

**DOUGLAS COUNTY
PLANNING COMMISSION
MEETING
March 9, 2005 6:00 P.M.
3015 MENKE CIRCLE
OMAHA, NEBRASKA 68134
PRELIMINARY AGENDA**

1. Call meeting to order and take roll call.
2. Approval of minutes from February 9, 2005 Planning Commission meeting.

3. PUBLIC HEARINGS

APPLICATION C-3-05

REQUEST: Conditional Use Permit, Other uses that are consistent with the character of Agricultural Farming-1, Venice View Acres, Lot 1-1.86 acres.

LEGAL: Part of SE ¼ SW ¼ of Section 30, Township 15 N, Range 10 E of the 6th P.M.

LOCATION: West of 264th Street on West Center Road, north side.

APPLICANT: Gary Backman, 431 County Road M, Yutan, NE 68073

APPLICATION P-4-05

REQUEST: Approval of revised preliminary plat, Gardiner Acres, 33.95 acres, 5 lots approximately 6.0 to 6.5 acres in size, zoning to remain AF-1

LEGAL: Part of NE ¼ of NW ¼ of Section 13, Township 16 N, Range 10 E.

LOCATION: 211th and Bennington Road

APPLICANT: MRP, Inc. (c/o Lil Smith), 414 North Molley, Bennington, NE 68007
(Donald Gardiner, representative)

APPLICATION G-5-05

REQUEST: Amendments to Douglas County Zoning Regulations (Specific proposed amendment language is available at 3015 Menke Circle.)

- ◆ Addition of Building Coverage language for the following sections:
Section 7, Agricultural Farming – 1 (AF-1), Section 8, Agricultural Farming – 2 (AF-2), Section 9, Single Family – 1 (SF-1), Section 10, Single Family – 2 (SF-2), Section 11, Single Family - 3 (SF-3), Section 12, Single Family - 4 (SF-4), Section 13, Multiple Family (MF), Section 14, General Commercial (GC), Section 15, Highway Commercial (HC), Section 16, Industrial (M1), Section 17, Industrial M2)
- ◆ Language changing requirements for building permits for accessory buildings and deleting size requirements: Section 24. Administration and Enforcement, B. Building Permit Required, E. Accessory Buildings

APPLICANT: Douglas County Environmental Services

4. Discussion
Comprehensive Plan Committee
Subdivision Regulations
Cell tower regulations-draft
Check list for pre-application meetings
5. Announcements

PROPOSED REGULATION CHANGES FOR JANUARY 12, 2005 NEW LANGUAGE IN BOLD

SECTION 24 ADMINISTRATION AND ENFORCEMENT

B. Building Permit Required.

It shall be unlawful to commence or do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure or to use or occupy or permit the use or occupancy of any building, land or premises, or construction or connection of water or sewer facilities or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a building permit shall have been issued therefore by the Building Inspector stating that the proposed use of the building or land conforms to this regulation.

~~Notwithstanding any provisions contained herein, farm building and structures, except farm dwellings are exempt from the requirements of applying for and receiving building permits provided such buildings and structures must conform to all applicable provisions of this regulation.~~

The Building Inspector may issue a temporary building permit for uses in any district for the purpose of uses and buildings incidental and required in the construction of a principal permitted use in the district in which it is located and highway construction, provided that such use be of a temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than six months subject to conditions as will safeguard the public health, safety and general welfare.

DELETE SECTION 18 E.

~~E. Accessory Buildings (original replaced with following on 8-24-93).~~

- ~~1. Residential Accessory Buildings must be located in rear yard (1-12-05)~~
 - ~~2. Detached accessory buildings shall conform to all yard setback requirements except it may be located not less than five feet from the rear property line.~~
 - ~~3. Detached accessory buildings shall not occupy more than 35 percent of the required rear yard.~~
 - ~~4. No accessory building shall be constructed upon a lot until construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is being used.~~
 - ~~5. Accessory buildings shall not be used for human habitation or occupancy.~~
5. Residential Accessory Building Size (adopted 5-18-2004)

Lot Size	Maximum Building Size
Less than 10, 890 sq. ft. (1/4 acre)	1000 square feet
10,891 sq. ft to 21,780 sq. ft. (1/2 acre)	1800 square feet
21,781 sq. ft. (1/2 acre) to 1.99 acres	2600 square feet
2.0 acres to 4.99 acres	4500 square feet
5.0 acres to 9.99 acres	5600 square feet
10.00 acres to 19.99 acres	8700 square feet
20.00 acres or more	16,000 square feet

~~The size of the residential lot will determine the required size of the residential accessory building.~~

SECTION 7. AGRICULTURE - FARMING 1 (AF-1)

D. Height and Lot Requirements.

The height and minimum lot requirements shall be as follows, except as provided in Section 18.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Dwelling	2 acres	75'	50'	15'	35'	2 1/2 Stories or 35'
Building Coverage**	10%**					
Seasonal Dwelling	10,000 sq. ft.	50'	35'	10'	25'	2 1/2 Stories or 35'
Building Coverage**	30%**					
Other Permitted Uses	20 acres	100'	50'	25'	30'	3 Stories or 45'
Building Coverage**	5%**					

6. **Residential Accessory Buildings must be located in rear yard.**
7. Detached accessory buildings shall conform to all yard setback requirements except it may be located not less than five feet from the rear property line.
8. No accessory building shall be constructed upon a lot until construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is being used.
9. Accessory buildings shall not be used for human habitation or occupancy.

SECTION 8. AGRICULTURE-FARMING 2 (AF2).

The height and minimum lot requirements shall be as follows except as provided in Section 18.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Dwelling	2 acres	100'	50'	15'	35'	2 1/2 Stories or 35'
Building Coverage**	10%**					
Other Permitted Uses	4 acres	100'	50'	25'	35'	3 Stories or 45'
Building Coverage**	7.5%**					

1. **Residential Accessory Buildings must be located in rear yard.**
2. Detached accessory buildings shall conform to all yard setback requirements except it may be located not less than five feet from the rear property line.
3. No accessory building shall be constructed upon a lot until construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is being used.
4. Accessory buildings shall not be used for human habitation or occupancy.

SECTION 9. SINGLE FAMILY 1 (SF1) DISTRICT.

C. Height and Lot Requirements.

The height and minimum lot requirements shall be as follows except as provided in Section 18.

1.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Dwelling	20,000 sq. ft.	100'	40'	10'	35'	2 1/2 Stories or 35'
Accessory Buildings*	20,000 sq. ft.	75'	40'	10'	10'	2 1/2 Stories or 35'
Building Coverage**	25%**					
Other Permitted Uses	1 acre	100'	50'	25'	35'	3 Stories or 45'
Building Coverage**	20%					

*Adopted February 4, 2003

1. **Residential Accessory Buildings must be located in rear yard.**
2. Detached accessory buildings shall conform to all yard setback requirements except it may be located not less than five feet from the rear property line.
3. No accessory building shall be constructed upon a lot until construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is being used.
4. Accessory buildings shall not be used for human habitation or occupancy.

SECTION 10. SINGLE FAMILY 2 (SF2) DISTRICT.

C. Height and Lot Requirements.

The height and minimum lot requirements shall be as follows except as provided in Section 18.

1.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Dwelling	10,000 sq. ft.	75'	35'	10'	35'	2 1/2 Stories or 35'
Accessory Buildings*	10,000 sq. ft.	75'	35'	10'	10'	2 1/2 Stories or 35'
Building Coverage**	20%**					
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Other Permitted Uses	20,000 sq. ft.	75'	35'	15'	35'	3 Stories or 35'
Building Coverage**	25%**					

*Adopted February 4, 2003

1. **Residential Accessory Buildings must be located in rear yard.**
2. Detached accessory buildings shall conform to all yard setback requirements except it may be located not less than five feet from the rear property line.
3. No accessory building shall be constructed upon a lot until construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is being used.
4. Accessory buildings shall not be used for human habitation or occupancy.

SECTION 11. SINGLE FAMILY 3 (SF3) DISTRICT.

C. Height and Lot Requirements.

The height and minimum lot requirements shall be as follows except as provided in Section 18.

1.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Dwelling	7,500 sq. ft.	65'	35'	7'	25'	2 1/2 Stories or 35'
Building Coverage**	35%**					
Other Permitted Uses	10,000 sq. ft.	70'	35'	15'	35'	3 Stories or 45'
Building Coverage**	30%**					

1. **Residential Accessory Buildings must be located in rear yard (1-12-05)**
2. Detached accessory buildings shall conform to all yard setback requirements except it may be located not less than five feet from the rear property line.
3. No accessory building shall be constructed upon a lot until construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is being used.
4. Accessory buildings shall not be used for human habitation or occupancy.

SECTION 12. SINGLE FAMILY 4 (SF4) DISTRICT.

C. Height and Lot Requirements.

The height and minimum lot requirements shall be as follows except as provided in Section 18.

1.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Single Family Dwelling	6,000 sq. ft.	60'	35'	5'	25'	2 1/2 Stories or 35'
Building Coverage**	40%**					
Two-Family Dwelling	8,500 sq. ft.	70'	35'	7'	25'	2 1/2 Stories or 35'
Building Coverage**	45%**					
Other Uses	10,000 sq. ft.	70'	35'	15'	35'	3 Stories or 45'
Building Coverage**	30%					

1. **Residential Accessory Buildings must be located in rear yard.**
2. Detached accessory buildings shall conform to all yard setback requirements except it may be located not less than five feet from the rear property line.
3. No accessory building shall be constructed upon a lot until construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is being used.
4. Accessory buildings shall not be used for human habitation or occupancy.

SECTION 13. MULTIPLE FAMILY (MF) DISTRICT.

D. Height and Lot Requirements.

1. The height and minimum lot requirements shall be as follows except as provided in Section 18.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Single Family Dwelling	10,000 sq. ft.	60'	35'	10'	25'	2 1/2 Stories or 35'
Building Coverage**	20%**					
Two-Family Dwelling	20,000 sq. ft.	75'	35'	10'	25'	2 1/2 Stories or 35'
Building Coverage**	25%					
Multiple Family Dwelling	1,750 sq. ft. per family Min. 10,000 sq. ft.	75'	35'	10'	35'	2 1/2 Stories or 35'
Building Coverage**	20%**					
Other Permitted Uses	10,000 sq. ft.	75'	35'	15'	35'	3 Stories or 45'
Building Coverage**	30%**					

1. **Residential Accessory Buildings must be located in rear yard.**
2. Detached accessory buildings shall conform to all yard setback requirements except it may be located not less than five feet from the rear property line.
3. No accessory building shall be constructed upon a lot until construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is being used.
4. Accessory buildings shall not be used for human habitation or occupancy.

SECTION 14. GENERAL COMMERCIAL (GC) DISTRICTS.

C. Height and Lot Requirements.

The height and minimum lot requirements shall be as follows except as provided in Section 18.

1.						
	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	10,000 sq. ft.	100'	40'	30'	15'	3 Stories or 45'
Building Coverage**	50%**					

2. No side yard is required except when abutting or within 30 feet of an AF1, AF2, SF1, SF2, SF3, SF4 or MF District **or against a street.**

3 All front yards, except for access drives and guest parking, shall be landscaped and maintained with trees, shrubs, flowers and lawns.

4. All other yards shall be landscaped and maintained with trees, shrubs, flowers and lawns when they abut or are located across any street from an AF2, SF1, SF2, SF3, SF4 or MF District.

SECTION 15. HIGHWAY COMMERCIAL (HC) DISTRICT.

A. Permitted Principal Uses.

The following principal uses are permitted in the Highway Commercial (HC) District.

1. Any permitted principal use in the GC District except as herein modified.
2. Drive-In establishment.
3. Drive-In Theater.
4. Commercial Amusement.

B. Accessory Uses.

The following accessory buildings and uses are permitted in the Highway Commercial (HC) District.

1. Buildings and uses customarily incidental and accessory to the permitted uses.

C. Height and Lot Requirements.

The height and minimum lot requirements shall be the same as required in the General Commercial (GC) District.

SECTION 16. INDUSTRIAL (M1) DISTRICT.

B. Height and Lot Requirements.

The Height and minimum lot requirements shall be as follows except as provided in Section 18.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	10,000 sq. ft.	100'	40'	30'	15'	3 Stories or 45'
Building Coverage**	90%**					

2. All front yards, except for access drives and guest parking, shall be landscaped and maintained with trees, shrubs, flowers and lawns.

3. All other yards shall be landscaped and maintained with trees, shrubs, flowers and lawns when they abut or are located across any street from an AF2, SF1, SF2, SF3, SF4 or MF District.

SECTION 17. INDUSTRIAL (M2) DISTRICT.

C. Height and Lot Requirements.

The height and minimum lot requirements shall be as follows except as provided in Section 18.

1.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	10,000 sq. ft.	100'	40'	30'	15'	3 Stories or 45'
Building Coverage**	90%**					

2. No side yard is required except when abutting or within 30 feet of an AF1, AF2, SF1, SF2, SF3, SF4 or MF District.

