

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
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 1926 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)*

§11-203 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of the districts as shown on the Official Zoning Map, the following rules shall apply:

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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 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

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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:

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

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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 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

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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. 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

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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. 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)*

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§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.

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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§11-211 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.

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.

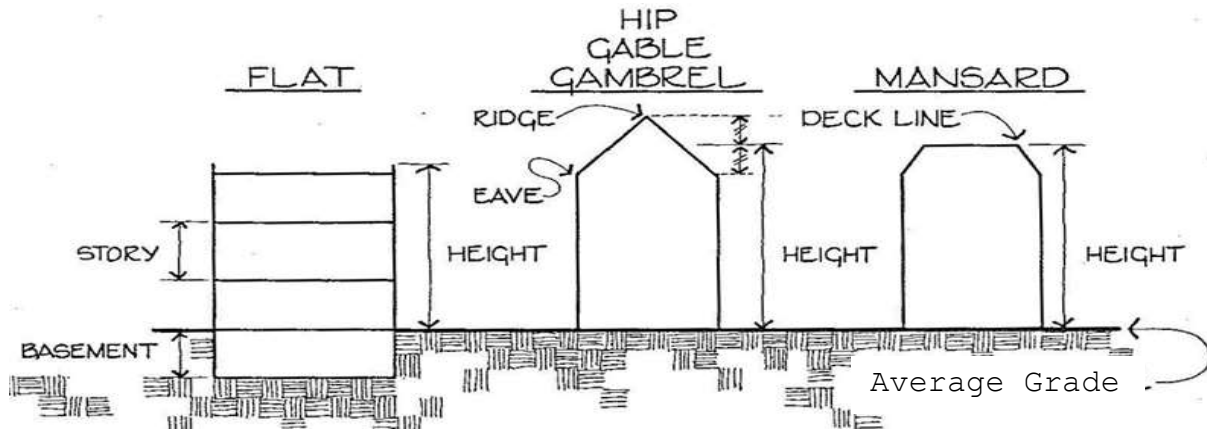
ARTIFICIAL OBSTRUCTION. Any obstruction which is not a natural obstruction.

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

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.

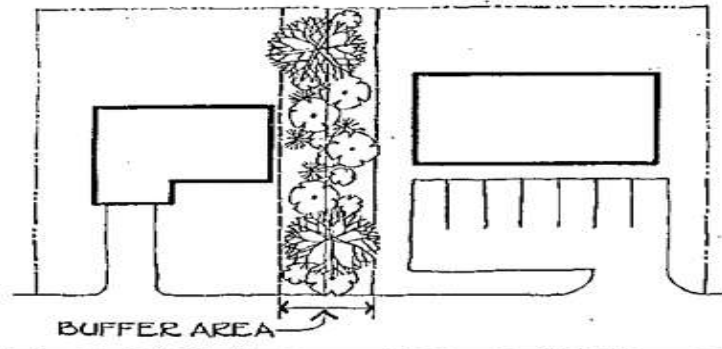
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Source: "A Survey of Zoning Definitions", Planning Advisory Service Report Number 421, American Planning Association, December 1989.

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.



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

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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.

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.

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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.

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. A parcel of land occupied or intended for occupancy by a use permitted in this Article, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this Article and fronting upon a street.

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 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

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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 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 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.

MIXED USE 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;

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

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(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 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

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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.

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.

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

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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 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.

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,

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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 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.

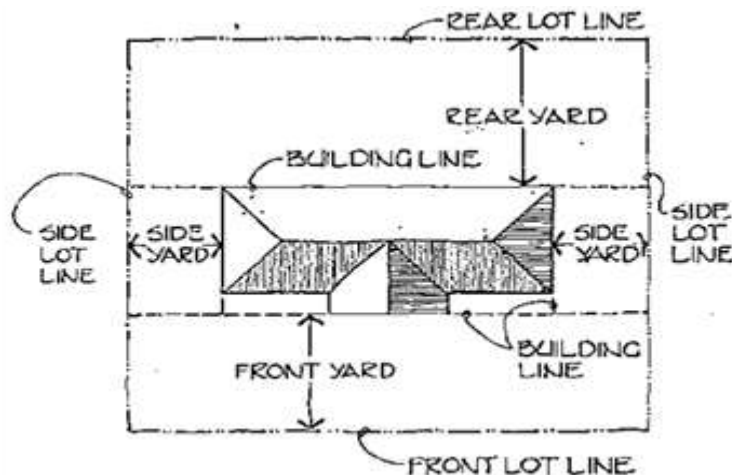
WIND ENERGY CONVERSION SYSTEM (COMMERCIAL) - A wind energy conversion system under common or aggregated ownership or operating control that includes substations, MET towers,

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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. A required open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.



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.

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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)

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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.

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.

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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.
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. 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.

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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:

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

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)

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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.

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.

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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.
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.

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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 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.
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.
8. 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.

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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) 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.

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

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District shall be as follows:

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

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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. Child care homes.
9. 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.

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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.
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.

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

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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 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
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.

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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)

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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.
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.

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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). 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:

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

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.
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.

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29. Medical, dental and other health services.
30. Mixed Use.
31. Motels.
32. Multifamily dwellings.
33. Outdoor advertising business.
34. Paint, glass and wallpaper retail.
35. Plumbing and heating services.
36. Public buildings, parks and other similar property.
37. Radio and television, sales and service.
38. Sporting goods, retail.
39. Taverns.
40. 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.

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.

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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 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:

	Lot Area (sq. ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard
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.

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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.
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. Medical, dental and other health services.
17. Mini-storage facilities.
18. Mobile home sales.
19. Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants.
20. Restaurants and cafes.
21. Service stations.
22. Single family dwellings.
23. Stores or shops for sale of goods at retail.
24. Transportation warehousing.
25. Trucks and freight terminals.
26. 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:

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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 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.
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

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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 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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§11-219 C-3 HIGHWAY COMMERCIAL DISTRICTS.

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. Medical, dental and other health services.
12. Mobile home sales.
13. Motion picture theaters, including drive-in theaters.
14. Motels and hotels, including accessory service uses
15. Railroad and truck terminals, excluding stockyards.
16. Shopping Centers, Strip-malls.
17. 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 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.

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

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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 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

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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 11-239 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.

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 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.

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

	Lot Area (sq. ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Max. Height*
Permitted Principle Uses	20,000	80 feet	50 feet	10 feet	20 feet	50 feet
Other 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; 1926, 05/19/15)

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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.
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.

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

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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 11-239 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 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 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

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District shall be as follows:

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

[Sections §11-222 through §11-224 are reserved for future use.]

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§11-225 (P) PUBLIC USE DISTRICT.

A. Intent: This district is intended to provide a district essentially for mapping purposes which will identify real property presently owned and used by any governmental entity, including local, state or federal governmental units, and put to some form of public use. This district is not intended to be applied to land that is used by governmental entities on an easement or leased basis if title to the land is in private ownership.

B. Principal Permitted Uses: A building, structure or premises owned by any governmental entity, including local, state or federal governmental units, and their subdivisions, and in some form of public use, shall be permitted to be located in the (P) Public Use District.

C. Permitted Accessory Uses: Other uses appurtenant to the permitted uses when established in conformance with the space limits of this District. The provisions of this section shall not apply to land in private ownership, even if leased to or the subject of an easement to a governmental entity, or to describe the future location of such public uses.

D. Special Exception Uses: Telephone, television, cable or other transmission and/ or other relay towers. (*Ord. No. 1142, 08/6/91*) (*Amended by Ord. No. 1889, 04/01/14; 1944, 9/15/15*)

§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

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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 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

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

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.

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