

Section 5.07 R-2 Medium Density Residential District

5.07.01 *Intent:* The purpose of the Medium Density Residential District is to permit single-family residences at a high density with an increase of density to include multi-family residential units in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.07.02 *Permitted Uses:*

The following principal uses are permitted in the R-2 District.

1. Churches, temples, seminaries and convents, including residences for teachers and pastors
2. Public and private schools, colleges, and universities
3. Public uses, including but not limited to recreational uses, fire stations, community centers, auditoriums, libraries or museums
4. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities
5. Single family dwellings
6. Single family attached dwellings/townhouses
7. Two family dwellings
8. Lodging and boarding houses, including bed and breakfast facility
9. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, or other similar institutions, philanthropic institutions or funeral homes

5.07.03 *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-2 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Private and public country clubs and golf courses, not including commercial miniature golf, located on not less than 10 acres
2. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses
3. Multiple-family dwellings
4. Family Child Care Home II
5. Civic, social, and fraternal organizations

5.07.04 *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

5.07.05 *Accessory Uses:*

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

5.07.06 Height and Lot Requirements: The height and minimum lot requirements shall be follows:

5.07.06 Height and Lot Requirements: The height and minimum lot requirements shall be 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 (existing)	7,000	50	25 (6)	10	25 (3)	35	35%
Single Family Detached (future)	7,500	50	25 (6)	10	25 (3)	35	35%
Single Family Attached/Townhouse (per unit)	3,750	18 (5)	25 (6)	10 (1)	25 (3)	35	35%
Two Family	8,000	75	25 (6)	10	25 (3)	35	35%
Multiple Family	4,000 per unit	75	25 (6)	(2)	25 (3)	35	35%
Other Permitted Uses	10,000	80	25(6)	10	25 (3)	35	25%
Conditional Uses	10,000	100	25 (6)	10	25 (3)	35	10%
Accessory Uses	-	-	25	10	5	21	20% (4)

(1) The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lotline.

(2) For multi-family units shall be 10 feet if it is a three-story structure, and two feet additional side yard on each side shall be provided for each story in excess of three stories

(3) See Section 4.09.07 of this Ordinance

(4) All accessory structures shall be located in the side or rear yard and shall not exceed 1,600 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%.

5.07.07 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

Section 5.08 R-3 High Density Residential District

5.08.01 *Intent:* The High Density Residential District (R-3) is intended to permit an increased density of residential development to include two-family units, as well as other compatible uses.

5.08.02 *Permitted Uses:*

The following principal uses are permitted in the R-3 District.

1. Single family dwellings
2. Single-family attached/townhouses
3. Two-family dwellings
4. Churches, temples, seminaries, and convents including residences for teachers and pastors.
5. Publicly owned and operated parks, playgrounds, fire stations, community centers, and libraries
6. Public facilities
7. Apartments buildings
8. Lodging and boarding houses
9. Condominiums

5.08.03 *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-3 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Public and private schools
2. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
3. Child Care Center and Child Care Home.
4. Bed and Breakfast establishments.
5. Funeral homes and mortuaries.
6. Professional offices within an existing residences or a converted residence (no new construction shall be allowed)
7. Mortuaries, funeral homes, and funeral chapels
8. 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.
8. Publicly owned and operated parks, playgrounds, fire stations, community centers, and libraries.
9. Private country clubs, and golf courses, but not including commercial miniature golf, golf driving ranges, motorized cart tracts, and similar uses not on less than 10 acres.
10. Commercial recreational areas and facilities such as swimming pools.
11. Cemeteries
12. Mobile home parks, provided they meet the following conditions:
 - a. A mobile home park shall be developed according to a site plan approved by the Zoning Administrator and City Engineer
 - b. There shall be a minimum livable floor area of 500 square feet in each mobile home, when mobile home is owned and leased by the mobile home park owner
 - c. Height of Buildings
 1. Maximum height for principal uses: 35 feet
 2. Maximum height for accessory uses: 17 feet
 - d. Each lot shall have access to a hard surfaced drive not less than 22 feet in width excluding parking
 - e. City water and sewage disposal facilities shall be provided with connections to each lot.
 - f. Tie downs shall meet all manufacturers recommendations
 - g. Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit
 - h. Not less than 10% of the total court area shall be designated and used for park, playground and recreational purposes
 - i. Limitations on Lot Coverage shall be no more than 45%
 - j. Storm shelters shall be required and shall meet the following criteria:
 1. Shelter space equivalent to a minimum of two persons per mobile home lot,

2. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA
3. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA
- k. All mobile home pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete
- l. All mobile homes shall have skirting which is in good repair, meets manufacturer standards, and is in conformance with the color scheme of the trailer
- m. All off-street parking shall be hard surfaced
- n. All Mobile homes shall comply with all other City Ordinances
- o. A complete plan of the mobile home court shall be submitted showing:
 - p. A development plan and grading plan of the court
 1. The area and dimensions of the tract of land
 2. The number, location, and size of all mobile home spaces
 3. The number, location, and size of all hard surfaced pads shall be shown
 4. The area and dimensions of the park, playground and recreation areas
 5. The location and width of roadways and walkways
 6. The location of service buildings and any other proposed structures
 7. The location of water and sewer lines and sewage disposal facilities
 8. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court

5.08.04 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. Temporary greenhouses
2. Fireworks stands provided the criteria are met as established by the City through separate Ordinances
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work
4. Temporary structure for festivals or commercial events

5.08.05 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

5.08.06 Height and Lot Requirements: The height and minimum lot requirements shall be follows:

5.08.06 Height and Lot Requirements: The height and minimum lot requirements shall be follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family, detached	7,000	50	25 (2)	10	25 (4)	35	40
Single-family, attached (2 units only)	3,500 per unit	50 per unit	25 (2)	10 (1)	25 (4)	35	40 per unit
Two-family Dwelling	8,000	75	25 (2)	10	25 (4)	35	40
Condominiums/Townhouses (more than 2 units)	2,500 per unit	18 per unit (3)	25 (2)	8 (1)	35 (4)	35	40
Multi-family Dwelling							
(per dwelling unit)	4,000	100	25 (2)	(1)	25	35	40
Other Permitted Uses and Conditional Uses	10,000	100	25	10	25	35	30
Accessory Uses	-	-	25	10	5	21	20 (5)

- (1) Common wall shall have a zero-lot line setback and shall be located on the property line separating both dwellings.
- (2) When a residential building permit is applied for fronting on a street where all the existing houses fronting on that same street in the same city block (or within 200 feet in no street intervenes) have established a uniform front yard set-back greater than 25 feet, the applicant may no build closer to the front lot line than that established line of the existing houses
- (3) The units on each end shall have a minimum lot width of 50 feet.
- (4) See Section 4.09.07
- (5) All accessory structures shall be located in the side or rear yard, and shall not exceed 1,600 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%.

Section 5.09 RT Residential Transition

5.09.01 Intent: The purpose of the Residential Transition district is to provide an area generally along Highway 59 around the Downtown Commercial district where a mixture of uses are allowed; this includes existing residential. The other uses in this area are to include commercial uses, such as professional offices and/or businesses uses. The Residential Transition district would create a connecting link from the Downtown Commercial district to the highway development. The existing, as well as, new structures in this area should continue as residential in character.

5.09.02 Permitted Uses:

The following principal uses are permitted in the RT District:

1. Single family detached dwellings
2. Two-family, duplex, dwellings
3. Single family attached dwellings
4. Townhouses, Condominiums, and Multiple Family, provided it adheres to the following:
 - a. Parking shall be provided to the rear of the building
 - b. Entrances shall be articulated through the use of architectural detailing, and shall be separate from other uses within the same structure
5. Publicly owned and operated facilities
6. Public Services

5.09.03 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 RT District as recommended by the Planning Commission and approved by the City Council:

1. Public and private schools
2. Religious institutions
3. Public and private recreation areas such as parks, common areas, and swimming pools
4. Business services including the following: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in adult establishment.
5. Museums, art galleries, and other public or semi-public cultural facilities.
6. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - a. Book store, not including uses defined in adult establishment
 - b. Brew-on premises store
 - c. Dry cleaning and laundry pickup
 - d. Floral shop
 - e. Gift and curio shop
 - f. Jewelry store
 - g. Restaurants, cafes and fast food establishment
 - h. Travel agencies
 - i. Video store, not including uses defined in adult establishment
 - j. Food sales, limited
7. Meeting halls not including adult establishments
8. Community center
9. Congregate housing
10. Medical offices
11. General offices
12. Educational institutions under the supervision and administration of a public agency
13. Bed and breakfast, provided guest rooms shall be within the principal residential building only and not within an accessory building
14. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses
15. Charitable clubs and organizations
16. Group care home
17. Emergency shelters
18. Adult care center
19. Mortuaries, funeral homes, and funeral chapels
20. Coffee kiosks
21. Health clubs and tanning salon, not including uses defined in adult establishment

22. Health recreation facilities, not including uses defined in adult establishment
23. Child care center

5.09.04 Permitted Temporary Uses

Temporary Uses require a permit from the City of Creighton and shall be valid only for a specific amount of time as indicated on said permit.

1. Temporary structures as needed for sidewalk and other outdoor sales events
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work
3. Temporary structure for festivals or commercial events

5.09.05 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses
2. Decks, elevated patios either attached or detached
3. Signs as provided for in Article 8
4. Parking as provided for in Article 7
5. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence
6. Fencing as required by Section 9.03
7. Incidental public safety uses such as emergency sirens
8. Home occupations, as per Section 9.01
9. Family Child Care I

5.09.06 Height and Lot Requirements:

2. The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Max. Height (feet)	Max. Lot Coverage
Single-family Dwelling ²	7,000	50	25 (2)	7.5	25	35	35%
Two-family Dwelling ²	8,000	60	25 (2)	7.5	25	45	40%
Single-family attached ²	6,000 per unit	45 per unit	25 (2)	7.5	25	45	40%
Multi-family Dwelling	4,000 per unit	75	25 (2)	(3)	25	35	35%
Townhouses/Condominiums	3,500 per unit	50	25 (2)	(3)	25	35	35%
Other Permitted and Conditional Uses	7,000	50	25	10	25	35	25%
Accessory Uses	-	-	25	10	5	21	20% (1)

(1) All accessory structures shall be located in the side or rear yard and shall not exceed 1,600 square feet for residential uses, or 15% of lot size; provided that the maximum single lot coverage from any type of structure shall not exceed 45%.

(2) When a residential building permit is applied for fronting on a street where all the existing houses fronting on that same street in the same city block (or within 200 feet in no street intervenes) have established a uniform front yard set-back greater than 25 feet, the applicant may no build closer to the front lot line than that established line of the existing houses

(3) For multi-family units the side yard shall be 10 feet if it is a three-story structure, and two feet additional side yard on each side shall be provided for each story in excess of three stories

5.09.07 Use Limitations

1. All new structures constructed to house commercial, business and/or service related uses, shall be of a type that assimilates the residential character of the district.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any adjacent property and so that no glare is visible to any traffic on any public street.
3. Commercial uses locating within this district shall meet the minimum parking standards.

Section 5.10 C-1 General Commercial District

5.10.01 *Intent:* The General Commercial District is intended to provide a compact area of retail and office uses to serve portions of the community that will benefit the retail trade, business, cultural and social activities of the entire community. The edge of such districts shall be designed to provide compatibility with residentially zoned properties.

5.10.02 *Permitted Uses:*

The following shall be permitted outright provided the requirements of this ordinance can be met.

1. Business and professional services including: attorneys, banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services and investment services; but not including uses defined in Adult Establishment.
2. Dance studio, not including uses defined in Adult Establishment
3. Meeting hall, not including uses defined in Adult Establishment
4. Retail business or service establishment supplying commodities or performing services at a small scale, such as, or in compatibility with and including the following:
 - a. Apparel shop
 - b. Appliance store
 - c. Antique store
 - d. Automobile parts supply store, not including repair or service facilities
 - e. Bakery shop
 - f. Barber and Beauty shop
 - g. Bookstore, not including uses defined in Adult Establishment
 - h. Childcare center
 - i. Clothing and tailoring shops
 - j. Communication services
 - k. Computer store
 - l. Drug stores and prescription shops
 - m. Floral shop and commercial greenhouses
 - n. Furniture store or showroom
 - o. Gift and curio shop
 - p. Grocery store
 - q. Hardware store
 - r. Hobby, craft, toy store
 - s. Indoor amusement and entertainment establishment, including bowling alleys and movie theaters, not including uses defined in Adult Establishment
 - t. Laundry and dry cleaning pick-up and delivery stations
 - u. Liquor store
 - v. Newsstands, not including uses defined in Adult Establishment
 - w. Photography studio
 - x. Picture framing shop
 - y. Restaurants
 - z. Second hand stores
 - aa. Shoe store
 - bb. Tanning salon
 - cc. Variety store, not including uses defined in Adult Establishment
 - dd. Video store, not including uses defined in Adult Establishment
 - ee. Telephone exchange
 - ff. Telephone answering service
5. Publicly owned and operated parks, playgrounds, fire stations, community centers, city offices, recycling operations, and libraries.

5.10.03 *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 C-1 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Business or trade school
2. Garden supply and retail garden center
3. Tavern and cocktail lounge, not including uses defined in Adult Establishment
4. Temporary greenhouses
5. Totally enclosed, automated and conveyor-style car washes

6. Outdoor entertainment
7. Convenience store with limited fuel sales
8. Residences in conjunction with the principle use when located above the ground floor
9. Churches, temples, seminaries, and convents including residences for teachers and pastors
10. Printing and publishing
11. Retail motor vehicle sales and service
12. Car wash
13. Service station and minor automobile repair services
14. Tire store and minor automobile repair service
15. Public Utility offices, garages, and dispatcher centers
16. Veterinarian clinics

5.10.04 *Temporary Uses:* The following temporary uses shall 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. Fireworks stands provided the criteria are met as established by the City through separate Ordinance

5.10.05 *Accessory Uses:*

1. Buildings and uses customarily incidental to the permitted uses
2. Parking as permitted in Article 7
3. Signs allowed in Article 8
4. Temporary buildings and uses incidental to construction work which will be removed upon completion or abandonment of the construction work

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

The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. feet)	Lot Width (feet)	Front Yard (feet) (3/5)	Side Yard (feet)	Rear Yard (feet)	Max. Height (feet)	Max. Lot Coverage
Permitted Uses	3,500	25	20	(1)	(2)	35 (4)	80%
Conditional Uses	3,500	25	20	(1)	(2)	35 (4)	80%
Accessory Uses	-	-	20	(1)	(2)	35 (4)	40%

- (1) None, except that when adjacent to any residential district, the side yard setback shall be 25 feet.
- (2) None, except that when adjacent to any residential district, the rear yard setback shall be 25 feet, unless there is an alley between the two, in which case the rear yard setback shall be five feet.
- (3) A front yard setback of 25 feet is required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of 50 feet.
- (4) Special provision: Any building over two stories in height permitted in Commercial District shall be so designed to provide for adequate light and air so that any part of such building above the second story shall be no closer than 20 feet perpendicular distance from the vertical extension of any lot boundary.
- (5) Front yard setback by be reduced to less than 20 feet or the same setback as 50% or more of the buildings on the same block.

5.10.07 *Miscellaneous Provisions:*

1. Supplementary regulations shall be complied with as defined herein.
2. When adjacent to residentially zoned land, no parking, driveways, or signs shall be allowed in the required front yard within 15 feet of such district. Furthermore, permanent fenced screening shall be provided in this area in order to minimize impacts on residentially zoned property.
3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

Section 5.11 C-2 Highway Commercial District

5.11.01 *Intent:* The (C-2) Highway Commercial District is intended for the purpose of servicing highway travelers and providing limited commercial services located along Nebraska Highway 13 and Nebraska Highway 59. Off-street parking is required in order to reduce possible adverse effects on adjacent properties. In most cases, developments will be required to plat and construct service roads in order to limit the amount of access points required along the expressway.

5.11.02 *Permitted Uses:*

The following principal uses are permitted in the C-2 District.

1. Agriculture on more than seven acres
2. Business and professional services including: attorneys, banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services and investment services; but not including uses defined in Adult Establishment
3. Veterinarian or animal clinic, provided any such building, kennel, or exercise runway is located at least 100 feet away from the R-1, R-2, R-3, and RT districts
4. Dance studio, not including uses defined in Adult Establishment.
5. Meeting hall, not including uses defined in Adult Establishment
6. Hospitals, nursing home facilities
7. Civic and cultural activities
8. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - a. Agricultural implement sales and service centers
 - b. Antique store
 - c. Automobile displays, sales, service, and repair
 - d. Automobile parts and supplies store
 - e. Bakery shop
 - f. Bar and tavern
 - g. Barber and beauty shop
 - h. Building materials retail sales
 - i. Commercial greenhouses
 - j. Communication services
 - k. Computer store
 - l. Drug stores and prescription shops
 - m. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment
 - n. Floral shop
 - o. Gift and curio shop
 - p. Golf driving ranges
 - q. Grocery store
 - r. Hardware and buildings materials store
 - s. Indoor amusement and entertainment establishment, including movie theaters, not including uses defined in Adult Establishment.
 - t. Laundry and dry cleaning pick-up and delivery stations
 - u. Liquor store
 - v. Lumber yards, hardware stores, and building material sales yards
 - w. Mortuaries and funeral chapels
 - x. Motels, hotels, and trailer campgrounds
 - y. Outdoor amusement and entertainment establishment, including miniature golf,
 - z. Restaurants, cafes, and fast food establishment
 - aa. Tanning salon
 - bb. Variety store, not including uses defined in Adult Establishment
 - cc. Video store, not including uses defined in Adult Establishment
 - dd. Social club and fraternal organizations, not including uses defined in Adult Establishment
 - ee. Public overhead and underground local distribution utilities
10. When located at least 100 feet away from the R-1, R-2, R-3, and RT district: bowling alley, drive-in restaurant or similar establishment, drive-in theater, and other similar place of entertainment or amusement
11. Publicly owned and operated parks, playgrounds, fire stations, community centers, city offices, recycling operations, and libraries

5.11.03 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 C-2 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Amusement arcades
2. Garden supply and retail garden center
3. Totally enclosed, automated and conveyor-style car washes
4. Convenience store with limited fuel sales provided the following minimum requirements are met:
 - a. The use has a minimum lot area of 10,000 square feet
 - b. All surfaces associated with the sale of gasoline shall be on an all-weather surface
5. Churches, temples, seminaries, and convents including residences for teachers and pastors
6. Retail motor vehicle sales and service
7. Car wash
8. Service station and minor automobile repair services provided the following minimum requirements are met:
 - a. The use has a minimum lot area of 10,000 square feet
 - b. All surfaces associated with the sale of gasoline shall be on an all-weather surface
9. Tire store and minor automobile repair service

5.11.04 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. Temporary greenhouses
2. Fireworks stands provided the criteria are met as established by the City through separate Ordinances
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work
4. Temporary structure for festivals or commercial events

5.11.05 Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses
2. Parking pursuant to Article 7
3. Signs pursuant to Article 8

5.11.06 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 (%)
Permitted Uses	10,000	100	25 (2)	10	20 (3)	45 (1)	70
Conditional Uses	10,000	100	25 (2)	10	20 (3)	45 (1)	70
Accessory Uses	-	-	25 (2)	10	20 (3)	-	10

(1) The maximum height of any use shall be decreased to 35 feet when located within 100 feet of any residential district.

(2) 25 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard, then front yard setback is equal to 50 feet.

(3) Refer to Section 4.09.07.

5.11.07 Use Limitations:

1. When adjacent to any residential district, no parking, driveways, or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet of six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 9.03.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
5. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.
6. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
7. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects on residential properties.

8. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

Section 5.12 C-3 Downtown Commercial District

5.12.01 *Intent:* The (C-3) Downtown Commercial District is intended to provide for commercial development within the existing downtown area of Creighton that will benefit the retail trade, business, cultural, and social activities of the entire community.

5.12.02 *Permitted Uses:*

The following shall be permitted outright provided the requirements of this ordinance can be met.

1. Business and professional services including: attorneys, banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services and investment services; but not including uses defined in Adult Establishment
2. Dance studio, not including uses defined in Adult Establishment.
3. Meeting hall, not including uses defined in Adult Establishment
4. Retail business or service establishment supplying commodities or performing services at a small scale, such as, or in compatibility with and including the following:
 - a. Apparel shop
 - b. Appliance store
 - c. Antique store
 - d. Automobile parts supply store, not including repair or service facilities
 - e. Bakery shop
 - f. Barber and Beauty shop
 - g. Bookstore, not including uses defined in Adult Establishment
 - h. Childcare center
 - i. Clothing and tailoring shops
 - j. Communication services
 - k. Computer store
 - l. Drug stores and prescription shops
 - m. Floral shop and commercial greenhouses
 - n. Furniture store or showroom
 - o. Gift and curio shop
 - p. Grocery store
 - q. Hardware store
 - r. Hobby, craft, toy store
 - s. Indoor amusement and entertainment establishment, including bowling alleys and movie theaters, not including uses defined in Adult Establishment
 - t. Laundry and dry cleaning pick-up and delivery stations
 - u. Liquor store
 - v. Newsstands, not including uses defined in Adult Establishment
 - w. Photography studio
 - x. Picture framing shop
 - y. Restaurants
 - z. Second hand stores
 - aa. Service station and minor automobile repair services
 - bb. Shoe store
 - cc. Tanning salon
 - dd. Variety store, not including uses defined in Adult Establishment
 - ee. Video store, not including uses defined in Adult Establishment
 - ff. Telephone exchange
 - gg. Telephone answering service
5. Publicly owned and operated parks, playgrounds, fire stations, community centers, city offices, recycling operations, and libraries

5.12.03 *Conditional Uses:*

A building or premises may be used for the following purposes in the C-1 Downtown Commercial District if a conditional use permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Business or trade school
2. Garden supply and retail garden center
3. Tavern and cocktail lounge, not including uses defined in Adult Establishment
4. Totally enclosed, automated, and conveyor-style car washes
5. Outdoor entertainment
6. Convenience store with limited fuel sales
7. Residences in conjunction with the principle use when located above the ground floor

8. Churches, temples, seminaries, and convents including residences for teachers and pastors
9. Printing and publishing
10. Retail motor vehicle sales and service
11. Car wash
12. Tire store and minor automobile repair service
13. Public utility offices, garages, and dispatcher centers
14. Veterinarian clinics

5.12.04 *Temporary Uses:* The following temporary uses shall be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Temporary greenhouses
2. Fireworks stands provided the criteria are met as established by the City through separate Ordinances
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work
4. Temporary structure for festivals or commercial events

5.12.05 *Accessory Uses*

The following accessory uses and structures shall be permitted

1. Buildings and uses customarily incidental to the permitted uses
2. Parking pursuant to Article 7
3. Signs pursuant to Article 8
4. Temporary buildings and uses incidental to construction work, which will be removed upon completion or abandonment of the construction, work

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

Use	Lot Area (feet)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Max. Height (feet)
Permitted Uses	-	-	-	(1)	(2)	60
Permitted Conditional Uses	-	-	-	(1)	(2)	60
Accessory Uses	-	-	-	(1)	(2)	-

(1) None, except that when adjacent to any district requiring a side yard, the side yard setback shall be 10 feet.

(2) 10 feet, except that when adjacent to any residential district, the rear yard setback shall be 25 feet.

5.12.07 *Use Limitations:*

1. When adjacent to any residential district, no parking, driveways, or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide a six foot high permanent screen in order to minimize impacts on residentially zoned property, pursuant to Section 9.03.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

Section 5.13 I-1 Industrial District

- 5.13.01 *Intent:* It is the intent of the Industrial District to provide standards for areas suitable for some intense industrial, wholesaling, and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that user of this land conduct activities that create low to moderate hazards to adjacent properties.

Adult Entertainment Facilities are included in this Zoning District. The intent of the Creighton Zoning Ordinance in placing these uses in this district is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

5.13.02 *Permitted Uses:*

The following principal uses are permitted in the I-1 District.

1. Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials
2. Automobile storage yard, provided all vehicles are kept in an enclosed and screened area
3. Bottling work
4. Building materials yards with enclosed and screened storage areas
5. Carting, express, or storage yard
6. Construction and heavy equipment sales and service
7. Dying and cleaning establishments
8. Farm and industrial equipment sales
9. Highway maintenance yards or buildings
10. Laboratories
11. Machine shop or metal working excluding drop hammers and other noise producing tools.
12. Manufacture and assembly of electrical and electronic appliances
13. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials
14. Printing and publishing business
15. Self-storage units provide the standards of Section 9.07 are met
16. Stone and monument works
17. Utility substations, pumping stations, and water reservoirs
18. Warehouses and wholesale businesses
19. Contractors' yard
20. Grain storage bins and elevators
21. Live-in quarters used by live-in watchman or custodians during periods of construction or when necessary as an accessory to permitted use
22. Livestock auction or sales barn

5.13.03 *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 I-1 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Alfalfa dehydrating plant
2. Asphalt mixing, manufacture, or refining
3. Auto body repair shops, provided the following minimum standards are met:
 - a. All vehicles waiting on repair shall be behind an opaque screened area
 - b. All exhaust fumes from painting areas shall meet all Federal and State requirements
 - c. All parts shall be in a screened in area
 - d. Parts shall not be stack taller than the fence or wall
 - e. Parts are not intended to be inventoried for more than a one year period
 - f. Screened areas and business are not to be used in a manner that would be defined as either a "automobile wrecking yard" or "junk yard"
 - g. Screened in areas shall be opaque fence or solid wall at least eight feet in height
4. Automobile junk yard or wrecking yard provided the standards of Section 9.08 are met
5. Concrete or cement product manufacturing
6. Ethanol plant
7. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs
8. Telecommunication and broadcast tower, pursuant to Section 9.02.
9. Research facilities

10. Truck terminal and dock facilities to include truck washing
11. Adult Entertainment establishments shall conform to these regulations:
 - a. No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district or use, religious use, educational use or recreational use. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the closest point on the property line of such other adult business, residential district or use, religious use, educational use or recreational use.
 - b. Said businesses shall be screened along adjoining property lines so as to prevent any direct visual contact of the adult business from the perimeter.
 - c. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
 - d. No adult business shall be open for business between the hours of twelve-midnight (12:00 a.m.) and six a.m. (6:00 a.m.).
 - e. The proposed location, design, construction and operation of the particular use shall provide adequate safeguards to protect the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
 - f. Such use shall not impair an adequate supply of light and air to surrounding property.
 - g. Such use shall not unduly increase congestion in the streets or public dangers, including fire and safety hazards.
 - h. Such use shall not diminish or impair established property values in adjoining or surrounding property.
 - i. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Creighton, Nebraska.
 - j. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property. The application shall also include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
 - k. An adult business shall post a sign at the entrance of the premises that shall state the nature of the business and shall state that no one under the age of 18 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for admission to the premises.
 1. *Prohibited Activities of Adult Businesses:*
 - A. No adult business shall employ any person under 18 years of age
 - B. No adult business shall furnish any merchandise or services to any person who is under 18 years of age
 - C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
 - D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

5.13.04 *Temporary Uses:* The following temporary uses shall 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. Fireworks stands provided the criteria are met as established by the City through separate Ordinance
4. Temporary Signs as provided in Sections 8.04

5.13.05 Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses
2. Signs pursuant to Article 8
3. Parking pursuant to Article 7
4. Fences pursuant to Section 9.03, including perimeter fencing over six feet in height

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

	Lot Area (sq. ft.)	Lot Width (feet)	Front Yard (feet) (1)	Side Yard (feet)	Rear Yard (feet)	Max. Height (feet)	Max. Lot Coverage
Permitted Uses	10,000	75	25	25	15	45	30%
Conditional Uses	10,000	75	25	25	15	45	30%
Accessory Uses	-	-	25	25	15	45	20%

1. 25 feet setback required only when no parking is present in the front yard. If parking is located in the front yard, then front yard setback is equal to 50 feet.

5.13.07 Use Limitations:

1. The minimum height requirement may be exceeded, provided the setback is increased by one foot for every one foot increase in building height
2. When adjacent to residentially zoned land, no parking, driveways or signs shall be allowed in the required front yard within 25 feet of said residential district
3. Exterior lighting fixtures, other than publicly installed street lights, shall be located and installed to reflect light away from abutting residential properties

5.13.08 Performance Standards:

See Section 9.04 of the supplemental regulations

Section 5.14: Flood Plain Regulations (FF/FW)

Refer to the City of Creighton 2005 Flood Plain Ordinance/Resolution Number 707.

LOT AND AREA REQUIREMENTS		MINIMUM LOT AREA		MIN. YARD SETBACK			MAX. HEIGHT	MAX. LOT COVERAGE
ZONING DISTRICT	LOT AREA	LOT WIDTH (feet)	FRONT (feet)	SIDE (feet)	REAR (feet)	IN FEET	PERCENT OF LOT AREA	
TA: Transitional Agricultural Single-Family Detached Permitted Uses Conditional Uses Accessory Buildings/Structures	5 acres	150	70*	25	65	35	10%	
	5 acres	150	70*	25	65	35	10%	
	5 acres*	150	70*	25	65	35	10%	
	-	-	100*	25	65	35	5%	
R-1: Low Density Residential Single-family Detached Single-family Attached (per unit) Two-family Other Permitted Uses Conditional Uses Accessory Uses	20,000	75	25	10*	25*	35	40%	
	6,600	18*	25	10*	35*	35	40%	
	5,500	75	25	6*	25*	35	40%	
	20,000	75	25	10	25*	35	20%	
R-2: Medium Density Residential Single-family Detached (existing) Single-family Detached (future) Single-family Attached/Townhouse (per unit) Two-family Multiple Family Other Permitted Uses Conditional Uses Accessory Uses	10,000	75	25	10	35*	35	40%	
	-	-	25	10	5	17	10%*	
	7,000	50	25	10	25*	35	35%	
	7,500	50	25	10	25*	35	35%	
R-3: High Density Residential Single-family Detached Single-family Attached (2 units only) Two-family Condominiums/Townhouses (more than 2 units) Multiple Family (per dwelling unit) Other Permitted Uses and Conditional Uses Accessory Uses	3,750	18*	25	10*	25*	35	35%	
	8,000	75	25	10	25*	35	35%	
	4,000/unit	75	25	*	25*	35	35%	
	10,000	80	25	10	25*	35	25%	
RT: Residential Transition Single-family Dwelling Two-family Dwelling Single-family attached Multi-family Dwelling Townhouses/Condominiums Other permitted and Conditional Uses Accessory Uses	10,000	100	25	10	25*	35	30%	
	-	-	25	10	5	-	10%	
	7,000	50	25*	7.5	25	35	35%	
	8,000	60	25*	7.5	25	45	40%	
C-1: General Commercial Permitted Uses Conditional Uses Accessory	6,000/unit	45*unit	25*	7.5	25	35	40%	
	4,000/unit	75	25*	*	25	35	35%	
	3,500/unit	50	25*	*	25	35	35%	
	7,000	50	25	10	25	35	25%	
C-2: Highway Commercial Permitted Uses Conditional Uses Accessory Uses	-	-	25	10	5	17	10%*	
	3,500	25	20	*	*	35	80%	
	3,500	25	20	*	*	35	80%	
	-	-	20	*	*	35	40%	
C-3: Downtown Commercial Permitted Uses Conditional Uses Accessory Uses	10,000	100	25*	10	20*	45*	70%	
	10,000	100	25*	10	20*	45*	70%	
	-	-	25*	10	20*	-	10%	
	-	-	-	*	*	60	-	
I-1: Light Industrial Permitted Uses Permitted Conditional Uses Accessory Uses	-	-	-	*	*	60	-	
	-	-	-	*	*	60	-	
	-	-	-	*	*	-	-	
	10,000	75	25	25	15	45	30%	
	10,000	75	25	25	15	45	30%	
	-	-	25	25	15	45	20%	
	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	

ARTICLE 6: CONDITIONAL USE PERMITS

Section 6.01 General Provisions

The City Council may, by conditional use permit after a Public Hearing and referral and recommendation from the Planning Commission after the commission's Public Hearing, authorize and permit conditional uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this ordinance. The City Council may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance. In granting a conditional use permit, the City Council will authorize the issuance of a conditional use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

Section 6.02 Application for Conditional Use Permit

A request for a conditional use permit or modification of a conditional use permit may be initiated by a property owner or his or her authorized agent by filing an application with the City. The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted.

Section 6.03 Public Hearing

Before issuance of any conditional use permit, the City Council will consider the application for the conditional use permit together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Creighton, one time at least 10 days prior to such hearing.

Section 6.04 Decisions

A majority vote of the City Council shall be necessary to grant a conditional use permit. No order of the City Council granting a conditional use permit shall be valid for a period of longer than 12 months from the date of such order, unless the City Council specifically grants a longer period of time upon the recommendation of the Planning Commission.

Section 6.05 Standards

No conditional use permit shall be granted unless the Planning Commission and City Council have found:

- 6.05.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
- 6.05.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 6.05.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- 6.05.04 That adequate utilities, access roads, and drainage facilities have been or are being provided.
- 6.05.05 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 6.05.06 The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- 6.05.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

- 6.05.08 The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.
- 6.05.09 The use shall not involve any direct or reflected glare, which is visible from any adjoining property or from any public street, road, or highway.
- 6.05.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- 6.05.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

Section 6.06 Conditions

In addition to the Standards listed in Section 6.05, the Planning Commission may recommend, and the City Council may adopt such other conditions as may be necessary or desirable to address such concerns as the most appropriate use of the land, the conservation and stabilization of the value of property, the provision of adequate open space for light and air, concentration of populations, congestion of public streets, and the promotion of the general health, safety, welfare, convenience, and comfort of the public. The City Council may require such conditions and restrictions upon the Conditional Use Permit as may be deemed necessary for the protection of the public interest and to secure compliance with this Ordinance.

ARTICLE 7: PARKING REGULATIONS

Section 7.01 Off-Street Automobile Storage

- 7.01.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area not identified, the ratio of 200 square feet per parking space shall be used.
- 7.01.02 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- 7.01.03 Some uses may require two different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require tabulation for classrooms and assembly areas).
- 7.01.04 All parking spaces for single-family dwellings, two or more unit multi-family dwellings, convalescent homes, apartments, townhouses, and mobile homes shall have a suitable hard surface including crushed rock, asphalt, or concrete.
- 7.01.05 Off-street parking requirements shall not apply to the C-3 (Downtown Commercial) Zoning District.
- 7.01.06 In Districts R-1, R-2, R-3, and RT, required off-street parking shall be provided on the lot on where the use to which the parking pertains, or immediately adjacent thereto. In other Districts, such parking may be provided either on the same lot or an adjacent or other lot, provided, however, the lot on which the use requiring them is located and the lot providing the parking are not separated by more than 400 feet at closest points, measured along a street or streets. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.

Section 7.02 Off-street Parking: Shared Parking Requirements

Notwithstanding the provisions of Section 7.03, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the City Council. Said request for a decrease in parking spaces shall made as an Application for a Conditional Use Permit.

Section 7.03 Schedule of Minimum Off-Street Parking and Loading Requirements

Uses	Parking Requirements	Loading Requirements
Adult Entertainment Establishments	One space per two persons of licensed capacity	None required
Bowling Alleys	Four spaces per alley plus one per two employees	One space per establishment
Churches, Synagogues, and Temples	One space per four seats or eight feet of pew length in main worship area	None required
Clubs, including fraternal organizations	One space per 500 s.f. of gross floor area	None required
College/University	Eight spaces per classroom plus one space per employee	Two spaces per structure
Commercial Uses		
Agricultural Sales / Service	One space per 500 s.f. of gross floor area	One per establishment
Automotive Rental / Sales	One space per 500 s.f. of gross floor area	One per establishment
Automotive Servicing	Three spaces per repair stall	None required
Bars, Taverns, Nightclubs	Parking equal to 30% of licensed capacity	Two spaces per establishment
Body Repair	Four spaces per repair stall	None required
Dance Hall	One space per 100 s.f. of gross floor area plus one space per employee	One per establishment
Equipment Rental / Sales	One space per 500 s.f. of gross floor area	One Space
Campground	One space per camping unit	None required
Commercial Recreation	One space per four persons of licensed capacity	One per establishment
Communication Services	One space per 500 s.f. of gross floor area	One per establishment
Construction Sales / Service	One space per 500 s.f. of gross floor area	One per establishment
Food Sales (limited)	One space per 300 s.f. of gross floor area	One per establishment
Food Sales (general)	One space per 200 s.f. of gross floor area	Two per establishment
General Retail Sales establishments	One space per 200 s.f. of gross floor area	One per establishment
Laundry Services	One space per 200 s.f. of gross floor area	None required
Restaurants w/ drive-thru	Greater of the two: One space per 40 s.f. of dining area, or One space per 150 s.f. of gross floor area	One per establishment
Restaurants (General)	Parking equal to 30% of licensed capacity	Two spaces per establishment
Convalescent and Nursing home Services	One space per three beds plus one per employee on the largest shift	Two space per structure
Day Care	One space per employee plus 1 space or loading stall per each 10 persons of licensed capacity	None required
Educational Uses, Primary facilities	Two spaces per classroom	Two spaces per structure
Educational Uses, Secondary facilities	Eight spaces per classroom plus one space per employee on largest shift	Two spaces per structure
Funeral Homes and Chapels	Eight spaces per reposing room	Two spaces per establishment
Group Care Facility	One space per four persons of licensed capacity	Two space per structure
Group Home	One space per four persons of licensed capacity	Two space per structure
Guidance Services	One space per 300 s.f. of gross floor area	None required
Hospitals	One space per two licensed beds	Three spaces per structure
Hotels and Motels	One space per rental unit plus one per two employees on largest shift	One space per establishment
Housing (Congregate)		
Assisted-living facilities	One space per dwelling unit plus one space per employee on the largest shift	One per structure
Duplex	Two spaces per dwelling unit	None required
Multi-family / Apartments / Dormitory / Student Lodging	One space per sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located	None required
Industrial Uses	Three spaces for every four employees during the largest shift (.75 times number of employees.)	Two spaces per establishment
Libraries	One space per 400 s.f. of gross floor area plus one space per employee	One per structure
Boarding Houses / Bed and Breakfasts	One space per rental units	None required
Medical Clinics	Five spaces per staff doctor, dentist, chiropractor	None required
Mobile Home Park	Two per dwelling unit	None required
Offices and Office Buildings	One space per 200 s.f. of gross floor area	None required
Residential (Single-family, attached and detached)	Two spaces per dwelling unit	None required
Roadside stands	Four spaces per establishment	None required
Service Oriented Establishments	One space per 200 s.f. of gross floor area	One per establishment
Theaters, Auditoriums, and Places of Assembly	One space per five persons of licensed capacity	One space per establishment
Veterinary Establishments	Three spaces per staff doctor	None required
Wholesaling / Distribution Operations	One space per two employees on the largest shift	Two spaces per establishment

Section 7.04 Off-Street Parking: Parking for Individuals with Disabilities

7.04.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different lot, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured from that lot.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20, plus 1 for each 100 over 1,000

7.04.02 Except as provided to Section 7.04.01 of this Ordinance, access aisles adjacent to accessible spaces shall be five feet wide minimum.

1. One in every eight accessible spaces, but not less than one, shall be served by an access aisle eight feet wide minimum and shall be designated "van accessible" as required by Section 7.04.04 of this Ordinance. The vertical clearance at such spaces shall comply with 7.04.05 of this Ordinance. All such spaces may be grouped on one level of a parking structure.
2. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
3. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding two percent in all directions.
4. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 7.04.06 of this Ordinance.
5. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 7.04 of this Ordinance shall be provided in accordance with 7.04.01 of this Ordinance; except as follows:
 - a. Outpatient units and facilities: 10 percent of total number of parking spaces provided serving each such outpatient unit or facility;
 - b. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.

7.04.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

1. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
2. In buildings with multiple accessible entrances and adjacent parking, the accessible parking spaces shall be dispersed and located closest to each accessible entrance.

7.04.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 7.04.02(1) shall have an additional sign "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so a vehicle parked in the space cannot obscure them.

7.04.05 The minimum vertical clearance shall be nine and one-half feet at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 7.04.02(1), provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

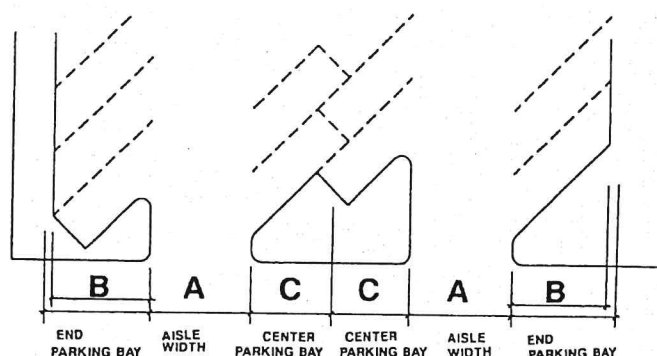
7.04.06 Passenger Loading Zones shall provide an access aisle at least five feet wide and 20 feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up

space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

Section 7.05 Off-Street Parking Design Criteria

7.05.01 Standard parking stall dimensions shall not be less than nine feet by 18 feet, plus the necessary space for maneuvering into and out of the space. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration			
	90-degree	60-degree	45-degree
Aisle Width (A)			
One-way traffic	-----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
Center Parking Bay Width (C)			
	18 feet	18 feet	16 feet



- 7.05.02 All areas used for standing and maneuvering of vehicles shall be designed such that drainage across sidewalks is minimized.
- 7.05.03 Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet.
- 7.05.04 Minimum dimensions for a parallel parking space shall be nine feet by 23 feet.
- 7.05.05 Artificial lighting used in a parking lot shall be so designed as to deflect light away from adjacent residential dwellings.
- 7.05.06 All parking spaces, except for those used in conjunction with a residential dwelling, shall be located such and served with a driveway such that their use will require no backing movements or maneuvering within a street right-of-way other than an alley.
- 7.05.07 Service drives shall not be more than 30 feet in width, and shall conform to the minimum sight triangle requirements for unobstructed vision. Service drives shall also be clearly and permanently marked and defined through the use of rails, fences, walls, or other barriers or markers.
- 7.05.08 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the City Council upon recommendation of the City Engineer.
- 7.05.09 All of the requirements of this Section shall be complied with, and all off-street parking requirements shall be made available for use prior to the issuance of a Certificate of Occupancy. A time extension may be granted by the Zoning Administrator, provided a performance bond, or its equivalent, is posted which equals the cost to complete the parking improvements as estimated by the Zoning Administrator, and provided the parking requirements are not required for immediate use. In the event the improvements are not completed within one year of any such extension, the bond or its equivalent shall be forfeited and the improvements shall be completed under the direction of the City Council.

ARTICLE 8: SIGN REGULATIONS**Section 8.01 Signs: Standard of Measurement**

8.01.01 The total area of all signs permitted on a lot shall include:

1. The total area of the faces of all permanent exterior signs visible from a public way, plus
2. The area of permanent signs placed upon the surface of windows and doors, plus
3. The area within the outline enclosing the lettering, modeling or insignia of signs integral with a wall and not designed as a panel.

8.01.02 Wall signs shall not exceed one and one-half square feet per lineal foot of lot frontage, up to 100 square feet in total size. A building or use having frontage on a second street may include 20 percent of the length of the lot facing the second street.

Section 8.02 Signs: Area Computation

8.02.01 *Computation of Area of Individual Signs:* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly identical to the display itself.

8.02.02 *Computation of Area of Multi-faced Signs:* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

8.02.03 *Computation of Height:* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign, or (2) normal grade. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Section 8.03 Sign Schedule

8.03.01 Signs shall be permitted in the various districts according to the following schedule:

Zoning District	TA	RT	R-1	R-2	R-3	C-1	C-2	C-3	I-1
Sign Type									
Real Estate	+	+	+	+	+	+	+	+	+
Announcement	-	+	+	+	+	+	+	+	+
Wall	-	+	-	-	-	+	C	+	+
Name Plate	+	+	+	+	+	+	+	+	+
Billboard	-	-	-	-	-	C	C	-	-
Ground	C	-	-	-	-	+	+	+	+
On-Site Advertising	+	-	-	-	-	+	+	+	+
Off-Site Advertising	-	-	-	-	-	-	-	-	-
Animated or Flashing	-	-	-	-	-	-	-	-	-
Pole	-	-	-	-	-	+	+	+	+

+: permitted

-: not permitted

C: Conditional Use

Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

Zoning District	TA	R-1	R-2	R-3	RT	C-1	C-2	C-3	I-1
Sign Type									
Real Estate									
Max. Square Ft.	32	6	6	6	6	32	32	32	32
Max. Height (ft)	6	-	-	-	-	4	4	4	4
Announcement									
Max. Square Ft.	32	6	6	6	6	32	32	32	32
Max. Height (ft)	4	4	4	4	4	4	4	4	4
Wall									
Max. Square Ft.	50	-	-	-	-	100	100	100	200
Max. Height (ft)	15	-	-	-	-	45	45	45	45
Name Plate									
Max. Square Ft.	2	2	2	2	2	-	-	-	-
Max. Height (ft)	-	-	-	-	-	-	-	-	-
Billboard									
Max. Square Ft.	-	-	-	-	-	-	-	-	-
Max. Height (ft)	-	-	-	-	-	-	-	-	-
Ground									
Max. Square Ft.	100	-	-	-	-	100	100	100	200
Max. Height (ft)	10	-	-	-	-	10	10	10	10
On-Site Advertising									
Max. Square Ft.	100	-	-	-	-	100	100	100	200
Max. Height (ft)	45	-	-	-	-	45	45	45	45
Off-Site Advertising									
	-	-	-	-	-	-	-	-	-
Pole									
Max. Square Ft.	-	-	-	-	-	100	100	100	200
Max. Height (ft)	-	-	-	-	-	15	15	15	15

- : Not Permitted

Section 8.04 Signs: Special Conditions

8.04.01 *Temporary Signs:* Temporary signs shall meet the following criteria:

1. No temporary sign shall be of such size, message, or character so to harm the public, health, safety, or general welfare.
2. Temporary signs may be for a continual period that has a limited amount of time not to exceed 10 days except that Real Estate signs may be in place until the property sale is finalized and construction signs until such construction is finished.
3. Campaign signs are limited to six per lot, may be erected 30 days before the election and shall be removed no later than seven days following such election.

8.04.02 *Real Estate:* Not more than two signs per lot, no larger than six square feet, may be used as a temporary sign. Signs in the TA District shall be set back 20 feet from the road right-of-way or road easement. Signs may be permitted until property is sold.

8.04.03 *Freestanding Signs:* Freestanding signs, including but not limited to billboard, ground, and pole signs shall constitute a structure for the purposes of this Ordinance, and shall require a building permit prior to their installation.

8.04.04 *Community Events and Functions:* Signs used to display information for a community event or function shall be permitted in all zoning districts, provided they are temporary only, and are not placed in the right-of-way.

8.04.05 *Billboards:* Billboards, signboards, and other similar advertising signs subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions.

1. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
2. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.

3. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
- 8.04.06 *Hanging Signs:* Signs hung from canopies and awnings shall be no closer than seven and one-half feet from the bottom edge of the sign to grade below.
- 8.04.07 *Signs in the Public Right-of-Way:* No signs shall be allowed in the public right-of-way, except for the following:
1. Permanent signs, including:
 - a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, advertise community events, and direct or regulate pedestrian or vehicular traffic.
 - b. Information signs of a public utility regarding its poles, lines, pipes, or facilities; and
 - c. Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of 8.03.

ARTICLE 9: SUPPLEMENTAL REGULATIONS

Section 9.01 Home Occupations

The following are the minimum standards required for a Home Occupation:

- 9.01.01 One unit nameplate of not more than two square foot in area attached flat against the building located on local or collector streets. The area may be increased to four square feet when attached flat against a building located on arterial streets.
- 9.01.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 9.01.03 No more than 50 percent of the home or an accessory building or structure shall be used for the home occupation.
- 9.01.04 No more than one employee or co-worker other than the resident(s) shall work from that site.
- 9.01.05 No retail sales are permitted from the site other than incidental sales related to services provided.
- 9.01.06 No exterior storage (excluding storage within accessory buildings or structures, pursuant to Section 9.07 above) shall be permitted.
- 9.01.07 Additional off-street parking may be required for the business.
- 9.01.08 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 9.01.09 All businesses related to Family Child Care Home I and Family Child Care Home II shall be licensed in accordance with Neb. Rev. Stat. §71-1902 (R.R.S. 1997).

Section 9.02 Wireless Communication Towers

9.02.01 Intent:

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate broadcast towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. It is the intent of the City Council to regulate telecommunication facilities, towers and antennas in the City to protect residential areas and land uses from the potential adverse impacts caused by the of installation of towers and antennas through careful design, siting, and camouflaging; to promote and encourage shared use/collocation of towers and other antenna support structures rather than allow the construction of additional single use towers; to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound; and to ensure that towers and antennas are compatible with surrounding land uses.

9.02.02 Definitions:

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

1. **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
2. **ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.
3. **APPLICANT** shall mean any person that applies for a Tower Development Permit.

4. **APPLICATION** shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever, formal forum, made by an applicant to the City concerning such request.
5. **CONFORMING COMMERCIAL EARTH STATION** shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.
6. **ENGINEER** shall mean any engineer qualified and licensed by any state or territory of the United States of America.
7. **OWNER** shall mean any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.
8. **PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
9. **SATELLITE DISH ANTENNA** shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
10. **STEALTH** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.
11. **TELECOMMUNICATIONS FACILITIES** shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
 - a). Any Conforming Commercial Earth Station antenna six feet or less in diameter.
 - b). Any earth station antenna or satellite dish antenna three feet or less in diameter.
12. **TOWER** shall mean a self-supporting lattice, guyed, or monopole structure, which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.
13. **TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the City upon approval by the City Council of an application to develop a tower within the zoning jurisdiction of the City; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest.
14. **TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

9.02.03 Location of Towers and Construction Standards

1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Tower Development Permit by the City Council and issuance of the permit by the City. Applicants shall submit their application for a Tower Development Permit to the City Clerk's Office and shall pay a filing fee.

3. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this Ordinance shall conform to the Building Codes and all other construction standards set forth by City, County, federal, and state laws and applicable American National Standards Institute (ANSI) standards. Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed in the office of the City Clerk.

9.02.04 Application to Develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted to the City Clerk for a Tower Development Permit and shall include the following:

1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
2. The legal description and address of the tract of land on which the tower is to be located.
3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one mile radius of the proposed tower, including publicly and privately owned towers and structures.
4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
5. Written technical evidence from an engineer that the proposed tower will meet applicable Building Codes, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and/or zoned property and nearest roadway, street or highway.
7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

9.02.05 Tower Development Permit: Procedure

After receipt of an application for a Tower Development Permit, the Zoning Administrator shall schedule a public hearing before the Planning Commission, following all Statutory requirements for publication and notice, to consider such application. The Planning Commission shall receive testimony on the Tower Development Permit and shall make a recommendation to the City Council. Upon the completion of the Planning Commission Public Hearing the Zoning Administrator shall schedule a public hearing before the City Council, following all statutory requirements for publication and notice, to consider such application and the recommendation of the City Planning Commission.

Notice, for each Public Hearing, shall be made at least one time and at least 10 days prior to such hearing. In addition, the Zoning Administrator shall cause a notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall conform to Article 6 of this Ordinance. The Planning Commission and City Council may approve the Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and/or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

9.02.06 Setbacks and Separation or Buffer Requirements

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.

2. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
3. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100 percent of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
 - a. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 - b. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

9.02.07 Structural Standards for Towers Adopted

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

9.02.08 Illumination and Security Fences

1. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA).
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will prevent, to the extent practical, unauthorized climbing of said structure.

9.02.09 Exterior Finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Planning Commission and City Council as part of the application approval process. All towers which must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

9.02.10 Landscaping

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the City.

9.02.11 Maintenance, Repair or Modification of Existing Towers

All towers constructed or under construction on the date of approval of this regulation may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this regulation shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the City Council, an exemption from compliance as a condition of the Tower Development Permit.

9.02.12 Inspections

The City reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the City's Building Codes and any other construction standards set forth by the City, Federal, and state law or applicable ANSI standards. Inspections shall be made by either an employee of the City Clerk's Office, Zoning Administrator, or a duly appointed independent representative of the City.

9.02.13 Maintenance

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

9.02.14 Abandonment

If any tower shall cease to be used for a period of one year, the Clerk's Office shall notify the tower owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee and a written request shall be directed to the City Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and City of Creighton codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

9.02.15 Satellite Dish Antennas, Regulation

Upon adoption of this regulation, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Creighton only upon compliance with the following criteria:

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
2. Single family residences may not have more than one satellite dish antenna over three feet in diameter.
3. Multiple family residences with 10 or less dwelling units may have no more than one satellite dish antenna over three feet in diameter. Multiple family residences with more than 10 dwelling units may have no more than two satellite dish antennas over three feet in diameter.
4. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
5. All satellite dish antennas installed within the zoning jurisdiction of Creighton, upon adoption of this regulation, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

Section 9.03 Fences

No fence shall be constructed within the zoning jurisdiction of the City of Creighton unless it is constructed in conformance with the following requirements:

9.03.01 Height Limitations

The height limitation for fences shall be 72 inches above ground level except as provided herein.

1. No fence shall be constructed within a required front yard of any lot, except as may be otherwise provided herein.
2. All fences around junk yards, salvage yards shall be a minimum of eight feet in height.
3. The height of a fence shall be determined by the vertical distance measured from the established grade level at the nearest sidewalk, top of curb, or other public right-of-way to the top of the highest part of the fence. Earthen berms, whether manmade or not, terraces, and retaining walls that elevate the fence shall be considered a part of the fence, and shall be included in the height of the fence. It is not intended that any structure other than a fence is permitted on any part of a lot or premises by this section, and all other structures shall comply with the provisions of this Ordinance.
4. Where it is demonstrated that for security purposes the perimeter fencing around a factory or building located in an area zoned as an Industrial District must be higher than six feet in height may be approved by through a Conditional Use Permit or otherwise prescribed herein.
5. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet in height.
6. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet in height.

9.03.02 Design Criteria/Location

1. Fences located within a front of a residential lot shall not exceed 42 inches in height and must qualify within the definition of an open fence, except that solid fences may be constructed along a

- side lot line parallel and adjacent to the lot line that is adjacent to a Commercial District or an Industrial District.
2. No fence or vegetation shall be situated or constructed in such a way as to obstruct vehicular traffic or otherwise create a traffic safety hazard. No fence or vegetation shall be situated or constructed within the required sight triangle.
 3. The use of barbed wire in the construction of any fence is prohibited except:
 - a. Perimeter security fencing of buildings constructed in a General Commercial or Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
 - b. Farm fencing constructed for agricultural purposes on parcels of land in the Transitional Agriculture District.
 4. All supporting posts for fence construction shall be set in concrete except for agricultural fencing in the Transitional Agriculture District.
 5. All fences shall be maintained in good repair.
 6. All fences shall be located inside the boundaries of the property upon which constructed except where two adjacent property owners, pursuant to written agreement filed with the City, agree to build one fence on the common lot line of adjacent side yards or back yards.

9.03.03 *Electric Fences*

No electric fence shall be constructed or maintained within the City of Creighton or within its extraterritorial zoning jurisdiction except in the Transitional Agriculture District.

9.03.04 *Facing*

The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

9.03.05 *Fences in existence as of the date of adoption of this Ordinance*

Any existing fence which was in conformity with the provisions of any previous ordinance and which was in place as of the date of adoption of this Ordinance may remain without change, notwithstanding same may be in conflict with one or more provisions of this Ordinance. However, any replacement or change of said existing fence or addition of a new fence shall meet the requirements of this Ordinance.

9.03.06 *Swimming Pools*

All above- or in-ground swimming pools of a permanent nature constructed within the zoning jurisdiction of the City of Creighton shall comply with the regulations of the State of Nebraska Health and Human Services and any other local entity.

Section 9.04 Performance Standards for Industrial Uses

9.04.01 *Physical Appearance:*

All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.

9.04.02 *Fire hazard:*

No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of Creighton.

9.04.03 *Noise:*

No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable

instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.

9.04.04 *Sewage and Liquid Wastes:*

No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

9.04.05 *Air Contaminants:*

1. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted
2. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
3. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.

Odor: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Ordinance.

Gasses: The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.

Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.

Glare and heat: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

Section 9.05 Small Wind Energy Systems

9.05.01 Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

9.05.02 Definitions

The following are defined for the specific use of this section.

1. **Small Wind Energy System** shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

2. **Tower Height** shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

9.05.03 Requirements

Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

1. Tower Height
 - a. For property sizes between one-half acre and one acre the tower height shall be limited to 80 feet.
 - b. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. Setbacks
 1. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
3. Noise
 1. Small wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling unit.
 2. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.
4. Approved Wind Turbines
 1. Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
5. Compliance with Building and Zoning Codes
 1. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
 2. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Iowa and certified by a licensed professional engineer shall also be submitted.
 3. The manufacturer frequently supplies this analysis.
 4. Wet stamps shall not be required.
6. Compliance with FAA Regulations
 1. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
7. Compliance with National Electrical Code
 1. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
 2. The manufacturer frequently supplies this analysis.
8. Utility Notification
 1. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
 2. Off-grid systems shall be exempt from this requirement.

9.05.04 Setbacks

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine -- Non Commercial WECS	Meteorological Towers
Property Lines	One times the total height	One times the tower height.
Neighboring Dwelling Units*		One times the tower height.
Road Rights-of-Way**	One times the tower height.	One times the tower height.
Other Rights-of- Way	One times the tower height.	One times the tower height.
Wildlife Management Areas and State Recreational Areas	NA	600 feet
Wetlands, USFW Types III, IV, and V	NA	600 feet
Other structures adjacent to the applicant's sites	NA	One times the tower height.
Other existing WECS not owned by the applicant.	NA	
River Bluffs		

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

Section 9.06 Commercial/Utility Grade Wind Energy Conversion Systems**9.06.01 Purpose**

It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy conversion systems within the zoning jurisdiction of Creighton, Nebraska.

9.06.02 Definitions

The following are defined for the specific use of this section.

1. **Aggregate Project** shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.
2. **Commercial WECS** shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.
3. **Hub Height** shall mean the distance from ground level as measured to the centerline of the rotor.
4. **Fall Zone** shall mean the area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure. This area may be less than the total height of the structure.
5. **Feeder Line** shall mean any power line that carries electrical power from one or more wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.
6. **Meteorological Tower** shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.
7. **Property Line** shall mean the boundary line of the area over which the entity applying for a Wind Energy Conversion System permit has legal control for the purpose of installing, maintaining and operating a Wind Energy Conversion System.
8. **Public Conservation lands** shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
9. **Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.
10. **Small Wind Energy System** shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
11. **Substations** shall mean any electrical facility to convert electricity produced by wind turbines to a higher voltage for interconnection with high voltage transmission lines.
12. **Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.
13. **Tower** shall mean the vertical structures, including the foundation, that support the electrical generator, rotor blades, or meteorological equipment.
14. **Tower Height** shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.

15. **Transmission Line** shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
16. **Wind Energy Conversion System** shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
17. **Wind Turbines** shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

9.06.03 Requirements

Commercial/Utility Grade wind energy systems shall be permitted as a Conditional Use within any district where the use is listed and allowed. The following requirements and information shall be met and supplied:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, feeder lines, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Certification by an Engineer competent in disciplines of WEC's.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines; included with this shall be an area or zone in close proximity that meets all setbacks; where actual WEC will be considered.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System not owned by the applicant.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
11. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met
12. The applicant shall supply the emergency management agency and/or fire departments with a basic emergency response plan.
13. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agency.
14. Evidence that there will be no inference with any commercial and/or public safety communication towers.
15. Decommissioning Plan as required by this regulation.

9.06.04 Aggregated Projects

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as one project.

9.06.05 Setbacks

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	150 feet from property lines; however, the setback may be less when two adjoining property owners are within the aggregate project.	One times the tower height.
Neighboring Dwelling Units*	1,000 feet	One times the tower height.
Road Rights-of-Way**	One-half the rotor diameter.	One times the tower height.
Other Rights-of-Way	NA	NA
Wildlife Management Areas	600 feet	600 feet

and State Recreational Areas		
Wetlands, USFW Types III, IV, and V	600 feet	600 feet
Other structures and cemeteries adjacent to the applicant's sites	One-half the rotor diameter.	One times the tower height.
Other existing WECS not owned by the applicant.	NA	NA
River Bluffs	One-half the rotor diameter.	NA

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded Right-of-Way is known.

9.06.06 Special Safety and Design Standards

All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
4. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
5. Color and finish:
All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
6. Lighting:
Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
7. Other signage:
All other signage shall comply with the sign regulations found in these regulations.
8. Feeder Lines:
All communications and feeder lines associated with the project distribution system installed as part of a WECS shall be buried, where physically feasible. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle. All distribution and/or transmission lines outside of the project distribution system may be above ground.
9. Waste Disposal:
Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
10. Discontinuation and Decommissioning:
A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. The 180 days may be extended if proof of weather delays is provided.

Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.

11. Noise:

No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure or use occupied by humans.

12. Interference:

The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the county for permits.

13. Roads:

Applicants shall:

- a. Identify all county, municipal or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
- b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road.
- c. Be responsible for restoring the road(s) and bridges to preconstruction conditions.

14. Drainage System:

The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

Section 9.07 Self Storage Units / Convenience Storage Units

- 9.07.01 Minimum lot size of the self storage facility shall be one acres.
- 9.07.02 Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
- 9.07.03 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt, or asphaltic concrete. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
- 9.07.04 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
- 9.07.05 No storage may open into the front yards.
- 9.07.06 Facilities must maintain landscape buffer yards of 50 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are require, a total of 35 percent of all buffers shall be landscaped.
- 9.07.07 Height limitations shall require a maximum height of 20 feet for any structure in the facility.

Section 9.08 Auto Wrecking Yards, Junk Yards Salvage Yards and Scrap Processing Yards

- 9.08.01 The use shall be located on a tract of land at least 300 hundred feet from a residential district.
- 9.08.02 The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded by a solid fence or wall at least eight feet high.
- 9.08.03 The fence or wall shall be uniform in height, texture, and color, and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the neighborhood.
- 9.08.04 The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard. No scrap, junk or other salvaged materials may be piled or stacked so to exceed the height of the enclosing fence or wall.
- 9.08.05 No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall, or within the public right-of-way.
- 9.08.06 Burning of paper, trash, junk or other materials shall be prohibited.



ARTICLE 10: BOARD OF ADJUSTMENT

Section 10.01 Members, Terms and Meetings

Pursuant to Neb. Rev. Stat. §19-908 (R.R.S. 1997): The Board of Adjustment shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. The first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than two hundred persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The Board of Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Section 10.02 Appeals to Board, Record of Appeal, Hearings and Stays

As provided in Neb. Rev. Stat. §19-909 (R.R.S. 1997): Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of the appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties, in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

Section 10.03 Powers and Jurisdiction on Appeal

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; and
2. To hear and decide, in accordance with the provisions of this Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board is authorized by this Ordinance to pass; and
3. To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

No such variance shall be authorized by the Board unless it finds that:

1. The strict application of the Ordinance would produce undue hardship; and

2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

In exercising the above mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

Section 10.04 Appeals to District Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may appeal as provided by Neb. Rev. Stat. §19-912, (R.R.S.1997).

ARTICLE 11: AMENDMENTS**Section 11.01 Amendments**

Pursuant to Neb. Rev. Stat. § 19-905 (R.R.S.1997): This Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of 20% or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending 300 feet therefrom, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the legislative body of such municipality. The provisions of Neb. Rev. Stat. §19-904 relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least 10 days prior to the date of such hearing.

1. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing.
2. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than 50 dollars or more than 100 dollars.
3. If the record title owners of any lots included in such proposed change be nonresidents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last-known addresses at least ten days prior to such hearing.
4. At the option of the legislative body of the municipality, in place of the posted notice provided above, the owners or occupants of the real estate to be zoned or rezoned and all real estate located within 300 feet of the real estate to be zoned or rezoned may be personally served with a written notice thereof at least ten 10 days prior to the date of the hearing, if they can be served with such notice within the county where such real estate is located.
5. Where such notice cannot be served personally upon such owners or occupants in the county where such real estate is located, a written notice of such hearing shall be mailed to such owners or occupants addressed to their last-known addresses at least ten 10 days prior to such hearing.

The provisions of this section in reference to notice shall not apply, (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City, but only the requirements of Neb. Rev. Stat. § 19-904 shall be applicable.

Section 11.02 Planning Commission Review

No amendment, supplement, change or modification of this Ordinance, including the boundaries of any zoning district, shall be made by the City Council without first the consideration by the City Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within 45 days after receipt thereof. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendations shall be of an advisory nature only.

In addition, any person or persons seeking such an amendment, supplement, change, or modification of any zoning district, shall comply with the following:

- 11.02.01 At the time that application for a change of zoning district or amendment to the zoning text is filed with the Planning Commission, there shall be deposited a fee of \$50, as established by the City Council, to cover investigation, legal notices, or other expenses incidental to the determination of such matter.

Section 11.03 Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by a designated Zoning Administrator appointed by the City Council, who shall have the power to make inspection of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance.

Section 11.04 Building Permits

The following shall apply to all new construction and all applicable renovations and remodels within the zoning jurisdiction of Creighton:

11.04.01 It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Zoning Administrator has issued a building permit for such work.

11.04.02 Issuance of a building permit. In applying to the Zoning Administrator for a building permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. Applicant shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the Zoning Administrator for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a building permit for such excavation or construction. If a building permit is refused, the Zoning Administrator shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The Zoning Administrator shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance. A building permit shall become void 6 months from the date of issuance unless substantial progress has been made by that date on the project described therein. Said permit may become void if substantial work has not been performed on a project for more than six months.

Section 11.05 Certificate of Occupancy

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Zoning Administrator shall have issued a certificate of occupancy stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance. Within five business days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Zoning Administrator to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance, or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application.

Section 11.06 Penalties

Pursuant to Neb. Rev. Stat. §19-913 (R.R.S.1997), the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and may be confined in jail not more than 30 days or shall be punished by a fine not to exceed 100 dollars for any one offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his or her rights under the U.S. Constitution of a jury trial.

Section 11.07 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Neb. Rev. Stat. §19-901 to 19-914 (R.R.S.1997), or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 12: COMPREHENSIVE PLAN RELATIONSHIP

This zoning ordinance is designed to implement various elements of the comprehensive plan as required by state statutes. Any amendment to the district ordinances or map shall conform to the comprehensive plan adopted by the governing body.

ARTICLE 13: LEGAL STATUS PROVISIONS

Section 13.01 Separability

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

Section 13.02 Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

Section 13.03 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 13.04 Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND APPROVED by the City Council of Creighton, Nebraska,

This ____ day of _____, 2007.

Mayor

ATTEST:

City Clerk

(Seal of the City of Creighton)

**2007 ZONING ORDINANCE
FOR THE CITY OF
CREIGHTON, NEBRASKA**