

## SECTION 35 - SUPPLEMENTARY REGULATIONS

### 35.1 General Yard Regulations:

- 35.1.1 The ordinary projections from buildings including eaves, sills, cornices, or other similar architectural features may project or extend not more than 2 feet into a required yard.
- 35.1.2 Every part of a required yard or court shall be opened from its lowest point to the sky, unobstructed, except for ordinary projection of sills, belt courses, cornices, ornamental features, and eaves; provided, that none of the above projections shall project into a court more than six inches nor into a side yard more than twenty-four inches.
- 35.1.3 Open or enclosed fire escapes, fireproof outside stairways, or balconies shall not project into a yard more than five feet or into a court more than three and one-half feet, and the ordinary projection of chimneys and flues may be permitted by the Director of Planning where the same are so placed as not to obstruct the light and ventilation.

### 35.2 Front Yard:

- 35.2.1 Where 30 percent or more of the block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the existing buildings on either side thereof, except that no building shall be required to provide a front yard greater than 40 feet, in any event. Where an official line has been established for future widening or opening of a street upon which lots abut, then the depth of a front or side yard shall be measured from such official line.
- 35.2.2 In any case where the block front improved with buildings amounts to less than 30 percent of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum front yard of the district shall be observed.
- 35.2.3 On through lots, running from street to street, both streets shall be considered front streets.

### 35.3 Yard requirements on corner lots:

- 35.3.1 In the case of a corner lot, the owner shall, for the purpose of these regulations, have the privilege of electing any street line as the front lot line, as long as, in the opinion of the Director of Planning, that choice will not be injurious to the development of adjoining properties.
  - (A) On any corner lot in a residence zone, the least width of any side yard along the street lot line shall not be less than one half (1 /2) of the sum of the minimum side and front yards required.
  - (B) On any corner lot in a business zone, the minimum width of the side yard on the street side shall be ten (10) feet.

### 35.4 Yard requirements along zone boundary lines:

- 35.4.1 Where a lot adjoins a lot in a more restricted zone, any adjoining side yard of such lot shall have a width at least equal to the required minimum side yard in the more restricted zone. Any adjoining front yard shall have a depth at least equal to the minimum required depth of the front yard in the more restricted zone.

**35.5 Visibility at intersections:**

35.5.1 On a corner lot in any residential zone, no planting, fence, wall, tree or obstruction to vision considered in the judgment of the Director of Planning or certified by the Sheriff's Department to be hazardous to vehicular safety shall be placed or maintained that will cut a triangular plane located three (3) feet above the end points formed by the intersection of the center line of the pavement of the adjoining streets and points located along the center line of the intersecting streets measured at a distance thirty (30) feet from a line connecting the curbs or edges of the pavement. Trees in this area shall be trimmed up eight feet above the curb and shrubs shall not exceed three feet in height.

**35.6 Building Height:**

35.6.1 The height regulations shall not apply to television and radio towers, church spires, belfries, monuments, farm buildings, tanks, grain storage bins, elevator legs, silos, water and fire towers, stage towers, or scenery lofts.

35.6.2 Certain uses may require additional height on a case by case basis. A special use permit may be granted to increase the height of hotels/motels, recreational facilities, hospitals, wind energy generation systems, and civic uses. Recognizing that the increase in height may be appropriate in some areas and not in others the County Board of Commissioners may review a request for increased height when an applicant for any of the aforementioned uses utilizes the special use permit process outlined in Chapter 41 of the Zoning Regulations.

**35.7 Building Area; Lot Coverage:**

35.7.1 All buildings, including accessory buildings on any lot, shall not cover more than forty percent of the area of such lot, outlot, or parcel if in a Residence District, nor more than seventy-five percent if in any other district.

**35.8 Accessory Buildings in Residential Zones:**

35.8.1 Detached accessory buildings shall conform to all yard setbacks. Detached accessory buildings shall not occupy more than thirty (30) percent of the required rear yard.

35.8.2 No accessory building shall be constructed upon a lot in the RS-100, RS-72, and RD-50 Zoning Districts until the construction of the main building has actually commenced.

**35.9 General Provisions:**

35.9.1 Every building hereafter erected or structurally altered for commercial or industrial purposes in the Commercial Districts or in the Industrial Districts shall provide adequate facilities for the loading and unloading of merchandise and goods in compliance with all of the district regulations established by these Regulations for the district in which the building or land is located.

35.9.2 No building or premises in any part of the County shall be used for any trade, industry, or purpose that is noxious or offensive by reasons of the emission of odor, dust, smoke, gas, fumes, or noise that is detrimental to the public health, safety, and welfare.

35.9.3 No unsightly buildings shall be erected of old materials nor shall buildings or houses be allowed to remain in an unfinished condition in any District, except an Agricultural District, for a period of more than 180 days. It shall be unlawful to allow building materials or brick to be stored on any lot or lots in said residential districts except for building on said lot or to permit or allow any debris to be stored upon any lot in said districts.

**35.10 Fences:**

35.10.1 In the Residential Districts no solid fence shall be erected to a height greater than three and one-half (3 ½ ) feet.

Partition Fences on the rear or side lot line between two lots may be erected to a height of not more than six (6) feet above the ground provided that the total height and construction of that portion of such fence between the front setback line and the front lot line shall not be a solid construction or exceed three and one half (3 ½ ) feet in height.

(A) Fences Surrounding Swimming Pools. A solid or chain link fence of no less than three and one-half (3 ½) feet and no more than six (6) feet with a self-closing, self-latching entrance gate shall be required as a perimeter fence around a residential swimming pool.

**35.11 Creek Setback Requirements:**

35.11.1 No person shall be granted a permit for the construction of any structure, exclusive of bank stabilization structures, poles or sign structures adjacent to any creek or stream unless such structure is located so that no portion thereof is any closer to the stream than will allow a maximum three-to-one slope plus 50 feet between the water's edge of the stream and the closest point on the structure at grade. As used here, the edge of water of the stream shall be that point constituting the edge of the water during normal flow conditions.

A property shall be exempt from the provision of the above requirement upon a showing by a registered professional engineer that adequate bank stabilization structures or slope protection will be installed in the construction of said structure, having an estimated useful life equal to that of the structure, which will provide adequate erosion control conditions coupled with adequate lateral support so that no portion of said structure adjacent to the stream will be endangered by erosion or lack of lateral support. In the event that the structure is adjacent to any stream which has been channelized or otherwise improved by any agency of government, then such certification providing an exception to the above requirement may take the form of a certification as to the adequacy and protection of the improvements installed by such governmental agency.

**35.12 Public Safety Radio Amplification Systems: (Towers)**

35.12.1 **General:** Except as otherwise provided, no person shall maintain, own, erect, construct, remodel, renovate, or provide an addition of more than twenty (20) percent to, any building or structure or any part thereof or cause the same to be done which fails to support adequate radio coverage for the Sarpy County Radio Communications System (SCRCS), including but not limited to emergency service workers, firefighters and police officers. Descriptively, adequate coverage means the ability for SCRCS users to transmit

into the building an intelligible voice signal that may be heard; the ability to receive an intelligible voice signal transmitted and originating from within the building; and, the ability to transmit and receive intelligible voice signals among users who are within the building. For purposes of this section, adequate radio coverage shall include all of the following:

- (A) A minimum received signal strength in the building of one (1) micro volts (-107 dBm) available in ninety (90) percent of the area of each floor when transmitted from the SCRCs;
- (B) A minimum signal strength of one (1) micro volts (-107 dBm) received by the SCRCs when transmitted from ninety (90) percent of the area of each floor of the building;
- (C) The frequency range that must be supported shall be 806 MHz to 869 MHz; and,
- (D) A ninety (90) percent reliability factor shall be required.

**35.12.2 Testing Procedures: Initial Tests:** It will be the building owner's responsibility to have the building tested to ensure that two-way coverage on each floor of the building is a minimum of ninety (90) percent. At a minimum, the test shall be conducted using a Motorola MTS 2000, or equivalent portable radio, talking through the SCRCs. Radios may be obtained for conduct of the tests from the Sarpy County Communications Department (SCCD). The gain values of all amplifiers shall be measured and the test measurement results shall be provided to the SCCD and kept on file so that the measurements can be verified each year during the annual tests. The SCCD will be informed of the schedule for such testing, and, at its discretion may participate as an observer. A Certificate of Occupancy shall not be issued to any structure if the building fails to comply with this section. **Annual Tests:** The building owner shall be responsible to conduct annual tests. Such tests shall follow the guidance outlined in paragraph 35.12.1 (General) and 35.12.2 (Initial Tests) above.

**35.12.3 Amplification Systems Allowed:** Buildings and structures that cannot support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC accepted bi-directional amplifiers as needed. If used, bi-directional amplifiers shall include filters to reduce adjacent frequency interference at least 35 dB below the National Public Safety Planning Advisory Committee (NPSPAC) band. The filters shall be tuned to 825 MHz and to 870 MHz so that they will be 35 dB below the NPSPAC frequencies of 824 MHz and 869 MHz respectively. Other settings may be used provided that they do not attenuate the NPSPAC frequencies and further provided that they are not more than one (1) MHz from the NPSPAC frequencies. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least twelve (12) hours without external power input. The battery system shall automatically charge in the presence of an external power input.

**35.12.4 Field Testing:** SCCD personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present.

**35.12.5 Exemptions:** This section shall not apply to; buildings permitted in residential districts; any building constructed of wood frame; any building thirty five (35) feet high or less; as long as none of the aforementioned buildings make use of any metal construction or any underground storage or parking areas. For purposes of this section, parking structures and stairwells are included in the definition of “building” and stair shafts are included in the definition of “all parts of a building”, but elevators may be excluded.