

CHAPTER 11
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O t h e r permitted uses	20,000	80 feet	50 feet	10 feet	20 feet	50 feet
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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 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)

S11-222 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

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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
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

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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. (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 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:

	Lot Area	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Max. Height
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

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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 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

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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:

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

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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 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

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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.

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

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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 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

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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.

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

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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.

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