Village of Gresham, Nebraska

York County, Nebraska

Zoning Ordinance

Adopted by the Village of Gresham, Nebraska

Prepared by:

Miller & Associates
CONSULTING ENGINEERS, P.C.
1111 Central Ave. Kearney, NE 68847-6833
(T) 308-234-6456 (F) 308-234-1146
www.miller-engineers.com

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Article 1: Title and Purpose

Section 1.01 Title

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the Village of Gresham, Nebraska.

Section 1.02 Purpose

This Ordinance has been made in accordance with a comprehensive plan to promote the health, safety, and general welfare of the community; to decrease congestion in streets; to secure from fire and other dangers; to provide adequate light and air; to promote the distribution of population, land classifications, and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to protect property against blight and depreciation; and to secure economy in governmental expenditures.

Article 2: Definitions

Section 2.01 Rules

For the purpose of this Ordinance, the following rules shall apply.

2.01.01 Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.

2.01.02 The word “persons” includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent, or other representative.

2.01.03 The word “shall” is mandatory. The word “may” is permissive.

2.01.04 The words “use,” “used,” “occupy,” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” or “designed” to be used or occupied.

2.01.05 The word “commission” shall refer to the Planning Commission of Gresham, Nebraska.

2.01.06 Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.

Section 2.02 Abbreviations and Acronyms

For purposes of these regulations this section contains a list of abbreviations and acronyms used throughout the document.

Abbreviation	Acronym
ADA	Americans with Disabilities Act
A.U.	Animal Unit
CFR	Code of Federal Regulations
DU	Dwelling Unit
DNR	Department of Natural Resources
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
GFA	Gross Floor Area
HUD	Department of Housing and Urban Development
KV	Kilovolt
KW	Kilowatt
NDEE	Nebraska Department of Environment and Energy
NDOR	Nebraska Department of Roads
NEMA	Nebraska Emergency Management Agency
NHHS	Nebraska Department of Health and Human Services
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
USC	United States Code
USACE	United States Army Code of Engineers
USDA	United States Department of Agriculture

Section 2.03 Definitions

Abandonment – shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short-term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

Abut – shall mean to border on, be contiguous with or have common property or district lines, including property separated by an alley.

Access or Access Way – shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this regulation.

Accessory Living Quarters – shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

Accessory Building or Structure – shall mean a detached subordinate building or structure located on the same lot with the principal building or structure, the use of which is incidental and accessory to that of the principal structure. Customary accessory buildings and structures include farm buildings, garages, carports, and storage sheds.

Accessory Use – shall mean a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building.

Acreage – shall mean any tract or parcel of land used for single-family residential purposes, that does not qualify as a farm or farmstead.

Acreage – shall mean any tract or parcel of land which does not qualify as a farm or development.

Adjacent – shall mean near, close, or abutting. An industrial district, for example, across the street or highway from a residential district shall be considered “adjacent” to the residential district.

Adult Cabaret – shall mean a nightclub, bar, restaurant, or similar establishment that regularly features live performances characterized by the exposure of specified anatomical areas or by specified sexual activities, films, motion pictures, video cassettes, slides, or other photographic reproductions in which more than 10 percent of the total presentation time is devoted to the showing of material that is characterized by any emphasis on the depiction of specified sexual activities or specified anatomical areas.

Adult Arcade – shall mean any place to which the public is permitted or invited in which coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult Bookstore – shall mean a bookstore that offers its customers books, movies, or other novelty items characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to “specified sexual activities” or “specified anatomical areas.”

Adult Cabaret – shall mean a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides, or other photographic reproductions in which more than 10 percent of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction of specified sexual activities or specified anatomical areas.

Adult Companionship Establishment – shall mean an establishment which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Establishment (or Juice Bar) – shall mean any business offering its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to “specified sexual activities” or “specified anatomical areas,” including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

Adult Hotel or Motel – shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

Adult Massage Parlor, Health Club – shall mean a massage parlor or health club which restricts minors by reason of age and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Mini-Motion Picture Theater – shall mean business premises within an enclosed building with a capacity for less than fifty persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Motion Picture Arcade – shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult Motion Picture Theaters – shall mean a business premises within an enclosed building with a capacity of fifty or more persons used for presenting visual media material if said businesses as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction of description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Novelty Business – shall mean a business which has as a principal activity for the sale of devices which simulate human genitals or devices which are designed for sexual stimulation.

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

Advertising Structure – shall mean any structure used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such advertising structure.

Aesthetic Zoning – shall mean zoning to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.

Agricultural or Farm Buildings – shall mean any building or structure which is necessary or incidental to the normal conduct of a farming operation, including but not limited to, residence of hired persons, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills, and water storage tanks.

Agriculture – shall mean the use of land for agricultural purposes, for obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial of industrial development.

Airport – shall mean any area which is used or is intended to be used for the departures and arrivals of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

Airport Hazard Zone – consists of operation zones, approach zones, turning zones, and transition zones. The outer boundary of the hazard zone is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of approach and turning zones.

Alley – shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

Alteration – shall mean any change, addition, or modification to the construction or occupancy of an existing structure.

Amendment – shall mean a change in the wording, context, or substance of this Ordinance, or an addition, deletion, or change in the district boundaries or classifications upon the official zoning map.

Amusement Arcade – shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

Amusement Park – shall mean a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, restaurants, and souvenir sales.

Animal Domestic – see “Household Pet.”

Animal Hospital – shall mean a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Animal Unit – shall mean any farming operation or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where confined for more than six months in any one calendar year, and where the number of animals so maintained exceeds 300 animal units as defined below. The confined are of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFOs under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a common area for the disposal of livestock waste. Animal Units are defined as follows:

Type of Animal	Animal Units (AU)
Cow/Calf Combination	1.0
Slaughter, Feeder Cattle	1.0
Horse	0.5
Mature Dairy Cow	0.7
Swine (55 pounds or more)	2.5
Weaned Pig (less than 55 pounds)	25.0
Sows with Litters	2.0
Sheep	10.0
Chickens	100.0
Turkeys	50.0
Ducks	5.0

Animals, Farm – shall mean livestock associated with agricultural operations, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens, and turkeys.

Antenna – shall mean any attached or external system of wires, poles, rods, reflecting disks, or similar devices used for the transmission or reception of electromagnetic waves. Also, see “Satellite Dish Antenna” and “Tower.”

Antique Shops – shall mean a place offering primarily antiques for sale. An antique for the purpose of this Ordinance shall be a work of art, piece of furniture, decorative object, or the like, that is at least thirty years old.

Apartment – shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended, or designed as a place of residence for a single family or group of individuals living together as a single housekeeping unit, including culinary accommodations. Also, see "Dwelling Unit."

Apartment Complex – shall mean a building or buildings containing apartments used as a place of residence for more than two households.

Apartment Hotel – is an apartment building under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartment and which may furnish services ordinarily furnished by hotels, such as a drug store, a barber shop, a cosmetology shop, a cigar or news stand, when such uses are located entirely within the building with no entrance from the street nor visible from any sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use.

Apartment House – see "Dwelling, Multiple Family."

Applicant – shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits have been requested. Consent shall be required from the legal owner or his/her legal representative in writing except for building permits.

Appearance – shall mean the outward aspect visible to the public.

Appropriate – shall mean fitting the context of the site and the whole community.

Appurtenances – shall mean the visible, functional objects accessory to and part of buildings.

Architectural Canopy Sign – see "Sign, Architectural Canopy."

Architectural Character – see "Architectural Concept."

Architectural Concept – shall mean the basic aesthetic idea of a building, or group of buildings or structures, including site and landscape development that produces architectural character.

Architectural Feature – shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

1. Lines – shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.

2. Mass – shall pertain to the volume, bulk of a building or structure.

3. Texture – shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

Artisan Production Shop – shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.

Artist Studio – shall mean a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

Attached – shall mean a foundation, wall or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.

Automatic Teller Machine – shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

Automobile Wrecking Yard – shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

Automotive and Machinery Repair Shop – shall mean a building used for the repair of motor vehicles or machinery when such repair shall be wholly within a completely enclosed building. This definition also includes body repair and painting.

Automotive Sales Area – shall mean an open area, other than a street, used for display or sale of new or used motor vehicles and trailers by one required to be licensed as a motor vehicle dealer by the State of Nebraska, and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed and sold on the premises.

Ballroom – shall mean a place or hall used for dancing, other than those listed under the definition of “Adult Cabaret.” Ballrooms shall also be used for reunions, weddings, and receptions.

Bar – shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Also, see “Nightclub” and “Tavern.”

Base Flood – shall mean the flood, from whatever source, having a 1 percent chance of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.

Base Flood Elevation – shall mean that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a 1 percent or greater change of flooding in any given year.

Basement – shall mean a story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

Beacon – shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source, also any light with one or more beams that rotate or move.

Bed and Breakfast Inn – (including “airbnbs” and “vrbos”) shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided, and the operator of which shall live on the premises.

Bedroom – shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

Berm – shall mean a raised form of earth to provide screening or to improve the aesthetic character.

Best Interests of Community – shall mean interests of the community at large and not the interest of the immediate neighborhood.

Big Box Retail Store – shall mean a singular retail or wholesale user who occupies no less than 75,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales market. Regional retail/wholesale sales can include, but are not limited to, membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

Billboard – see “Sign, Billboard.”

Block – shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, non-platted land, Village-County boundaries, or adjoining property lines.

Block Frontage – shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.

Board of Adjustment – shall mean that Board has been created by the City/Village and which has the statutory authority to hear and determine appeals from, interpretations of, and variances to the zoning regulations.

Boarding or Rooming House – shall mean a building other than a hotel or motel but containing a single dwelling unit and provisions for three but not more than twenty guests, where lodging is provided with or without meals for compensation.

Brew-On Premises Store – shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

Brew Pub – shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes waste, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. These establishments annually produce no more than 10,000 barrels of beer or ale. The area, by definition, used for brewing, including bottling and kegging shall not exceed 25 percent of the total floor area of the commercial space. Also see “Brewery, Craft.”

Brewery – shall mean a facility for brewing ales, beers, meads, and/or similar beverages on site. Breweries are classified as a use that annually manufactures more than 10,000 barrels of beverage (all beverages combined).

Brewery, Craft – shall mean a brew pub or a micro brewery.

Brewery, Micro – shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels a year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

Broadcasting Tower – shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves which exceed the maximum height permitted in the district in which it is located, provided, however, that non-commercial radio towers not exceeding 100 feet in height shall not be considered broadcast towers.

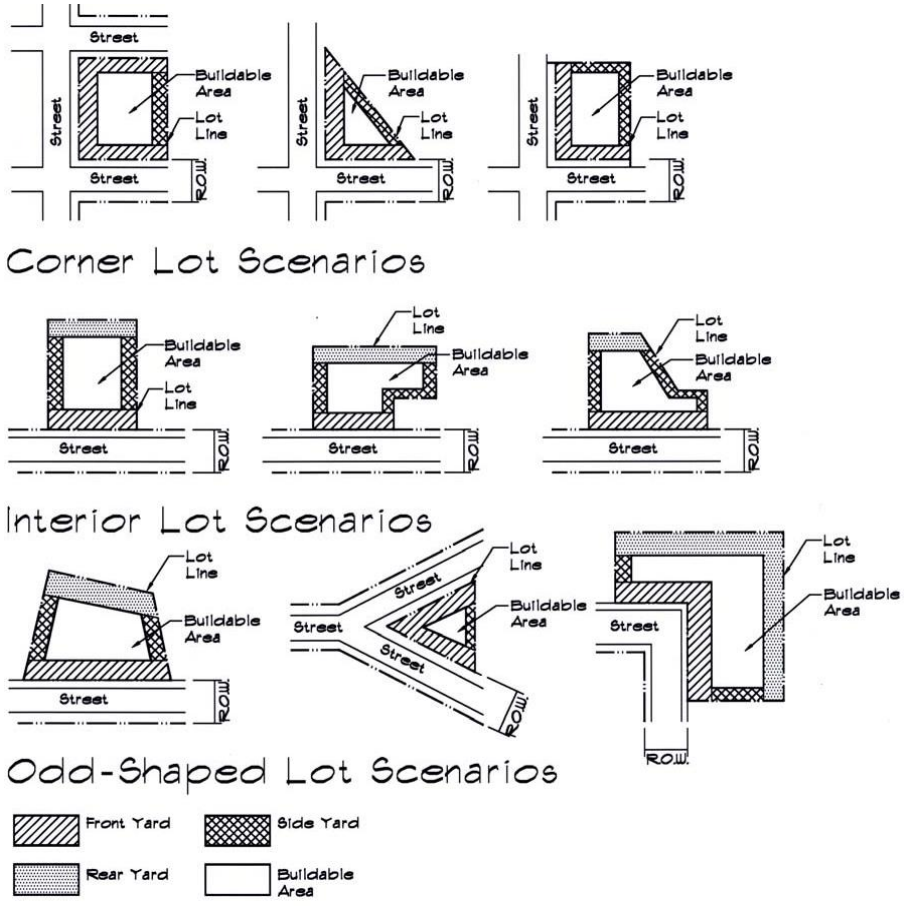
Buffer – shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also, see “Screening.”

Buffer Area – shall mean an open and unobstructed ground area of a plot in addition to any no building zones or street widening around the perimeter of any plot where required.

Buffer Zone – shall mean an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.

Buildable Area – shall mean that part of a zoning lot not included within the required yards or subject to other restrictions herein required.

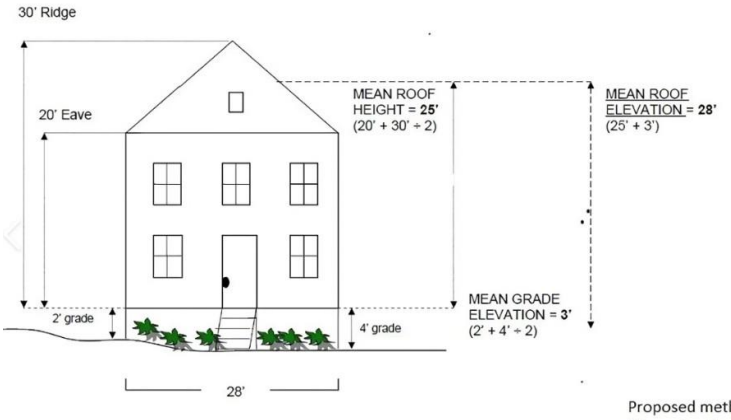
Building – shall mean any structure built and maintained for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary." Trailers, with or without wheels, shall not be considered buildings.



Building Area – shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

Building Code – shall mean the various codes of the Village of Gresham that regulate construction and require building, electrical, mechanical, plumbing, and other permits to as well as other codes adopted by the Village that pertain to building construction.

Building Height – shall mean the vertical distance measured from the lowest point of finished grade on the lot to the uppermost point of the roof.

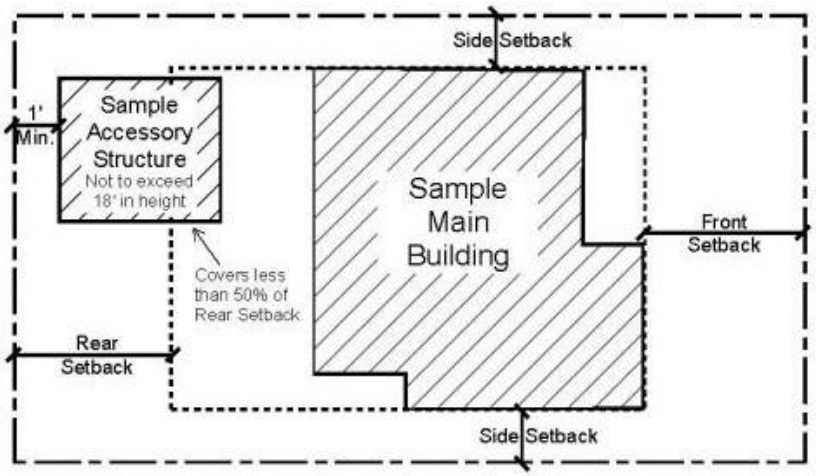


Proposed method for Measuring the height of a Structure

Building Inspector – shall mean the building inspector(s) for the Village of Gresham, Nebraska.

Building Principal – shall mean a building within which the main or primary use of the lot or premises is located. Also, see "Principal Use."

Building Setback Line – shall mean the required zoning distance between a building and the lot line.



Bulk Regulations – shall mean regulations controlling the size and relationship of structures and uses to each other to open areas and lot lines. Bulk regulations include regulations controlling: 1-maximum height, 2-maximum lot coverage, and 3-minimum size of yard and setbacks.

Business Services – shall mean uses providing services to people, groups, businesses, dwellings, and other buildings. Business services shall include janitorial services, carpet and upholstery cleaning, painting, and decorating, building maintenance, swimming pool maintenance, security service, graphics/advertising agency, photocopying/duplication, quick print shops, printing, blueprinting, sign painting, non-vehicle equipment rental, and photographic studios.

Campground – shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles for which the primary purpose is recreational and having open areas that are natural in character.

Capacity in Persons – of an establishment or use is the maximum number of persons that can avail themselves of the services (or goods) of such establishment at any one time with reasonable safety and comfort, as determined in the building code or as may be determined by the zoning administrator.

Car Wash – shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.

Car Wash, Industrial – shall mean a mechanical facility for the washing, waxing, and vacuuming of heavy trucks and buses.

Carport – shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

Cellar – shall mean a building space having less than one-half of its height below the average adjoining grade lines.

Cemetery – shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.

Centralized Sewer – shall mean a sewer system established by an individual(s), sanitary improvement district or developer for the purpose of serving two or more buildings, structures, and/or uses. Said system shall have a central point of sanitary waste collection and processing.

Centralized Water – shall mean a water supply system established by an individual(s), sanitary improvement district or developer for the purpose of serving two or more buildings, structures and/or uses. Said system shall have a central point(s) of supply with pressurized distribution from said supply point(s).

Channel – shall mean the geographical area located within either the natural or the artificial banks of a watercourse or drainageway.

Charitable – shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring for animals.

Child Care Center – shall mean an operation in the provider's place of residence, which serves at least four, but not more than eight children at any one time from families other than that of the provider. A family childcare home provider may be approved to serve no more than two additional school-age children during non-school hours. In

addition to these regulations, Child Care Homes shall meet all State of Nebraska requirements.

Church, Storefront – shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation, including but not limited to, barns, stores, warehouses, old public buildings, and single-family dwellings.

Clear View Zone – shall mean the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Also see "Sight Triangle."

Clinic, Medical or Dental – is an organization of specializing physicians and/or dentists who have their offices in a common building. A clinic shall not include inpatient care.

Club – shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

Cluster Development – shall mean a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.

Code – shall mean the Municipal Code of the Village of Gresham, Nebraska.

Coffee Kiosk – shall mean a retail food business in a freestanding building that sells coffee, or other non-alcoholic beverages, and pre-made bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

Cohesiveness – shall mean the unity of composition between design elements of a building and/or a group of buildings and the landscape development.

Commission – shall mean the Gresham Planning Commission.

Common Area or Property – shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a planned development or condominium development.

Community Center – shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

Compatibility – shall mean harmony in the appearance of two or more external design features in the same vicinity.

Compatible Use – shall mean a land use that is suitable with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be caused by pedestrian or vehicular traffic generation, volume of goods handled, and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.

Comprehensive Plan – shall mean the comprehensive development plan of Gresham, Nebraska as adopted by the Village Board of Trustees setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in the *Nebraska Revised Statutes* 19-903 (RRS 1997).

Condition Use – shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.

Conditional Use Permit – shall mean a permit issued by the planning commission and Village Board of Trustees that authorizes the recipient to make a conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon or required by said permit.

Condominium – shall mean real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, pursuant to the Nebraska Condominium Act as set forth in *Nebraska Revised Statutes* 76-825 to 76-894 (RRS 1997).

Confinement – shall mean totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete, dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, cages, or alleys, with or without bedding materials and mechanical ventilation. The word "confinement" shall not mean temporary confined feeding of livestock during seasonal adverse weather.

Conflicting Land Use – shall mean the use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, mass, or layout of adjacent uses or results in loss of privacy.

Congregate Housing – shall mean a residential facility for four or more persons aged 55 years or over and their spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. Also, see “Life Care Facility.”

Conservation – shall mean the management of natural resources to prevent waste, destruction, or degradation.

Conservation Area – shall mean an area of environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in the case of an overriding public interest, including but not limited to wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

Conservation Easement – shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

Convenience Store – shall mean a one-story retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies, and my also sell gasoline, to customers who purchase only a relatively few items (in contrast to a supermarket). It is dependent on and is designed to attract and accommodate large volumes of stop-and-go traffic.

Contiguous – see "Abut."

Corporate Limits – shall mean all land, structures, and open space that has been annexed into the city's jurisdiction. This does not include the extraterritorial jurisdiction of the city.

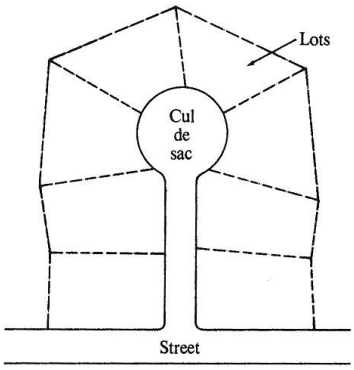
Court – shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by such building or buildings.

Court, Inner – shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

Court, Outer – shall mean a court enclosed on all but one side by exterior walls of a building or buildings or lot lines on which fences, hedges, or walls are permitted.

Coverage – is the percentage of the lot covered by buildings and structures.

Cul-De-Sac – shall mean a short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.



Curve Lot – see "Lot, Curve."

Dairy Farm – shall mean any place or premises upon which milk is produced for sale or other distribution.

Date of Substantial Completion – shall mean the date certified by the local building inspector or zoning administrator when the work, or a designated portion thereof is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.

Deciduous Screen – shall mean landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained at six feet in height, at least.

Deck – shall mean a flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure is open.

Density – shall mean the number of dwelling units per gross acre of land.

Department Store – shall mean a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed, and exhibited and sold directly to the customer for whom the goods and services are furnished.

Detention Basin – shall mean a facility for the temporary storage of stormwater runoff.

Developer – shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

Development – shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

Development Concept Plan – see "Site Plan."

Development Review – shall mean the review, by the city, of subdivision plats, site plans, rezoning requests, or permit review.

Discount Center – shall mean a single or group of stores, offering merchandise for sale at less than usual retail prices. Merchandise may be discounted due to either quantity price breaks or merchandise has been discontinued to another retailer.

District or Zone – shall mean a section or sections of the zoning area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land and open spaces are established.

Dog Kennel – see "Kennel, Boarding" or "Training, and Kennel, Commercial."

Domestic Animals – see "Household Pet."

Downzoning – shall mean a change in zoning classification of land to a less intensive or more restrictive district, such as from commercial district to residential district or from a multiple family residential district to single family residential district.

Drainageway – shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided, that when there is doubt as to whether a depression is a watercourse or drainageway, it shall be presumed to be a watercourse.

Drive-In Facility – shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

Driveway – shall mean any vehicular access to an off-street parking or loading facility.

Dump – shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.

Duplex – see "Dwelling, Two Family."

Dwelling – shall mean any building or portion thereof, which is designed and used exclusively for single family residential purposes, excluding mobile homes.

Dwelling, Detached – is one which is entirely surrounded by open space on the same lot.

Dwelling, Manufactured Home – shall mean a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the HUD.

Dwelling, Mobile Home – shall mean any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or rollers, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails—there shall be no single-wide trailers are allowed in any zoning district.

1. Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home to relocate it on another site in accordance with manufacturer's recommendations.
2. Permanent Foundation: Base on which building rests, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of forty-two inches below the final ground level.

Dwelling, Modular – shall mean any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities, pursuant to the Nebraska Uniform Standards for Modular Housing Units Act, as set forth in *Nebraska Revised Statutes* 71-1557 to 71-1568.01 (Cum.Supp.2000). Further, such dwelling must also meet or be equivalent to the construction criteria set forth in the Nebraska Uniform Standards for Modular Housing Units Act. Such dwelling is considered a conventional type single-family dwelling and those that do not meet the above criteria shall be considered a mobile home.

Dwelling, Multiple – shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other, and having separate kitchen and toilet facilities for each family.

Dwelling, Seasonal – shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.

Dwelling, Single Family – shall mean a building having accommodations for or occupied exclusively by one family, which meets all the following standards. This definition applies to all "double-wide" mobile or manufactured homes that meet the following standards.

1. The home shall have no less than 800 square feet of floor area, above grade, for single story construction.
2. The home shall have no less than a twenty feet exterior width.
3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run.
4. The exterior material shall be of a color, material, and scale comparable with existing site-built, single-family residences.
5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock.
6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed.
7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
8. The home shall have a permanent foundation, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of forty-two inches below the final ground level.

Dwelling, Single Family Attached – shall mean a portion of a residential building having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.

Dwelling, Townhouse – shall mean a one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).

Dwelling, Two Family – shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

Dwelling Unit – shall mean one or more rooms connected, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities.

Earth Sheltered Residence – shall mean a residence designed as a complete structure below or partially below ground level, whose perimeter walls comply with the yard requirements of the district in which it is located, and which was not intended to serve as a substructure or foundation for a building.

Easement – shall mean a grant made by a property owner to the use of his/her land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways or roadways.

Educational Institution – shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) confer degrees as a college or university or undergraduate or graduate standing; or (3) conduct research; or (4) give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, and commercial or private trade schools are not included in this definition.

Effective Date – shall mean the date that this chapter shall have been adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.

Eleemosynary Institution – shall mean any building or group of buildings devoted to and supported by charity.

Encroachment – shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

Enlargement – shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

Environmentally Controlled Housing – shall mean any livestock operation meeting the definition of a Livestock Feeding Operation (LFO) and is contained within a building which roofed and may or may not have open sides and contains floors which are hard surfaced, earthen, slatted, or other type of floor. The facility is capable of maintaining and regulating the environment in which the livestock are kept.

Erected – shall mean constructed upon or moved onto a site.

Establishment, Business – is a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same lot.

Ethanol Plant – shall mean a facility where the conversion of biomass into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.

Evergreen or Coniferous Screen – shall mean landscape material consisting of plants which retain leaves or needles throughout the year which eventually will grow and be maintained at six feet in height, at least.

Existing and Lawful – shall mean the use of a building, structure, or land was in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process or being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized, or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.

Expressway – shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

Exterior Building Component – shall mean an essential and visible part of the exterior of a building.

External Design Feature – shall mean the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

Extraterritorial Jurisdiction – shall mean the area beyond the corporate limits of the city, in which the state has granted the city the power to exercise zoning jurisdiction and building regulations.

Façade – shall mean the exterior wall of a building exposed to public view from the building's exterior.

Factory – shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

Family – shall mean one or more persons occupying a single dwelling unit, provided, that all members are related by blood, marriage, or adoption, and living as a single housekeeping unit. A family may include, in addition, not more than three people who are unrelated, but provided further domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Family Child Care Home I – shall mean a child care operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet State of Nebraska requirements.

Family Child Care Home II – shall mean a child care operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.

Farm – an area containing at least twenty acres or more which is used for growing or storage of the usual farm products such as vegetables, fruit, and grain, as well as for the raising thereon of the usual farm poultry and farm animals, and which produces $1,000 dollars or more per year of farm products raised on the premises. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

Farming – shall mean the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Nebraska with the necessary accessory uses for treating or storing the produce and the feeding of livestock as prescribed hereunder, provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

Farmstead – in contrast to a farmstead dwelling, a tract of land of not less than one acre and not more than twenty acres, upon which a farm dwelling and other outbuildings and barns existed at the time of the adoption of this resolution and was used for single-family resident purposes.

Feedlot, Commercial – shall mean a lot or building or combination of lots and buildings intended to be used for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetation cover cannot be maintained in the enclosure.

Fence – shall mean a structure serving as an enclosure, barrier, or boundary above ground.

Fence Height – shall mean the height above grade to the top rail. Decorative posts shall not be included in the height.

Fence, Invisible – shall mean an electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

Fence, Open – shall mean a fence, including gates, which has 50 percent or more of the surface area in open spaces, which affords direct views through the fence.

Fence, Solid – shall mean any fence, which does not qualify as an open fence.

Fireworks – shall mean any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, firecrackers, torpedoes, sky rockets, Roman candles, Daygo bombs, sparklers, or other fireworks containing any explosive or flammable compound, or any tablet or other device containing any explosive substance. Nothing in this regulation shall be construed as applying to tot paper caps containing not more than 0.25 of a grain (16.20 milligrams) of explosive composition per cap.

Fireworks Stand – shall mean any tent used for the retail sale of fireworks on a temporary basis.

Fireworks Storage – shall mean any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.

Flood – shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain – shall mean any land area susceptible to being inundated by water from any source. See definition of flood.

Flood Proofing – shall mean any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway – shall mean the channel of a watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area – shall mean the square feet of floor space within the outside line of the walls, including the total area of all space on all floors of the building. Floor area shall not include porches, garages, or spaces in a basement, cellar, or attic.

Food Sales – shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. Food Sale (Limited) – shall mean food sales establishments occupying 10,000 square feet or less of space.
2. Food Sales (General) – shall mean food sales establishments occupying more than 10,000 square feet of space.

Freestanding Canopy – shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

Frontage – shall mean that portion of a parcel of property that abuts a dedicated public street or highway.

Garage, Private – shall mean a detached accessory building up to and including 1,000 square feet including carports on the same lot as a dwelling, used to house vehicles of the occupants of the dwelling.

Garage, Public – shall mean any garage other than a private garage designed or used for equipment, repairing, hiring, servicing, selling, or storing motor driven vehicles.

Garage, Repair – shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Also, see "Service Station."

Garage, Storage – shall mean a detached accessory building over 1,000 square feet on the same lot as a dwelling, used to house vehicles, recreational vehicles, and other consumables owned by the occupants of the dwelling.

Garbage – shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

Gated Communities – shall mean residential areas that restrict access to public spaces. The type of gate can range from elaborate guard houses to simple electronic arms.

Grade – shall mean the average of the finished ground level at the center of all walls of a building. In the case of walls that are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

Graphic Element – shall mean a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

Greenhouse – shall mean a building or premises used for growing plants, preparing floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

Greenhouse, Non-commercial – shall mean a building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables, or other plants intended for private use and not for sale.

Greenway – shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation, usually a strip of land set-aside for a walkway, bicycle trail, bridle path, or other similar access-way.

Groundcover – shall mean plant material used in landscaping which remains less than twelve inches in height at maturity.

Groundwater – shall mean water naturally occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

Group Care Home – shall mean a home, which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting.

Group Home for the Handicapped – shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently, or (2) a record of having such an impairment, or (3) being regarded as having such impairment.

Group Housing – shall mean two or more separate buildings on a lot, each containing one or more dwelling units.

Guest Room – shall mean a room which is designed to be occupied by one or more guests for sleeping purposes having no kitchen facilities, not including dormitories.

Half-Story – shall mean a story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.

Halfway House – shall mean a licensed home for individuals on release from more restrictive custodial confinement on initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.

Hard Surfaced – shall mean any surface used for movement of vehicular and/or pedestrians which is properly designed and paved with either asphalt or concrete.

Harmony – shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

Hazardous Waste – shall mean any discarded material, refuse, or waste products, is solid, semisolid, liquid, or gaseous form, that cannot be disposed of through routine waste management techniques because they pose a present or potential threat to human health, or to other living organisms, because of their biological, chemical, or physical properties.

Health Club – shall mean a privately owned facility operated for profit, such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

Healthcare Recreation Facility – shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

Hedge – shall mean a plant or series of plants, shrubs, or other landscape material, so arranged as to form a physical barrier or enclosure.

Height of Building – shall mean the vertical distance above grade to the highest point of the coping of a flat roof, of the peak of a gable roof, or of any other type of pitched, hipped, or mansard roof. The grade may mean the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Holding Pound – shall mean an impoundment made by constructing an excavated pit, dam, embankment, or combination of these for temporary storage of liquid livestock waste.

Home Business – shall mean an "in-home" or "home based" or entrepreneurial business**,** industry, service, or other concern (not including uses defined as Adult Establishment) operating from no more than 25 percent (not to exceed 400 square feet) of a residential dwelling within the transitional agricultural district of Gresham**,** or within part or all of an accessory structure on the same property. Home businesses are considered secondary in nature to the primary use of the structure and/or property only in agricultural zoned districts. Such businesses may employ up to two individuals not residing on the premises.

Home Improvement Center – shall mean a facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, house wares and household appliances, garden supplies, and cutlery.

Home Occupation – shall mean an "in-home" or "home based" or entrepreneurial business operating from a residential dwelling within Gresham. Any portion of a residential property, including a home phone, computer, mailing address, for example, used in deriving income or sales, will require a resident to obtain a Home Occupation Permit. Child Care Homes and Child Care Centers are not considered a Home Occupation.

Homeowners Association – shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

Hospice – shall mean a facility serving as a medical and residential facility for end of life treatment, providing inpatient services and support services for families of the residents and patients.

Hotel – shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes but is not limited to motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, and motor hotel.

Household Pet – shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

Impervious Surface – shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roofs, sidewalks, parking lots, and driveways.

Incidental Use – shall mean a use, which is subordinate to the main use of a premise.

Industry – shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

Infill Development – shall mean the construction of a building on a vacant parcel located in a predominantly established area.

Infill Site – shall mean any vacant lot, parcel, or tract of land within developed areas of the city and where water, sewer, streets, schools, and fire protection have already been constructed or are provided.

Infrastructure – shall mean facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, and schools.

Inoperable Motor Vehicle – shall mean any motor vehicle which (1) does not have a current state license plate, or (2) which is disassembled or wrecked in part or in whole, or is unable to move under its own power, or (3) is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed trailer.

Institutional Building – shall mean a public and public/private group use of a nonprofit nature, typically engaged in public service (houses of worship, nonprofit cultural centers, charitable organizations, for instance).

Intensity – shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensity uses.

Intent and Purpose – shall mean that commission and Village Board of Trustees by the adoption of this regulation have made a finding that the health, safety, and welfare of the community will be served by the creation of the district and by the regulations prescribed therein.

Junk – shall be any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

Junk Yard – shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment result from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard."

Kennel, Boarding, or Training – shall mean a use on any lot or premises in which dogs, cats or any other household pets, at least four months of age, are raised, boarded, bred, or trained.

Kennel, Commercial – shall mean an establishment where four or more dogs or cats, or combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age, excluding vicious animals, are raised, bred, or boarded.

Kennel, Private – shall mean an establishment where four or more dogs or cats, or combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age, excluding vicious animals, are raised, bred, or boarded.

Lagoon – shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock waste. All lagoons shall meet the minimum design criteria established by the NDEQ and the NHHS. All lagoons shall have proper permits approved prior to starting construction.

Landfill – shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

Landscape – shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

Landscaping – shall include the original planting of suitable vegetation in conformity with the requirements of this regulation and the continued maintenance thereof.

Large Box Retail – shall mean a singular retail or wholesale user that occupies no less than 30,000 square feet of gross floor space. These uses typically include membership wholesale clubs emphasizing large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point of sale concepts and department stores.

Laundry, Self-Service – shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

Life Care Facility – shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals, culminating in full health and continuing care nursing home facility. Also, see "Congregate Housing."

Light Cut-Off Angle – shall mean an angle from vertical, extending downward from luminaries, which defines the maximum range of incident illumination outward at the ground plane.

Limits of Grading – shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

Liquid Manure – shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or injected beneath the surface.

Liquid Manure Storage Pits – shall mean earthen or lined pits wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production.

Livestock Feeding Operation (LFO) – shall mean any farming operation exceeding the per acre Animal Unit ratio as defined under "farming" or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than six months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units. The defined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFOs under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a common area of system for the disposal of livestock waste.

Livestock Wastes – shall mean animal and poultry excreta and associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.

Loading Space – shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

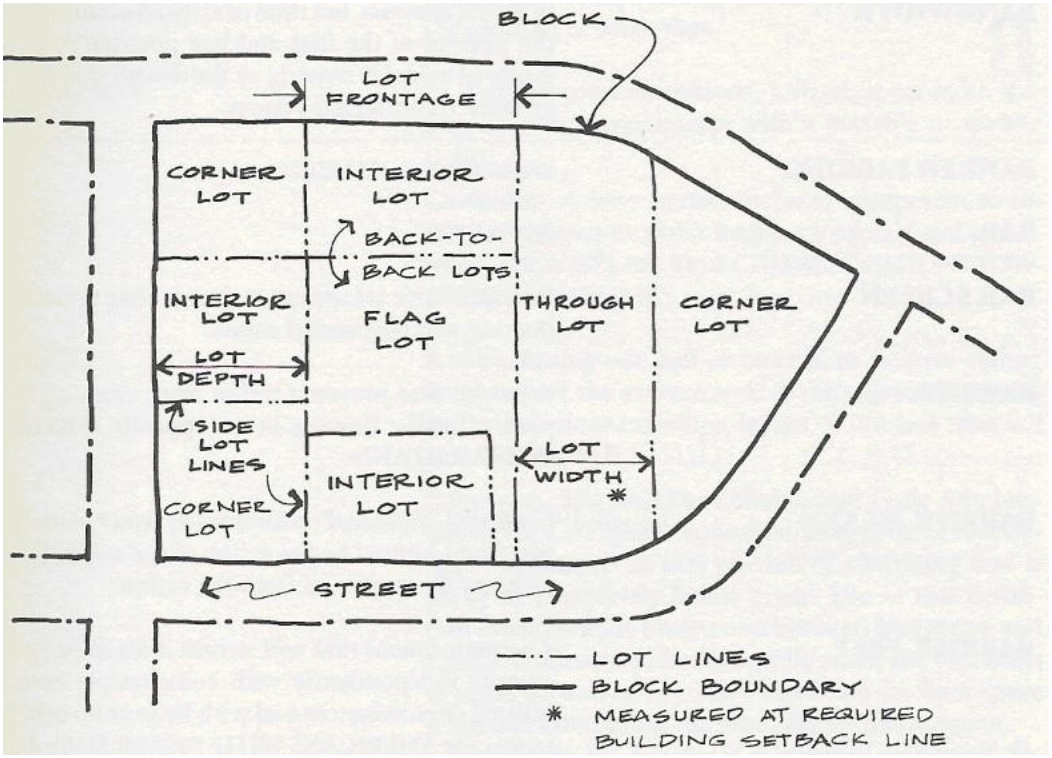
Logic of Design – shall mean accepted principles and criteria of validity in the solution of the problem of design.

Long-Term Care Facility – shall mean a facility as defined in Title 15, Chapter 3 Nebraska Department of Health and Human Services and NRS Section 71-2017.01. These facilities include:

1. Nursing Facilities
2. Boarding Home
3. Adult Car Home
4. Assisted Living Facility
5. Center for the Developmentally Disabled
6. Group Residence
7. Swing Bed
8. Adult Day Care

Lot – shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the York County Register of Deeds and abutting at least one improved public street or right-of-way, two thoroughfare easements, or one improved private road.

Lot Area – shall mean the total area, on a horizontal plane, within the lot lines of a lot.



Lot, Corner – shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot." The setbacks for a front yard shall be met on all abutting streets.

Lot Coverage – shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

Lot, Curve – shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of 300 feet or less.

Lot Depth – shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot, Double Frontage, or Through – shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

Lot, Flag – shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

Lot Frontage – shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

Lot, Interior – shall mean a lot other than a corner lot.

Lot Line – shall mean the property line bounding a lot.

Lot Line, Front – shall mean the property line abutting a street.

Lot Line, Rear – shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

Lot Line, Side – shall mean any lot line not a front lot line or rear lot line.

Lot, Non-Conforming – shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the York County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this regulation.

Lot of Record – shall mean a lot or parcel of land, the deed to which has been recorded in the records of the York County Register of Deeds at the time of the passage of a regulation establishing the zoning district in which the lot is located.

Lot Width – shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Lumber Mill – an establishment primarily engaged in sawing dimensional lumber, boards, beams, timber, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts.

Manufactured Home – see “Dwelling, Manufactured Home.”

Manufactured or Mobile Home Park (Mobile Home Court) – shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured or mobile housing used or to be used for dwelling purposes and where manufactured or mobile home spaces are not offered for sale or sold. The terms “manufactured home park” or “mobile home park” do not include sales lots on which new or used manufactured or mobile homes are parked for the purposes of storage, inspection, or sale. The terms “manufactured home park” or “mobile home park” shall include the term “trailer camp.”

Manufactured or Mobile Home Subdivision – shall mean a parcel of land that has been subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured or mobile homes.

Manufacturing – shall mean the mechanical or chemical transformation of materials or substances into new products. Manufacturing uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Assembling component parts of manufactured products is also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

Map, Official Zoning District – shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Gresham Village Board.

Massage Establishment – shall mean any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing device. Said establishment shall comply with all state regulations as per §71-1,278 through §71-1,283, Nebr. R.R.S., 1943

Massage Parlor – See “Adult Uses.”

Master Fee Schedule – shall mean a fee schedule maintained by the Village of Gresham and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, and Subdivision activities. Failure to follow the fee schedule established by the Village may lead to additional fines.

Mechanical Equipment – shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Mini-Storage or Mini-Warehouse – see “Self-Service Storage Facility.”

Miscellaneous Structures – shall mean structures, other than buildings, visible from public ways. Examples are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, and transformers.

Mixed Use – shall mean properties where various uses, such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

Mobile Home – see “Dwelling, Mobile Home.”

Mobile Home Park – see “Manufactured or Mobile Home Park.”

Mobile Home Subdivision – see “Manufactured or Mobile Home Subdivision.”

Monotony – shall mean repetitive sameness, lacking variety and variation, and/or reiteration.

Motel – see “Hotel.”

Motor Freight Terminal – shall mean a building or area in which freight brought by motor truck is received, assembled, or stored and dispatched for routing by motor truck which may include motor truck storage.

Motor Vehicle – shall mean every self-propelled land vehicle, not operated upon rails, except self-propelled wheelchairs.

Nebraska Revised Statutes – 1943 and the abbreviated term Nebraska R.R.S. 1943 are one and the same.

Nightclub – shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. Also, see “Bar.”

Non-community Water Supply System – shall mean any public water supply system that is not a community water supply system.

Non-Conforming Building – shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

Non-Conforming Use – shall mean any use existing and lawful at the time of adoption of these regulations occupying a building, structure or land but is no longer allowed.

Non-Farm Buildings – shall mean all buildings except those buildings utilized for agricultural purposes on a farm.

Nuisance – shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.

Nursery – shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

Nursing Homes or Convalescent Homes – shall mean an institution or agency licensed by the State of Nebraska for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Nursery School – see “Preschool.”

Office – shall mean a building or a portion of a building wherein services are performed involving, primarily administrative, professional, or clerical operations.

Official Zoning District Map – shall mean a map delineating the boundaries of zoning districts which, along with the zoning text is officially adopted by the Gresham Village Board of Trustees.

Off-Street Parking Area – shall mean all off-street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

Open Lots – shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

Open Space – shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

Open Space, Common – shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

Outdoor Advertising – see “Advertising Structure and Sign.”

Overlay District – shall mean a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original zoning district designation remains the same.

Owner – shall mean one or more persons, including corporations, who have title to the property, building, or structure in question.

Package Liquor Store – shall mean an establishment in which alcoholic beverages in original containers are sold for consumption off the premises.

Paintball – shall mean one or more persons, including corporations, who have title to the property, building, or structure in question.

Paintball Course – shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit-by-visit basis that allows individuals to participate in paintball activities.

Parcel – shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

Park – shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking Area, Private – shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

Parking Area, Public – shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

Parking Lot – shall mean an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

Parking, Reservoir – are those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

Parking Space, Automobile – shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by twenty feet, plus such additional area as is necessary to afford adequate ingress and egress.

Parkway – shall mean an arterial highway with full or partial control of access and located within a park or ribbon of park like development.

Performance Guarantee – shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

Permanent Foundation – shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

Permanent Tree Protection Devices – shall be structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root systems throughout its lifetime.

Permanently Attached – shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting to remove, relocate, or replace.

Permitted Use – shall mean any land use allowed without condition within a zoning district.

Person – shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, city county, special district or any other group or combination acting as an entity, except that it shall not include Gresham, Nebraska.

Personal Services – shall mean uses providing human services exclusively to private individuals as the ultimate consumer. Personal services shall not be limited to but including grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services and temporary personal in-home care.

Pet Shop – shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals.

Planned Unit Development – shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

Planning Commission – shall mean the Planning Commission of Gresham, Nebraska.

Plant Materials – shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs, and other such vegetation.

Plat – shall mean a map showing the location, boundaries, and legal description of individual properties.

Pole Building – shall mean a structure built with no foundation or footings, using poles embedded directly in the ground as its primary support to hold metal, plastic, fiberglass, or wood covering to form the building.

Policy – shall mean a statement or document of the Village, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

Poultry, Commercial Feeding – shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.

Premises – shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.

Preschool – shall mean an early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.

Preservation – shall mean the act of protecting an area, parcel of land, or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.

Principal Structure – shall mean the main building or structure on a lot, within which the main or primary use of the lot or premises is located.

Private Well – shall mean a well that provides water supply to less than fifteen service connections and regularly serves less than twenty-five individuals.

Prohibited Use – shall mean any use of land, other than non-conforming, which is not listed as a permitted use, conditional use or accessory use within a zoning district.

Promotional Device – shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.

Proportion – shall mean a balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

Protected Zone – shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the zoning regulation.

Public Facility – shall mean any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.

Public Use – shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

Public Utility – shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

Public Water Supply – shall mean a water supply system designed to provide public piped water fit for human consumption if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. This definition shall include: (1) any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

Public Way – is any sidewalk, street, alley, highway, easement, or other public thoroughfare.

Railroad – shall mean the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

Recreation, Indoor – shall mean a facility for relaxation, diversion, amusement, or entertainment where such activity occurs within a building or structure.

Recreation, Outdoor – shall mean a facility for relaxation, diversion, amusement, or entertainment in which some or all activities occur on the exterior but within the property of the facility.

Recreational Facility – shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, racetracks (including all motor power vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

Recreational Vehicle (RV) – shall mean a vehicular unit less than forty feet in overall length, eight feet in width, or twelve feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicles include motor homes, truck campers, travel trailers, camping trailers, and fifth wheels.

Recreational Vehicle Park – shall mean a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

Recycling Center – shall mean a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. The facility is not a junkyard.

Recycling Collection Point – shall mean a collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

Redevelopment – shall mean the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purpose of a new use or building.

Reinspection Fee – shall mean any fee charged for an inspection other than the initial inspection when required work has not or was not completed and results in additional trips to the site by the inspector or agent of the Village.

Renewable Energy – shall mean energy sources including wind, solar power, biomass, and hydropower, that can be generated and that is much less polluting than nuclear or fossil fuels.

Renewable Resource – shall mean a natural resource that is able to regenerate, either by itself or with human assistance, over a short to moderate time period, including food crops and trees.

Residence – shall mean a building used, designed, or intended to be used as a home dwelling place for one or more families.

Restaurant – shall mean a public eating establishment operated for profit at which the primary function is the preparation and serving of food primarily to persons seated within the building.

Restaurant, Drive-In – shall mean a restaurant establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

Restaurant, Entertainment – shall mean a restaurant establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and other forms of amusement.

Restaurant, Fast Food – shall mean a restaurant establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, or drive-in, and where food and/or beverages are usually served in paper, plastic, or other disposable containers.

Retail Sales – shall mean establishments engaged in selling of goods or merchandise to the general public for personal or household consumption.

Retail Trade – shall mean selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Businesses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

Retention Basin – shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.

Reverse Spot Zoning – shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

Rezoning – shall mean an amendment to or change in the zoning regulations either to the text or map or both.

Rezoning, Piecemeal – shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

Right-of-Way – shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

Road – shall mean the same as “Street.”

Road, Private – shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also, see “Right-of-Way and Street.”

Road, Public – shall mean all public rights-of-way reserved or dedicated for street or road traffic. Also, see “Right-of-Way and Street.”

Roadside Stand – is a structure for the display and sale of agricultural products, fireworks, and similar seasonal products and is not enclosed on all sides.

Room – shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

Sanitary Transfer Station – shall mean a collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of all State and Federal Agencies.

Satellite Dish Antenna – shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves. Also, see "Antenna."

Scale – shall mean a proportional relationship of the size of parts to one another and to the human figure.

School, Day, Pre-, or Nursery – shall mean a school or center for children under school age, whether licensed as a day care center or not. Such shall be approved by the Nebraska State Fire Marshall a being in conformance with safety provisions pursuant to the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.

Screening – shall mean a structure or planting that conceals from public view the area behind such structure or planting.

Selective Clearing – shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.

Self-Service Station – shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks or motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Self-Service Storage Facility – shall mean a building or group of buildings containing individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Separate Ownership – shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

Septic Site – shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

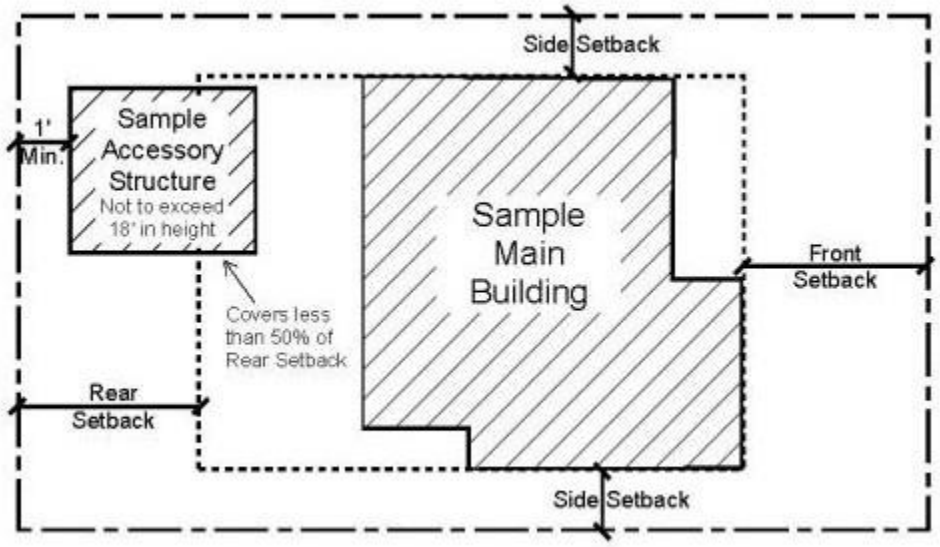
Service Station – shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

Setback – shall mean the minimum distance, as prescribed by this regulation, measured from the edge of the eve or other similar building component located closest to the lot line.

Setback Line, Front Yard – see "Yard, Front."

Setback Line, Rear Yard – see "Yard, Rear."

Setback Line, Side Yard – see "Yard, Side."



Shopping Center – shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

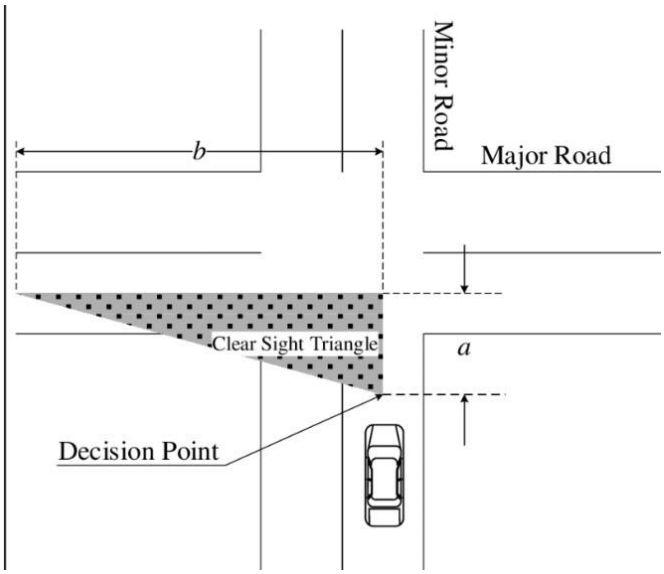
Shopping Center, Commercial Strip – shall mean a commercial development, usually one store deep, that fronts on a major street for one Village block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.

Shopping Center, Outlet – shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and Village clustered style centers

Shrub – shall mean a multi-stemmed woody plant other than a tree.

Sidewalk Café – shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.

Sight Triangle – is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision.



Sign – shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. Legal notices: identification, informational, or directional signs erected or required by governmental bodies.
4. Integral decorative or architectural features of buildings, except letter, service marks, trademarks, moving parts, or moving lights.
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign, Advertising – shall mean a sign which directs attention to any product, activity, or service, provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

Sign, Animated – shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Sign, Announcement – shall mean a small sign, not over six square feet in area, except that an announcement sign or bulletin board not over eighteen square feet in area, set back at least twenty feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

Sign, Architectural Canopy – shall mean an enclosed, illuminated, or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

Sign Area – shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

Sign, Audible – shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and/or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and/or sounds to attract attention.

Sign, Awning or Canopy – shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Sign, Banner – shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners.



Awning Sign



Banner Sale



Commemorative Sign



Freestanding Sign



Roof



Freestanding Sign

Sign, Billboard – shall mean a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Sign, Building – shall mean any sign supported by, painted on, or otherwise attached to any building or structure.

Sign, Building Marker – shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Sign, Center Identification – shall mean any sign erected to provide direction to a development including multiple uses and/or structures within the development. Center identification signs shall include the name of said development and may include, when permitted, the names of major tenants of the development. Center identification signs shall typically be similar to ground (monument) signs.

Sign, Changeable Copy – shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Sign, Closed – shall mean a sign in which more than 50 percent of the entire area is solid or tightly closed or covered.

Sign, Commercial Message – shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Sign, Community or Civic – shall mean a sign containing business logos and/or logos of civic organizations. The sign is intended to provide space for several businesses and/or organizations on one sign, and all advertising is similar in size. The primary intent of the community or civic sign is for informational purposes and to communicate information to the motoring public as to businesses and organizations that are active in the community. Community or civic signs are owned and operated by the local chamber of commerce or another civic organization or non-profit entity.

Sign, Destination – shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

Sign, Electronic Message Board – shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, Flashing – shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion , or creates the illusion of being on or off.

Sign, Freestanding – shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

Sign, Ground – shall mean a sign mounted directly to the ground with a maximum height not to exceed six feet.

Sign, Illuminated – shall mean a sign illuminated in any manner by an artificial light source.

Sign, Incidental – shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign, Marquee – shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Sign, Monument – shall mean a sign mounted directly to the ground with a maximum height not to exceed ten feet.

Sign, Nameplate – shall mean a sign not exceeding two square feet for each dwelling.

Sign, Non-Conforming – shall mean any sign that does not conform to the requirements of this Ordinance.

Sign, Obsolete – shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.

Sign, Off-Premises – shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

Sign, On-Premise – shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

Sign, Open – shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

Sign, Pennant – shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Sign, Pole – shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

Sign, Portable – shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Sign, Projecting – shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight inches beyond the surface of such building or wall.

Sign, Real Estate – shall mean a temporary sign that identifies property or properties that are for sale or lease.

Sign, Roof – shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on and over the roof of a building and extending vertically above the highest portion of the roof.

Sign, Roof (Integral) – shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Sign, Setback – shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

Sign, Subdivision – identification shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.

Sign, Surface – shall mean the entire area of a sign.

Sign, Suspended – shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, Temporary – shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

Sign, Video – shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen.

Sign, Wall – shall mean any sign attached parallel to, but within eight inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one single surface.

Sign, Window – shall mean any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

Sign Base – shall mean any decorative, functional element extending upward from grade to the start of the sign.

Similar Use – shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics, or other similarities.

Site Break – shall mean a structural or landscape device used to interpret long vistas and create a visual interest in a site development.

Site Plan – shall mean a plan, prepared to scale, accurately showing and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

Site, Septic – shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

Skate, In-Line – shall mean a boot-type device, which is placed on an individual's feet. In-line skates contain wheels on the bottom of the boot, which are attached in linear fashion.

Skate Park – shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for the use with skateboards and in-line skates.

Skateboard – shall mean a foot board mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lies upon the device while it is in motion.

Skateboard or Half Pipe – shall mean an outdoor structure that is shaped into a half circle or oval that is designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

Skateboard Ramp – shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

Slaughterhouse – a processing facility or plant where animals are processed, packaged, frozen, tanned and/or rendered for commercial sale.

Sludge – shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

Solid Waste – shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

Specified Anatomical Areas – shall mean anatomical areas consisting of less than completely and opaquely covered human genitals, buttock, or female breast(s) below a point immediately above the top of the areola.

Specified Sexual Activities – shall mean sexual activities prohibited by the *Revised Nebraska State Statutes*.

Spot Zoning – shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

Standard System – shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

State – shall mean the State of Nebraska.

Stockpiling – shall mean the accumulation of manure in mounds, piles, or other exposed and non-engineered site locations for storage or holding purposes for a period of not more than one year.

Storage – shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty days.

Storm Drain – shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than polluted cooling water.

Stormwater Detention – shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

Stormwater Management – shall mean the collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

Stormwater Retention Area – shall mean an area designed by a licensed professional engineer and approved by the Village to retain water to control the flow of stormwater.

Stormwater Runoff – shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.

Story – shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

Story, One-Half – shall mean the same as “Half-Story.”

Street – shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except as excluded in this regulation.

Street, Arterial – shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a Village or county with controlled access to abutting property.

Street, Collector – shall mean a street or highway, which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

Street, Curvilinear – shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

Street, Line – is the dividing line between a lot, tract, or parcel of land and a contiguous street.

Street, Local – shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

Street, Looped – shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

Street, Major – shall mean a street or highway used primarily for fast or high-volume traffic, including expressways, freeways, boulevards, and arterial streets.

Street, Private – shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term “private street” includes the term “place.”

Street, Side – shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.

Street Centerline – shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Street Frontage – shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Street Frontage Access – shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties and being separated from the major street by a dividing strip.

Street Hardware – shall mean man-made objects other than buildings that are part of the streetscape. Examples include but are not limited to lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, and fire hydrants.

Street Line – shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.

Streetscape – shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

Structure – shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas. There shall be no "fabric" structures in any zoning district.

Structure, Advertising – shall mean the same as "Advertising Structure."

Structural Alteration – shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

Subdivision – shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes, and bounds description, lease, map, plat, or other instrument.

Supermarket – see "Food Sales."

Surface Waters – shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Swimming Pool, Private – shall mean a pool which is an accessory use for a residence and for the exclusive use of the occupants of the residential building and their guests.

Tanning Studio – shall mean business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.

Tattoo Parlor/Body Piercing Studio – shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

Tavern – see "Bar."

Temporary Use – shall mean a use intended for limited duration located in a zoning district not permitting such use.

Terrace – shall mean a raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.

Theater – shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and limited audience participation or mean service.

Tower – shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. Also, see "Antenna."

Townhouse – shall mean a one-family dwelling unit, with a private entrance in a group of three or more units where the unit and land are in the ownership of the same owner, which part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation.

Tract – shall mean a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

Trailer, Automobile – shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

Tree Cover – shall mean an area directly beneath the crown and within the dripline of the tree.

Truck Repair – shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

Truck Wash – shall mean a mechanical facility for the washing, waxing, and vacuuming of heavy trucks and buses.

Uninhabited – shall mean a structure that does have a permanent business or resident in the structure.

Uninhabitable – shall mean a place unsuitable for living in.

Upper Story Housing – shall be defined as one or more dwelling units located above the first floor where allowed within a commercial district.

Upzoning – shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single-family residential district to a multiple family residential district.

Use – shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Use, Best – shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety, and general welfare.

Use, Conditional – shall mean a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning Ordinance and authorized by the approving agency.

Use, Highest – shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

Use, Permitted – shall mean any land use allowed as a use by right within a zoning district.

Use, Non-Conforming – shall mean a use that was valid and legal when brought into existence, but by subsequent regulation becomes no longer conforming.

Use, Principal – shall mean the main use of land or structure, as distinguished from an accessory use.

Use, Prohibited – shall mean any use of land, other than non-conforming, which is not listed as a permitted use or conditional use within a zoning district.

Used Materials Yard – shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include “junkyards” or “automobile wrecking yards.”

Utilitarian Structure – shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

Utility Easement – see “Easement.”

Utility Hardware – shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

Utilities, Overhead or Underground "Local Distribution System of" – shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

Utilities, Overhead or Underground "Transmission Line, Supply Line, Wholesale Carrier or Trunk Line, Main Feeder Line" – or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

Utility Service – shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

Variance – shall mean a relief from or variation of the provisions of this chapter, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

Vegetation – shall mean trees, shrubs, and vines.

Vehicle – shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved solely by human power or used exclusively upon stationary rails or tracks.

Vehicle, Motor – see "Motor Vehicle."

Village – shall mean the Village of Gresham.

Visual Obstruction – shall mean any fence, hedge, tree, shrub, wall, or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys, or driveways which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.

Warehouse – shall mean a building used primarily for the storage of goods and materials.

Warehouse and Distribution – shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Waste Handling System – shall mean all systems, public or private, or combination of said structures intended to treat human or livestock excrement and shall include the following types of systems:

Holding Pond – shall mean an impoundment made by constructing an excavated pit, dam, embankment, or combination of these for temporary storage of liquid livestock wastes, generally receiving runoff from open lots and contributing drainage area.

Lagoon – shall mean an impoundment made by constructing an excavated pit, dam, embankment, or combination of these for treatment of liquid livestock waste by anaerobic, aerobic, or facultative digestion. Such impoundment predominantly receives waste from a confined livestock operation.

Liquid Manure Storage Pits – shall mean earthen or lined pits located wholly or partially beneath a semi or totally housed livestock operation or at some removed location used to collect waste production.

Sediment – shall mean a pond constructed for the sole purpose of collecting and containing sediment.

Wastewater Lagoon – see "Lagoon."

Watercourse – shall mean natural or once naturally flowing water, either perennially or intermittently, including rivers, streams, creeks, and other natural waterways. Includes waterways that have been channelized, but does not include man-made channels, ditches, and underground drainage and sewage systems.

Waters of the State – shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies of accumulations of water surface or underground, material, or artificial, public or private, situated wholly within or bordering upon the state.

Wetland – shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

Wetland, Saline – shall mean an area that is saturated by salty soils and water at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of salt-tolerant vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

Wholesale Establishment – shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Wholesale Trade – shall mean selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or buyers acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In additional to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting, and grading goods in large lots, breaking bulk and types of promotion such as advertising and label designing.

Wireless Communication Tower – shall mean a structure for the transmission or broadcast of cellular, radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located, provided, however, that non-commercial radio towers not exceeding fifty feet in height shall not be considered wireless communication towers.

Yard – shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this regulation.

Yard, Front – shall mean a space between the front yard setback line and the front lot line or highway setback line and extending the full width of the lot.

Yard, Rear – shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

Yard, Side – shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

Zone Lot – shall mean a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

Zoning Administrator – shall mean the person or persons authorized and empowered by the Village to administer and enforce the requirements of this chapter.

Zoning District – see “District.”

Zoning District, Change of – shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the Village.

Zoning Permit – is a written statement issued by the zoning administrator authorizing buildings, structures, or uses in accordance with the provisions of this Ordinance.

Article 3: Districts and Official Map

Section 3.01 Districts

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

Section 3.02 Provision for Official Zoning Map

3.02.01 The Village is hereby divided into districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The official zoning map shall be identified by the signature of the mayor, attested by the Village Clerk, and bearing the seal of the Village under the following words: “this is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. (___) of the Village of Gresham, Nebraska,” together with the date of the adoption of this Ordinance. If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the Village Board.

3.02.02 In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Village Board may by resolution adopt a new official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but not such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the Village Clerk and bearing the seal of the Village under the following words: “this is to certify that this official zoning map supersedes and replaces the official zoning map adopted (Ordinance No. (___)) of the Village of Gresham, Nebraska.” Unless the prior official zoning map has been lost or has been destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Article 4: General Provisions

Section 4.01 Planning Commission Recommendations

Pursuant to *Nebraska Revised Statutes* 19-901 (R.R.S. 1996) it shall be the purpose of the Planning Commission to hold public hearings and make recommendation to the legislative body, regarding proposed amendments to the comprehensive plan and zoning regulations within the Village's jurisdiction.

The commission shall make a preliminary report and hold public hearings before submitting its final report and the Village Board shall not hold its public hearings or take action until it has received the final report of the commission.

Section 4.02 District Regulations, Restrictions, Boundary Creation

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

Section 4.03 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the Village of Gresham, Nebraska and within the territory beyond said corporate limits as now or hereafter fixed—for a distance of one mile—as established on the map entitled "The Official Zoning Map of the Village of Gresham, Nebraska" and as may be amended by subsequent annexation.

Section 4.04 Provisions of Ordinance Declared to be Minimum Requirements

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

Section 4.05 Zoning Affects Every Building and Use

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

Section 4.06 Lot

4.06.01 Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.

4.06.02 No building or use of land for other than agricultural purposes shall be established on a lot that does not abut a public street.

4.06.03 More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if recommended by the planning commission and approved by the Village Board of Trustees.

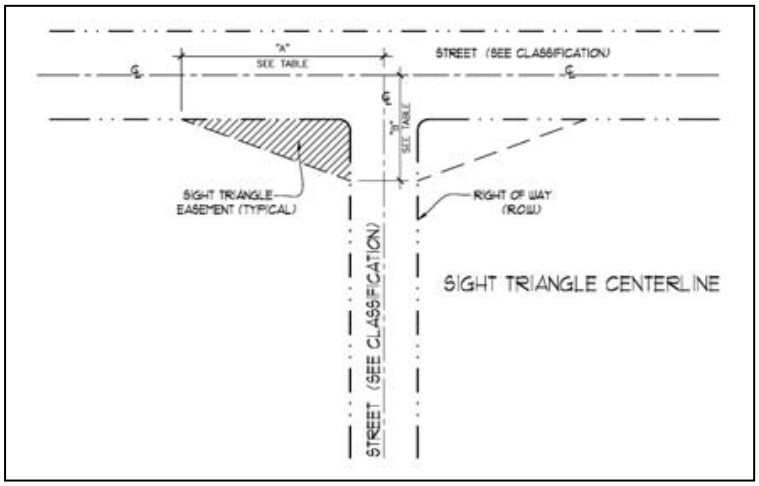
1. Institutional Buildings
2. Public or Semi-Public Buildings
3. Multiple-Family Dwellings
4. Commercial or Industrial Buildings
5. Home for the Aged
6. Agricultural Buildings

Section 4.07 Reductions in Lot Area Prohibited

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

Section 4.08 Obstructions to Vision at Street Intersections Prohibited

A corner lot, except in the Downtown Commercial District, within the area formed by the center line of streets at a distance of sixty feet from their intersections, there shall be no obstruction to vision between a height of two and one-half feet and a height of ten feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.



Section 4.09 Yard Requirements

4.09.01 Yard requirements shall be set forth under the schedule of lot, yard, and bulk requirements for each zoning district. Front, side, and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.

4.09.02 All accessory buildings that are attached to principal buildings (attached garages, for instance) shall comply with the yard requirements of the principal building, unless otherwise specified.

4.09.03 On corner lots, the yard(s) on that side of the lot abutting the side street(s) shall not be less than the front yard required for the district in which the lot is located. On through lots, such yards abutting street/road right-of-way shall be deemed front yards, unless otherwise provided for.

4.09.04 Accessory buildings on the side(s) of the lot abutting the side street(s) shall not be closer to the lot line abutting on that side street(s) than the distance specified for front yards of lots fronting on such side street.

4.09.05 The Zoning Administrator may permit a variation in front yard setbacks to allow new or relocated structures to conform to average existing setback provided that 1.) More than 30 percent of the frontage of principal structures on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and 2.) A minority of such structures have observed or conformed to an average setback line.

4.09.06 The required side yard shall be maintained on each side of a dwelling but may be reduced to 10 percent of the lot width on lots of less than sixty feet in width, provided, however, no side yard shall be less than five feet.

4.09.07 In any Residential District, the Rear Yard Setback shall be the lesser of the minimum amount noted or 20 percent of the total lot depth.

4.09.08 Any side or rear yard in an industrial or commercial district which is adjacent to any existing residential use or district shall be no less than twenty-five feet and shall contain landscaping, planting, or fencing suitable to provide effective screening. Said screening shall be at least six feet but nor more than eight feet high unless the adjacent residential district and industrial or commercial district are separated by a street right-of-way. The owner or owners of the property in the Commercial and/or Industrial District shall maintain said screening in good condition. Allowed fencing material includes, chain link, plastic/vinyl, pressure treated, and/or cedar.

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

Section 4.10 Through Lots

4.10.01 Through Lots shall follow the following criteria.

1. Where a Through Lot abuts a major thoroughfare and where access is made from the other frontage street and access along said thoroughfare is restricted, the designated Rear Yard setback for fences and screening devices shall be zero feet. The Rear Yard setback for accessory buildings shall follow the prescribed setback within the zoning district.

2. Where a Through Lot is part of a triple frontage lot and abuts a major thoroughfare, the Rear Yard shall meet the standards of 4.10.01 (1), while the other two frontages shall be treated as a Corner Lot with two Front Yard setbacks.

3. Where a Through Lot occurs, other than along a major thoroughfare, the following shall apply:

    a. Where all principal structures in the development face the same frontage, then the Rear Yard setback for fences and screening shall be zero feet and all accessory buildings shall meet the prescribed setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot.

    b. Where principal structures face different directions along both frontages, the Rear Yard setback for fences and screening shall be the same as any prescribed Rear Yard setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot. All accessory buildings in this condition, shall comply with the minimum Rear Yard setbacks rather than the reduced setback allowed for accessory buildings.

Section 4.11 Projections from Buildings

4.11.01 Cornices, eaves, canopies, belt courses, sills, ornamental features, and other similar architectural features may project not more than two feet into any required yard or into any required open space, provided that such required yard or open space meets the current minimum yard standards.

4.11.02 As a part of single- and two-family residences, open uncovered porches or decks no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than twenty-six inches above grade of the lot on the side of the structure where such porch or deck is located, may extend:

1. Three feet into any side yard that otherwise meets minimum side yard requirements provided that the other side yard also meets such minimum side yard requirements and remains free of encroaching structures of any kind and that said new encroachment meets all separation requirements

between structures as determined in the Village's Regulations, except gated fences providing access to the rear yard.

2. Eight feet into a front yard provided that the front yard otherwise meets minimum front yard requirements and provided further 1.) That in no event may such porch or deck cover more than ninety-six square feet of the required front yard or extend beyond the side walls of the building structure, and 2.) Front decks or porches shall not be higher than thirty inches above ground and/or no higher than the first floor, except that on homes with front entryways at first floor level but driveway cuts and garage floors at basement level, there may be constructed a veranda-type uncovered deck or porch extending from the front deck or porch over the garage door or doors, which extended area shall be at the same elevation and shall have bracing as required by the Building Inspector, and 3.) Covered porches, built of materials of the same or similar nature as the roof of the principal structure may be allowed with eaves not to exceed twelve inches.
3. Safety railings shall be installed as per the Village's Regulations and as approved by the Building Inspector.
4. One-half of the distance into the required rear yard but in no event closer than five feet to any property line.

4.11.03 Provided further, that no railing or other barrier shall be placed around such deck or porch in a rear yard or side yard and no such barrier which interferes appreciably (more than 25 percent with the passage of light or air shall be constructed within the required front yard or within five feet of any side or rear yard lot line). Any such deck or porch, when located on a lot at the intersection of two streets or a street and an alley, shall comply with the provisions designed to ensure proper sight distances as set forth in this Ordinance for fences and hedges. Any side yard on a corner lot when such yard is twenty feet or more in width, may be considered as a front yard for purposes of determining permitted encroachments as provided herein.

4.11.04 Vertical supports shall meet the Village's Regulations.

Section 4.12 Drainage

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

Section 4.13 Permitted Obstructions in Required Yards

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

4.13.01 All Yards:

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

4.13.01 Front Yards: Bay windows projecting three feet or less into the yard are permitted.

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

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

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

4.13.05 Building Groupings: For side yard regulation a group of businesses or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 4.14 Accessory Building and Uses

4.14.01 No accessory building or structure shall be constructed upon a lot for more than six months prior to beginning construction of the principal building. No accessory building shall be used for more than six months unless the main

building on the lot is also being used or unless the main building is under construction and under an active zoning permit. However, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use. There shall be no stand-alone accessory buildings constructed on a double-lot (120' by 140').

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

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

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

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

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

1. Be constructed of materials that are in good repair.
2. The sidewalls of said building shall not exceed ten feet in height.
3. Garages shall have an overhang of at least six inches.
4. Garages shall have a maximum width of thirty-six feet.
5. Garages shall be constructed and finished in materials customary to residential construction.

4.14.07 Regulation of accessory uses shall be as follows:

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

4.15 Permitted Modifications of Height Regulations

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

1. Church Steeples
2. Public Monuments
3. Flag Poles
4. Chimneys
5. Ornamental Towers and Spires
6. Church Spires
7. Silos
8. Cooling Towers
9. Smokestacks
10. Elevator Bulkheads
11. Necessary Mechanical Devises
12. Fire Towers
13. Water Towers and Standpipes
14. Air-Pollution Prevention Devices
15. Recreational equipment
16. Private radio and television antennae under seventy-five feet.

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

Section 4.16 Occupancy of Basements and Cellars

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

Section 4.17 Non-Conforming, General Intent

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

Section 4.18 Non-Conforming Lots of Record

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

Section 4.19 Non-Conforming Structures

4.19.01 Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.

4.19.02 Enlargement, Repair, Alterations: Any such structure described in Section 4.19.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional non-conformity or increase the degree of existing non-conformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, unless otherwise permitted by conditional use permit unless otherwise approved or as specified in the Residential District.

4.19.03 Damage or Destruction: In the event that any event that any structure described in Section 4.19.01 is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located, provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.18, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 50 percent of its structural value, no repairs or restoration shall be made unless a zoning permit is obtained and restoration is begun within six months after the date of such partial destruction and is diligently pursued to completion.

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

Section 4.20 Non-Conforming Uses

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

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment or this Ordinance.

2. No such non-conforming uses shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

3. If any such non-conforming use of land ceases for any reason for a period of more than twelve months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

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

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located.

2. Any non-conforming use may be extended throughout any parts of a

building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any non-conforming use of a structure or structures and premises may be changed to another non-conforming use provided that the Board of Adjustment either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguard in accord with the provisions of this Ordinance.
4. Any structure, or structure and land in combination, in any or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the non-conforming use may not thereafter be resumed.
5. A non-conforming use of a structure or structure and premises in combination is discontinued or abandoned for twelve months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
6. Where non-conforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 4.21 Repairs and Maintenance

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

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

Section 4.22 Uses under Conditional Use Permit not Non-Conforming Uses

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

Section 4.23 Recreational Vehicles, Trailers, or Equipment (Ordinance 08-01-01 2008)

All vehicles, trailers, or equipment expressly designated or used for recreational or seasonal use shall not be used for dwelling purposes on any lot except as may be authorized elsewhere within this Ordinance. Such vehicles, trailers, or similar equipment shall not be parked or maintained in the required front or side yard. In the R-1 and R-2 Residential Districts, parking, in addition to, not in lieu of, the required parking space(s) in the above zoning districts shall be permitted under the following conditions.

4.23.01 A recreational vehicle, trailer, boat, or other equipment may be parked inside of an enclosed structure when the structure conforms to the zoning requirements of a particular district in which it is located.

4.23.02 A recreational vehicle, trailer, boat, or other equipment may be parked outside of an enclosed structure in the side yard or rear yard but not within five (5) feet of a side property line.

4.23.03 A recreational vehicle, trailer, boat, or other equipment may be parked outside of an enclosed structure in the required front yard on a concrete driveway or its equivalent (asphalt, brick, stone, crushed rock) under the following conditions:

1. Space is unavailable in the rear yard or side yard and there is no reasonable access to either the rear yard or side yards. A corner lot is always deemed to have reasonable access to the street side yard, a fence is not deemed to prevent reasonable access.
2. Enclosed parking is not possible in conformance with the requirements of the district; such enclosure is not a requirement for parking a recreational vehicle, trailer, boat, or equipment.
3. The recreational vehicle, trailer, boat, or equipment is parked perpendicular to the front curb.
4. The recreational vehicle, trailer, boat, or equipment may be parked not less than five (5) feet from the property line, not less than five (5) feet from the side lot line.
5. No part of the recreational vehicle, trailer, boat, or equipment may extend over the public sidewalk or the public right-of-way.
6. Parking is permitted only for storage and any recreational vehicle, trailer, boat, or equipment shall not be:
    a. Used for dwelling purposes for more than fourteen (14) days in a calendar year.
    b. Connected to sewer lines. A recreational vehicle, trailer, boat, or equipment may be connected to electricity and water temporarily.
    c. Used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its

immediate use.

7. Notwithstanding the provisions of this Section, the recreational vehicle, trailer, boat, or equipment may be parked anywhere on the premises during loading or unloading, and the use of electricity or water is permitted when necessary to prepare a recreational vehicle for use.
8. The recreational vehicle, trailer, boat, or equipment shall be owned by the resident on the property where the recreational vehicle, trailer, boat, or equipment is parked for storage.

Section 4.24 Fees

The payment of all fees for any zoning or subdivision related action or permit request shall be required prior to the issuance or investigation of any said action or permit request. Such fees shall be adopted by the Village Board by separate Ordinance.

Section 4.25 Prohibited Uses

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

Article 5: Zoning Districts

5.01 Districts; Uses

5.02 Districts; Boundaries

5.03 District Boundaries; Interpretation

5.04 Districts; Classification of Districts upon Annexation and Conformance with Land Use Plan

5.05 District (TA); Transitional Agricultural

5.06 District (RE); Residential Estates

5.07 District (R-1); Low Density Residential

5.08 District (R-2); Medium to High Density Residential

5.09 District (C-1); Downtown Commercial District

5.10 District (C-2); General Commercial District

5.11 District (I-1); Industrial District

5.12 District (FF/FW); Floodway Fringe and Floodway Overlay

Section 5.01 Districts; Uses

For this Chapter, the Municipality is hereby divided into seven districts, designated as follows:

(TA) Transitional Agricultural

(RE) Residential Estates

(R-1) Low Density Residential

(R-2) Medium to High Density Residential

(C-1) Downtown Commercial District

(C-2) General Commercial District

(I-1) Industrial District

(FF/FW) Floodway Fringe and Floodway Overlay

Section 5.02 Districts, Boundaries

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

Section 5.03 Rules for Interpretation of District Boundaries

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

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

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

5.03.03 Boundaries indicated as approximately following Village limits shall be construed as following such Village limits.

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

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

5.03.06 Boundaries indicated as parallel to or extensions of features indicated in subsections 5.03.01 to 5.03.05 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

5.03.07 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 5.03.01 to 5.03.06 above, the Board of Zoning Appeals shall interpret the district boundaries.

5.03.08 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Appeals may permit the extension of the regulations for either portion of the lot not to exceed fifty feet beyond the district line into the remaining portion of the lot.

Section 5.04 District Classification upon Annexation and Conformance with Land Use Plan

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

Section 5.05 TA Transitional Agriculture District

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

5.05.02 Permitted Uses:

The following principal uses are permitted in the TA District.

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

5.05.03 Conditional Uses

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

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

property lines.

14. Water supply and storage facilities, wastewater treatment, sewage disposal, and solid waste disposal facilities.
15. Veterinarians' offices and hospitals, provided that no structure or building used to house horses or other animals is located closer than 300 feet to any residential use or district.
16. Livestock feeding operations, and the raising and care of animals for 4-H, FFA or other rural/school organizations provided no such facility shall have more than fifty animal units provided the producer can meet a density of one acre for the first A.U. and one-half acre for each additional A.U.
17. Commercial wind energy systems on tracts of more than ten acres, pursuant to Section 9.06.
18. Public campgrounds.
19. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
20. Bed and breakfast establishments.
21. Seasonal dwelling units.
22. Retail motor vehicle sales and service.
23. Mobile homes and single-family dwelling units on a farm or ranch provided they are used for relatives or farm workers associated with the farm operation.
24. Commercial Indoor and Outdoor Self-Storage Units.

5.05.04 Temporary Uses

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

1. Temporary greenhouses.
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.

5.05.05 Accessory Uses

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

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

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Side Yard (feet)	C Rear Yard (feet)	Maximum Height (feet)	Maximum Coverage (Percent)
Permitted Uses	10	300	50**	25	50	35	10
Conditional Uses	5*	200	50**	25	50	35	10
Accessory Buildings/Structures	-	-	50**	10	10	35	20

*The minimum lot area is five acres, however, depending upon the size of the facilities and required setbacks the minimum lot area may be required to be greater.

**If along county road or highway measure from street/road right-of-way

5.05.07 Other Applicable Provisions

1. The following uses shall be located a minimum of 1,000 feet from any adjacent residential, commercial, or public use, as measured from the nearest point on the lot line.
    a. Commercial auction yards or barns.
    b. Commercial production and husbandry of poultry, fish, and small animals.
    c. Commercial feedlots.
    d. Mining and extraction of natural resources.
    e. Feed mills.
    f. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
    g. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
2. No new residential, commercial, or public use shall be located nearer than 3,960 feet to any existing use listed in Section 5.05.07 (1).

Section 5.06 RE Residential Estates

5.06.01 Intent: The Residential Estates District is intended to provide for large lot residential and compatible uses while maintaining reserve land for planned expansion of intense urban development; to facilitate planned extension of municipal services; and to permit residential use of land where, because of woodlands, unstable land, or other natural land features, intensive development is not in the best public interest.

5.06.02 Permitted Uses

The following principal uses are permitted in the RE District.

1. Single family dwelling.
2. Horticulture and orchards.
3. Public parks and recreation areas, playground, and conservation areas.
4. Public Uses, including but not limited to recreational uses, fire stations, community centers, auditoriums, libraries, or museums.
5. Railroads, not including switching, terminal buildings, or freight yards.
6. Family Child Care Home I
7. Flood control facilities.

5.06.03 Conditional Uses

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

1. Seasonal offering for sale of agricultural products produced on the premises.
2. Cemeteries, crematories, mausoleums, and columbaria, provided all structures are located at least 100 feet from all property lines.
3. Churches, temples, seminaries, and convents, including residences for pastors and teachers.
4. Commercial camping areas.
5. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
6. Hospitals, clinics, and institutions, including educational, religious, nursing homes, philanthropic institutions, and convalescent homes.
7. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
8. Family Child Care Home II
9. Public and private schools, colleges, and universities.
10. Public and quasi-public uses of an educational, recreational or religious type, including public and parochial elementary schools, junior high schools, high schools, and college; nursery schools, private non-profit schools, churches, parsonages, and other religious institutions
11. Public and private charitable institutions.
12. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, police and fire stations, and other public buildings, structures, and facilities.
13. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and/or elevated pressure tanks.
14. Home occupation barber and beauty shops.
15. Retail greenhouses.
16. Animal husbandry, including the keeping or maintaining of any horse, mule, sheep, cow, goat, swine, other livestock, poultry, chicken, turkey,

geese, or other fowl, reptile, snake, amphibian, bee or insect.

17. Communications, microwave, cellular communications or other towers, except wind energy towers, in excess of forty-five feet in height.

18. Home based lumber mills.

5.06.04 Temporary Uses

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

1. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
2. Temporary structure for festivals or commercial events.
3. Temporary Signs as provided in Section 8.04.

5.06.05 Accessory Uses

1. Buildings and uses customarily incidental to the permitted and conditional uses, including satellite dishes.
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, gazeboes, elevated patios either attached or detached.

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

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Side Yard (feet)	C Rear Yard (feet)	Maximum Height (feet)	Maximum Coverage (Percent)
Residential Dwelling	5	80	35	15	30**	35	20
Other Permitted Uses	5	80	35	15	30**	35	20
Conditional Uses	5	80	35	15	30**	35	20
Accessory Uses/Structures	-	-	50	8	10	17	10*

*Total not to exceed 900 square feet for residential uses, provided the total lot coverage of all buildings does not exceed 30 percent.

**See Section 4.09.07 of this Ordinance.

5.06.07 Miscellaneous Provisions

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

5.07 R-1 Low Density Residential

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

5.07.02 Permitted Uses

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

1. Single family detached dwellings.
2. Single-family attached dwellings (maximum of two dwelling units per structure).
3. Townhouses (maximum of two dwelling units per structure).
4. Two family dwelling units.
5. Churches, temples, seminaries, and convents, including residences for teachers and pastors.
6. Private clubs or organizations not operated for profit.

7. Public and private schools, colleges, and universities.
8. Public Uses, including but not limited to recreational uses, fire stations, community centers, auditoriums, libraries, or museums.
9. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
10. Family Child Care Home I

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-1 District as recommended by the Planning Commission and Village Board and approved by the Village Board.

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

to expand an existing non-conforming single-family dwelling or accessory structure. In addition to the regular requirements of a conditional use permit, the following requirements must be met:

a. Permit cannot authorize a new type of non-conformity of use or structure or increase the degree of non-conformity.

b. A structure must be located on a lot of less than 5,000 square feet.

9. Taxidermy, pursuant to Home Occupation Section 9.01

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 Village.

5.07.05 Accessory Uses

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

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

Use	Lot Area (square foot)	Lot Width (feet)	A Front Yard (feet)	B Side Yard (feet)	C Rear Yard (feet)	Maximum Height (feet)	Maximum Coverage (Percent)
Single-Family Detached	12,000	75	25	6	25***	35	40
Single-Family, Attached (per unit)	4,000	18*****	25	10****	35***	35	40
Two-Family	5,500	75	25	6	25***	35	40
Other Permitted Uses	10,000	75	25	10	35***	35	40
Conditional Uses	10,000	75	25	10	35***	35	40
Accessory Buildings	-	-	50	5	5	17	15

*Side yard setback shall be seven feet for single story structures and eight feet for taller structures.

**All accessory structures shall be located in the side or rear yard.

***See Section 4.09.07 of this Ordinance.

****The side yard along the common wall shall be zero feet. The common wall shall be along the adjoining lot line.

*****The minimum lot width only applies to the interior lots of a townhouse/single-family attached development. Exterior lots shall be a minimum thirty-five feet.

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-2 Medium to High Density Residential

5.08.01 Intent: The purpose of the Medium to High 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.

5.08.02 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.
7. Townhouses.
8. Two Family dwellings.
9. Lodging and boarding houses, including bed and breakfast facility.
10. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, or other similar institutions, philanthropic institutions, or funeral homes.
11. Family Child Care Home I

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-2 District as recommended by the Planning Commission and Village Board and approved by the Village Board.

1. Private and public country clubs and golf courses, not including commercial miniature golf, located on not less than ten 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.
6. Double-wide mobile homes on a foundation are permissible, single-wide mobile homes are not.
    a. a. All mobile home pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.
    b. All mobile homes shall have skirting in good repair, meets manufacturer standards, and is in conformance with the color scheme of the trailer.
    c. All off-street parking shall be hard surfaced.
    d. All Mobile homes shall comply with all other Village Ordinances.
7. Non-conforming residential structure. The Village may allow a permit to expand an existing non-conforming single-family dwelling or accessory structure. In addition to the regular requirements of a conditional use permit, the following requirements must be met:
    a. Permit cannot authorize a new type of non-conformity of use or structure or increase the degree of non-conformity.
    b. A structure must be located on a lot of less than 5,000 square feet.

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. 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 Village.

5.08.05 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, gazeboes, elevated patios either attached or detached.

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

Use	Lot Area (square foot)	Lot Width (feet)	A Front Yard (feet)	B Side Yard (feet)	C Rear Yard (feet)	Maximum Height (feet)	Maximum Coverage (Percent)
Single-Family Detached	5,000	50	25	8	25***	35	40
Single-Family, Attached	3,750	18*****	25	10*	25***	35	40
Townhouse (per unit)							
Two Family	8,000	75	25	10	25***	35	40
Multiple Family (per unit)	2,900	100	25	**	25***	45	40
Other Permitted Uses	10,000	100	25	10	25***	35	30
Conditional Uses	10,000	100	25	10	25***	35	30
Accessory Buildings	-	-	50	5	5	17	10****

*The side yard along the common wall shall be zero feet. The common wall shall be along the adjoining lot line.

**For multi-family units shall be ten 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.

***See Section 4.09.07 of this Ordinance.

****Provided total area of accessory structure for single-family does not exceed 600 square feet and the total lot coverage of all buildings does not exceed 40 percent.

*****The minimum lot width only applies to the interior lots of a townhouse/single-family attached development.

5.08.07 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.

5.09.01 C-1 Downtown Commercial District

5.09.01 Intent: The (C-1) Downtown Commercial District is intended to provide for commercial development within the existing downtown area of Gresham that will benefit the retail trade, business, cultural, and social activities of the entire community.

5.09.02 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, 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. Keno facilities.

u. Laundry and dry-cleaning pick-up and delivery stations.

v. Liquor store.

w. Newsstands, not including uses defined in Adult Establishment.

x. Photography studio.

y. Picture framing shop.

z. Restaurants.

aa. Second-hand stores.

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, Village offices, and libraries.

5.09.03 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. Recreational establishments not including uses defined in Adult Establishments.
2. Business or trade school.
3. Garden supply and retail garden center.
4. Liquor store.
5. Tavern and cocktail lounge, not including uses defined in Adult Establishment.
6. Temporary greenhouses.
7. Totally enclosed, automated and conveyor-style car washes.
8. Outdoor Entertainment.
9. Convenience store with limited fuel sales.
10. Residences in conjunction with the principle use when located above the ground floor.
11. Churches, temples, seminaries, and convents including residences for teachers and pastors.
12. Printing and publishing.
13. Retail motor vehicle sales and service.
14. Car wash.
15. Service station and minor automobile repair services.
16. Tire store and minor automobile repair service.
17. Public Utility offices, garages, and dispatcher centers.
18. Veterinarian clinics.
19. Food sales, including meat markets and butchering, are permissible. A slaughterhouse where the harvesting of meat (kill floor) takes place is not allowed.

5.09.04 Temporary Uses

The following temporary uses shall be permitted 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 Village 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

5.09.05 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.

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

Use	Lot Area (feet)	Lot Width (feet)	A Front Yard (feet)	B Side Yard (feet)	C Rear Yard (feet)	Maximum Height (feet)
Permitted Uses	-	-	-	*	**	60
Permitted Conditional Uses	-	-	-	*	**	60
Accessory Buildings	-	-	-	*	**	-

*None, except that when adjacent to any district requiring a side yard, the side yard setback shall be ten feet.

**Ten feet, except that when adjacent to any residential district, the rear yard shall be twenty-five feet.

5.09.07 Use Limitations

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within fifteen feet of such residential district.
2. When adjacent to any residential district, new construction shall provide a six-foot high permanent screen 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 5.10 C-2 General Commercial District

5.10.01 Intent: The General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community.

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. Bars and cocktail lounges.

h. Bookstore, not including uses defined in Adult Establishment.

i. Bowling Alleys.

j. Childcare center.

k. Clothing and tailoring shops.

l. Communication services.

m. Computer store.

n. Drug stores and prescription shops.

o. Erected towers for any purpose less than forty-five feet in height.

p. Floral shop and commercial greenhouses.

q. Furniture store or showroom.

r. Gift and curio shop.

s. Grocery store.

t. Hardware store.

u. Hobby, craft, toy store.

v. Ice cream and confectionary stores.

w. Indoor amusement and entertainment establishment, including bowling alleys and movie theaters, not including uses defined in Adult Establishment.

x. Keno facilities.

y. Laundry and dry-cleaning pick-up and delivery stations.

z. Liquor store.

aa. Newsstands, not including uses defined in Adult Establishment.

bb. On-site wind energy systems, subject to the requirements and limitations set forth in Section 9.05 Small Wind Energy Systems.

cc. Overnight recreational vehicle parking areas.

dd. Photography studio.

ee. Picture framing shop.

ff. Public utility structures, services and facilities.

gg. Repair garages.

hh. Restaurants, including drive-in restaurants.

ii. Roadside rest areas.

jj. Second-hand stores.

kk. Self-storage facilities.

ll. Service stations (gasoline).

mm. Shoe store.

nn. Tanning salon.

oo. Variety store, not including uses defined in Adult Establishment.

pp. Video store, not including uses defined in Adult Establishment.

qq. Telephone exchange.

rr. Telephone answering service.

5. Publicly owned and operated parks, playgrounds, fire stations, community centers, city offices, 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-2 District as recommended by the Planning Commission and Village Board and Approved by the Village Board.

1. Recreational establishments not including uses defined in Adult Establishments.
2. Business or trade school.
3. Garden supply and retail garden center.
4. Liquor store.
5. Tavern and cocktail lounge, not including uses defined in Adult Establishment.
6. Temporary greenhouses.
7. Totally enclosed, automated, and conveyor-style car washes.
8. Outdoor Entertainment.
9. Convenience store with limited fuel sales.
10. Residences in conjunction with the principle use when located above the ground floor.
11. Churches, temples, seminaries, and convents including residences for teachers and pastors.
12. Printing and publishing.

13. Retail motor vehicle sales and service.
14. Car wash.
15. Service station and minor automobile repair services.
16. Tire store and minor automobile repair service.
17. Public Utility offices, garages, and dispatcher centers.
18. 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 Village 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 as follows:

Use	Lot Area (acres)***	Lot Width (feet)	A	B	C	Max Height (feet)	Max Coverage (Percent)
			Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)		
Permitted Uses	2,500	20	25	*	**	35	80
Conditional Uses	2,500	20	25	*	**	35	80
Accessory Uses	-	-	25	*	**	35	40

*None, except that when adjacent to any residential district, the side yard setback shall be twenty-five feet.

**None, except that when adjacent to any residential district, the rear yard setback shall be twenty-five feet, unless there is an alley between the two, in which case the rear yard setback shall be five feet.

***Minimum Lot Area to be calculated based upon maximum lot coverage, building footprint, and required ancillary uses like parking and landscaping and Section 5.09.07 unless otherwise noted.

****A front-yard setback of twenty-five feet is required only when no parking is present in the front yard.

5.10.07 Miscellaneous Provisions

1. Supplementary regulations shall be complied with as defined herein.
2. When adjacent to residentially zoned land, no parking or drives shall be allowed in the required front yard within fifteen feet of such district. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
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 I-1 Industrial District

5.11.01 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 Gresham 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.

5.11.02 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.

5.11.03 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 I-1 District as recommended by the Planning Commission and Village Board and approved by the Village Board.

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 for 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 stacked 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. Boiler works.
6. Concrete or cement product manufacturing.
7. Disinfectant manufacture.
8. Ethanol plant.

9. Exterminator and insect poison manufacture.
10. Grain storage bins and elevators.
11. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
12. Telecommunication and Broadcast tower, pursuant to Section 9.02.
13. Research facilities.
14. Truck terminal and dock facilities to include truck washing.
15. 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 Gresham, 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.

l. *Prohibited Activities of Adult Businesses*

    i. No adult business shall employ any person under eighteen years of age.

    ii. No adult business shall furnish any merchandise or services to any person who is under eighteen years of age.

    iii. 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.

    iv. 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.

5.11.04 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 Village through separate Ordinance.
4. Temporary Signs as provided in Sections 8.04.

5.11.05 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.

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

Use	Lot Area (square feet)	Lot Width (feet)	A Front Yard (feet)	B Side Yard (feet)	C Rear Yard (feet)	Max Height (feet)	Max Coverage (Percent)
Permitted Uses	10,000	50	35	15*	25**	45	30
Conditional Uses	10,000	50	25	15*	25**	45	30
Accessory Buildings	-	-	25	15*	25**	45	20

*When adjacent to any residential district, the side yard setback shall be twenty-five feet.

5.11.07 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 twenty-five 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.

5.11.08 Performance Standards

See Section 9.04 of the Supplemental Regulations.

Section 5.12 Floodplain Statutory Authorization

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, general welfare, and property of the people of the state. The Legislature, in *Nebraska Revised Statutes* Sections 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with zoning jurisdiction over the flood prone area. The Village Board of Gresham, Nebraska ordains as follows:

5.12.01 Findings of Fact

1. Flood Losses Resulting from Periodic Inundation

The flood hazard areas of Gresham, Nebraska are subject to inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect thepublic health, safety, and general welfare.

2. General Causes of the Flood Losses

Flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.

5.12.02 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.2 by applying the provisions of this ordinance to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times offlooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities that service suchuses, be provided with flood protection at the time of initial construction.
3. Reduce financial burdens from flood damage borne by the community, its governmental units, is residents, and its businesses by preventing excessive andunsafe development in areas subject to flooding.
4. Assure that eligibility is maintained for property owners in the community topurchase flood insurance from the National Flood Insurance Program.

5.12.03 Adherence to Regulations

The regulations of this ordinance comply with National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

Section 5.13 General Provisions

5.13.01 Lands to which Ordinance Applies

This ordinance shall apply to all lands within the jurisdiction of Gresham, Nebraska identified on the Flood Insurance Rate Map 31185C0100C panel dated August 1, 2019.

5.13.02 Rules for Interpretation of District Boundaries

The boundaries of the floodway and the flood fringe overlay districts shall be determinedby scaling distances on the official zoning map of on the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the zoning or other community map, the floodplain administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Trustees will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Board of Trustees and to submit their own technical evidence, if so desired.

5.13.03 Compliance

Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of thisordinance and other applicable regulations.

5.13.04 Abrogation and Greater Restrictions

This ordinance does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

5.13.05 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

5.13.06 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of Gresham, Nebraska or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

5.13.07 Severability

If any section, clause, provision, or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

5.13.08 Establishment of Zoning Districts

The mapped floodplain areas within the jurisdiction of this ordinance are hereby established as the floodplain overlay district, as identified in the Flood Insurance Study dated August 1, 2019 and on accompanying FIRM panels as established in Section 2.1. The floodplain overlay district shall correspond to flood zone A. Within this district, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

Section 5.14 Floodplain Management Administration

5.14.01 Designation of Floodplain Administrator

The floodplain administrator under contract with the community is hereby designated as the community's local floodplain administrator. The floodplain administrator is authorized and directed to administer, implement, and enforce all provisions of this ordinance. If the local floodplain administrator positionis unfilled, the community CEO shall assume the duties and responsibilities herein.

5.14.02 Permits Required

A floodplain development permit shall be required before any development, construction,or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.

5.14.03 Duties of the Floodplain Administrator

Duties of the floodplain administrator shall include, but not be limited to the following:

1. Review, approve, or deny all applications for floodplain development permits.
2. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have beensatisfied.
3. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
4. Review all subdivision proposals and other proposed new development, includingmanufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
5. Coordinate with the Nebraska Department of Natural Resources to obtain baseflood elevation information when applicable and required.
6. Notify adjacent communities and the Nebraska Department of Natural Resourcesprior to any alteration or relocation of a watercourse and submit evidence of suchnotification to the Federal Emergency Management Agency.
7. Assure that maintenance is provided within the altered or relocated portion of thewatercourse so that the flood carrying capacity is not diminished.
8. Verify, record, and maintain record of the actual elevation (in relation to mean sealevel) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain.
9. Verify, record, and maintain record of the actual elevation (in relation to

mean sealevel) to which all new or substantially improved structures have been floodproofed.

10. Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent marketvalue estimations to evaluate against damaged or improved values.
11. Ensure comprehensive development plan as amended is consistent with thisordinance.
12. In the event the floodplain administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work to correct any possible violation in accordance withthis ordinance.

5.14.04 Application for Permit and Demonstration of Compliance

To obtain a floodplain development permit, the applicant shall first file an application inwriting on a form furnished for that purpose. Every such application shall:

1. Identify and describe the proposed development and estimated cost to be coveredby the floodplain development permit.
2. Describe the land on which the proposed development is to be done by lot, block,tract, and house and streets address, or similar description that will readily identify and locate the proposed building or development.
3. Indicate the use or occupancy for which the proposed development is intended.
4. Be accompanied by plans and specifications for proposed construction.
5. Be signed by the permittee and authorized agent who may be required to submitevidence to indicate such authority.

If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to determine the following.

1. All such proposals are consistent with the need to minimize flood damage.
2. All utilities and facilities such as sewer, gas, water, electrical, and other systemsare located and constructed to minimize or eliminate flood damage.
3. Structures will be anchored to prevent flotation, collapse, or lateral movement.
4. Construction materials are flood resistant.
5. Appropriate practices to minimize flood damage have been utilized.

6. Electrical, heating, ventilation, air conditioning, plumbing, and any other service have been designed and located to prevent entry of floodwaters.

For all new and substantially improved structures, an elevation certificate based upon thefinished construction certifying the elevation of the lowest floor, including basement, andother relevant building components shall be provided to the floodplain administrator and be completed by a licensed surveyor, engineer, or architect.

When floodproofing is utilized for an applicable structure, a floodproofing certificateshall be provided to the Floodplain Administrator and be completed by a licensed professional engineer or architect.

Any other such information as reasonably may be required by the Floodplain Administrator shall be provided.

1. Letters of Map Revision: Federal regulations in Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.5 and 65.6 allow for changes to the special flood hazard area through a Letter of Map Revision (LOMR) or a Letter of Map Revision Based on Fill (LOMR-F), provided the community determines that the land and any existing or proposed structures that would be removed from the floodplain are “reasonably safe from flooding.” The community acknowledgment form unless all criteria set forth in the following paragraphs are met:

    a. Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.

    b. Applicant shall demonstrate that the property and any existing or proposed structures will be “reasonably safe from flooding” according to the minimum design standards in FEMA Technical Bulletin 10-01.

    c. All requirements listed in the Simplified Approach in FEMA Technical Bulleting 10-01 shall be met and documentation from a registered professional engineer shall be provided. If all requirements are not met, applicant must provide documentation in line with the Engineered Approach outlined in FEMA Technical Bulletin 10-01.

5.14.05 Flood Data Required

1. All Zone A areas on the FIRM are subject to inundation of the base flood, however, thebase flood elevations are not provided. Zone A areas shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
2. Until a floodway has been designated, no development or substantial improvement maybe permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.

Section 5.15 Variances and Appeals

5.15.01 Variance and Appeals Procedures

1. The Board of Trustees as established by Gresham, Nebraska shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The Board of Trustees shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this ordinance.
3. Any person aggrieved by the decision of the Board of Trustees or any taxpayer may appealsuch decision to the District Court as provided in *Nebraska Revised Statutes* Section 23-168 (for counties) and *Nebraska Revised Statutes* Section 19-192 (for municipalities).
4. In evaluating such appeals and requests, the Board of Trustees shall consider technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and the following:
    a. The danger to life and property due to flooding or erosion damage.
    b. The danger that materials may be swept onto other lands to the injury of others.
    c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties.
    d. The importance of the services provided by the proposed facility to thecommunity.

e. The necessity of the facility to have a waterfront location, where applicable.

f. The availability of alternative locations that are not subject to flooding or erosiondamage for the proposed use.

g. The compatibility of the proposed use with existing and anticipated development.

h. The relationship of the proposed use to the comprehensive plan and the floodplainmanagement program for that area.

i. The safety of access to the property in times of flood for ordinary and emergency vehicles.

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

k. The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of publicutilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

5.15.02 Conditions for Variances

1. Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptionalhardship to the applicant.

2. Variances shall only be issued based upon a determination that the granting of a variancewill not result in increased flood heights.

3. Variances shall only be issued based upon a determination that the granting of a variancewill not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

4. Generally, variances may be issued for new construction and substantial improvements tobe erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items E-I below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

5. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure on the National Register of Historic Placesand the variance is the minimum necessary to preserve the historic character and design of the structure.

6. Variances shall only be issued upon a determination that the variance in the minimumnecessary, considering the flood hazard, to afford relief.

7. The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result inincreased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

8. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

5.15.03 Enforcement

1. **Violations**

   Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this ordinance shall constitute aviolation. A structure or other development without a floodplain development permit, elevation certificate, certification by a licensed professional engineer of compliance withthese regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.

2. **Notices**

   When the floodplain administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this ordinance, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

   a. Be in writing.

   b. Include an explanation of the alleged violation.

   c. Allow a reasonable time for the performance of any remedial act required.

   d. Be served to the property owner or their agent as the case may require.

   e. Contain an outline of remedial actions that, if taken, will bring the developmentinto compliance with the provisions of this ordinance.

5.15.04 Penalties

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, corporate, or other entity that violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500 and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
2. The imposition of such fines or penalties for any violation or non-compliance with this ordinance shall not excuse the violation or non-compliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.
3. Nothing herein contained shall prevent the Village of Gresham or other appropriate authority from taking such other lawful action as is necessary toprevent or remedy any violation.

Section 5.16 Standards for Floodplain Development

5.16.01 General Provisions

1. Alteration or Relocation of a Watercourse.
    a. A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
    b. No alteration or relocation shall be made until all adjacent communities that maybe affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.
2. Encroachments
    a. 1. When proposing to permit any of the following encroachments, the standards inSection 5.1 (B) (ii) shall apply:
        i. Any development in Zone A without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
        ii. Alteration or relocation of a stream; then
    b. The applicant shall:
        i. Apply to FEMA for conditional approval of such action via the

Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for theencroachments; and

ii. Supply the fully approved package to the floodplain administrator including any required notifications to potentially affected property owners.

5.16.02 Elevation and Floodplain Requirements

1. Residential Structures

    a. In Zone A all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.

2. Nonresidential Structures

    a. In Zone A, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:

    b. The structure is watertight with walls substantially impermeable to the passage of water and

    c. The structure has structural components with the capability of resistinghydrostatic and hydrodynamic loads and effects of buoyancy.

    d. A registered professional engineer or architect shall certify that the standards ofthis subsection are satisfied. A floodproofing certificate shall be provided to thefloodplain administrator as set forth in Section 4.

5.16.03 Space Below Lowest Floor

1. Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.

    a. Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

        i. A minimum or two openings having a net total area of not less than one square inch for every one (1) square foot of

enclosed space, the bottom of all openings shall not be higher than one (1) foot above grade, and

ii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they allow the automatic entry and exit of floodwaters.

Appurtenant Structures

1. Structures accessory to a principal building may have the lowest floor below one foot above base flood elevation provided that the structure complies with the following requirements:

    a. The structure shall not be used for human habitation.

    b. The use of the structure must be limited to parking of vehicles or storage of items readily removable in the event of a flood warning.

    c. The floor area shall not exceed 400 square feet.

    d. The structure shall have a low damage potential.

    e. The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.

    f. The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

        i. A minimum of two openings having a net area of not less than one square inch for every one square foot of enclosed space, the bottom of all openings shall not be higher than one foot above grade.

        ii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they allow the automatic entry and exit of floodwaters.

        iii. No utilities shall be installed except electrical fixtures in the structure, which must be elevated or floodproofed to one foot above base flood elevation.

        iv. The structure shall be constructed and placed on the building site to offer the minimum resistance to the flow of floodwaters.

        v. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

5.16.04 Manufactured Homes

Require that all manufactured homes to be placed or substantially improved within floodplains on sites:

1. Outside of a manufactured home park or subdivision.
2. In a new manufactured home park or subdivision.
3. In an expansion to an existing manufactured home park or subdivision.
4. In an existing manufactured home park or subdivision on which a manufactured home as incurred substantial damage as the result of a flood.

Be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.

1. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazardareas that are not subject to the provisions of Section 5.2 (D) (b) be elevated so that either:
    a. The lowest floor of the manufactured home is at or above one (1) footabove the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.2 (F) (iv).
    b. New manufactured home parks of five (5) acres or fifty (50) lots, whichever is less, shall follow the standards of Section 5.3 (H).
    c. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. If over-the-top ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
        i. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring oneadditional tie per side.
        ii. Frame ties be provided at each corner of the manufactured home withfive additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.

iii. Any additions to the manufactured home be similarly anchored.

5.16.05 Existing Structures

1. The provisions of this ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions of 5.2 (G) (ii-iii) shall apply.
2. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this ordinance.
3. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.

5.17 Design and Construction Standards

Anchoring

1. All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

Building Materials and Utilities

1. All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
2. All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities thatare designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

Drainage

1. Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required to guide floodwaters around and away from proposed structures.

Water Supply and Sanitary Sewer Systems

1. All new or replacement water supply and sanitary sewer systems shall be located,designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.

2. All new or replacement sanitary sewage systems shall be designed to minimize oreliminate discharge from the system into floodwaters.
3. On-site waste disposal systems shall be located and designed to avoid impairmentto them or contamination from them during flooding.

Other Utilities

1. All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.

Storage of Materials

1. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
2. The storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

Recreational Vehicles

1. Recreational vehicles to be placed on sites within the floodplain shall:
    a. Be on site for fewer than 180 consecutive days.
    b. Be fully licensed and ready for highway use which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions.
    c. Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

Subdivisions

1. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall require assurance that:
    a. All such proposals are consistent with the need to minimize flood damage.
    b. All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage.
    c. Adequate drainage is provided to reduce exposure to flood hazards; and
    d. Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations

and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and a Letters of Map Revision.

5.18 Nonconforming Use

1. A structure or use of a structure or premises that was lawful before the passage or amendment of this ordinance, but that is not in conformity with the provisions of thisordinance may be continued subject to the following conditions.

    a. If such use is discontinued for twelve consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the floodplain administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve months.

    b. Uses or adjuncts thereof that are or become nuisances shall not be entitled tocontinue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

5.19 Amendments

1. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect all changes in federal, state, or local regulations provided, however, that no such action may be take until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in Gresham, Nebraska. At least ten days shall elapse between the date of this publication and the public hearing.
2. A copy of such amendments will be provided to the Nebraska Department of NaturalResources and the Federal Emergency Management Agency for review and approvalbefore being adopted.

5.20 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application:

Appurtenant Structure – means a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure. Also shall be known as “accessory structure.”

Area of Shallow Flooding – means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and wherevelocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood – means the flood having one (1) percent chance of being equaled or exceeded in anygiven year.

Base Flood Elevation – means the elevation to which floodwaters are expected to rise during thebase flood.

Basement– means any area of the building having its floor subgrade (below ground level) on allsides.

Building – means “structure.” See definition for “structure.”

Critical Facility – means any property that, if flooded, would result in severe consequences to public health and safety. Critical facilities include, but are not limited to, facilities that produce, use, or store hazardous materials, hospitals, nursing homes, and housing likely to contain vulnerable populations, emergency support function facilities like police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers, public and private utility facilities vital to maintaining or restoring normal services to flooded areas before, during, and after a flood

Development – means any man-made change to improved or unimproved real estate, including butnot limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.

Drainway – means "watercourse." See definition for "watercourse."

Existing Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, theconstruction of streets, and either final site grading or the pouring of concrete pads) is completebefore the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding – means a general and temporary condition of partial or complete inundation ofnormally dry land areas.

Flood Fringe – is that area of the floodplain, outside of the floodway, that has a one percentchance of flood occurrence in any one year.

Flood Insurance Rate Map (FIRM) – means an official map of a community, on which the Flood Insurance Study has delineated the special flood hazard area boundaries and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) – is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance RateMap and the water surface elevation of the base flood.

Floodplain – means any land area susceptible to being inundated by water from any source (see definition of "flooding"). Floodplain includes flood fringe and floodway. Floodplain and special flood hazard area are the same for use by this ordinance.

Floodproofing – means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved realproperty, water and sanitary facilities, and structures and their contents.

Floodway or Regulatory Floodway – means the channel of a river or other watercourse and theadjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard – means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effectof urbanization of the watershed.

Highest Adjacent Grade – means the highest natural elevation of the ground surface prior toconstruction next to the proposed walls of a structure.

Historic Structure – means any structure that is (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the NationalRegister; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor – means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access orstorage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built or modified to render the structure in violation ofthe applicable non-elevation design requirements of this ordinance.

Manufactured Home – means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision – means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction – for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision – means a manufactured home park or subdivisionfor which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Obstruction – means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (*Nebraska Revised Statutes* 46-1601 to 46-1670 as amended).

Overlay District – is a district in which additional requirements act in conjunction with theunderlying zoning district(s). The original zoning district designation does not change.

Post-FIRM Structure – means a building that was constructed or substantially improved afterDecember 31, 1974 or on or after the community's initial Flood Insurance Rate Map dated August 1, 2019, whichever is later.

Pre-FIRM Structure – means a building that was constructed or substantially improved on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map dated August 1, 2019, whichever is later.

Principally Above Ground – means that at least 51 percent of the actual cash value of the structureis above ground.

Recreational Vehicle – means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanentdwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation – means the base flood elevation (BFE) plus a freeboard factor asspecified in this ordinance.

Special Flood Hazard Area (SFHA) – is the land in the floodplain within a community subject toone percent or greater chance of flooding in any given year.

Start of Construction – means the date the floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. "Start of construction" also includes substantial improvement, and means the date the building permit was issued, provided the actualstart of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not includeland preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Structure – means a walled and roofed building that is principally above ground, as well as amanufactured home and a gas or liquid storage tank that is principally above ground.

Subdivision – means the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

Substantial Damage – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement – means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance – is a grant of relief to an applicant from the requirements of this ordinance that allows construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation – means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse – means any depression two feet or more below the surrounding land that serves togive direction to a current of water at least nine months of the year and that has a bed and well-defined.

Article 6: Conditional Use Permits

Section 6.01 General Provisions

The Village Board 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 Village Board 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 Village Board 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/her authorized agent by filing an application with the Village. 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 for 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 Village Board 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 Village of Gresham, one time at least ten days prior to such hearing.

Section 6.04 Decisions

A majority vote of the Village Board shall be necessary to grant a conditional use permit. No order of the Village Board granting a conditional use permit shall be valid for a period of longer than twelve months from the date of such order unless the Village Board specifically grants a longer time period following the recommendation of the Planning Commission.

Section 6.05 Standards

No conditional use permit shall be granted unless the Planning Commission and Village Board 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 Village Board 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 Village Board 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. To compute 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 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-1 Zoning District.

7.01.06 In Districts R-1, R-2, and RE, required off-street parking shall be provided on the lot on where the use to which 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 parking is not separated by more than 400 feet at closest points, measured along a street or streets. Such vehicle standing space shall be deemed to require 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 Village Board. 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	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 a 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 2 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.

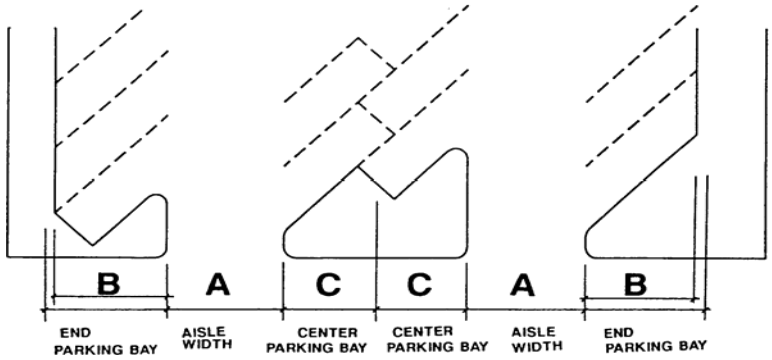
7.04.05 The minimum vertical clearance shall be nine and one-half feet at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 7.04.02(1), provide minimum vertical clearance of ninety-eight inches 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 twenty 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 2 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 eighteen feet, plus the necessary space for maneuvering into and out of the space. For standard parking lots, minimum dimensions shall be as follows:

	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 a 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 twenty-three 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 thirty 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 Village Board upon recommendation of the Village 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 Village Board.

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.
2. The area of permanent signs placed upon the surface of windows and doors.
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 forty-two 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	R-1	R-2	R-3	R-4	R-M	C-1	C-2	C-3	I-1
Sign Type										
Advertising	-	-	-	-	-	-	-	-	-	-
Animated	-	-	-	-	-	-	-	C	C	C
Announcement	+	+	+	+	+	+	+	+	+	+
Architectural Canopy	+	-	-	-	C	-	+	+	+	+
Banner	+	-	-	-	C	-	+	+	+	+
Changeable Copy	+	-	-	-	C	-	+	+	+	+
Destination	+	+	+	+	+	+	+	+	+	+
Electronic Message	+	-	-	-	-	-	+	+	+	+
Board										
Flashing	-	-	-	-	-	-	-	-	-	-
Freestanding	T	T	T	T	T	T	T	T	T	T
Ground	C	C	C	C	C	C	+	+	+	+
Illuminated	C	-	-	-	C	-	+	+	+	+
Incidental	+	+	+	+	+	+	+	+	+	+
Marquee	-	-	-	-	-	-	+	+	+	+
Nameplate	C	+	+	+	+	+	+	+	+	+
Off-Premises	C	-	-	-	-	-	-	C	C	C
On-Premises	+	-	-	-	-	-	+	+	+	+
Pennant	+	-	-	-	-	-	+	+	+	+
Pole	-	-	-	-	-	-	C	C	C	C
Projecting	+	-	-	-	-	-	+	+	+	+

Portable	T	T	T	T	T	T	T	T	T	T
Real Estate	+	+	+	+	+	+	+	+	+	+
Roof	+	-	-	-	-	-	+	+	+	+
Roof-Integrated	+	-	-	-	-	-	+	+	+	+
Subdivision	C	C	C	C	C	C	C	C	C	C
Suspended	+	-	-	-	C	-	+	+	+	+
Temporary	T	T	T	T	T	T	T	T	T	T
Wall	+	-	-	-	C	-	+	+	+	+
Window	+	-	-	-	C	-	+	+	+	+

+ = permitted - = not permitted C = Conditional Use T = Temporary

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

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

Max. Height (ft)	45	-	-	-	45	45	45
Off-Site Advertising	-	-	-	-	-	-	-
Pole							
Max. Square Ft.	-	-	-	-	100	100	200
Max. Height (ft)	-	-	-	-	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 ten 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 thirty 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 may be used as a temporary sign. Signs in the TA District shall be set back twenty 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 zoning 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 which obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
2. No billboard, signboard, or similar advertising signs shall be located within fifty feet of any lot in a residential district.
3. No billboard, signboard, or similar advertising signs shall be 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.

    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 unlit nameplate of not more than two square feet 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 Nebraska Revised Statute §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 Village in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. It is the intent of the Village Board to regulate telecommunication facilities, towers, and antennas in the Village 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 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.

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.

Antenna Support Structure – shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.

Applicant – shall mean any person who applies for a Tower Development Permit.

Application – shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the Village 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 Village concerning such request.

Conforming Commercial Earth Station – shall mean a satellite dish which is two meters or less in diameter and located in an area where commercial or industrial uses are generally permitted under this regulation.

Engineer – shall mean any engineer qualified and licensed by any state or territory of the United States of America.

Owner – shall mean any person with a fee simple title or a leasehold exceeding ten years in duration to any tract of land within the zoning jurisdiction of the Village who desires to develop, construct, modify, or operate a tower upon such tract of land.

Person – shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

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.

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.

Telecommunications Facilities – shall mean any cables, wires, lines, waive 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:

1. Any Conforming Commercial Earth Station antenna six feet or less in diameter.
2. Any earth station antenna or satellite dish antenna three feet or less in diameter.

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.

Tower Development Permit – shall mean a permit issued by the Village upon approval by the Village Board of an application to develop a tower within the zoning jurisdiction of the Village; 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.

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 land uses 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 Village prior to approval of its application for a Tower Development Permit by the Village Board and issuance of the permit by the Village. Applicants shall submit their application for a Tower Development Permit to the Village 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 Village after the effective date of this Ordinance shall conform to the Building Codes and all other construction standards set forth by Village, 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 applicable regulatory standards shall be filed in the office of the Village 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 Village 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 Village Board and federal and state and ANSI standards.

6. Color photo simulations showing the tower's proposed location with a photo-realistic representation of the proposed tower as it would appear 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. A performance bond in the amount of $50,000 dollars for the expenses of removal and disposal of the tower.

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 Village Board. Upon the completion of the Planning Commission Public Hearing the Zoning Administrator shall schedule a public hearing before the Village Board, following all Statutory requirements for publication and notice, to consider such application and the recommendation of the Village Planning Commission. Notice, for each Public Hearing, shall be made at least one time and at least ten 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 Section 6.03 of this Ordinance. The Planning Commission and Village Board 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 fifty 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 fifty feet in height shall be set back one additional foot for each foot of tower height in excess of fifty 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 attached antennas. 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 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 proposed tower, whichever is greater.
3. Towers of 100 feet or less in height may be 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. 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). In cases where there are residential uses/zoned properties within a distance of 300 percent of the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting.
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 Village Board 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 not practical 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 Village.

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. Non-conforming structures or uses may not be enlarged or the degree of non-conformance 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 Village Board, an exemption from compliance as a condition of the Tower Development Permit.

9.02.12 Inspections

The Village 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 Village's Building Codes and any other construction standards set forth by the Village, federal, and state law or applicable ANSI standards. Inspections shall be made by either an employee of the Village Clerk's Office, Zoning Administrator, or a duly appointed independent representative of the Village.

9.02.13 Maintenance

The towers, antenna support structures, telecommunications facilities and antennas shall 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 ceases 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 thirty 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 seventy-five 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 Village Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and Village of Gresham 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 Gresham only upon compliance with the following criteria:

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of ten feet.
2. Single family residences may not have more than one satellite dish antenna over three feet in diameter.
3. Multiple family residences with ten or less dwelling units may have no more than one satellite dish antenna over three feet in diameter. Multiple family residences with more than ten 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 Gresham, 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 Village of Gresham unless it is constructed in conformance with the following requirements.

9.03.01 Height Limitations

The height limitation for fences shall be seventy-two 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. Allowed fencing material includes, chain link, plastic/vinyl, pressure treated, and/or cedar.
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 forty-eight 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 Village 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 Village, 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 Village of Gresham or within its extraterritorial zoning jurisdiction except in the Transitional Agriculture District.

9.03.04 Incineration Guidelines

Burning of paper, trash, refuse, and/or rubbish shall not be prohibited inside the corporate limits of the Village of Gresham.

9.03.05 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.

9.03.06 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.

9.03.07 Swimming Pools

All above- or in-ground swimming pools of a permanent nature constructed within the zoning jurisdiction of the Village of Gresham shall comply with the regulations of the York County Health Department.

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 Village of Gresham.

9.04.03 Noise

No operation shall be continued which involves excessive noise beyond 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 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.
4. 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 roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Ordinance.
5. 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.
6. 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.

7. 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

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 eighty 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
    a. No part of the wind system structure, including guy-wire anchors, may extend closer than ten feet to the property lines of the installation site.
3. Noise
    a. Small wind energy systems shall not exceed sixty dBA, as measured at the closet neighboring inhabited dwelling unit.
    b. The noise level may be exceeded during short-term events such as utility outages and/or severe windstorms.

4. Approved Wind Turbines

    a. 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

    a. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.

    b. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted.

    c. The manufacturer frequently supplies this analysis.

    d. Wet stamps shall not be required.

6. Compliance with FAA Regulations

7. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

8. Compliance with National Electrical Code

    a. 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.

    b. The manufacturer frequently supplies this analysis.

9. Utility Notification

    a. 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.

    b. Off-grid systems shall be exempt from this requirement.

Section 9.06 Self-Storage Units/Convenience Storage Units

9.06.01 Minimum lot size of the self-storage facility shall be two acres and a maximum of 10 acres.

9.06.02 Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.

9.06.03 All driveways, parking, loading, and vehicle circulation areas shall be paved with concrete, asphalt, asphaltic concrete, or crushed rock. The surface of all outdoor storage of motor vehicles, recreational vehicles, boats, campers, and trailers shall be on a paved surface or crushed rock.

9.06.04 All storage must be within enclosed buildings except storage of motor vehicles, recreational vehicles, boats, camper, and trailers, which shall be on a paved surface or crushed rock and shall not include the storage of hazardous materials.

9.06.05 No storage may open into the front yards.

9.06.06 Facilities must maintain landscape buffer yards of fifty feet adjacent to any public right-of-way and twenty feet adjacent to other property lines, unless greater setbacks are require, a total of 35 percent of all buffers shall be landscaped.

9.06.07 Height limitations shall require a maximum height of twenty feet for any structure in the facility.

9.06.08 The perimeter of each facility shall be fully enclosed by fencing or screen walls. Perimeter fencing shall be provided at a minimum of six feet and maximum of eight feet in height, of material approved by the Building Inspector. Fencing shall be constructed behind required buffer yards.

9.06.09 Outdoor storage shall be limited to current licensed recreational vehicles, boats, campers, trailers, and motor vehicles. No intermodals or pods shall be allowed.

9.06.10 Storage units shall not be allowed in the central business district.

Section 9.07 Auto Wrecking Yards, Junk Yards, Salvage Yards, and Scrap Processing Yards

9.07.01 The use shall be located on a tract of land at least 300 hundred feet from a residential district.

9.07.02 The operation shall be conducted wholly within a non-combustible building or within an area surrounded by a solid fence or wall at least eight feet high.

9.07.03 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.

9.07.04 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.

9.07.05 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.

9.07.06 Burning of paper, trash, junk, or other materials shall be prohibited.

Section 9.08 Solar Panels

No solar panel shall be constructed within the residential zoning jurisdiction of the Village of Gresham unless a zoning certificate therefore is approved and issued by the zoning administrator and is constructed in conformance with the state building codes and the following requirements. For those devices that include electrical, plumbing, and heating constructions the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

9.08.01 Lot and Height Requirements

Solar panels shall conform to the required front, side, and rear lot setback requirements except as provided herein:

1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard, six feet into the rear yard, and two feet into the side yard.
2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorages, nor shall the solar panel be located in the required side yard or front yard.

9.08.02 Structural Requirements

The physical structure and connections to existing structures shall conform to the applicable state building codes.

9.08.03 Plot Plan

The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

9.08.04 Permit Fees

Permit fees are required. This permit fee shall be paid prior to the issuance of the zoning permit.

9.08.05 Preexisting Solar Panels

Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these regulations, pursuant to a valid building permit issued by the city, may continue to be utilized so long as it is maintained in operational condition.

Section 9.09 Self-Storage Units (Mini-Warehouses)

9.09.01 Minimum lot size of the self-storage facility shall be 5,000 square feet.

9.09.02 Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.

9.09.03 All driveways, parking, loading and vehicle circulation areas shall be surfaced with concrete, asphalt, asphaltic concrete, crushed rock or other approved rock other than gravel. All driveways within the facility shall provide a hard surface with a minimum width of twenty-five feet.

9.09.04 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

9.09.05 No storage may open into the front yards.

9.09.06 The total area covered by buildings shall not exceed 50 percent of the site.

9.09.07 The storage of hazardous, toxic, or explosive substances, including, but not limited to, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, and used oil.

9.09.08 Facilities must maintain landscape buffer yards of fifty feet adjacent to any public right-of-way and twenty feet adjacent to other property lines, unless greater setbacks are required, a total of 35 percent of all buffers shall be landscaped.

9.09.09 Site development shall include provisions for stormwater management in accordance with the regulations of the Village of Gresham.

9.09.10 Height limitations shall require a maximum height of twenty feet for any structure in the facility.

9.09.11 The perimeter of each facility shall be fully enclosed by fencing or screen walls. Perimeter fencing shall be provided at a minimum of six feet and maximum of eight feet in height, of material approved by the zoning administrator. Fencing shall be constructed behind required buffer yards. Allowed fencing material includes, chain link, plastic/vinyl, pressure treated, and/or cedar.

Article 10: Board of Adjustment

Section 10.01 Use of York County Board of Zoning Appeals

The Village does confirm its use and availability of the York County Board of Zoning Appeals as permitted under the Revised Nebraska State Statutes § 19-912.01 and its rules and procedures governing the appeals from decisions rendered by the Village as to any application made to the Village by the terms of this Ordinance.

Section 10.02 Powers and Jurisdiction on Appeal

The York County Board of Zoning Appeals 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; (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 applications 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.

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.
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.
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.
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
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.
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 powers mentioned above, 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 *Nebraska Revised Statutes* §19-912, (R.R.S.1997).

Article 11: Amendments

Section 11.01 Amendments

Pursuant to *Nebraska Revised Statutes* § 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 percent 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 *Nebraska Revised Statutes* §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 eighteen inches in height and twenty-four 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 placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten 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 doing so 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 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 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 Village, but only the requirements of *Nebraska Revised Statutes* § 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 Village Board without first the consideration by the Village Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the Village Board within forty-five 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 Village Board, 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 Village Board, who shall have the power to make inspection of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance.

Section 11.04 Zoning Permits

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

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 zoning permit for such work.

11.04.02 Issuance of a zoning permit. In applying to the Zoning Administrator for a zoning 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 zoning permit for such excavation or construction. If a zoning 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 zoning permit shall become void six 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 *Nebraska Revised Statute* §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 thirty 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 Village from taking such other lawful action as is necessary to prevent or remedy any violation. Nothing, however, shall deprive the citizen of his/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 *Nebraska Revised Statutes* §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 Village 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 Village Board of Gresham, Nebraska, This _____ day of _____ , 2024.

_____

Village Chairperson

ATTEST:

_____

Village Clerk

(Seal of the Village of Gresham)