

ARTICLE 3: DISTRICTS AND OFFICIAL MAP

Section 3.01 Districts

In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the city and the area within one mile of the corporate boundaries, the city is hereby divided into districts.

Section 3.02 Provision for Official Zoning Map

3.02.01 The city is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. 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 3.02 of Ordinance No. _____ of the City of Creighton, Nebraska", together with the date of the adoption of this Ordinance. If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

3.02.02 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new 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 Official Zoning Map supersedes and replaces the Official Zoning Map adopted July 9, 1998 (Ordinance No. _____) of the City of Creighton, Nebraska." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE 4: GENERAL PROVISIONS

Section 4.01 Planning Commission Recommendations

Pursuant to Neb. Rev. Stat. § 19-901 (R.R.S.1996), it shall be the purpose of the Planning Commission to hold public hearings upon, and make recommendation to the legislative body, regarding proposed amendments to the comprehensive plan and zoning regulations within the jurisdiction of the City.

The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of the Commission.

Section 4.02 District Regulations, Restrictions, Boundary Creation

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the City at least one time ten days prior to such hearing.

Section 4.03 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the City of Creighton, Nebraska, and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of one mile, as established on the Official Zoning Map, as may be amended from time to time.

Section 4.04 Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance are in conflict with the provisions of any other ordinance or municipal law, the ordinance or municipal law with the most restrictive provisions shall govern.

Section 4.05 Zoning Affects Every Building and Use

No building or land shall hereafter be reused and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use.

Section 4.06 Lot

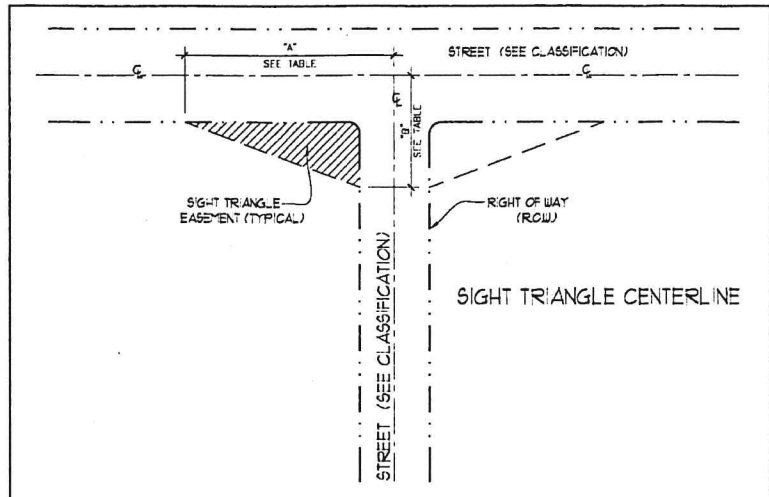
- 4.06.01 Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.
- 4.06.02 No building or use of land for other than agricultural purposes shall be established on a lot that does not abut a public street.
- 4.06.03 More than one principal building of a single permitted use or conditional use may be located upon a lot or tract in the following instances provided that appropriate setbacks, height, and lot regulations are met on such lot or tract or upon division of such lot or tract:
 - 1. Institutional buildings
 - 2. Public or semi-public buildings
 - 3. Multiple-family dwellings
 - 4. Commercial or industrial buildings
 - 5. Home for the aged
 - 6. Agricultural buildings

Section 4.07 Reductions in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 4.08 Obstructions to Vision at Street Intersections Prohibited

In all districts, on a corner lot, within the area formed by the center line of streets at a distance of 90 feet from their intersections, there shall be no obstruction to vision between a height of three and one-half feet and a height of 10 feet above the average grade of each street at the center line thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

**Section 4.09 Yard Requirements**

- 4.09.01 Yard requirements shall be set forth under the schedule of lot, yard, and bulk requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
- 4.09.02 All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 4.09.03 On corner lots, the yard(s) on that side of the lot abutting the side street(s) shall not be less than the front yard required for the district in which the lot is located. On through lots, such yards abutting street/road right-of-way shall be deemed front yards, unless otherwise provided for.
- 4.09.04 Accessory buildings on the side(s) of the lot abutting the side street(s) shall not be closer to the lot line abutting on that side street(s) than the distance specified for front yards of lots fronting on such side street.
- 4.09.05 The Zoning Administrator may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that:
1. More than 30 percent, of the frontage of principal structures, on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and,
 2. A minority of such structures have observed or conformed to an average setback line.
- 4.09.06 The required side yard shall be maintained on each side of a dwelling, but may be reduced to 10 percent of the lot width on lots of less than 60 feet in width, provided, however, no side yard shall be less than five feet.
- 4.09.07 The rear yard setback shall be the lesser of the minimum amount noted or 20% of the total lot depth.
- 4.09.08 Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than 25 feet and shall contain landscaping and planting suitable to provide effective screening.
- 4.09.09 Any side or rear yard in an industrial or commercial district which is adjacent to any existing residential use or district shall be no less than 40 feet and shall contain landscaping, planting, or fencing suitable to provide effective screening. Said screening shall be at least six feet but not more than eight feet high, unless the adjacent residential district and industrial or commercial district are separated by a street right-of-way. The owner or owners of the property in the Commercial and/or Industrial District shall maintain said screening in good condition.

- 4.09.10 No part of a yard or other open space required in connection with any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space requirements for another building or structure.

Section 4.10 Through Lots

4.10.01 Through lots shall follow the following criteria:

1. Where a through lot abuts a major thoroughfare and where access is made from the another frontage street and access along said thoroughfare is restricted, the designated rear yard setback for fences and screening devices shall be zero feet. The rear yard setback for accessory buildings shall follow the prescribed setback within the zoning district.
2. Where a through lot is part of a triple frontage lot and abuts a major thoroughfare, the rear yard shall meet the standards of 4.10.01 (1), while the other two frontages shall be treated as a corner lot with two front yard setbacks.
3. Where a through lot occurs, other than along a major thoroughfare, the following shall apply:
 - a. Where all principal structures in the development face the same frontage, then the rear yard setback for fences and screening shall be zero feet and all accessory buildings shall meet the prescribed setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical corner lot.
 - b. Where principal structures face different directions along both frontages, the rear yard setback for fences and screening shall be the same as any prescribed rear yard setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical corner lot. All accessory buildings in this condition, shall comply with the minimum rear yard setbacks rather than the reduced setback allowed for accessory buildings.

Section 4.11 Drainage

No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the City or their designated agent that such changes will not be a detriment to the neighboring lands.

Section 4.12 Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards:

4.12.01 *All Yards:*

1. Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which will not exceed minimum requirements of the Americans with Disabilities Act and are necessary for access to a permitted building or for access to a lot from a street or alley;
2. An open, uncovered porch or paved terrace, not over six inches in height, projecting up to 10 feet, provided such projection does not extend to any lot line;
3. Chimneys projecting 24 inches or less into the yard;
4. Recreational equipment (swing sets, slides, sand volleyball courts and nets, etc);
5. Clothes lines;
6. Approved freestanding signs;
7. Arbors and trellises;
8. Flag poles;
9. The projection of window unit air conditioners, not more than 18 inches into the required yard; and
10. Fences or walls subject to applicable height restrictions are permitted in all yards.

4.12.02 *Front Yards:* Bay windows projecting three feet or less into the yard are permitted. Open or screened porches, platforms, or terraces not over three feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch; awnings and canopies provided they do not extend or project into the yard more that six feet and has no more that 48 square feet of area.

4.12.03 *Rear and Side Yards:* Open off-street parking spaces or outside elements of central air conditioning systems.

4.12.04 *Double Frontage Lots:* The required front yard shall be provided on each street.

- 4.12.05 *Building Groupings*: For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 4.13 Accessory Building and Uses

4.13.01 In no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.

4.13.02 No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure when permitted.

4.13.03 No accessory building or structure shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.

4.13.04 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet.

4.13.05 Accessory buildings and structures may be built within a required rear yard when located at least five feet from the rear lot line and when occupying not more than 30 percent of the area of such rear yard. Further, where vehicular access to an accessory building or structure is provided from an alley, such building or structure shall be no closer than 15 feet to the alley.

4.13.06 Detached garages and outbuildings in Residential Districts for storage uses and other structures customary and appurtenant to the permitted uses and detached accessory garages shall:

1. Be constructed of materials that are in good repair,
2. The sidewalls of said building shall not exceed 12 feet in height,
3. Garages shall have a maximum width of 40 feet,
4. Garages shall be constructed and finished in materials customary to residential construction.

4.13.07.: Regulation of accessory uses shall be as follows:

1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
2. Service station pumps and pump islands may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
3. Storage of any boat, camper, trailer, recreational vehicle or other vehicle shall not be permitted in any required front yard.

Section 4.14 Permitted Modifications of Height Regulations

4.14.01 The height limitations of this Ordinance shall not apply to the following, provided that the appropriate yard setbacks are increased by one foot for every two feet in excess of the maximum height requirement for the given zoning district

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| 1. Belfries | 13. Necessary mechanical devices |
| 2. Church steeples | 14. Fire towers |
| 3. Public monuments | 15. Water towers and Standpipes |
| 4. Flag Poles | 16. Air-pollution prevention devices |
| 5. Chimneys | 17. Recreational equipment |
| 6. Conveyors for grain storage | 18. Private radio and television antennae under 75 feet |
| 7. Ornamental towers and spires | 19. Radio and television towers less than 125 feet in height |
| 8. Church spires | 20. Stage towers or scenery lots |
| 9. Silos | 21. Tanks |
| 10. Cooling towers | |
| 11. Smoke stacks | |
| 12. Elevator bulkheads | |

- 4.14.02 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet, provided, each required yard line shall be increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 4.15 Occupancy of Basements and Cellars

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been completed.

Section 4.16 Nonconforming, General Intent

It is the intent of this ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

Section 4.17 Nonconforming Lots of Record

In any district where buildings and structures are permitted, notwithstanding limitations imposed by other provision of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; that such lot has 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 have been lawful; and has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous Ordinance would have prohibited creation of such lot. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

Section 4.18 Nonconforming Structures

- 4.18.01 *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 applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
- 4.18.02 *Enlargement, Repair, Alterations:* Any such structure described in Section 4.18.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, unless otherwise permitted by conditional use permit unless otherwise approved or as specified in the Residential District.
- 4.18.03 *Damage or Destruction:* In the event that any structure described in Section 4.18.01 is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.18, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 50 percent of its structural value, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within six months after the date of such partial destruction and is diligently pursued to completion.
- 4.18.04 *Moving:* No 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.

Section 4.19 Nonconforming Uses

- 4.19.01 *Nonconforming Uses of Land:* Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than 12 months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

4.19.02 *Nonconforming Uses of Structures:* If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Board of Adjustment either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguard in accord with the provisions of this ordinance.
4. Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
6. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 4.20 Repairs and Maintenance

4.20.01 On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic area of the building as it existed at the time of passage of amendment of this Ordinance shall not be increased.

4.20.02 Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 4.21 Uses under Conditional Use Permit not Nonconforming Uses

Any use for which a Conditional Use Permit is issued as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

Section 4.22 Recreational Vehicles, Trailers, or Equipment

All vehicles, trailers, or equipment expressly designated or used for recreational or seasonal use shall not be used for dwelling purposes on any lot except as may be authorized elsewhere within this Ordinance. Such vehicles, trailers, or similar equipment shall not be parked or maintained in the required front or side yard.

Section 4.23 Survey of Property Lines, Required

A survey of lot lines shall be required before any building permit is issued for any new residence or principle industrial and/or business structure. This shall not apply to accessory use structures, except on a multi-building industrial site.

Section 4.24 Fees

Fees shall be set by the City by separate Resolution.

Section 4.25 Prohibited Uses

All uses not specifically listed within a particular zoning district are deemed to be prohibited until some point where this Ordinance is amended to include a given use.

CHANGES IN COMPREHENSIVE DEVELOPMENT PLAN

2012

Zoning Ordinance: Section 2.03

"GARAGE, PRIVATE shall mean:

1. a detached building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling; which meets all height, setback, and yard requirements of the district in which it is located, i.e., on-dwelling site private garage; OR:
2. any privately owned structure, not for commercial use, for housing vehicles or personal property belonging to the owner of the real estate, which meets all height, setback, and yard requirements of the district in which it is located, i.e., off-dwelling site private garage."

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| 5.05.03 | 25. Garage, Private (off-dwelling site), as per Section 2.03.191 (#2). |
| 5.06.03 | 8. Small Wind Energy Systems, as per Section 9.05 |
| 5.06.03 | 9. Garage, Private (off-dwelling site), as per Section 2.03.191 (#2). |
| 5.07.03 | 6. Garage, Private (off-dwelling site), as per Section 2.03.191 (#2). |
| 5.08.03 | 13. Garage, Private (off-dwelling site), as per Section 2.03.191 (#2). |
| 5.09.03 | 24. Ground Signs, as per Article 8. |
| 5.09.03 | 25. Garage, Private (off-dwelling site), as per Section 2.03.191 (#2). |
| 5.10.03 | 17. Garage, Private (off-dwelling site), as per Section 2.03.191 (#2). |
| 5.11.03 | 10. Garage, Private (off-dwelling site), as per Section 2.03.191 (#2). |
| 5.12.03 | 15. Garage, Private (off-dwelling site), as per Section 2.03.191 (#2). |
| 5.13.03 | 12. Garage, Private (off-dwelling site), as per Section 2.03.191 (#2). |

Add: Max. Sq. ft.- 100; Max. Height - 10 in row: Ground Signs in column: RT in Section 8.03 Table.

Also:

1. Amending the first sentence of Section 4.09.03 of Zoning Ordinance Article 4: General Provisions to read: "On corner lots, the yard(s) on that side of the lot abutting the side street(s) shall not be less than 50% of the front yard required for the district in which the lot is located.
2. Amending Section 4.09.08 of Zoning Ordinance Article 4: General Provisions: to read "Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than 12.5 feet and shall contain landscaping and planting suitable to provide effective screening.
3. Amending the first sentence of Section 4.09.09 of Zoning Ordinance Article 4: General Provisions: to read "Any side yard in an industrial or commercial district which is adjacent to any existing residential use or district shall be no less than 20 feet; any rear yard in an industrial or commercial district which is adjacent to any existing residential use or district shall be no less than 10 feet; and these shall contain landscaping, planting, or fencing suitable to provide effective screening."

ARTICLE 5: ZONING DISTRICTS

5.01	Districts Uses	
5.02	Districts Boundaries	
5.03	District Boundaries Interpretation	
5.04	Districts Classification of Districts upon Annexation and Conformance with Land Use Plan	
5.05	District (TA):	Transitional Agricultural
5.06	District (R-1):	Low Density Residential
5.07	District (R-2):	Medium Density Residential
5.08	District (R-3):	High Density Residential
5.09	District (RT):	Residential Transition
5.10	District (C-1):	General Commercial
5.11	District (C-2):	Highway Commercial
5.12	District (C-3):	Downtown Commercial
5.13	District (I-1):	Industrial
5.14	District (FF/FW):	Flood Plain Overlay

Section 5.01 Districts; Use

For the purpose of this Chapter, the Municipality is hereby divided into 10 districts, designated as follows:

(TA)	Transitional Agricultural
(R-1)	Low Density Residential
(R-2)	Medium Density Residential
(R-3)	High Density Residential
(RT)	Residential Transition
(C-1)	General Commercial
(C-2)	Highway Commercial
(C-3)	Downtown Commercial
(I-1)	Industrial
(FF/FW)	Floodway Fringe and Floodway Overlay

Section 5.02 Districts; Boundaries

The boundaries of the districts are hereby established as shown on the maps entitled "Official Zoning Map of the City of Creighton, Nebraska." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Chapter as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor, and attested by the City Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this Chapter. Such changes shall be promptly indicated on the Zoning District Map with the Ordinance number, nature of change, and date of change noted on the map.

Section 5.03 Rules for Interpretation of District Boundaries

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

- 5.03.01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- 5.03.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 5.03.03 Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 5.03.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 5.03.05 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;
- 5.03.06 Boundaries indicated as parallel to or extensions of features indicated in subsections 5.03.01 to 5.03.05 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

- 5.03.07 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 by subsections 5.03.01 to 5.03.06 above, the Board of Zoning Adjustment shall interpret the district boundaries;
- 5.03.08 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Section 5.04 District Classification upon Annexation

Areas annexed into the corporate limits of Creighton, as well as any new area brought into the one mile extraterritorial jurisdiction, shall be zoned to conform to the Creighton Future Land Use Plan. Rezoning shall be required to follow proper procedures including Public Hearings as per Neb. Rev. Stat. §19-904.

Section 5.05 TA Transitional Agriculture District

5.05.01 *Intent:* The Transitional Agriculture District is established for the purpose of preserving agricultural resources that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry. Because the areas are not in the identified growth areas for the community, the district is designed to limit urban sprawl.

5.05.02 *Permitted Uses:*

The following principal uses are permitted in the TA District.

1. Farming, pasturing, commercial production and husbandry of livestock, poultry, fish and small animals, truck gardening, and orchards, including the sale of products raised on the premises, provided that no livestock feedlot or yard to a maximum of 100 animal units provided the producer can meet a density of one acre for the first A.U. and one-half acre for each additional A.U.
2. Single-family dwellings
3. Public parks and recreation areas, playgrounds, and conservation areas including natural wildlife habitats and preserves
4. Railroads, not including switching, terminal facilities or freight yards
5. Public overhead and underground local distribution utilities
6. Churches, temples, seminaries, and convents including residences for teachers and pastors
7. Public services such as police, fire, and emergency facilities
8. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums, or service yards
9. Nursing homes
10. Roadside stands offering the sale of agriculture products produced on the premises
11. Irrigation and flood control facilities

5.05.03 *Conditional Uses:*

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the TA District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Commercial auction yards and barns
2. Retail sale and distribution of agricultural products that have been produced on the premises.
3. Feed mills
4. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), fishing lakes, gun clubs, and swimming pools
5. Commercial greenhouses
6. Airports
7. Public and private stables and riding clubs, provided:
 - a. No structure or building used to house horses or other animals is located closer than 300 feet to any residential use or district
 - b. Minimum lot area of four acres
8. Private or commercial kennels and facilities for the raising, breeding and boarding of dogs and other small animals, provided:
 - a. No structure or building is located closer than 300 feet to any residential use or district
 - b. Minimum lot area of four acres
9. Agricultural storage facilities for equipment and grain
10. Educational institutions, including public and private primary schools, secondary schools including universities, colleges, vocational schools, and business schools
11. Extraction of sand, gravel or other raw material
12. Hospitals, clinics, institutions, including educational, religious and philanthropic institutions, and convalescent homes, provide the following and/or other conditions and standards are met:
 - a. Building shall not occupy more than 40% of the total lot area,
 - b. Building setbacks from all yards shall not be less than one foot per foot of building height
13. Radio, television, and wireless communication towers and transmitters, pursuant to Section 9.02
14. Cemeteries provided all structures are located at least 100 feet from all property lines
15. Water supply and storage facilities, wastewater treatment, sewage disposal, and solid waste disposal facilities
16. Veterinarians' offices and hospitals, provided that no structure or building used to house horses or other animals is located closer than 300 feet to any residential use or district
17. Livestock feeding operations, and the raising and care of animals for 4-H, FFA or other rural/school organizations provided no such facility shall have more than 300 animal units

provided the producer can meet a density of one acre for the first A.U. and one-half acre for each additional A.U.

18. Commercial wind energy systems
19. Public campgrounds
20. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals
21. Bed and breakfast establishments
22. Seasonal dwelling units
23. Retail motor vehicle sales and service
24. Mobile homes and single-family dwelling units on a farm or ranch provided they are used for relatives or farm workers associated with the farm operation

5.05.04 *Temporary Uses:*

The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

5. Temporary greenhouses
6. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work
7. Temporary structure for festivals or commercial events

5.05.05 *Accessory Uses:*

1. Buildings and uses customarily incidental to the permitted and conditional uses
2. Fences pursuant to Section 9.03
3. Home occupation, pursuant to Section 9.01
4. Parking pursuant to Article 7
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence
6. Signs pursuant to Article 8
7. Decks, gazebos, elevated patios either attached or detached
8. Family Child Care Home I
9. Small wind energy systems pursuant to Section 9.05

5.05.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family detached	5 (1)	150	70	25	65	35	10
Other permitted uses	5(1)	150	70	25	65	35	10
Conditional uses	5	150	70	25	65	35	10
Accessory uses	-	-	100	25	65	35	10

(1) Three-acre lot sizes are permitted in a subdivision of three lots or more

(2) Total not to exceed 6000 square feet for non-agricultural uses where total lot coverage of all structures does not exceed 10%.

5.05.07 *Other Applicable Provisions:*

1. The following uses shall be located a minimum of 3,960 feet from any adjacent residential, commercial, or public use, as measured from the nearest point on the lot line
 - a. Commercial auction yards or barns
 - b. Commercial production and husbandry of poultry, fish, and small animals
 - c. Commercial feedlots
 - d. Mining and extraction of natural resources
 - e. Feed mills
 - f. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards
 - g. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals

Section 5.06 R-1 Low Density Residential District

5.06.01 *Intent:* The Low Density Residential District is intended to permit single-family and two family residential developments in areas with adequate public facilities and supporting uses.

5.06.02 *Permitted Uses:*

The following principal uses are permitted in the R-1 District

1. Single family detached dwellings
2. Single-family attached dwellings (maximum of two dwelling units per structure)
3. Townhouses
4. Two family dwelling units
5. Churches, temples, seminaries and convents, including residences for teachers and pastors
6. Private clubs or organizations not operated for profit
7. Public and private schools, colleges, and universities
8. Public Uses, including but not limited to recreational uses, fire stations, community centers, auditoriums, libraries or museums
9. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities

5.06.03 *Conditional Uses:*

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-1 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Hospitals, clinics and institutions, including educational, religious and philanthropic institutions and convalescent homes
2. Private country clubs and golf courses, not including commercial miniature golf, located on not less than ten 10 acres
3. Bed and Breakfast, provided:
 - a. The facility complies with all parking and sign regulations
 - b. The facility complies with all life safety codes as established by the State of Nebraska
4. Three and four unit family dwellings, provided:
 - a. Location shall be adjacent to arterial with driveway from side street
 - b. Adjacent to an R-2 or Commercial District
- 3 Townhouses (three or more dwelling units per structure), provided:
 - a. Location shall be adjacent to arterial with driveway from side street
 - b. Adjacent to an R-2 or Commercial District
- 4 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses
7. Family Child Care Home II

5.06.04 *Temporary Uses:*

The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work
2. Temporary structure for festivals or commercial events
3. Temporary signs as provided in Sections 8.04
4. Firework stands provided the criteria are met as established by the City

5.06.05 *Accessory Uses:*

1. Buildings and uses customarily incidental to the principal uses
2. Home occupation, pursuant to Section 9.01
3. Swimming pool, tennis court, and other recreational facilities in conjunction with a residence
4. Signs pursuant to Article 8
5. Parking for permitted uses pursuant to Article 7
6. Fences pursuant to Section 9.03
7. Decks, gazeboes, elevated patios either attached or detached
8. Family child care home I

5.06.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

5.06.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Max. Height (feet)	Max. Lot Coverage
Single-family detached residential	20,000	75	25(5)	10	25 (2)	35	40%
Single family attached residential (per unit)	6,600(3)	18 (4)	25 (5)	10 (4)	35 (2)	35	40%
Two family residential	5,500	75	25 (5)	6	25 (2)	35	40%
Other permitted uses	20,000	75	25 (5)	10	25 (2)	35	20%
Conditional uses	10,000	75	25	10	35 (2)	35	40%
Accessory uses	-	-	25	10	5	21	20%

(1) All accessory structures shall be located in the side or rear yard and shall not exceed 1,500 square feet for residential uses, or 20% of lot size; provided that the maximum single lot coverage from any type of structure shall not exceed 45%.

5.06.07 *Miscellaneous Provisions:*

1. Supplementary regulations shall be complied with as defined herein
2. Only one principal building shall be permitted on one zoning lot except as otherwise provided