

CHAPTER 11
MUNICIPAL PLANNING
Article 2. Zoning Regulations

§11-201 ESTABLISHMENT OF ZONING DISTRICTS. District regulations shall be as set forth in the Schedule of District Regulations, hereby of this Article, as set out in Sections 11-212 through 11-230.

For the purposes hereof, the following zoning districts and zoning map designations are established:

- A-1 Agricultural
- R-1 Low Density Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- R-4 Mixed Residential
- C-1 Central Commercial
- C-2 General Commercial
- C-3 Highway Commercial
- I-1 Light Industrial
- I-2 Heavy Industrial
- P Public
- PO Parking Overlay
- WPO Wellhead Protection Overlay
- SF-1 Selected Floodway Overlay District
- F-1 Floodway Overlay District
(Amended by Ord. No. 1142, 08/06/91; 1926, 05/19/15)

§11-202 OFFICIAL ZONING MAP. The City and certain properties within two (2) miles in all directions of its corporate limits is hereby divided into zones, or districts, as shown on the Official Zoning Map, which together with all explanatory matters thereon, or as determined and described in the FIRM Flood Hazard Boundary Map, on May 19, 2015, to date or passage of this ordinance, is hereby adopted by reference and declared to be a part of this Chapter.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1 of Ordinance Number 2036 of the City of Crete, Nebraska" together with the date of adoption of this Article.

The Official Zoning Map, and all changes, amendments or additions thereto shall be located in the office of the City Clerk. (Amended by Ord. Nos. 988, 5/7/85; 1142, 8/6/91; 1438 12/15/98; 1463, 8/24/99; 1773, 10/05/10; 1926, 05/19/15; 2031, 11/7/17; 2036, 01/16/18)

§11-203 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where

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uncertainty exists as to the boundaries of the districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of roads, streets, highways or alleys shall be construed to follow such center lines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following City limits shall be construed as following such City limits;

D. Boundaries indicated as following standard survey subdivision lines such as one-quarter (1/4) or one-eighth (1/8) section lines shall be so construed;

E. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

F. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;

G. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map;

H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered in Subsections A through E above, the City Council shall interpret the district boundaries;

I. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Article, the City Council may permit, as a special exception, the extension of the regulations for either portion of the lot.

§11-204 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this Article within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the

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regulations herein specified for the district in which it is located; Provided, however, that outside of the corporate limits of the City, and outside of the Commission floodway the use of land for farming or agricultural purposes, except feed lots, is specifically exempt from the provisions of this Article.

B. No building or other structure shall hereafter be erected or altered:

1. To exceed the height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards, side yards or other open spaces; than herein required; or in any other manner be contrary to the provisions of this Article.

C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Article, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

D. No yard or lot existing at the time of passage of this Article shall be reduced in dimension or areas below the minimum requirements set forth herein. Yards or lots created after the effective date of this Article shall meet at least the minimum requirements established by this Article.

E. Districts or parts of districts which are also included within the boundary of a selected floodway district or a floodway district shall comply with all use regulations of the selected floodway district or floodway district, whichever may apply, and with the use regulations of the primary district to which it is attached, except in the case of conflicting regulations, in which case the more restrictive of the regulations shall apply.

§11-205 NONCONFORMING USES; INTENT.

Nonconformities are of three types: nonconforming lots of record, nonconforming structures and nonconforming uses.

Any lawful use of land or structure existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions, may be continued subject to the following conditions:

A. NONCONFORMING LOTS OF RECORD:

The Zoning Administrator may issue a Permit for any nonconforming lot of record provided that:

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Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited, and

Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the zoning regulation, and

Said lot can meet all required yard regulations for the district in which it is located.

B. NONCONFORMING STRUCTURES

Authority to Continue: Any structure, which is devoted to a use, which is permitted in the zoning district in which it is located, but which is located on a lot, which does not comply with the use regulations, and/or the applicable yard and height regulations may be continued, so long as it remains otherwise lawful.

Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired, remodeled, or rebuilt; provided, however, that no such enlargement, maintenance, repair or remodeling shall not create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, unless the property owner receives a Special Use Permit in accordance with the Zoning District in which it is located.

Damage or Destruction: In the event any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its assessed fair market value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 50 percent or less of its assessed fair market value, no repairs or restoration shall be made unless a building permit is obtained within six (6) months, and restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion.

Moving: No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

C. NONCONFORMING USES

Authority to Continue: Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing

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nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.

Ordinary Repair and Maintenance:

1. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, water and/or waste disposal systems, may be performed on any structure or system that is devoted in whole or in part to a nonconforming use.

2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official in charge of protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition.

Extension: A nonconforming use shall not be extended, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to the extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these Regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).

Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

Damage or Destruction: In the event that a nonconforming building or use is damaged to the extent of more than fifty (50) percent of its reasonable replacement value, the property shall conform to the zone in which it is located.

Moving: No structure that is devoted in whole or in part to a nonconforming use and nonconforming use of land shall be moved in whole or in part for any distance whatsoever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

Change in Use: If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the governing body after receiving a recommendation from the Planning Commission, by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use.

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More appropriate shall mean creating less traffic, noise, glare, odor or other characteristics of the proposed use. In permitting such change, the governing body may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.

Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned, for a period of twelve (12) consecutive months, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

Nonconforming Accessory Uses: No use, which is accessory to a principal nonconforming use, shall continue after such principal use shall cease or terminate. (*Amended by Ord. No. 1142, 08/06/91; 1926, 05/19/15*)

§11-206 SCHEDULE OF FEES, CHARGES AND EXPENSES The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals and other matters pertaining to this Article. The schedule of fees shall be posted in the office of the Administrative Official and may be altered or amended only by the City Council.

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

§11-207 AMENDMENTS. The regulations, restrictions and boundaries set forth in this Article may from time to time be amended, supplemented, changed, modified or repealed, provided that such modification or repeal shall in each instance be proposed in an ordinance presented to the Governing Body for adoption in the same manner and upon the same notice as required for the adoption of the original article.

Prior to consideration of amending, supplementing, changing, modifying, or repealing this Article by the Governing Body, notice of public hearing shall be provided as follows:

A. A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen (18") inches (45.72 centimeters) in height and twenty-four (24") inches (60.96 centimeters) in width with a white or yellow background and black letters not less than one and one-half (1-1/2") inches (3.81 centimeters) in height.

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Such posted notice shall be so placed upon such premises that it is easily visible from the street and shall be so posted at least ten (10) days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

B. At least ten (10) days before the date of hearing, the City Clerk shall have published in a weekly newspaper having a general circulation in the City of Crete, a notice of the time, place and subject matter of such hearing. *(Amended by Ord. No. 1169, 4/21/92)*

§11-208 PROVISIONS DECLARED MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of this Article shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this Article are at variance with the requirements of any other lawfully adopted rules, regulations, resolution, deed restrictions or covenants, the most restrictive or that imposing the higher standards, shall govern.

§11-209 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this Article occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Administrative Official. He shall properly record such complaint, immediately investigate same, and take action thereon as provided by this Article.

§11-210 PENALTIES FOR VIOLATION. Violation of the provisions of this Article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred (\$500.00) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person, who knowingly commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

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Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

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S11-211 DEFINITIONS. For the purpose of this Chapter, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory.

The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

The word "lot" includes the words "plot" or "parcel."

ACCESSORY USE OR STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental and sub-ordinate to, the principal use or structure.

ADULT CABARET. A nightclub, bar, restaurant or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical area or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which more than 10 percent of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon

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the depiction of specified sexual activities or specified anatomical area.

ADULT COMPANIONSHIP ESTABLISHMENT. An establishment which provides the service of engaging in or listening to conversation, talk, discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT ESTABLISHMENT. Any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas, "including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

ADULT HOTEL OR MOTEL. A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

ADULT INTERNET INDUSTRIES. Any business within an enclosed building or outdoors that is producing materials for distribution on the Internet of an adult nature, including live video streaming, tape delayed video broadcasts, live simulcasting, still photographs, audio broadcasts, animated video or hard copy. Said uses are intended for viewing by other parties while on-line and for a specified charge.

ADULT MASSAGE PARLOR, HEALTH CLUB. A massage parlor or health club, which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT MINI-MOTION PICTURE THEATER. A business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said

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material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT MOTION PICTURE ARCADE. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT MOTION PICTURE THEATERS. A business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT NOVELTY BUSINESS. A business which has a principal activity of the sale of devices which simulate human genitals or devices which are designed for sexual stimulation.

ADULT SAUNA. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

A. Specified anatomical area shall mean anatomical areas consisting of:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

B. Specified Sexual activities shall mean activities consisting of the following:

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1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, or anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
2. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
5. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
6. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

ALTERATION. Repair of structures which have been destroyed or damaged to the extent of fifty (50%) per cent or more of the fair market value and the modification of any structure in size or shape which would materially affect flood flows.

ARTIFICIAL OBSTRUCTION. Any obstruction which is not a natural obstruction.

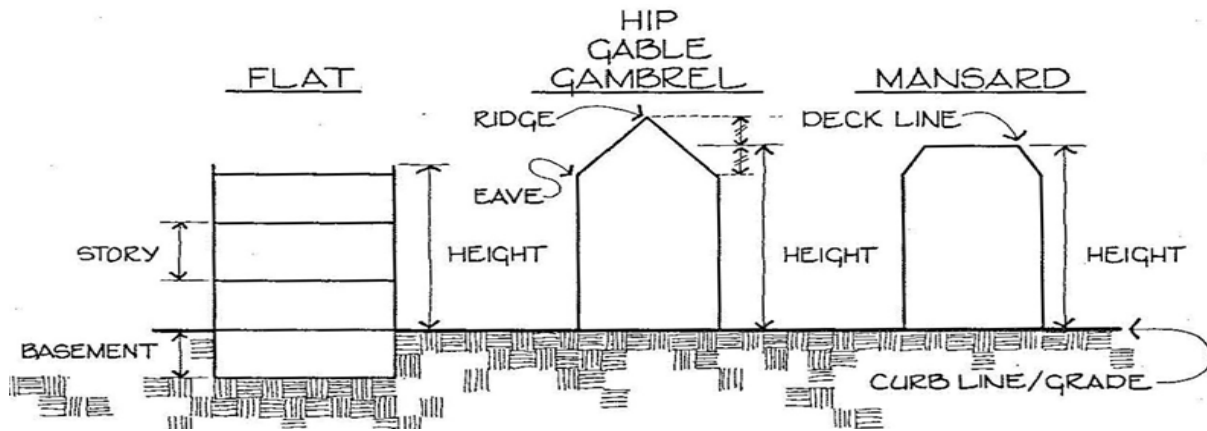
BUILDING ACCESSORY. Any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.

BUILDABLE AREA. The buildable portion of the lot remaining after the yard setbacks have been determined on all sides of the lot.

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BUILDING. An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed one building. The term "Building" includes "structure".

BUILDING HEIGHT. The vertical distance to the highest point of the roof; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the average grade line of the building.



Average Grade

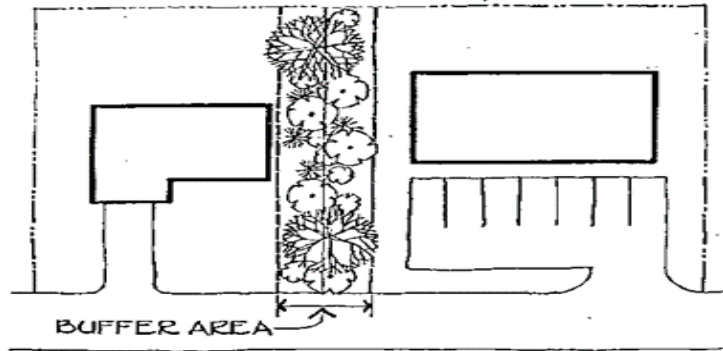
Source: "A Survey of Zoning Definitions", Planning Advisory Service Report Number 421, American Planning Association, December 1989.

BUILDING, PRINCIPAL. Any building within which the main or primary use of the lot or premises is located.

BUILDING, TEMPORARY. Any portable or demountable building, or any building not securely and permanently anchored or bounded to a substantial foundation and which is used primarily for temporary office or storage space or for emergency enclosure purposes.

BUFFER AREA. A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

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Source: "A Survey of Zoning Definitions", Planning Advisory Service Report Number 421, American Planning Association, December 1989.

CHANNEL. The geographical area within the natural or artificial banks of the watercourse or drain way.

CHILD CARE CENTER: A facility which is or should be licensed by the Nebraska Department of Health and Human Services under the authority of Sections 71-1908 through 71-1918, Revised Statutes of Nebraska, as provided and defined under the Title 474 of the Nebraska Administrative Code, Chapter 6, Section 002.

CHILD CARE HOME: A private home providing care (for children) for compensation. No person shall operate a Child Care Home for four (4) or more children without being licensed by the Nebraska Department of Health and Human Services under the authority of Sections 71-1908 through 71-1918, Revised Statutes of Nebraska.

CIVIC USE: Of or related to municipal activities.

COMMISSION FLOODWAY. A floodway whose limits have been designated and established by order of the Nebraska Natural Resources Commission, and shall be contiguous with the floodway of a flood of one hundred (100) year frequency.

COMMUNITY UNIT PLAN. A flexible plan for the development of properties within a zoning district, as distinguished from subdivisions of standard lot sizes and standard street systems; provided, that the plan must meet the basic intent of the zoning district for which it is planned.

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COMPOSTING FACILITY. A solid waste facility licensed by the State of Nebraska Department of Environmental Quality which utilizes a controlled biological process of degrading non-hazardous solid waste.

CONVENIENCE STORE. A retail store that carries a limited selection of basic items, as packaged foods and drugstore items, and is open long hours for the convenience of shoppers.

DRAINWAY. Any depression two (2) feet or more below the surrounding land serving to give direction to a current of water less than nine (9) months of the year, having a bed and well-defined banks; Provided, that in the event of doubt as to whether a depression is a watercourse or drain way it shall be presumed to be a watercourse.

DWELLING: One of a group or row of not less than two (2) nor more than twelve (12) attached, single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

DWELLING, SINGLE-FAMILY. A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only.

DWELLING, TWO-FAMILY. A building having accommodations for and occupied exclusively by two (2) families.

DWELLING, MULTIPLE-FAMILY. A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, RANCH AND FARM. Residential dwellings including mobile home dwellings appurtenant to agricultural operations including living quarters for persons employed on the premises (but not including labor camps or dwellings for transient labor), guest houses not rented or otherwise conducted as a business, and private garages, stables and barns.

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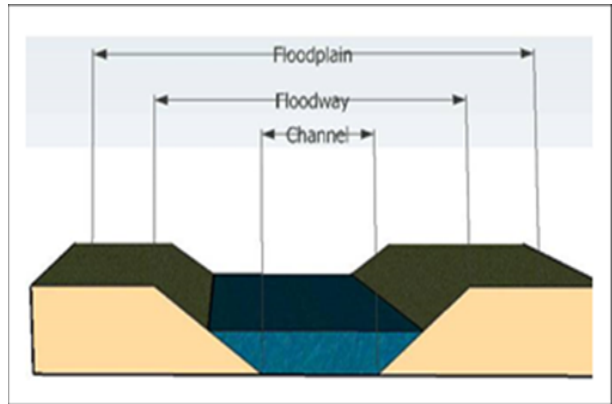
DWELLING UNIT. One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

FAMILY. One or more persons, related or unrelated, living together as a single family housekeeping unit with or without domestic servants, caregivers, foster children and supervisory personnel in a group living arrangement. The term "family" shall not include occupancy of a residence by persons living in fraternities, sororities and clubs. Also excluded are nursing and convalescent homes.

FARMSTEAD. An area of twenty (20) acres (8.09 hectares) or more on which is located at least one (1) dwelling unit and on which farm products of a value of one thousand (\$1,000.00) dollars or more are normally produced each year.

FLOODPLAIN. Floodplain shall mean those lands which are subject to a one percent (1%) or greater chance of flooding in any given year.

FLOODWAY. The channel of a watercourse or drain way and those portions of the land areas normally expected to be inundated by the discharge of flood waters from that watercourse or drain way.



FLOODWAY ENCROACHMENT LINES. The lines limiting a Commission floodway.

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GAS STATION. A retail establishment at which motor vehicles are refueled.

HOME OCCUPATION. A business, occupation or profession carried on within a residential dwelling by the resident thereof, which is incidental and secondary to the residential occupancy and does not change the residential character thereof. The regulations pertaining to home occupations are included in section 11-512 of this ordinance.

LANDFILL: A disposal site employing an engineering method of disposing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day and in conformance with the requirements of the Nebraska Department of Health and Human Service System.

LIVESTOCK CONFINEMENT FACILITY OR OPERATION. The confined feeding of food, fur or pleasure animals in buildings, lots, pens, pools or ponds which normally are not used for raising crops or for grazing animals, which are designed and/or used for on-going confined raising, feeding or management of animals for more than 180 consecutive days.

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pickups and deliveries, sealed to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LOCATE. To construct, place, insert or excavate.

LOT. Any parcel, lot, tract, or portions of lots of record which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the ordinance, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and having frontage along at least one public street or

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right-of-way, permanent ingress/egress easement meeting city standards, or on a private road.

LOT AREA. The total area, on a horizontal plane, within the lot lines of a lot, but not including any area occupied by the waters of a lake or river.

LOT CORNER. A lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The front of such lot shall be the shortest of the two sides fronting on streets. The other yard shall be referred to as the street side yard. The street side yard setback may conform to existing setbacks of existing principal structures along that street, however in new developments (approved since 1998), the street side yard setback shall be equal to the front yard setback. See Yard, Front. See Municipal Code 8-301.

LOT, COVERAGE. The portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

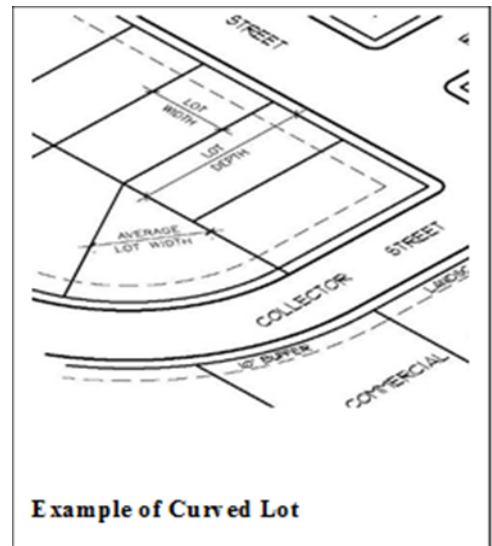
LOT, CURVED. A lot fronting on the outside curve of the right-of-way of a curved street, which street has centerline radius of 300 feet or less.

LOT DEPTH. The horizontal distance between the front and rear lot lines measured within the lot boundaries.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot. On a double frontage lot, both street lines shall be deemed front lot lines.

LOT, FLAG. A lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.

LOT FRONTAGE. The front of a lot shall be construed to be the portion nearest to and facing the street. In all zoning areas, for



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the purpose of determining yard requirements on a corner lot, all sides of a lot adjacent to streets shall be considered frontage, and must meet the minimum front yard requirements. Except in R-2 through R-5 developed before 1994, one front yard, other than the apparent front yard may be reduced in depth to conform with other "existing residences" located on that side of the block, provided that the yard frontage shall not be less than ten (10) feet (3.05 meters).

Front yards in R-2 and R-3 zoning areas developed before 1994, which have existing residential structure located with less than twenty-five (25) foot (7.62 meters) front yard minimum, may be reduced to a distance of not less than twenty (20) feet (6.10 meters).

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. The property line bounding a lot.

LOT LINE, FRONT. The property line abutting a street, and where no public street exists, it shall be where line abuts to a public or private way as designated.

LOT LINE, REAR. A lot line not abutting a street which is opposite and most distant from the front lot line.

LOT LINE, SIDE. Any lot line not a front lot line or rear lot line.

LOT MEASUREMENT.

A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80%) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80%) percent requirement shall not apply.

LOT, THROUGH. A lot having frontage on two dedicated streets, not including a corner lot.

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LOT OF RECORD. A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The horizontal distance between the side lot lines, measured at the front yard setback line.

LOT, ZONING. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on the approved private street, and may consist of:

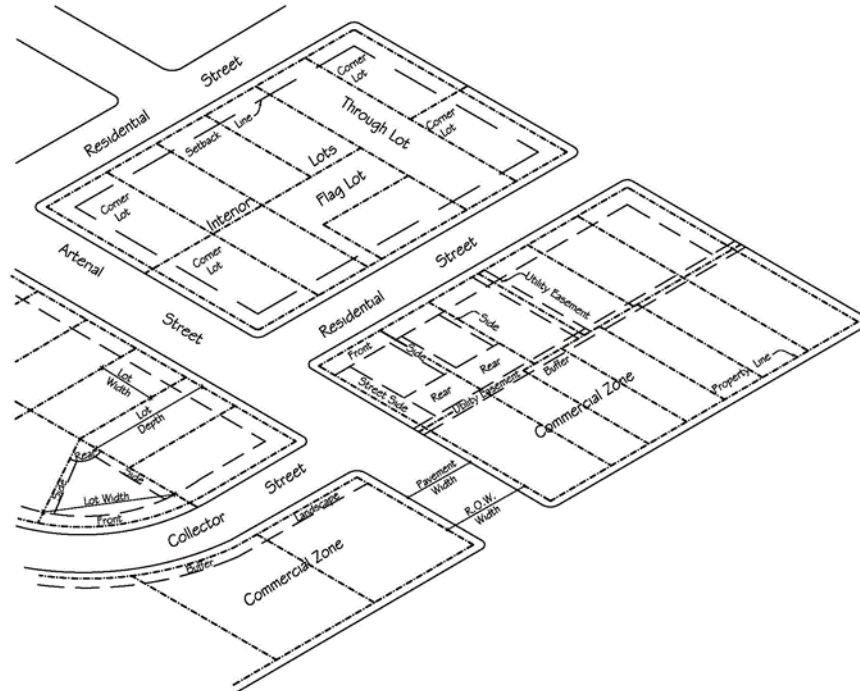
1. A single lot of record;
2. A portion of a lot of record;

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1. A combination of complete lots of record and portions of lots of record, or of portions of record;
2. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

MIXED

U S E



BUILDING: A building with 2 or more primary uses. The building must contain a permitted use for the district in which it is located.

MANUFACTURED HOME DWELLING: A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site: does not have permanently attached to its body or frame any wheels or axles: bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the US Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:

- (a) The home shall have at least 900 square feet of floor area;

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(b) The home shall have an exterior width of at least 18 feet;

(c) The roof shall be pitched with a maximum vertical rise of 2.5 inches for each 12 inches of horizontal run;

(d) The exterior material is of a color, material, and scale comparable with those existing in the residential site on which the manufactured home dwelling is being permanently installed;

(e) The home shall have a no-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock;

(f) Permanent utility connections shall be installed in accordance with local regulations;

(g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and

(h) The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.

MOBILE HOME: A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health and Human Services System or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.

MOBILE HOME PARK: Any area of land which two (2) or more mobile homes are parked, connected to utilities and used by one (1) or more persons for living or sleeping purposes and is licensed accordingly by the state as described in these regulations. A mobile home parked in this area can either be placed on permanent foundation or supported only by its wheels, jacks, blocks, or skirting's or a combination of these devices. A mobile home park includes any premises set apart for supplying to the public parking space, either free of charge or for revenue purposes for one (1) or more mobile homes, connected to utilities and used by one (1) or more persons living, or sleeping purposes and shall include only those dwelling units that are in compliance with standards as defined herein

MODULAR HOME: Any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or

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units not fabricated on the final site for the dwelling units, which units are movable or portable until placed on a permanent foundation and connected to utilities. All modular homes shall bear a label or seal indicating that it was built in accordance with the Nebraska Uniform Standards for Modular Housing Units Act, as established in Section 71-1557 of the Nebraska revised Statutes.

NATURAL OBSTRUCTION. Any rock, tree, gravel or analogous natural material that is an obstruction and has been located within the floodway by a non-human cause.

NET METERING: A utility policy for consumers in which a property owner utilizes one or a combination of alternative energy sources including Wind, Solar, Geothermal, Biomass, or Methane, to generate a portion or all of their electrical energy needs for their home or business. If the property owner is able to generate more power than needed for the home or business, the local utility company is required by Nebraska Law to purchase the "extra" or excess electrical power from the property owner.

NON-FARM BUILDING. All buildings except those utilized for agricultural purposes on a farmstead of twenty (20) acres or more which produces one thousand (\$1,000.00) dollars or more of farm products each year.

OBSTRUCTION. Any structure, dam, wall, wharf, embankment, levy, dike, pile, abutment, projection, excavation, channel rectification bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter in, along, across or projecting into any floodway which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

ONE HUNDRED YEAR FREQUENCY FLOOD. A flood magnitude expected to recur on the average of once every one hundred (100) years or a flood magnitude which has a one (1%) percent chance of occurring in any given year.

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OUTDOOR ADVERTISING BUSINESS. The provision of outdoor displays or display space on a lease or rental basis and in conformity with the outdoor advertising standards as set forth in this Article.

OUTDOOR STORAGE CONTAINER. A fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement. The container must be manufactured/assembled off-site and transportable, by means other than its own, to a location where it is set into place on a graded surface of concrete, asphalt, or gravel and not upon a foundation or wheels. It shall be made of metal or a similar stable, durable, and acceptable material and shall not include a foundation, electricity, plumbing, or other mechanical systems as part of its assembly or use. Truck boxes meeting this definition shall be considered outdoor storage containers.



Outdoor Storage Container

RECYCLING CENTER: A facility which accepts salvage material limited to paper, aluminum foil, containers made of glass, plastic, metal, aluminum, and paper; and similar household wastes; no hazardous material as defined by state and federal law is accepted; there is no wrecking or dismantling of salvage material and no salvage material is held outside a building.

SANITARY LANDFILL: A lot or parcel of land used primarily for the disposal, abandonment, dumping, burial or burning of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles, or parts thereof, or other waste, and which is in conformance with the requirements of the Nebraska Department of Health and Human Service System.

SALVAGE OR JUNK YARD: A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing

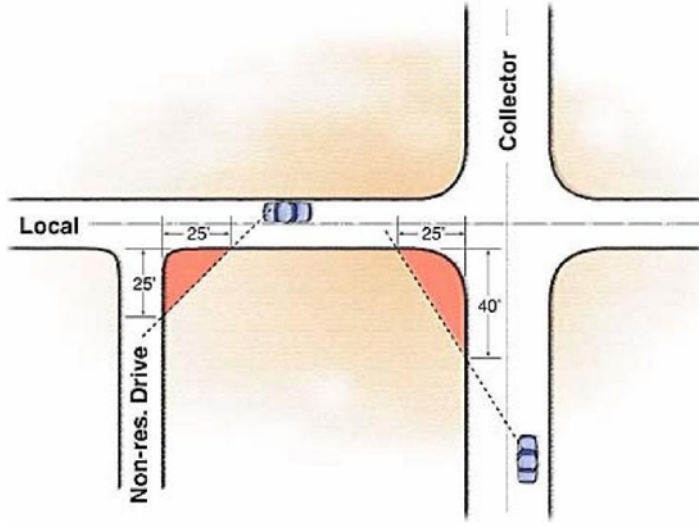
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fixtures, abandoned or inoperable motor vehicles or parts thereof, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used cars or trucks presently in operable condition, boats or trailers presently in operable condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged material as part of manufacturing operations.

SERVICE STATION. A retail establishment at which motor vehicles are refueled and repairs made.

SIGHT TRIANGLE. No fence, wall, hedge, shrub, structure or other Obstruction to view shall be erected, placed or maintained within a triangle formed by the property line immediately adjacent to a street, road, railroad right-of-way, or nonresidential drives as illustrated in the figure below.

Street/ Road	Required Distance from
Alley	20'
Non- residential	25'
Local	25'
Collector	40'
Arterial	55' Distance of Vision



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SIGN. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be Included in the application of the regulations herein:

- A. Signs not exceeding one (1) square foot (0.09 sq. meters) in area and bearing only property numbers, post box number, names of occupants or premises, or other identification of premises not having commercial connotations;
- B. Flags and insignia of any government except when displayed in connection with commercial promotion;
- C. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN, ON-SITE. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises, and conforming to the on-site sign standards contained in this Article. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

SPECIAL EXCEPTION. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.

STREET LINE. The right-of-way line of a street.

STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

TRAVEL TRAILER. A portable structure or vehicle, having a body which is less than eight (8') feet (2.44 meters) wide and forty (40') feet (12.19 meters) long, which is supported upon its own

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chassis and wheels and is so constructed as to permit its being used as a conveyance, either propelled or drawn by its own or other motive power, for purposes of occupancy as a temporary dwelling or sleeping place for recreational, vacation or travel purposes.

VARIANCE. Relief from or variation of the provisions of those regulations, other than use regulations, as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in section 2-401 of this Code relating to the powers and duties of the Board of Adjustment.

WATERCOURSE. Any depression two (2') feet or more below the surrounding land serving to give direction to a current of water at least nine (9) months of the year, having a bed and well-defined banks; provided, that it shall, upon order of the Nebraska Natural Resources Commission, also include any particular depression which would not otherwise be within the definition of a watercourse.

WIND ENERGY CONVERSION SYSTEM (COMMERCIAL) - A wind energy conversion system under common or aggregated ownership or operating control that includes substations, MET towers, cables/wires and other building accessories, whose main purpose is to supply electricity to off-site customers.

WIND ENERGY CONVERSION SYSTEM (SMALL) - A wind energy conversion system which has a rated capacity of up to Twenty-Five (25) kilowatts and which is incidental and subordinated to another use of the same parcel. A system is considered a small wind energy system only if it supplies electrical power for site use, except that when a parcel on which the system is installed also received electrical power supplied by a utility company, access electrical power generated and not presently needed for onsite use may be sold back to the utility company. *(25 Kilowatt limit approved by the Crete Planning Commission and City Council may be increased to a maximum of 100 Kilowatts with Nebraska State Legislature authorization by future amendment)*

YARD (SETBACK). An open space on the same lot with a building, buildings, structure or structures, lying between the front, side or rear wall of such building, buildings, or such structure or structures and the nearest lot line, unoccupied except for

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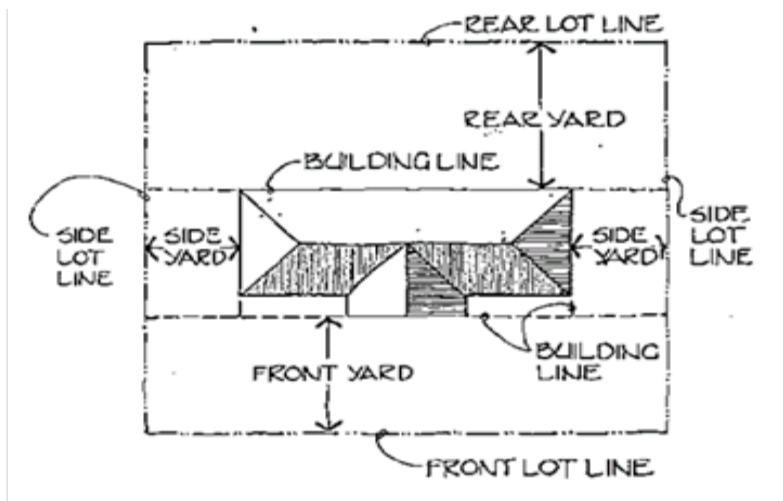
specific minor structures permitted to be located in this open space by this Ordinance.

YARD, FRONT (SETBACK). A yard extending across the entire width of the lot between the front lot line and the nearest point of the primary building. For purposes of determining yard requirements for corner and through lots, all sides of a lot abutting a street shall be considered a front yard and shall comply with the requirements thereof. (Refer to "X" on the LOCATION AND MEASUREMENT OF YARDS ON LOTS diagram).

YARD, REAR (SETBACK). A yard extending across the entire width of the lot between the rear lot line and the nearest part of the primary building. (Refer to "Z" on the LOCATION AND MEASUREMENT OF YARDS ON LOTS diagram).

YARD, SIDE (SETBACK). On single frontage lots, a yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of a primary building. On through lots, a yard extending along the side lot line from front yard to front yard and lying between the side lot lines and the nearest part of the primary building. On corner lots, a yard extending along the side lot line from the front yard to the opposite side lot line, lying between the side lot line and the nearest part of the primary building. (Refer to "Y" on the LOCATION AND MEASUREMENT OF YARDS ON LOTS diagram).

YARD, TRANSITIONAL (SETBACK). A yard in effect where a non-residential zoning district abuts or is adjacent across a street or alley from a residential zoning district.



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Source: "A Survey of Zoning Definitions", Planning Advisory Service Report Number 421, American Planning Association, December 1989.

YARD, FRONT. A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

YARD, SIDE. A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

YARD, REAR. A yard across the full width of the lot between the back line of the main building and the back line of the lot.

ZONING MAP: The term "Zoning Map" means a map or maps officially enacted by the governing body as part of this ordinance showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the City Clerk as an official record of the City.

(Amended by Ord. No. 1142, 8/6/91; 1262, 3/7/95; 1926, 05/19/15; 1965, 1/19/2016; 1974, 6/7/2016; 2021, 11/7/17)

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§11-212 A-1 AGRICULTURAL DISTRICTS.

A. INTENT: The intent of this District is to recognize the gradual transition of agricultural uses of land to community land; to encourage the continued use of that land which is suitable for agriculture, but to limit any land uses that may be a detriment to normal community expansion.

B. PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Agricultural uses, excluding expansion of existing or development of new livestock confinement/facilities or operations. Animals confined for purposes including personal consumption and for 4H competitions, shall be exempt from this requirement and can confine up to a maximum of ten (10) head of animals.
2. Ranch and farm dwellings, single-family dwellings.
3. On-site signs.
4. Outdoor advertising business.
5. Recreational camps, parks, playgrounds, golf courses, country clubs, tennis courts, horse riding academies and other similar recreational uses.

C. PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted if the Principle Use or Structure is present:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Home occupations in accordance with Article 5, Section 11-512; and
3. Roadside stands for the sale of agricultural produce grown on the agricultural farm or operation.

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D. SPECIAL EXCEPTION USES: A building or premise may be used for the following purposes in the "A-1" Agricultural District if a Special Use Permit for such use has been obtained in accordance with Section 11-230 of these regulations.

1. Cemeteries, crematories, mausoleums and columbarium's.
2. Educational and health services to include medical, dental and other health clinics,
3. Veterinary services and animal hospitals.
4. Utility substations, filter beds, sanitary landfills, sewage treatment and water supply plants.
5. Commercial mines, quarries, sand and gravel pits and accessory uses.
6. Mobile Home Parks in compliance with Supplementary District Regulations.
7. Rural Subdivisions when individual lots are serviced by a joint or "community style" water system and/or sanitary sewer system in conformance with the requirements of the Nebraska Departments of Health and Human Services (NHHS) and Environmental Quality (NDEQ), then the minimum lot size of an individual dwelling can be reduced to one (1) acre.
8. Airports and airport facilities.
9. Churches and places of worship.
10. Communication towers in conformance with the provisions of Section 11-528 of these Regulations.
11. Expansion of existing livestock confinement/facilities or operations, when located between one and two miles beyond the Corporate Limits of the City of Crete and in conformance with the permitting procedures and regulations of the Nebraska Department of Environmental Quality.
12. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009 as Amended). Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Article 5, Section 11-525 and 11-526 of these Regulations.
13. Commercial Wind Energy Conversion Systems (CWECS) utilizing a single tower application or multiple tower applications or "Wind Farm," held in single ownership or in an association of multiple owners, in conformance with the provisions of Article 5, Section 11-525 and 11-527 of these Regulations.

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- 14. Salvage or Junk Yard, in conformance with the provisions of Article 5, Section 11-523.
- 15. Landfills and Sanitary Landfills, in conformance with the provisions of Article 5, Section 11-524.
- 16. Outdoor Storage containers.
- 17. Other uses that are consistent with the intent of this District.

E. PROHIBITED USES AND STRUCTURES: All other uses and structures, which are not specifically permitted or not permissible, as special exception uses shall be prohibited from the A-1 Agricultural District.

F. SPECIAL REGULATION: Provisions must be made for disposal of wastes in accordance with local and state regulations.

G: MINIMUM YARD REQUIREMENTS: No residential structure shall be constructed or substantially improved within a floodplain or flood prone area unless the lowest floor, including basement, is elevated to at least one (1) foot above the base flood level. Additionally, no structures for human habitation shall be allowed in a designated floodway. No property shall be utilized for any purpose other than permitted by this District, and no structure shall be moved, constructed, or substantially improved without complying with the provisions of Section 11-400 Flood Fringe and Floodway Overlay Districts. The following shall apply except as otherwise allowed for Community Unit Plans of the Supplementary District Regulations.

- 1. Height and area regulations. The maximum height and minimum lot requirements within the A-1 Agricultural District shall be as follows:

	<i>Lot Area (sq. ft.)</i>	<i>Lot Width</i>	<i>Required Front Yard</i>	<i>Required Side Yard</i>	<i>Required Rear Yard</i>	<i>Max. Height*</i>
Dwelling, single- family	3 acre	200 feet	70 feet	40 feet	50 feet	35 feet
Other permitted uses	1 acre	200 feet	70 feet	40 feet	50 feet	None

*Maximum Height is for structures intended for human occupancy, all other structures shall have no limitations.

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2. Accessory uses and structures in the A-1 Agricultural District shall have minimum side yard and rear yard setbacks of fifteen (15) feet and a front yard setback of seventy (70) feet.

H. SIGN REGULATIONS: Signs within the A-1 Agricultural District shall be in conformance with the provisions of Article 5, Section 11-519.01 of these Regulations.

I. MISCELLANEOUS PROVISIONS: Supplementary District Regulations shall be complied with as defined herein.
(Amended by Ord. No. 941, 6/21/1983; Ord. No. 1774, 11/2/2010; 1926, 05/19/15; 2022, 11/7/17)

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§11-213 R-1 LOW DENSITY RESIDENTIAL DISTRICTS.

A. INTENT: This District is intended to provide for single-family residential dwellings within the existing range of Municipal services, and at a lower density of development than other residential areas of the City.

B. PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right, when in conformance with the Residential Design Standards in Section 11-521:

1. Single-family dwellings.
2. Manufactured single family dwellings that comply with the provisions of Article 5, Section 11-518.
3. Churches and places of worship.
4. Public and private schools including elementary, middle, senior primary schools and post-secondary schools, colleges and universities.
5. Public parks, playgrounds or playfields.
6. Community buildings owned and/or occupied by public agencies.
7. Child care homes.

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C. PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted if the Principal Use or Structures are present:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Private garages.
3. Home occupations in accordance with Article 5, Section 11-512.
4. Temporary buildings, mobile homes or travel trailers for dwelling, storage, office or other uses incidental to construction or building remodeling work, provided that such temporary buildings or mobile homes are removed within sixty (60) days after occupancy of the permanent residential dwelling.

Travel trailer which is being stored or otherwise kept, provided said trailer is not used for occupancy as a dwelling or sleeping space for any one (1) period of time to exceed thirty (30) days in duration.

D. SPECIAL EXCEPTION USES: A building or premise may be used for the following purposes in the "R-1" Residential District if a Special Use Permit for such use has been obtained in accordance with Section 11-230 of these regulations.

1. Utility substations.
2. Hospitals and nursing, convalescent and retirement homes.
3. Medical clinic.
4. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009 as Amended). Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Article 5, Section 11-525 and 11-526 of these Regulations.
5. Child care centers.
6. Commercial business meeting facility, group activity center or fraternal organizations meeting facility.
7. Country clubs.

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8. Co-location of additional cellular or communication antennas on an existing tower in conformance with the provisions of Section 11-528 of these Regulations.

9. Community Unit Plans, in compliance with Supplementary District Regulations.

E. PROHIBITED USES AND STRUCTURES: All other uses and structures, which are not specifically permitted or not permissible, as special exception uses shall be prohibited from the R-1 Residential District.

F. MINIMUM YARD REQUIREMENTS: No residential structure shall be constructed or substantially improved within a floodplain or flood prone area unless the lowest floor, including basement, is elevated to at least one (1) foot above the base flood level. Additionally, no structures for human habitation shall be allowed in a designated floodway. No property shall be utilized for any purpose other than permitted by this District, and no structure shall be moved, constructed, or substantially improved without complying with the provisions of Section 11-400 Flood Fringe and Floodway Overlay Districts. The following shall apply except as otherwise allowed for Community Unit Plans of the Supplementary District Regulations.

1. Height and area regulations. The maximum height and minimum lot requirements within the R-1 Residential District shall be as follows:

	<i>Lot Area (sq. ft.)</i>	<i>Lot Width</i>	<i>Required Front Yard</i>	<i>Required Side Yard</i>	<i>Required Rear Yard</i>	<i>Max. Height*</i>
Dwelling, single- family	10,000	75 feet*	25 feet	10 feet	Smaller of 30 feet or 20% of lot depth.	35 feet
Other permitted uses	10,000	75 feet*	25 feet	10 feet	Smaller of 30 feet or 20% of lot depth.	35 feet

* Frontage on a cul-de-sac or loop-out street may have a frontage of not less than 40 feet (12.19 meters) provided that the width

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of the site as measured along the front yard setback line is at least 75 feet (22.86 meters).

2. Maximum lot coverage shall be 40%

G. SIGN REGULATIONS: Signs within the R-1 Residential District shall be in conformance with the provisions of Article 5, Section 11-519.01 of these Regulations.

H. MISCELLANEOUS PROVISIONS: Supplementary District Regulations shall be complied with herein defined.

I. PARKING REGULATIONS: Parking within the R-1 Residential Ordinance District shall be in conformance with the provisions of Article 5, Section 11-508 of these Regulations.

J. FENCE REGULATIONS: Fences within the R-1 Residential District shall be in conformance with the provisions of Article 5, Section 11-502 of these Regulations.

(Amended by Ord. No. 1142, 8/6/91; 1926, 05/19/15)

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§ 11-214 R-2 TWO-FAMILY RESIDENTIAL DISTRICTS.

A. INTENT: This District is intended to provide for single and two-family residential dwellings within the existing ranges of Municipal services, or where Municipal services can be obtained or developed economically.

B. PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right, when in conformance with the Residential Design Standards in Section 11-521:

1. Single-family dwellings.
2. Manufactured single family dwellings that comply with the provisions of Article 5, Section 11-512.

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3. Two Family Dwellings.
4. Churches and places of worship.
5. Public and private schools including elementary, middle, senior primary schools and post-secondary schools, colleges and universities.
6. Public parks, playgrounds or playfields.
7. Community buildings owned and/or occupied by public agencies.

C. PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted if the Principle Use or Structure is present:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Private garages.
3. Home occupations in accordance with Article 5, Section 11-512.
4. Temporary buildings, mobile homes or travel trailers for dwelling, storage, office or other uses incidental to construction or building remodeling work, provided that such temporary buildings or mobile homes are removed within sixty (60) days after occupancy of the permanent residential dwelling.
5. Travel trailer which is being stored or otherwise kept, provided said trailer is not used for occupancy as a dwelling or sleeping space for any one (1) period of time to exceed thirty (30) days in duration.

D. SPECIAL EXCEPTION USES: A building or premise may be used for the following purposes in the "R-2" Two-Family Residential District if a Special Use Permit for such use has been obtained in accordance with Section 11-230 of these regulations.

1. Utility substations.
2. Hospitals and nursing, convalescent and retirement homes.
3. Medical Clinic.
4. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009 as Amended). Individual or "Small Wind Energy Conversion Systems (SWECS)

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shall also be in conformance with the provisions of Article 5, Section 11-525 and 11-526 of these Regulations.

5. Child care center.
6. Commercial business meeting facility, group activity center or fraternal organizations meeting facility.
7. Co-location of additional cellular or communication antennas on an existing tower in conformance with the provisions of Section 11-528 of these Regulations.
8. Community Unit Plans, in compliance with Supplementary District Regulations.
9. Child Care Homes.

E. PROHIBITED USES AND STRUCTURES: All other uses and structures, which are not specifically permitted or not permissible, as special exception uses shall be prohibited from the R-2 Two-Family Residential District.

F. MINIMUM YARD REQUIREMENTS: No residential structure shall be constructed or substantially improved within a floodplain or flood prone area unless the lowest floor, including basement, is elevated to at least one (1) foot above the base flood level. Additionally, no structures for human habitation shall be allowed in a designated floodway. No property shall be utilized for any purpose other than permitted by this District, and no structure shall be moved, constructed, or substantially improved without complying with the provisions of Section 11-400 Flood Fringe and Floodway Overlay Districts. The following shall apply except as otherwise allowed for Community Unit Plans of the Supplementary District Regulations.

1. Height and area regulations. The maximum height and minimum lot requirements within the R-2 Residential District shall be as follows:

	<i>Lot Area (sq. ft.)</i>	<i>Lot Width</i>	<i>Required Front Yard</i>	<i>Required Side Yard</i>	<i>Required Rear Yard</i>	<i>Max. Height*</i>

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Dwelling, single- family	5,000	50 feet*	25 feet	8 feet	Smaller of 20 feet or 20% of lot depth.	35 feet
Dwelling, two- family	3,000 per family dwelling	50 feet*	25 feet	8 feet	Smaller of 20 feet or 20% of lot depth.	35 feet
Other permitted uses	10,000	50 feet*	25 feet	8 feet	Smaller of 20 feet or 20% of lot depth.	35 feet

* Frontage on a cul-de-sac or loop-out street may have a frontage of not less than 35 feet (10.67 meters) provided that the width of the site as measured along the front yard setback line is at least 59 feet (15.24 meters).

2. Maximum lot coverage shall be 50%

G. MISCELLANEOUS PROVISIONS: Supplementary District Regulations shall be complied with as herein defined.

H. SIGN REGULATIONS: Signs within the R-2 Two-family Residential District shall be in conformance with the provisions of Article 5, Section 11-519.01 of these Regulations.

I. PARKING REGULATIONS: Parking within the R-2 Two-family Residential Ordinance District shall be in conformance with the provisions of Article 5, Section 11-508 of these Regulations.

J. FENCE REGULATIONS: Fences within the R-2 Two-family Residential District shall be in conformance with the provisions of Article 5, Section 11-502 of these Regulations.

(Amended by Ord. No. 1142, 8/6/91; 1240, 06/07/94; 1926, 05/19/15; 2023, 11/7/17)

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§11-215 R-3 MULTI-FAMILY RESIDENTIAL DISTRICTS.

A. INTENT: This District is intended to provide for single family, two-family and multiple-family residential dwellings within the existing ranges of Municipal services, or where Municipal services can be obtained or developed economically.

B. PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right, when in conformance with the Residential Design Standards in Section 11-521:

1. Single-family dwellings.
2. Manufactured single family dwellings that comply with the provisions of Article 5, Section 11-512.
3. Two Family Dwellings.
4. Multiple-Family Dwellings.
5. Churches and places of worship.
6. Public and private schools including elementary, middle, senior primary schools and post-secondary schools, colleges and universities.
7. Public parks, playgrounds or playfields.
8. Community buildings owned and/or occupied by public agencies

C. PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted if the Principle Use or Structure is present:

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1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Private garages.
3. Home occupations in accordance with Article 5, Section 11-512.
4. Temporary buildings, mobile homes or travel trailers for dwelling, storage, office or other uses incidental to construction or building remodeling work, provided that such temporary buildings or mobile homes are removed within sixty (60) days after occupancy of the permanent residential dwelling.
5. Travel trailer which is being stored or otherwise kept, provided said trailer is not used for occupancy as a dwelling or sleeping space for any one (1) period of time to exceed thirty (30) days in duration.

D. SPECIAL EXCEPTION USES: A building or premise may be used for the following purposes in the "R-3" Multiple-Family Residential District if a Special Use Permit for such use has been obtained in accordance with Section 11-230 of these regulations.

1. Utility substations.
2. Hospitals and nursing, convalescent and retirement homes.
3. Medical Clinic.
4. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009 as Amended). Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Article 5, Section 11-525 and 11-526 of these Regulations.
5. Child care center.
6. Commercial business meeting facility, group activity center or fraternal organizations meeting facility.
7. Co-location of additional cellular or communication antennas on an existing tower in conformance with the provisions of Section 11-528 of these Regulations.
8. Community Unit Plans, in compliance with Supplementary District Regulations.

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9. Mobile Home Parks, or any expansion of an existing Mobile Home Park, in compliance with Supplementary District Regulations, Section 11-515 of these Regulations.

10. Professional, medical and business offices, including personal services Offices that are appropriate in a residential neighborhood.

11. Child Care Homes.

E. PROHIBITED USES: AND STRUCTURES: All other uses and structures, which are not specifically permitted or not permissible, as special exception uses shall be prohibited from the R-3 Multiple-Family Residential District.

F. MINIMUM YARD REQUIREMENTS: No residential structure shall be constructed or substantially improved within a floodplain or flood prone area unless the lowest floor, including basement, is elevated to at least one (1) foot above the base flood level. Additionally, no structures for human habitation shall be allowed in a designated floodway. No property shall be utilized for any purpose other than permitted by this District, and no structure shall be moved, constructed, or substantially improved without complying with the provisions of Section 11-400 Flood Fringe and Floodway Overlay Districts. The following shall apply except as otherwise allowed for Community Unit Plans of the Supplementary District Regulations.

1. Height and area regulations. The maximum height and minimum lot requirements within the R-3 Multiple-Family Residential District shall be as follows:

	<i>Lot Area (sq. ft.)</i>	<i>Lot Width</i>	<i>Required Front Yard</i>	<i>Required Side Yard</i>	<i>Required Rear Yard</i>	<i>Max. Height*</i>
Dwelling, single- family	5,000	50 feet	25 feet	8 feet	Smaller of 20 feet or 20% of lot depth.	45 feet

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Dwelling, two- family	2,500 per family dwelling	50 feet	25 feet	8 feet	Smaller of 20 feet or 20% of lot depth.	45 feet
Dwelling, multi- family	2,000 per family dwelling	50 feet	25 feet	8 feet	Smaller of 20 feet or 20% of lot depth.	45 feet
Other permitted uses	5,000	50 feet	25 feet	8 feet	Smaller of 20 feet or 20% of lot depth.	45 feet

2. Maximum lot coverage shall be 50%

3. Sites that front on a cul-de-sac or loop-out street may have a frontage of not less than 35 feet provided that the width of the site as measured along the front yard setback line is at least 50 feet.

G. MISCELLANEOUS PROVISIONS: Supplementary District Regulations shall be complied with as herein defined.

H. SIGN REGULATIONS: Signs within the R-3 Multiple-Family Residential District shall be in conformance with the provisions of Article 5, Section 11-519.01 of these Regulations.

I. PARKING REGULATIONS: Parking within the R-3 Multiple-Family Residential District shall be in conformance with the provisions of Article 5, Section 11-508 of these Regulations.

J. FENCE REGULATIONS: Fences within the R-3 Multiple-Family Residential District shall be in conformance with the provisions of Article 5, Section 11-502 of these Regulations.

(Amended by Ord Nos. 1116, 05/01/90; 1142, 8/6/91; 1240, 6/7/94; 1926, 05/19/15; 2023, 11/7/17)

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§11-216 R-4 MIXED RESIDENTIAL DISTRICTS.

A. INTENT: The intent of this District is to provide for medium to high density residential development, including single-family, two-family, multiple-family and mobile home dwellings and mobile home parks.

B. PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right, when in conformance with the Residential Design Standards in Section 11-521.

1. Single-Family dwellings.
2. Two-Family dwellings.
3. Multiple-Family dwellings.

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4. Mobile Homes.
5. Mobile Home Parks, or any expansion of an existing Mobile Home Park, in compliance with Supplementary District Regulations, Section 11-515 of these Regulations.
6. Child care homes.

C. PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted if the Principle Use or Structure is present.

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Private garages.
3. Home occupations in accordance with Article 5, Section 11-512.
4. Temporary buildings, mobile homes or travel trailers for dwelling, storage, office or other uses incidental to construction or building remodeling work, provided that such temporary buildings or mobile homes are removed within sixty (60) days after occupancy of the permanent residential dwelling.
5. Travel trailer which is being stored or otherwise kept, provided said trailer is not used for occupancy as a dwelling or sleeping space for any one (1) period of time to exceed thirty (30) days in duration.

D. SPECIAL EXCEPTION USES: A building or premise may be used for the following purposes in the R-4 Mixed Residential District if a Special Use Permit for such use has been obtained in accordance with Section 11-230 of this Ordinance.

1. Utility substations.
2. Hospitals and nursing, convalescent and retirement homes.
3. Medical Clinic.
4. Professional, medical and business offices, including personal services offices that are appropriate in a residential neighborhood.
5. Child care centers.
6. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009 as Amended).

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Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Article 5, Section 11-525 and 11-526 of these Regulations.

7. Co-location of additional cellular or communication antennas on an existing tower in conformance with the provisions of Section 11-528 of these Regulations.

8. Commercial business meeting facility, group activity center or fraternal organizations meeting facility.

9. Community Unit Plans, in compliance with Supplementary District Regulations.

E. PROHIBITED USES: All other uses and structures, which are not specifically permitted or not permissible, as special exception uses shall be prohibited from the R-4 Mixed Residential District.

F. SPACE LIMITATIONS: No residential structure shall be constructed or substantially improved within a floodplain or flood prone area unless the lowest floor, including basement, is elevated to at least one (1) foot above the base flood level. Additionally, no structures for human habitation shall be allowed in a designated floodway. No property shall be utilized for any purpose other than permitted by this District, and no structure shall be moved, constructed, or substantially improved without complying with the provisions of Section 11-400 Flood Fringe and Floodway Overlay Districts. The following shall apply except as otherwise allowed for Community Unit Plans of the Supplementary District Regulations.

1. Height and area regulations. The maximum height and minimum lot requirements within the R-4 Mixed Residential District shall be as follows:

	<i>Lot Area (sq. ft.)</i>	<i>Lot Width</i>	<i>Required Front Yard</i>	<i>Required Side Yard</i>	<i>Required Rear Yard</i>	<i>Max. Height*</i>
Dwelling, single- family	5,000	44 feet	20 feet	5 feet	Smaller of 20 feet or 20% of lot depth.	35 feet

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Dwelling, two- family	2,500 per family dwelling	44 feet	20 feet	5 feet	Smaller of 20 feet or 20% of lot depth.	35 feet
Dwelling, multi- family	2,000 per family dwelling	44 feet	20 feet	5 feet	Smaller of 20 feet or 20% of lot depth.	35 feet
Other permitted uses	5,000	50 feet	20 feet	5 feet	Smaller of 20 feet or 20% of lot depth.	35 feet

2. Maximum lot coverage shall be 60%.

G. MISCELLANEOUS PROVISIONS: Supplementary District Regulations shall be complied with as herein defined.

H. SIGN REGULATIONS: Signs within the R-4 Mixed Residential District shall be in conformance with the provisions of Article 5, Section 11-519.01 of these Regulations.

I. PARKING REGULATIONS: Parking within the R-4 Mixed Residential Ordinance District shall be in conformance with the provisions of Article 5, Section 11-508 of these Regulations.

J. FENCE REGULATIONS: Fences within the R-4 Mixed Residential District shall be in conformance with the provisions of Article 5, Section 11-502 of these Regulations.

(Amended by Ord. Nos. 1116, 05/01/90; 1142, 08/06/91; 1264, 03/07/95; 1926, 05/19/15)

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§11-217 C-1 CENTRAL COMMERCIAL DISTRICT.

A. **INTENT:** The intent of the Central Commercial District is to provide for commercial business services and activities to support community and trade area needs, and to promote the traditional character of the original center of the community.

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B. PERMITTED PRINCIPAL USES: The following shall be permitted as uses by right, when in conformance with the Commercial Design Standards in Section 11-522 of these Regulations and are primarily considered to be a retail business or establishment as follows, or similar to:

1. Antique stores.
2. Apparel and accessory stores.
3. Appliance stores.
4. ATM drive-thru or walk-up location.
5. Automobile wash facilities.
6. Bakeries.
7. Banks, savings and banks, savings and associations, and other financial institution.
8. Barber and beautician services.
9. Book and Stationery stores.
10. Bowling alleys.
11. Business or professional office, supplying commodities or performing services.
12. Bus terminals.
13. Camera supply stores and photographic studios.
14. Confectionery stores.
15. Contract construction services.
16. Drapery, curtain and upholstery stores.
17. Drug and proprietary stores.
18. Eating places, indoor or outdoor.
19. Food and beverage stores, general retail.
20. Food lockers without preparation facilities.
21. Furniture and home furnishings retail.
22. Garden supplies and nurseries.

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23. Gas Stations.
24. General merchandise retail stores.
25. Hardware retail stores.
26. Jewelry retail.
27. Laundry, self-service and/or dry cleaning plants.
28. Lumber yards.
29. Machine Shop.
30. Medical, dental and other health services.
31. Mixed Use.
32. Motels.
33. Multifamily dwellings.
34. Outdoor advertising business.
35. Paint, glass and wallpaper retail.
36. Plumbing and heating services.
37. Public buildings, parks and other similar property.
38. Radio and television, sales and service.
39. Sporting goods, retail.
40. Taverns.
41. Variety and gift stores.

C. PERMITTED ACCESSORY USES: The following accessory uses and structures shall be permitted if the Principle Use or Structure is present:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special exception uses.

D. SPECIAL EXCEPTION USES: A building or premise may be used for the following purposes in the C-1 Central Commercial District if a Special Use Permit for such use has been obtained in accordance with Section 11-230 of this Ordinance.

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1. Civic, social and fraternal associations.
2. Child Care Center
3. Churches and places of worship.
4. Funeral homes.
5. Motion picture theaters.
6. Electrical and gas distribution substations, and other public utility substations and other public utility installations, but not including equipment storage or maintenance yards.
7. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to 70-2005 (August 30, 2009, as amended.) shall also be in conformance with the provisions of Section 11-525 and 11-526 of these Regulations.
8. Bed and breakfast guest home.
9. Co-location of additional cellular or communication antennas on an existing tower in conformance with the provisions of Section 11-528 of these Regulations.
10. Recycling center.
11. Single and Two-Family dwellings.

E. PROHIBITED USES: All other uses and structures, which are not specifically permitted or not permissible, as special exception uses shall be prohibited from the C-1 Commercial District.

F. SPACE LIMITATIONS: No residential structure shall be constructed or substantially improved within a floodplain or flood prone area unless the lowest floor, including basement, is elevated to at least one (1) foot above the base flood level. Additionally, no structures for human habitation shall be allowed in a designated floodway. No property shall be utilized for any purpose other than permitted by this District, and no structure shall be moved, constructed, or substantially improved without

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complying with the provisions of Section 11-400 Flood Fringe and Floodway Overlay Districts. The following shall apply except as otherwise allowed for Community Unit Plans of the Supplementary District Regulations.

1. Height and area regulations. The maximum height and minimum lot requirements within the C-1 Central Commercial District shall be as follows:

	<i>Lot Area (sq. ft.)</i>	<i>Lot Width</i>	<i>Required Front Yard</i>	<i>Required Side Yard</i>	<i>Required Rear Yard</i>
Permitted Principle Uses	2,684	22 feet	None	0 or 10 feet when abutting a Residential Area	0 or 25 feet when abutting a Residential Area
Other permitted uses	2,684	22 feet	None	0 or 10 feet when abutting a Residential Area	0 or 25 feet when abutting a Residential Area

G. MISCELLANEOUS PROVISIONS: Supplementary District Regulations shall be complied with as defined herein, except there shall be no minimum parking or loading requirements for any commercial use. Minimum parking and loading requirements shall be complied with for all residential uses, except for residential uses located on the second, or higher floor(s) of a commercial building built prior to January 1, 1990.

H. SIGN REGULATIONS: Signs within the C-1 Central Commercial District shall be in conformance with the provisions of Article 5, Section 11-519.01 of these Regulations.

I. FENCE REGULATIONS: Fences within the C-1 Central Commercial District shall be in conformance with the provisions of Article 5, Section 11-502 of these Regulations.

(Amended by Ord. No. 941, 6/21/1983; Ord. No. 1774, 11/2/2010; 1926, 05/19/15; 1964, 12/15/15; 1974, 6/7/2016)

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§11-218 C-2 GENERAL COMMERCIAL DISTRICTS.

A. INTENT: The General Commercial District is intended to provide for commercial business services and activities generally along the Highway 33 and/or 103 Corridors, including areas contiguous to the Central Business District, to support community and trade area needs.

B. PERMITTED PRINCIPAL USES: The following shall be permitted as uses by right, when in conformance with the Commercial Design Standards in Section 11-522 of these Regulations:

1. Automobile and truck sales, service and repair.

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2. Automobile wash facilities.
3. Barber shops, beauty salons and shoe repair shops.
4. Banking and financial services institutions.
5. Child Care Centers
6. Construction sales and services.
7. Commercial operations and businesses intended for the purpose of servicing travel and recreational users.
8. Commercial recreational facilities (bowling alleys, miniature golf courses and similar uses).
9. Gas Station, Service Station, Convenience store
10. Detached banking facilities (ATM).
11. Electric and telephone substations.
12. Garden centers and nurseries.
13. Grocery stores.
14. Irrigation equipment sales and services.
15. Lumber yards and construction materials sales.
16. Machine Shop.
17. Medical, dental and other health services.
18. Mini-storage facilities.
19. Mobile home sales.
20. Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants.
21. Restaurants and cafes.
22. Service stations.
23. Single family dwellings.
24. Stores or shops for sale of goods at retail.
25. Transportation warehousing.
26. Trucks and freight terminals.
27. Utilities including shops and offices.

C. PERMITTED ACCESSORY USES: The following accessory uses and structures shall be permitted if the Principle Use or Structure is present:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special exception uses.

D. SPECIAL EXCEPTION USES: All special exception uses permitted in the C-2 General Commercial District.

1. Civic, social and fraternal associations.
2. Churches and places of worship.
3. Funeral homes.

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4. Motion picture theaters.
5. Electrical and gas distribution substations, and other public utility substations and other public utility installations, but not including equipment storage or maintenance yards.
6. Veterinary services and small animal hospitals.
7. Bulk Fertilizer Plants.
8. Co-location of additional cellular or communication antennas on an existing tower in conformance with the provisions of Section 11-528 of these Regulations.
9. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to 70-2005 (August 30, 2009, as amended.) shall also be in conformance with the provisions of Section 11-525 and 11-526 of these Regulations.

E. PROHIBITED USES: All other uses and structures, which are not specifically permitted or not permissible, as special exception uses shall be prohibited from the C-2 Commercial District.

F. SCREENING REQUIREMENTS:

1. Where a site adjoins or is located across an alley from a Residential District, a solid wall, fence, compact evergreen hedge six (6) feet in height or buffering area may be required on the property line common to such districts, except in a required front yard.
2. Open storage of materials associated with a permitted use or permitted special exception use shall be allowed only within an area surrounded or screened by a solid wall or fence.

G. SPACE LIMITATIONS: No residential structure shall be constructed or substantially improved within a floodplain or flood prone area unless the lowest floor, including basement, is elevated to at least one (1) foot above the base flood level. Additionally, no structures for human habitation shall be allowed in a designated floodway. No property shall be utilized for any purpose other than permitted by this District, and no structure shall be moved, constructed, or substantially improved without complying with the provisions of Section 11-400 Flood Fringe and Floodway Overlay Districts. The following shall apply except as

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otherwise allowed for Community Unit Plans of the Supplementary District Regulations.

1. Height and area regulations. The maximum height and minimum lot requirements within the C-2 Central Commercial District shall be as follows:

	Lot Area (sq. ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard
Permitted Principle Uses	2,500	44 feet	10 feet	0 or 10 feet when abutting a Residential Area	Smaller of 20 feet or 20% of lot depth.
Dwelling, two-family	2,500 per family dwelling	44 feet	20 feet	5 feet	Smaller of 20 feet or 20% of lot depth.
Dwelling, multi-family	2,000 per family dwelling	44 feet	20 feet	5 feet	Smaller of 20 feet or 20% of lot depth.
Other permitted uses	5,000	50 feet	20 feet	5 feet	Smaller of 20 feet or 20% of lot depth.

H. Miscellaneous Provisions: Supplementary District Regulations shall be complied with as defined herein.

I. SIGN REGULATIONS: Signs within the C-2 General Commercial District shall be in conformance with the provisions of Article 5, Section 11-519.01 of these Regulations.

J. PARKING REGULATIONS: Parking within the C-2 Commercial District shall be in conformance with the provisions of Article 5, Section 11-508 of these Regulations.

K. FENCE REGULATIONS: Fences within the C-2 General Commercial District shall be in conformance with the provisions of Article 5, Section 11-502 of these Regulations.

(Amended by Ord. No. 941, 6/21/1983; Ord. No. 1774, 11/2/2010; 1926, 05/19/15; 1964, 12/15/15; 1974, 6/7/2016)

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S11-219 C-3 HIGHWAY COMMERCIAL DISTRICTS.

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A. INTENT: To provide for the trade, service, cultural and recreational uses which are appropriate to be developed in conjunction with a highway and offer a desired convenience in location and accessibility to the motoring public.

B. PRINCIPAL PERMITTED USES: The following shall be permitted as uses by right, when in conformance with the Commercial Design Standards in Section 11-522 of these Regulations:

1. Automobile and truck dealerships, service and repair facilities.
2. Automotive parts supplies stores.
3. Big box discount department stores, grocery and hardware stores.
4. Child Care Center
5. Fast food dine-in and drive-through restaurants.
6. Farm machinery and equipment sales and services.
7. Feed, grain and fertilizer sales.
8. Gas Station, Service Station, Convenience Store
9. Golf driving ranges and miniature golf courses.
10. Lumber yards and construction materials sales.
11. Machine Shop.
12. Medical, dental and other health services.
13. Mobile home sales.
14. Motion picture theaters, including drive-in theaters.
15. Motels and hotels, including accessory service uses
16. Railroad and truck terminals, excluding stockyards.
17. Shopping Centers, Strip-malls.
18. Wholesale distribution and warehousing.

B. PERMITTED ACCESSORY USES: The following accessory uses and structures shall be permitted if the Principle Use or Structure is present:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special exception uses.

C. SPECIAL EXCEPTION USES: A building or premise may be used for the following purposes in the C-3 Highway Commercial District if a Special Use Permit for such use has been obtained in accordance with Section 11-230 of these Regulations.

1. Civic, social and fraternal associations.

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2. Churches and places of worship.
3. Funeral homes.
4. Motion picture theaters.
5. Electrical and gas distribution substations, and other public utility substations and other public utility installations, but not including equipment storage or maintenance yards.
6. A dwelling unit, including mobile home, for use by the owner, operator or caretaker of the commercial establishment.
7. Veterinary services and small animal hospitals.
8. Bulk Fertilizer Plants.
9. Co-location of additional cellular or communication antennas on an existing tower in conformance with the provisions of Section 11-528 of these Regulations.
10. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to 70-2005 (August 30, 2009, as amended.) shall also be in conformance with the provisions of Section 11-525 and 11-526 of these Regulations.

D. LANDSCAPING AND DEVELOPMENT REQUIREMENTS.

1. Landscaped parking lots, including trees and landscaped islands as separations between parking bays.
2. Roof-lines shall incorporate peaked parapet false front facades, or peaked roofs.
3. Wide sidewalks abutting the storefronts with canopy or roof overhangs extending over pedestrian areas.

E. PROHIBITED USES: All other uses and structures, which are not specifically permitted or not permissible, as special exception uses shall be prohibited from the C-3 Highway Commercial District.

F. SPACE LIMITATIONS: No residential structure shall be constructed or substantially improved within a floodplain or flood prone area unless the lowest floor, including basement, is elevated to at least one (1) foot above the base flood level. Additionally, no structures for human habitation shall be allowed in a designated floodway. No property shall be utilized for any purpose other than permitted by this District, and no structure shall be moved, constructed, or substantially improved without complying with the provisions of Section 11-400 Flood Fringe and Floodway Overlay Districts. The following shall apply except as

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otherwise allowed for Community Unit Plans of the Supplementary District Regulations.

1. Height and area regulations. The maximum height and minimum lot requirements within the C-3 Highway Commercial District shall be as follows:

	Lot Area (sq. ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard
Permitted Principle Uses	10,000	80 feet	10 feet	0 or 10 feet when abutting a Residential Area	Smaller of 20 feet or 20% of lot depth.
Other permitted uses	10,000	80 feet	20 feet	0 or 10 feet when abutting a Residential Area	Smaller of 20 feet or 20% of lot depth.

G. MISCELLANEOUS PROVISIONS: Supplementary District Regulations shall be complied with as defined herein.

H. SIGN REGULATIONS: Signs within the C-3 Highway Commercial District shall be in conformance with the provisions of Article 5, Section 11-519.01 of these Regulations.

I. PARKING REGULATIONS: Parking within the C-3 Highway District shall be in conformance with the provisions of Article 5, Section 11-508 of these Regulations.

J. FENCE REGULATIONS: Fences within the C-3 Highway Commercial District shall be in conformance with the provisions of Article 5, Section 11-502 of these Regulations.

(Amended by Ord. Nos. 965, 08/07/84; 1142, 08/06/91; 1544, 01/21/03; 1579, 06/17/03; 1926, 05/19/15; 1952, 10/20/15; 1964, 12/15/15; 1974, 6/7/2016)

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§11-220 I-1 LIGHT INDUSTRIAL DISTRICTS.

A. INTENT: This District is intended to provide for light industrial activities in areas where ingress and egress can be provided in a safe and convenient manner. The activities located in this District should be engaged in wholesale commercial trade or manufacturing, compounding, assembly or treatment of articles or materials with the exception of heavy manufacturing and the processing of raw materials. It is further intended that activities proposing to locate in any of the areas designed Light Industries shall satisfy the Planning Commission and the City Council that the activity conducted in the aforementioned areas shall conform to the pollution control standards in existence for the State of Nebraska. No use shall be permitted that does not conform to these minimum pollution control standards.

B. PERMITTED PRINCIPAL USES: Foundry casting light weight non-ferrous metal not causing noxious fumes or odor.

1. Terminal yard, trucking.
2. Wholesale distribution and warehousing.
3. Manufacture and/or assembly of component parts.
4. Food processing and packaging.
5. Concrete batch plant cement, clay or pottery products manufacture.
6. Contract construction equipment storage.
7. Fuel storage yard.
8. Machine shops.
9. Truck and tractor repair.
10. Mobile or modular home manufacturing.
11. Beverage bottling or distribution.
12. Raising of field crops and horticulture.
13. On-site signs.
14. Outdoor advertising business.
15. Sawmill, planing mill, including manufacturing or wood products not involving chemical treatment.

C. PERMITTED ACCESSORY USES: The following accessory uses and

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structures shall be permitted if the Principle Use or Structure is present.

1. A dwelling unit, including mobile home, for use by the owner, operator or caretaker of the industry.
2. Other uses normally appurtenant to the permitted uses when established in conformance with the space limits of this District.

D. SPECIAL EXCEPTION USES: A building or premise may be used for the following purposes in the I-1 Light industrial District if a Special Use Permit for such use has been obtained in accordance with Section 11-230 of this Ordinance.

1. Animal sales yards, auctions and slaughter locker plant operation.
2. Gravel, sand or dirt removal, stockpiling, processing or distribution and sales thereof.
3. Retail sales of products constructed on-site.
4. Auto wrecking and salvaging operations thereof, sufficiently screened from public view.
5. Contractor's storage yard or plant.
6. Co-location of additional cellular or communication antennas on an existing tower in conformance with the provisions of Section 11-528 of these Regulations.
7. One additional dwelling unit (in addition to that allowed under Permitted Accessory Uses), including mobile home, for use by the owner, operator or caretaker of the industry.
8. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to 70-2005 (August 30, 2009, as amended.) shall also be in conformance with the provisions of Section 11-525 and 11-526 of these Regulations.
9. Outdoor Storage Containers.

E. PROHIBITED USES. All other uses which are not specifically permitted or are not permissible as a special exception use and specifically:

1. Commercial cattle feed lots.
2. Any residential use except for owner, operator or watchman

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quarters.

3. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinder, gas, fumes, noise, vibrations, refuse matter or water-carried waste.

F. SPACE LIMITATIONS: The following shall apply except as otherwise allowed for Community Unit Plans of the Supplementary District Regulations.

1. Height and area regulations. The maximum height and minimum lot requirements within the I-1 Light Industrial District shall be as follows:

	<i>Lot Area (sq. ft.)</i>	<i>Lot Width</i>	<i>Required F r o n t Yard</i>	<i>Required Side Yard</i>	<i>Required Rear Yard</i>	<i>Max. Height*</i>
Permitted Principle Uses	20,000	80 feet	50 feet	10 feet	20 feet	50 feet
O t h e r permitted uses	20,000	80 feet	50 feet	10 feet	20 feet	50 feet

G. MISCELLANEOUS PROVISIONS: Supplementary District Regulations shall be complied with as herein defined. All uses within this District shall meet the minimum performance standards for industry as defined herein.

H. SIGN REGULATIONS: Signs within the I-1 Light industrial District shall be in conformance with the provisions of Article 5, Section 11-519.01 of these Regulations.

I. PARKING REGULATIONS: Parking within the I-1 Light industrial District shall be in conformance with the provisions of Article 5, Section 11-508 of these Regulations.

J. FENCE REGULATIONS: Fences within the I-1 Light industrial District shall be in conformance with the provisions of Article 5, Section 11-502 of these Regulations.
(Amended by Ord. Nos. 966, 8/7/84; 1142, 8/6/91; 1165, 4/7/92;

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1926, 05/19/15; 2022, 11/7/17)

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§11-221 I-2 HEAVY INDUSTRIAL DISTRICTS.

A. INTENT: This District is intended to provide areas for activities and uses of a heavy industrial character, which permits the manufacturing or treatment of any goods from raw materials or any other activity with which hazardous processes, products or fumes are associated. It is the least restrictive of any district and provides for the widest range of industrial operation permitted by this Article.

B. PERMITTED PRINCIPAL USES: Any building or uses of a heavy industrial character, which permits the manufacturing or treatment of any goods from raw materials, not in conflict with any ordinance of the City or law of the State of Nebraska regulating nuisances or environmental pollutants.

1. Terminal yard, trucking.
2. Wholesale distribution and warehousing.
3. Manufacture and/or assembly of component parts.
4. Food processing and packaging.
5. Concrete batch plant cement, clay or pottery products manufacture.
6. Contractors construction equipment storage.
7. Fuel storage yard.
8. Machine shops.
9. Truck and tractor repair.
10. Mobile or modular home manufacturing.
11. Beverage bottling or distribution.

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12. Raising of field crops and horticulture.
13. On-site signs.
14. Outdoor advertising business.
15. Sawmill, planning mill, including manufacturing or wood products not involving chemical treatment.

It is further intended that activities proposing to locate in any of the areas designated Heavy Industrial shall satisfy the Planning Commission and the City Council that the activities conducted in the aforementioned areas shall conform to the pollution control standards in existence for the State of Nebraska. No use shall be permitted that does not conform to these minimum pollution control standards.

C. PERMITTED ACCESSORY USES: The following accessory uses and structures shall be permitted if the Principle Use or Structure is present.

1.A dwelling unit, including mobile home, for use by the owner, operator or caretaker of the industry.

2.Other uses normally appurtenant to the permitted uses when established in conformance with the space limits of this District.

D. SPECIAL EXCEPTION USES: A building or premise may be used for the following purposes in the I-2 Heavy Industrial District if a Special Use Permit for such use has been obtained in accordance with Section 11-230 of this Ordinance.

1.Animal sales yards, auctions and slaughter locker plant operation.

2.Gravel, sand or dirt removal, stockpiling, processing or distribution and sales thereof.

3.Retail sales of products constructed on-site.

4.Auto wrecking and salvaging operations thereof, sufficiently screened from public view.

5.One additional dwelling unit (in addition to that allowed under Permitted Accessory Uses), including mobile home, for use by the owner, operator or caretaker of the industry.

6.Co-location of additional cellular or communication antennas on an existing tower in conformance with the provisions of Section 11-528 of these Regulations.

7.Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statues §70-2001to 70-2005 (August

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30, 2009, as amended.) shall also be in conformance with the provisions of Section 11-525 and 11-526 of these Regulations.

- 8. Outdoor Storage Containers.
- 9. Composting facilities.

E. PROHIBITED USES: All other uses and structures, which are not specifically permitted or not permissible, as special exception uses shall be prohibited from the I-2 Heavy Industrial District.

F. SPACE LIMITATIONS: All principal or accessory structures housing a use permitted only in the I-2 District shall be located at least 200 feet (60.96 meters) from any residential or commercial district boundary and not less than 100 feet (30.48 meters) from any other district, except a Light Industrial District boundary.

- 1. Height and area regulations. The maximum height and minimum lot requirements within the I-2 Heavy Industrial District shall be as follows:

	<i>L o t A r e a (s q . f t .)</i>	<i>L o t W i d t h</i>	<i>R e q u i r e d F r o n t Y a r d</i>	<i>R e q u i r e d S i d e Y a r d</i>	<i>R e q u i r e d R e a r Y a r d</i>	<i>Max. H e i g h t * f e e t</i>
Permitted Principle Uses	20,000	80 feet	50 feet	50 feet	50 feet	50 feet
Other permitted uses	20,000	80 feet	50 feet	10 feet	20 feet	50 feet

G. MISCELLANEOUS PROVISIONS: The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance, shall be employed.

H. SIGN REGULATIONS: Signs within the I-2 Heavy Industrial District shall be in conformance with the provisions of Article 5, Section 11-519.01 of these Regulations.

I. PARKING REGULATIONS: Parking within the I-2 Heavy Industrial

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District shall be in conformance with the provisions of Article 5, Section 11-508 of these Regulations.

J.FENCE REGULATIONS: Fences within the I-2 Heavy Industrial District shall be in conformance with the provisions of Article 5, Section 11-502 of these Regulations.

(Amended by Ord. No. 1142, 8/6/91; 1926, 05/19/15; 2022, 11/7/17)

§11-222 P PUBLIC DISTRICT

INTENT: The Public District is intended to provide parks, natural open space and public facilities. The district is a special use classification intended to provide areas for the retention of public lands necessary for open spaces, parks, playgrounds, trails and structures designed for public recreation and to provide areas for the location of government buildings and structures for public education, recreation and other public uses. This zoning classification is intended to be applied to those portions of the city that are designated as developed open space and public facility in the Future Land Use Map of the Comprehensive Plan.

A. PERMITTED PRINCIPAL USES: The following shall be permitted as uses by right, when in conformance with the Public District regulations:

1. Agriculture
2. Camping Facilities
3. Cemetery
4. Community Gardens
5. Community Center
6. Drainage or Flood Control Facility
7. Emergency Facilities
8. Fair Grounds
9. Fire Facilities
10. Fueling or Electrical Charging Facility
11. Government Offices
12. Library
13. Lift Station
14. Outdoor Container Storage
15. Outdoor Material Storage
16. Park
17. Picnic Shelters
18. Playground
19. Police or Law Enforcement Facilities
20. Postal Facilities

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21. Public Airport
22. Public Golf Course
23. Public Hospital
24. Public Maintenance Shop and yard
25. Public Recreational Facilities
26. Public Refuse Transfer Station
27. Public Restrooms
28. Public Swimming Pool or Splash Pad
29. Public Trails
30. Public Utilities
31. Public Warehousing.
32. Publicly Operated Child Care Center
33. Recycling Center
34. Sanitary Sewer Facilities
35. Sports Stadium or Facility

B. PERMITTED ACCESSORY USES: The following accessory uses and structures shall be permitted if the Principle Use or Structure is present:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special exception uses.

C. SPECIAL EXCEPTION USES: All special exception uses permitted in the P Public District.

1. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statues §70-2001to 70-2005 (August 30, 2009, as amended.) shall also be in conformance with the provisions of Section 11- 525 and 11-526 of these Regulations. (Ord. No. 1579, 06/17/03)
2. Public jail or human detention facility.
3. Public Animal Shelter
4. Sanitary Landfill.
5. Other Publicly Operated Facilities

D. PROHIBITED USES: All other uses and structures, which are not specifically permitted or not permissible, as special exception uses shall be prohibited from the P Public District.

E. SCREENING REQUIREMENTS:

1. Open storage of materials associated with a permitted

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use or permitted special exception use shall be allowed only within an area surrounded or screened by a solid wall or fence.

F. SPACE LIMITATIONS:

1. *Height and area regulations.* The maximum height and minimum lot requirements within the P Public District shall be as follows:

	<i>Lot Area</i>	<i>Lot Width</i>	<i>Required Front Yard</i>	<i>Required Side Yard</i>	<i>Required Rear Yard</i>	<i>Max. Height</i>
Permitted Principle Uses	2,500	44 feet*	20 feet	0' or 10' when abutting residential districts	Smaller of 20 feet or 20% of lot depth.	35 feet
Other Permitted Uses	5,000	50 feet*	20 feet	5 feet	Smaller of 20 feet or 20% of lot depth.	35 feet

- G. SIGN REGULATIONS:** Signs within the P Public District shall be in conformance with the provisions of Article 5, Section 11-519.01 of these Regulations.

- H. PARKING REGULATIONS:** Parking within the P Public District shall be in conformance with the provisions of Article 5, Section 11-508 of these Regulations.

FENCE REGULATIONS: Fences within the P Public District shall be in conformance with the provisions of Article 5, Section 11- 502 of these Regulations
(Ord. No. 2024, 11/7/17)

§11-223 PO PARKING OVERLAY DISTRICT

- A. INTENT.** This zone is designed to provide for the parking of automobiles in zones which do not allow the activity which

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generates the need for automobile parking.

B. PERMITTED USES.

1. Any principal uses permitted in the Primary Zoning District to which PO Parking Overlay District classification is appended when established according to the regulations and provisions of the primary zoning district

2. Parking lots for automobiles when meeting the following construction and operation standards:

A. All parking lots established in a PO Parking Overlay District shall be surfaced with a dust free material.

B. Any lighting shall be so oriented that it will not shine on adjacent property in residential use.

C. A foliage or decorative masonry barrier shall be planted or constructed and maintained so as to shield the parking lot from any residential use adjacent to or across a street and facing said parking lot.

D. No parking lot shall encroach on any required front or side yard required by the Space Limits provisions of the primary zone.

E. No parking lot shall encroach on a required yard or open space or upon the minimum site area required for an existing use.

F. No access drive to a parking area in a PO Parking Overlay District shall traverse any land other than a PO Parking Overlay District or other district in which such parking lot may be legally established.

C. SPECIAL EXCEPTION USES

1. Any special exception use permitted in the primary zone to which the PO Parking Overlay District is appended when established according to the rules and conditions of the primary district.

D. PERMITTED ACCESSORY USES

1. Any permitted use allowed in the primary district to which the PO Parking Overlay District is appended when established according to the rules and conditions of the primary district.

E. SPACE LIMITS

1. All space limit provision of the primary district to which the PO Parking Overlay District is appended shall be adhered to, except under the following conditions:

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A. Automobile parking may be placed in any required rear yard provided the required side yard is maintained when adjacent to a property in residential use in a zoning district requiring a side yard.

B. Automobile parking may be placed within a required side yard when such side yard is adjacent to a zone which does not require a side yard.

F. PROCEDURE

1. The PO Parking Overlay District shall be appended to a primary district in the same manner in which zoning map changes are made, and shall have the effect of modifying the uses allowed on the specific site or zoning lot.

G. MISCELLANEOUS PROVISIONS

All miscellaneous provisions of the primary district to which the PO Parking Overlay District is appended shall apply.

(Ord. No. 2025, 11/7/17)

§11-224. WPO WELLHEAD PROTECTION OVERLAY DISTRICT

A. INTENT: The intent of this district is to protect the public water wells in the jurisdiction of Crete. In order to provide protection for such wells, and maintain the health, safety, and general welfare of Crete residents, the regulation of land uses having the potential for contamination of groundwater sources is necessary within a specified boundary area surrounding said wells. The Wellhead Protection Plan has identified the area of protection. An area used in the plan includes is the area delineated by the Nebraska Department of Health and Human Services. This area is required by Title 179 of the Nebraska Administrative Code to protect the municipal water supply from microbiological contamination within a calculated one (1) year time of travel for groundwater flow. Other areas include areas within a twenty-four (24) hour time of travel for surface water, areas near the well field where surface run-off can have a significant potential for surface contamination, and areas where development review and control is necessary to ensure proper control of run-off. The Wellhead Protection Overlay District establishes performance standards to protect the integrity of Crete's well fields including regulations related to the ability of contamination in the area to affect the quality of the City's water supply.

B. PREREQUISITE REQUIREMENTS FOR APPLICATION OF THIS DISTRICT: Prior to making such application and approval of any application

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of this district to any lands within the City by the City Council, the City shall first comply with all other requirements of the Wellhead Protection Act (Neb. Rev. Stat. 46-1505 through 46-1509). These requirements include, but are not limited to the following:

Delineation of the Wellhead Protection Area based upon a twenty (20) year time of travel recharge zone,
Approval of such Wellhead Protection Area by the Nebraska Department of Environmental Quality, Completion and mapping of an inventory or potential contamination sources within the Wellhead Protection Area,
Formulation of emergency / contingency / long-range plans in the event of disruption of supply of water from the wells in the Wellhead Protection Area,
Formulation of and ability to implement an on-going Public Involvement / Education Program to permit public comment in the establishment of the Wellhead Protection Program and to provide information to the public regarding the program and voluntary cooperation with said program,
Development of a program to install and maintain Wellhead Protection Area signs on roadways around the wellhead Protection Area,

C. LIMITATION ON APPLICATION OF THIS DISTRICT: This district may be applied only to Wellhead Protection Areas officially approved by the Nebraska Department of Environmental Quality. In the event the boundaries of any such officially approved Wellhead Protection Areas do not follow easily identifiable boundaries such as roads, rivers, creeks, section, quarter section or quarter-quarter section lines, the boundaries of such area shall be expanded to the nearest such lines to avoid confusion and added administrative costs associated with in-field determination of such boundaries.

D. AMENDMENT OF OFFICIAL ZONING MAP: Whenever the requirements of Section B have been complied with and the City Council has approved the application of this overlay zoning district on land with the City, in accordance with the procedures for amendment of the Official Zoning Map set forth in this Ordinance, the boundaries of such overlay district shall be indicated on said Official Zoning Map.

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E. ALLOWABLE USES AND STRUCTURES: Any use or structure indicated as an allowable use, a permitted use, a special exception use, or an accessory use in the primary zoning district to which this overlay district is applied shall be allowed or permitted in accordance with the zoning requirements of the primary zoning district, except when specifically prohibited in Section G, and provided all such uses further comply with the additional wellhead protection restrictions set forth in Section H of this Article.

F. MINIMUM LOT REQUIREMENTS: The minimum lot requirements as set forth on the primary zoning district shall apply within this overlay district, according to the location of each primary zoning district. Such requirements include lot area, lot width and frontage, setback requirements, and height restrictions.

G. PROHIBITED USES AND STRUCTURES: All other uses and structures which are not permitted in the underlying district either as a permitted use, accessory use or special exception use are prohibited. Furthermore, the following uses and /or structures shall be specifically prohibited:

Commercial feed lots.

Livestock auction sale yards.

Sludge and waste application and stockpiling from livestock operations or municipal waste.

Landfills and other types of waste handling facilities.

Commercial mines, quarries, sand and gravel pits.

Commercial or industrial uses which utilize or generate any materials determined by the United States Department of Environmental Protection as hazardous materials, including commercial or industrial uses which store bulk petroleum products, agricultural chemicals, anhydrous ammonia or other fertilizers in excess of fifty (50) gallons.

H. WELLHEAD PROTECTION RESTRICTIONS: The following restrictions shall apply to uses within any area of land on which this overlay district is applied:

Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or in association with another land use, shall comply with the rules and regulations of Titles 126 and 159, administered by the Nebraska Department of Environmental Quality or other responsible agency or department. Storage of gasoline or diesel fuel in excess of one-thousand

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one-hundred (1,100) gallons per aboveground storage tank or five hundred (500) gallons per underground storage tank, or two-thousand five-hundred (2500) gallons total of all tanks shall be prohibited, except when a special exception use for a commercial or industrial use is authorized. In any such authorization, a condition of approval shall be compliance with the rules and regulations of such Titles 126 and 129.

Fuel storage associated with irrigation well motors shall be equipped with a containment area in accordance with the National Fire Protection Association Code 30 and with Title 126, administered by the Nebraska Department of Environmental Quality, in the event of a fuel release.

No fuel storage, except when associated with Item 2 (above) shall be permitted within one-thousand (1,000) feet of any water well protected under this overlay district.

No septic tank or tile field or waste lagoon, or man-made or constructed earthen water storage (including irrigation re-use pits) associated with any residential, commercial, industrial, agricultural, or other type of use shall be permitted within one-thousand (1,000) feet of any water well protected under this overlay district.

Any development must be connected to City water services if such services are available within five hundred (500) feet of the site. If a connection is impossible, all new wells shall be installed in accordance with Title 178 of the Nebraska Administrative Code. Well installation further requires the approval of both the City's Director of Utilities and the appropriate State of Nebraska regulatory agencies.

Domestic, irrigation and any other water well shall not be located closer than one-thousand (1,000) feet to any water well protected under this overlay district.

All storage tanks permitted by this Section shall be operated safely and maintained in an operable and serviceable condition and meet all Department of Environmental Quality and Fire Marshall's regulations. All storage tanks with a capacity of at least three hundred (300) gallons shall receive a Storage Tank Permit before being placed into service.

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Storage of fertilizers, herbicides, pesticides and other materials, determined by the United States Environmental Protection Agency to be hazardous materials, shall be prohibited, except when a special exception use for such use is authorized and such authorization includes a condition that all such uses shall comply with the applicable rules and regulations of Title 118, 121, 126, 128, 159 and 198, administered by the Nebraska Department of Environmental Quality and other agencies.

Any application of fertilizers, pesticides, or herbicides to the land or crops through an irrigation system (chemigation) shall comply with the rules and requirements of Title 195.

If any land area contained within a wellhead protection overlay district is also part of a special protection area or ground water management area, established under the Groundwater Management Protection Act, all uses within such areas, including agricultural uses, shall comply with the action plan and best management practices established for such areas by the local Natural Resources District(s).

Surface water run-off shall be contained within the boundaries of any proposed development.

I. SPECIAL EXCEPTION USE PERMITS: Uses identified herein may be used or expanded in the WPO Wellhead Protection Overlay District if a Special Exception Use Permit for such use has been obtained pursuant to the following provisions:

The Special Exception Permit provisions within the Zoning Regulations must be complied with.

Municipal Review: The planning commission and governing body shall be notified by the Crete City Manager or his/her designee of any application for a Special Exception Use Permit within the respective wellhead protection area.

(Ord. No. 2026, 11/7/17)

§11-225 Reserved for future use.

§11-226 ADMINISTRATION AND ENFORCEMENT. The City Building Inspector shall administer and enforce this Article. He/she may be provided with the assistance of such other persons as the City Council may direct.

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If the City Building Inspector shall find any of the provisions of this Article are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Article to insure compliance with or to prevent violation of its provisions.

§11-227 BUILDING PERMITS. *(Repealed by Ord. 1523; 07/03/01)*
(See 9-201 through 9-206)

§11-228 CERTIFICATES OF ZONING COMPLIANCE. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of zoning compliance shall have been issued therefore by the Building Inspector, stating that the proposed use of the building or land conforms to the requirements of this Article.

§11-229 CONSTRUCTION AND USE AS PER APPLICATIONS, PLANS, PERMITS AND CERTIFICATES. Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Building Inspector, authorize only the use, arrangement and constructions set forth in such approved plans and applications, and no other use, arrangement, or construction, use, arrangement or construction at variance with that authorized shall be deemed violation of this Article, punishable as provided by Section 11-210.

§11-230 SPECIAL EXCEPTIONS. The City Council shall hear and decide only such special exceptions as are provided for by the terms of this Article; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Article, or to deny special exceptions when not in harmony with the purpose and intent of this Article. A special exception shall not be granted by the City Council unless and until:

A. A written application for a special exception is submitted

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indicating the section of this Article under which the special exception is sought and stating the grounds on which it is requested;

B. Notice shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the City Hall, and in one (1) other public place at least ten (10) days prior to the public hearing;

C. The public hearing shall be held. Any party may appear in person or by agent or attorney;

D. The City Council shall make a finding that it is empowered under the section of this Article described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest;

E. Before any special exception shall issue, the City Council shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and in case of fire or catastrophe;
2. Off-street parking and loading areas where required, with particular attention to the items in 1 above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
3. Refuse and service areas, with particular reference to the items in 1 above;
4. Utilities, with reference to locations, availability and compatibility;
5. Screening and buffering with reference to type, dimensions and character;
6. Sign, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
7. Required yards and other open space;

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8. General compatibility with adjacent properties and other property in the district.

9. Composting. The following is a listing of additional items that will need to be submitted to the City as part of the submittal, or submittals as conditions of approval for Special Exceptions for a composting facility. The Binding Agreement / Enforcement (as outlined in Section 4.) will need to be in place prior to the start of operations of the facility.

A. Odor Generation

i. Inventory - Odor Constituents of Concern

- a) Quantify compost facility individual VOC constituents that have the potential to result from composting as a maximum potential pound-per-hour emission rate without odor emission control. Provide emission factor source(s), supporting calculations and assumptions used to quantify odor emissions.
- b) Quantify compost facility individual hazardous air pollutant (HAP) emissions as a maximum potential pound-per-hour emission rate without odor emission control. Provide supporting calculations, emission factor sources, and assumptions used to quantify the odor emissions.
- c) Quantify compost facility emission for ammonia and hydrogen sulfide as a maximum potential pound-per-hour emission rate without odor emission control. Provide supporting calculations, emission factor sources, and assumptions used to quantify the odor emissions.
- d) Quantify fugitive emissions that are not routed through a stack or vent for the odor constituents of concern.

ii. Summarize the odor emission inventory for the proposed compost process including maximum potential hourly emission rate for odor constituents of concern, and characteristics for the exhaust points (stack, vent, or other) including height above ground level, diameter, exit velocity, exit temperature, and orientation. For fugitive emission sources, provide the anticipated minimum release height, width and length.

iii. Provide a proposed facility layout identifying the location of potential sources of odor emissions and proposed

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compost processes. The layout should include a scale and north direction. For each proposed building, identify the anticipated building width, length, and height above ground level for modeling purposes.

iv. Levels at property lines and in ambient air (where the general public has access to)

- a) Complete an ambient odor quality dispersion modeling analysis, using the recommended air dispersion modeling approach in Section vi. below with and without anticipated odor emission control strategies and/or emission reduction technologies, to plot the following odor annoyance free isopleths for each odor constituent of concern to odor annoyance free zones of 99%, 98%, 97%, 96%, and 95%.
- b) Indicate the basis for the odor threshold used to determine the odor annoyance free isopleths as either an odor recognition threshold or as an odor detection threshold and the source of the value.
- c) Five years of Lincoln, Nebraska surface and Omaha, Nebraska upper air data are generally recommended as a representative weather dataset for use in EPA's American Meteorological Society / Environmental Protection Agency Regulatory Model (AERMOD) or other approved software
- d) A uniform cartesian receptor grid using 50-meter spacing is recommended. The center of the receptor grid should be located at the center of the facility's odor emission sources.
- e) Base elevations for the odor emission sources, receptors, and buildings shall be calculated using AERMAP, the terrain processor for AERMOD.
- f) A recommended odor dispersion modeling approach is generally described as follows:
 1. Model each odor emission source at its maximum potential pound-per-hour uncontrolled odor emission rate for each odor constituent of concern using AERMOD
 2. In a separate model run, model each odor emission source should be modeled at its maximum potential pound-per-hour controlled odor emission rate for each odor constituent of concern, using AERMOD
 3. Setup each model run to find each instance of

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a concentration that equals, or exceeds, the odor threshold identified in Paragraph 2.d.ii.

4. Post-process each model run output using a program that calculates the percentage of time in the year the modeled pollutant would not exceed the odor threshold (odor annoyance free percentages) accounting for hours described as missing by AERMOD - missing hours not included in modeled total hours

5. Plot the odor annoyance free percentages and overlay the plots on aerial maps to identify the location of the 99%, 98%, 97%, 96%, and 95% odor annoyance free isopleths in comparison with nearby residences and the City of Crete.

6. For each odor annoyance free level (99%, 98%, etc.) identify the distance from the facility center-point to the most distant occurrence of the odor annoyance free level.

- B. Anticipated traffic (or additional traffic) generated to and from site in vehicle counts to supplement traffic flow information provided in Special Exception 11-230 E.1.
- C. Composting facility shall comply with the requirements of the Nebraska Department of Environmental Quality (NDEQ), state and federal regulations.
 - i. Owner or operator shall provide the City a copy of the NDEQ Title 132 permit application for operation of a solid waste compost site at the time of submittal to the NDEQ. Title 132 permit applications to NDEQ include addressing locational criteria, describing facility design and construction quality assurance plan, an operational plan, a closure plan and financial assurance requirements, recordkeeping requirements and required maps.
 - ii. If a composting facility is exempt or partially exempt from NDEQ Title 132 requirements, the City will require a draft operational plan from the owner or operator that addresses facility size, general types and quantities of feedstocks, methods of compost operation, and control procedures (i.e. for pest control, litter control, dust control, protection of groundwater and surface waters, and contingency plan) such that facility will not constitute a hazard or threat to human health or the environment.
- D. Binding Agreement / Enforcement

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i. The City will require a separate binding agreement for the site to address long term operational and compliance issues. This agreement will be required to be executed prior to the start of operation of the facility.

ii. All items associated with the binding agreement are to be submitted and reviewed by the City.

iii. The binding agreement will need to include the following as a minimum:

- a) Odor Management Plan that includes the following:
 1. Describe, in general, the planned compost facility design and features with specific attention to odor prevention and control.
 2. Prepare a site-specific draft Odor Management/Prevention Plan. The plan must include information on how facility operators will prevent and/or reduce odors from migrating beyond the property boundaries, including the following components.
 - a. Facility name, location and contact information.
 - b. Describe compost facility design and features with specific attention to odor prevention/ retention (e.g., mixer equipment, aeration system, sensors and controls, biofilters, pile coverage, etc.).
 - c. Describe compost facility operational features to be utilized in the prevention and control of odors.
 - i. General description of types of feedstocks and delivery schedule.
 - ii. Maximum time new materials, especially potential odorous feedstocks, are allowed to stockpile in receiving area before being blended with other feedstocks.
 - iii. Active compost pile management procedures (e.g., maintaining C:N ratio, temperature, moisture, porosity, air circulation). Use Best Management Practices at composting facility to maintain aerobic conditions.
 - iv. Description of operational contingencies, mitigation plans and/or back-up systems on foreseeable events (e.g., equipment breakdown, power failure, wet

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weather conditions, light or calm wind conditions, sensors high/low alarms, etc.).

v. Personnel training.

3. Odor and weather monitoring.
 - a. Describe the facility's plan to monitor odor, including frequency of odor assessment and methods to detect potential odors originating from the facility.
 - b. Describe the facility's plans to monitor weather, including data collection frequency and parameters planned to be monitored. Such parameters may include precipitation, temperature, and wind speed and direction obtained from the nearest local weather station.
 4. Description of how Odor complaints will be addressed including responsibilities, verification and mitigation process.
 5. The Odor Management Plan may be part of the Binding Agreement by reference.
- b) Compliance Requirements for the Facility.
1. Compliance requirements are anticipated to be based on the information submitted in Section 1 above.
 2. This may include odor emission stack testing, where available, and fence line monitoring.
- c) Associated enforcement cost, fines for noncompliance and enforcement steps for repeated violations will be identified in the agreement.
1. These cost / fines may include:
 - a. Fees associated with the odor complaints tracking and verification (if applicable).
 - b. Compliance testing (if applicable).
 - c. Fines for noncompliance.
 - d. Any other anticipated associated cost to the City.
 2. If the operator fails to mitigate the odor as required by the agreement and/or is not being responsive, the City may initiate procedures to suspend or withdraw the approval of the Binding agreement and the facility will be required to shut down.
- d) A copy of the approved operating permit application from NDEQ If a composting facility is exempt or partially exempt from NDEQ Title 132 requirements, the

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facility's Operational Plan as described in Section 3.b above is required.

F. The concurring vote of two-thirds (2/3) of the City Council shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass under this Article.

§11-231 SEPARABILITY CLAUSE. Should any section or provision of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the article as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.