoor storage other than that required by the outdoor display and sales activity is permitted for commercial uses. Outdoor storage related to the specific sales activity must be contained within the area identified by the permit application.

§ 205-203. 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 runoff 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% 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. Alternately, 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 Papio-Missouri River Natural 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 10 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 chapter.
- (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.

§ 205-204. Performance standards for industrial uses.

- A. Industrial uses in the LI District: performance standards. The following performance standards apply to all industrial uses permitted within an LI Limited Industrial Zoning District:

- (1) Physical appearance. All operations, including storage of material and machinery, shall be carried on within an enclosed building. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.
- (2) Fire hazard. No operation shall involve the use of highly flammable gases, acid, liquids or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of Sarpy County.
- (3) Maximum permitted sound levels adjacent to residential zoning districts. No operation in the LI District shall generate sound levels in excess of those specified in Section 205-205 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency or shrillness.
- (4) Sewage and wastes. No operation shall discharge into a sewer, drainageway or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation or corrosive to sewer pipes and installations.
- (5) Air contaminants.
 - (a) Air contaminants and smoke shall be less dark than the designated No. 1 on the Ringlemann Smoke Chart published by the United States Bureau of Mines, except that smoke of the density of No. 1 shall be permitted no more than four minutes of any thirty-minute period.
 - (b) Except as follows, particulate matter shall not be emitted from its point of origin in excess of 0.2 grain per cubic foot as corrected to a temperature of 500° F. Emissions are permitted equal to or less than 0.6 grains per cubic foot for no more than four minutes of any thirty-minute period.
 - (c) No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of people or to the public in general; or to endanger the health, comfort or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation or property.
- (6) Odor. The emission of odors determined by the Planning Commission to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.
- (7) Gases. No release of noxious or poisonous gases shall be permitted except as provided in this section. Measurements of sulfur dioxide, hydrogen sulfide or carbon monoxide shall not exceed five parts per million taken at the property line of the operation.
- (8) Vibration. All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation which exceeds a displacement of 0.003 inch.

- (9) Glare and heat. All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than 5° F. above the ambient air temperature.
- (10) Storage of chemical products. If allowed by special user permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed 150,000 gallons when stored on one lot less than one acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any residential, office or commercial zoning district.

B. Industrial uses in the GI District: performance standards. The following performance standards apply to all industrial uses permitted within a GI General Industrial Zoning District:

- (1) Physical appearance. Salvage services and similar uses and operations shall be screened from view from both streets and adjacent properties as provided by § 205-203B and 205-228.
- (2) Fire hazard. All flammable substances involved in any activity established in the district shall be handled in conformance with the latest edition of the Fire Prevention Code published by the American Insurance Association; and other appropriate federal, state and city statutes.
- (3) Maximum permitted sound levels adjacent to residential zoning districts. No operation in the GI District shall generate sound levels in excess of those specified in § 205-205 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat, frequency or shrillness.
- (4) Sewage and wastes. No operation shall discharge into a sewer, drainageway or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation or corrosive to sewer pipes and installations.
- (5) Air contaminants.
 - (a) Air contaminants and smoke shall be less dark than the designated No. 1 on the Ringlemann Smoke Chart published by the United States Bureau of Mines, except that smoke of the density of No. 2 shall be permitted no more than 10 minutes of any thirty-minute period.
 - (b) Except as follows, particulate matter shall not be emitted from its point of origin in excess of 0.2 grain per cubic foot as corrected to a temperature of 500° F. Emissions are permitted equal to or less than 0.6 grains per cubic foot for no more than four minutes of any thirty-minute period.
 - (c) No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of people

or to the public in general; or to endanger the health, comfort or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation or property.

- (6) Odor. Odor-causing operations shall be controlled so as to minimize the escape of odors within the limits of technology and economic feasibility.
- (7) Gases. No release of noxious or poisonous gases shall be permitted except as provided in this section. Measurements of sulfur dioxide, hydrogen sulfide or nitrous fumes shall not exceed five parts per million; and carbon monoxide shall not exceed 25 parts per million, with measurements taken at the property line of the operation.
- (8) Vibration. All machines shall be mounted to minimize vibration. No vibration shall be permitted which interferes with neighboring industrial operations.
- (9) Storage of chemical products. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any residential, office or commercial zoning district.

§ 205-205. Maximum permitted sound levels adjacent to residential districts.

The table contained in this section displays the maximum permitted sound levels that may be generated by uses in the CC, GC, LI or GI Zoning Districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Maximum Permitted Sound Levels Adjacent to Residential Districts

Originating Zoning District	Time	Maximum One-Hour Leq* (dbA)
CC, GC, LI	7:00 a.m. to 10:00 p.m.	60
	10:00 p.m. to 7:00 a.m.	55
GI	7:00 a.m. to 10:00 p.m.	65
	10:00 p.m. to 7:00 a.m.	55

*NOTE: Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

§ 205-206. Outdoor Lighting.

A. Purpose.

This section is intended to restrict or control the use of outdoor lighting devices and techniques which contribute to overall environmental glare, light trespass, public safety, and light pollution, affect the quality of the outdoor nighttime environment, and have a detrimental effect on astronomical observations.

B. Alternative Materials.

This section is not intended to prevent the use of materials or techniques not specifically mentioned in this section, provided that such alternative is approved by the Planning Director or the Public Works Director along public rights-of-way.

C. Lighting Terms.

1. Outdoor Light Fixtures shall mean outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include but not be limited to search, spot, or flood lights for buildings and structures, recreational areas, parking lots, landscape lighting, signs, street lighting, and display and service areas.
2. Installed shall mean the initial installation of outdoor light fixtures following the effective date of this section, but shall not apply to outdoor light fixtures installed before that date.
3. Fully Shielded shall mean fixtures that are shielded or designed in such a manner that light emitted by the fixture, either directly by the lamp or indirectly by the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
4. Filtering shall mean that light emitted by the lamp passes through a glass, acrylic, or translucent enclosure. Quartz glass does not meet the requirement of filtering.

D. Requirements for Shielding and Filtering.

Requirements for shielding and filtering of light sources are set forth in Table 205-206.

Table 205-206
Shielding and Filtering Requirements for Light Sources

Fixture Lamp Type	Shielded	Filtered
Low Pressure Sodium	Fully	None
High Pressure Sodium	Fully	None
Metal Halide (Note 1)	Fully	Yes (Note 3)
Fluorescent	Fully (Note 4)	Yes (Note 5)
Quartz (Note 2)	Fully	None
Incandescent greater than 100W	Fully	None
Incandescent 100W or less	None	None
Mercury Vapor	Prohibited	Prohibited
Fossil Fuel	None	None
Glass Tubes filled with Inert Gases	None	None
Other Sources	By approval of Planning Director and Public Works Director	By approval of Planning Director and Public Works Director

Notes to Table 205-206

Note 1: Should be in enclosed luminaries.

Note 2: Not considered an incandescent light source.

Note 3: Most glass, acrylic, or translucent enclosures meet filtering requirements

Note 4: Outdoor signs constructed of translucent materials with internal lighting do not require shielding.

Note 5: Warm white natural lamps are recommended.

E. Exemptions.

The following installations are exempt from the provisions of this section.

1. Nonconforming fixtures, provided that any change in use, replacement, structural alteration, or restoration shall be made in conformance to this section.
2. Fossil fuel lighting, such as fixtures using natural gas combustion as a light source.
3. Ornamental or thematic lighting in the CBD District, or in an MU or PUD district if specifically approved by the Planning Director. The maximum height of any such ornamental light shall be 16 feet.
4. Construction or emergency lighting, provided that such lighting is removed on completion of the construction project or emergency.
5. Temporary event lighting such as searchlights, subject to issuance of a temporary permit by the Chief Building Official for a specific duration of time.
6. Exemptions granted by the Planning Director and Public Works Director for special conditions, upon issuing a written finding that conditions exist that make conforming fixtures inadequate to the specific task.

F. Inclusion in Permit Applications.

Lighting plans shall be submitted as part of building, electrical, or sign permits and shall be reviewed as part of the normal review process for such permits.

§ 205-207. 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 drainageways within the jurisdiction of the City of Papillion. 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 nonputrescible 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 1/4 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 Papillion and its extra-territorial jurisdiction.

§ 205-208. Accessory uses.

A. Home-based businesses/home occupations. Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

- (1) External effects.
 - (a) There shall be no change in the exterior appearance of the building or premises housing the home occupation.
 - (b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.

- (c) The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory structure approved by the city in accordance with these zoning regulations. All external effects criteria in Subsection A(1)(a), (b), (d), (e), (f) and (g) of this section are applicable for the detached accessory structure. Signage is not allowed upon the detached accessory structure.
 - (d) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
 - (e) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited. Open trailers under twenty feet in length must have contents covered overnight.
 - (f) Overnight parking of more than two motor vehicles or trailers used by the owner to conduct the home occupation is prohibited. For example, the combination of one truck and one trailer would equal the maximum permitted number of vehicles permitted to park overnight.
 - (g) No home occupation shall discharge into any sewer, drainageway or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation or corrosive to sewer pipes and installations.
- (2) Employees. The home occupation shall employ no more than one full-time or part-time employee on site other than the residents of the dwelling unit, provided that one off-street parking space in addition to those otherwise required by the residential use is made available and used by that nonresident employee.
- (3) Extent of use. For all residential and agricultural zoning districts, a maximum percent floor area of 30% of the dwelling may be devoted to the home occupation, inclusive of any detached accessory structures used for the home occupation.
- (4) Signage. Signage designating the home occupation is considered a residential sign for the purpose of this ordinance. Within residential zoning districts, one sign with a maximum of two square feet is permitted to identify the home occupation.
- (5) Traffic generation.
- (a) Home-based businesses may generate no more than 20 vehicle trips per day, or approximately twice the average trip generation of a housing unit according to the Institute of Transportation Engineers. Peak-hour traffic generation may not exceed 10 vehicle trips. Pick-ups or deliveries involving trucks, trailers or commercial vehicles shall not exceed ten individual trips daily.
 - (b) Deliveries or service by commercial vehicles or trucks over 10 tons gross empty weight is prohibited for any home-based business located on a local street.

(6) Prohibited home-based businesses/home occupations.

(a) Beauty and barber shops. Beauty and barber shops may be allowed in the AG, R-2, R-3 and R-4 Zoning Districts with a special use permit. They are not permitted in any other district as a home occupation.

(b) Welding; vehicle body repair; or rebuilding or dismantling of vehicles are not permitted as home-based businesses.

B. Permitted accessory uses: residential uses. Residential uses may include the following accessory uses, activities and structures on the same lot: [Amended 12-2-2003 by Ord. No. 1422]

(1) Private garages and parking for the residential use.

(2) Recreational activities and uses by residents.

(3) Home occupations, subject to § 205-208A of these regulations.

(4) Residential convenience services for multifamily 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 twelve-month period.

(6) Secondary residence in an accessory structure, such as a caretaker's residences, guest home, granny flat, or hired hand quarters with the issuance of a special use permit.

(7) Licensed catteries, subject to the provisions of Chapter 85 of the Papillion Municipal Code.

C. Permitted accessory uses: civic use types. Guidance services and health-care use types are permitted in the GI General Industrial Zoning District 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. Uses shall be as follows:

- (1) Horticulture and roadside stands, subject to the regulations set forth in § 205-199 and garden centers subject to issuance of a Special Use Permit.
- (2) Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

§ 205-209. Outdoor storage outside of the GI District.

Outdoor storage is prohibited in all zoning districts other than the GI General Industrial Zoning District, except as provided in this section.

- 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 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 auto services, equipment repair and body repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in § 205-228. This provision shall apply to any auto services, equipment repair or body repair use established after the effective date of this chapter.

D. Industrial and miscellaneous use types.

- (1) Light industry within the CBD Central Business Zoning District may not include outdoor storage.
- (2) Outdoor storage is permitted where it is incidental to light industry outside of the CBD Central Business 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 Article XXXV.
- (3) Outdoor storage is permitted where incidental to landfills.

§ 205-210. Temporary uses.

- A. Purpose. These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of this chapter 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 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 nonprofit organization or are located within a CBD 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 Planning Director 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 Planning Director determines to be similar to the previously described uses in this section, subject to approval of a temporary use permit and payment of the required permit fee.

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 Planning Director 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 Planning Director 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 Planning Director 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) The denial of a Temporary Use Permit application by the Planning Director may be appealed through the special use permit application process. A denied applicant may make application for a temporary use permit by making a formal application for a special use permit.

§ 205-211. Wireless towers.

A. Exemptions shall be as follows:

- (1) Existing towers and antenna and any repair, maintenance of the same.
- (2) Ham radio towers, citizen band transmitters and antennas.
- (3) Microwave dishes for home or business use of less than one meter in diameter.

B. General provisions.

- (1) Operators shall supply a letter, which shall be available for public review, certifying that:
 - (a) The CMRS facility complies with the current FCC regulations prohibiting localized interference with reception of television and radio broadcasts; and
 - (b) The CMRS facility complies with the current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields.
- (2) By adopting this section, the city is not attempting to regulate radio frequency power densities or electromagnetic fields, which regulation is controlled by the FCC.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

ANTENNA -- A device commonly in the form of a metal rod, panel or dish, for transmitting or receiving electromagnetic radiation.

CAMOUFLAGED TELECOMMUNICATIONS FACILITY -- A freestanding structure where telecommunications antennas and associated equipment can be incorporated into the structure's design. These facilities uniquely disguise a wireless facility and include but are not limited to imitation trees, windmills, gazebos and the like.

CMRS TELECOMMUNICATIONS EQUIPMENT SHELTER -- An unattended structure such as a small building or cabinet(s) used to house equipment for a CMRS telecommunications facility associated with either a freestanding CMRS telecommunication facility or a structure or building mounted CMRS telecommunications facility.

CMRS TELECOMMUNICATIONS PROVIDER -- A public or private company providing any type of CMRS wireless service under an FCC license.

COLLOCATION -- The placement of two or more antenna systems or platforms by separate FCC license holders (CMRS provides) in or on a support structure or building.

COMMERCIAL MOBILE RADIO SERVICES (CMRS) TELECOMMUNICATIONS FACILITY -- Any use of property for antennas, equipment and equipment shelter(s) or cabinets employed in the reception, switching and/or transmission of wireless telecommunications services, including but not limited to paging, enhanced specialized mobile radio, personal communication services, microwave link antenna, cellular telephone and other related technologies.

FREESTANDING CMRS TELECOMMUNICATIONS FACILITY -- A facility that consists of a stand-alone support structure as a lattice tower or monopole, antenna(s) and associated equipment storage shelter(s).

MICROWAVE LINK ANTENNA -- A dish-type antenna which emits microwave signals, except for receivers otherwise regulated in this chapter.

PANEL ANTENNA -- Any antenna with both a vertical and horizontal plane designed to receive, transmit, direct or aim CMRS telecommunications signals. Panel antennas are commonly mounted in an array to a building or other support structure for the transmission or reception of wireless communications signals. (Also known as "directional antenna.")

STRUCTURE OR BUILDING MOUNTED CMRS TELECOMMUNICATIONS FACILITY -- Any CMRS facility, antenna or equipment attached to or mounted upon any existing structure, public utility facility or building roof or wall. Structure or building mounted CMRS telecommunication facilities do not include freestanding CMRS telecommunication facilities as defined by this section. All structure or building mounted CMRS telecommunication facilities shall be deemed an accessory use of the property to which the facility is attached or mounted.

WHIP ANTENNA -- Any antenna cylindrical in shape and of a nominal diameter that emits signals in a three-hundred-sixty-degree horizontal plane for the transmission or reception of wireless communications signals. (Also known as "omnidirectional antenna.")

D. CMRS facility types and design criteria.

- (1) Design and performance criteria for all CMRS telecommunication sites. All CMRS telecommunication sites are subject to a design review process. The review process varies according to the type of facility proposed and the zone district in which the facility is located. The purpose of design review for CMRS telecommunications sites is to ensure that the necessary antennas, support structures and equipment shelters are sited and screened in a way that minimizes visual and physical impacts on the surrounding area. The following design criteria and requirements shall apply to all CMRS telecommunication antennas, support structures and equipment shelters where appropriate.
 - (a) All CMRS telecommunication antennas, support structures and equipment shelters shall be designed to be compatible with surrounding buildings and existing or planned uses in the area. This may be accomplished through the use of compatible architectural elements such as color, texture, scale and character.
 - (b) Siting and installing of CMRS telecommunication antennas, support structures and equipment shelters shall complement the existing character of the topography and vegetation of a site.
 - (c) All CMRS antennas and equipment should be no taller than necessary for the efficient operation of the CMRS antennas and equipment.
 - (d) Applicants shall provide a brief narrative that demonstrates that the CMRS telecommunications site is a necessary component of the applicant's overall communications network and communication plan for the community.
 - (e) All CMRS telecommunication antennas, support structures and equipment shelters shall be sited, designed, colored and/or screened to minimize the visibility of such equipment from surrounding properties, public streets and neighborhoods.
 - (f) To minimize the number of CMRS sites in the community, support structures and existing buildings selected for siting should also accommodate collocation of additional CMRS providers.
 - (g) In its initial application, the applicant must set out, in writing, with supporting documents why the proposed facility cannot collocate with an existing facility.
- (2) Design and performance standards for existing structure, building or public utility facility mounted CMRS telecommunications facilities. All structure or building mounted CMRS antennas and equipment shall be designed and constructed to blend with and/or enhance the architectural characteristics of the accompanying building, structure or public utility facility.

(a) Panel antennas standards.

- [1] Panel antennas shall not protrude horizontally more than 2½ feet from the building wall and shall be painted or treated to match the building or structure to which the panel is attached.
- [2] Panel antennas attached to the side of a building shall not exceed the height of the parapet or the roofline, whichever is greater.
- [3] Panel antennas mounted on an existing penthouse or existing rooftop mounted service equipment for the building shall not exceed the height of the penthouse or service equipment to which the antennas are attached.
- [4] Panel antennas may be mounted in a freestanding sled or rack-mounted fashion on the top of a building when the antenna assembly is screened and the screening of the antennas and equipment will be architecturally compatible with the building. The construction of artificial penthouses or artificial service equipment on a roof for the purpose of attaching CMRS telecommunication facilities is allowed.
- [5] Panel antenna may exceed the maximum height limitation for the zone district in which the panel is located by seven feet.

(b) Whip antennas standards.

- [1] Single whip antennas shall not extend more than 15 feet above the existing structure, building or public utility facility height.
- [2] Whip antenna may exceed the maximum height limitation for the zone district in which the antenna is located by 15 feet.

(c) Microwave antenna standards. Microwave antenna shall adhere to the same standards as panel antenna with the following exceptions:

- [1] Microwave antenna may extend no more than four feet from a building wall or structure side.
- [2] Microwave antenna may not exceed four feet in diameter.

E. Collocation. The city encourages collocation of CMRS facilities when feasible to minimize the number of CMRS facility sites. To further the objective of collocation:

- (1) No CMRS facility owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. The owner or operator shall provide evidence and a written statement to explain why collocation is not possible at a particular facility or site.

(2) Design and performances standards for freestanding CMRS telecommunication facilities. The following design and performance standards shall apply to all freestanding CMRS telecommunication facilities:

- (a) The height of any freestanding CMRS communication support structure shall conform to the height limit of the zone district in which the facility is located unless a height exception is granted by permit. Panel antenna may exceed the height limit by five feet, whip antenna by 15 feet and microwave antenna by zero feet.
- (b) The support structure base and equipment shelters or cabinets shall be screened from public view by landscaping and fencing as required by existing building and zoning ordinances and regulations.
- (c) Support structures shall be colored to blend with the surrounding environment and land use.
- (d) To foster collocation, all freestanding CMRS telecommunication facilities shall be designed and constructed to permit the facility to accommodate the attachment of at least two CMRS telecommunication providers on the same freestanding facility.

(3) Design and performance criteria for camouflaged CMRS facilities.

- (a) All such facilities must meet the performance criteria (setbacks, etc.) of the zone district in which it is located.
- (b) The design of the facility needs to match or be compatible with adjacent structures, buildings or natural environment.
- (c) Antenna and equipment shelters must be incorporated into the antenna support structure which camouflages the facility. Equipment shelters may be placed underground as part of a camouflaged site.

(4) Design and performance standards for CMRS telecommunication equipment shelters.

(a) Equipment shelters or cabinets associated with existing structure or building mounted CMRS antenna and located external to these structures or buildings:

[1] When located immediately adjacent to the exterior of an existing equipment or elevator penthouse, the shelter needs to be visually incorporated into the penthouse structure by the use of screening of similar style and color to the penthouse.

[2] If no penthouse exists, consideration may be given to the creation of a penthouse, or a screen which is deemed architecturally compatible with the associated building.

[3] When located on the ground next to an existing structure or building, the shelter shall be of similar materials as the principal structure or building and landscaped and/or fenced.

(b) Equipment shelters associated with freestanding CMRS antennas shall meet the following requirements:

[1] The buildings, shelters, cabinets and other components shall be grouped as closely as technically possible;

[2] Total footprint coverage area of the applicant's accessory equipment shall not exceed 450 square feet per provider;

[3] No structure shall exceed 15 feet in height;

[4] Design, materials and colors of all structures shall be compatible with structures and vegetation on the same parcel and adjacent parcels and shall not reduce the parking requirement and landscaped area requirements for other principal uses on the parcel; and

[5] The perimeter area of the equipment shelter and any fence enclosure shall be landscaped where required pursuant to existing zoning and building regulations.

F. Collocation. The city encourages collocation of CMRS facilities when feasible to minimize the number of CMRS facility sites. To further the objective of collocation:

(1) No CMRS facility owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the city, the owner or operator shall provide evidence and a written statement to explain why collocation is not possible at a particular facility or site; and

(2) If a telecommunications competitor attempts to collocate a CMRS facility on an existing or approved CMRS facility or location and the parties cannot reach an agreement, the city may require a third-party technical study to be completed at the expense of both parties to determine the feasibility of collocation.

(3) Where collocation is proposed to a proposed freestanding collocating CMRS facility, an existing freestanding CMRS facility or other freestanding tower facility, an additional 15 feet of support structure height may be granted.

G. Abandonment. CMRS facilities will be considered abandoned if they are unused by all providers at the facility for a period of 12 months. Determination of abandonment shall be made by the administrator, who shall have the right to request documentation from the facility owner and/or CMRS provider regarding tower or antenna usage. Upon abandonment, the facility owner or property owner shall have 120 days to:

(1) Reuse the facility or transfer the facility to another CMRS provider who will reuse it; or

(2) Dismantle the facility. If the facility is not removed within 120 days of abandonment, the city may remove the facility at the facility and/or property owners' expense.

- (3) If the facility is removed, city approval of the facility will expire. If the city cannot recover expenses directly from the facility and/or property owner, the city will file a lien against the policy to recover the removal expenses.
- (4) Extensions of no more than six months in duration of the abandonment grace period may be granted upon written request of the CMRS provider. Such requests must be received one month in advance of expiration of the abandonment grace period.

H. Application requirements shall be as follows:

- (1) A site plan showing the location and legal description of the site; on-site land uses and zoning; adjacent roadways; parking and access; areas of vegetation and landscaping to be added; setbacks from property lines; and the location of the facility, including all related improvements and equipment.
- (2) A vicinity map showing adjacent properties, land uses, zoning and roadways within one mile of a proposed CMRS site.
- (3) Elevation drawings of the proposed facility showing all antennas, towers, structures, existing building walls and/or roofs on which antennas are mounted, equipment buildings and cabinets, fencing, screening, lighting and other improvements related to the facility showing specific materials, placement and colors.
- (4) A narrative report describing the facility and the technical, economic and other reasons for its design and location, the need for the facility and its role in the network, and describing the capacity of the structure, including the number and type of antennas it can accommodate.
- (5) A letter of intent to allow collocation on the antenna support structure.
- (6) A letter of intent to remove the facility at the expense of the facility and/or property owner if it is abandoned.
- (7) Any other relevant information requested.

I. Application process. The application shall be processed as a special use permit request pursuant to this chapter.

J. Enforcement. This section shall be enforced in accordance with the provisions of Article XXXIX, §§ 205-287 and 205-288 of this chapter, or the City of Papillion may exercise its rights to seek legal or equitable remedies as provided by law.

§ 205-212. (Reserved)

§ 205-213. (Reserved)