
ZONING ORDINANCE

GRETNA, NEBRASKA

ORDINANCE No. 2000

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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 City of Gretna, Nebraska, herein referred to as “this ordinance”, and shall repeal and replace the existing ordinance for the City of Gretna and all amendments thereto.

Section 1.02 Purpose and Intent

This ordinance has been made in accordance with a comprehensive plan and to promote the health, safety, and general welfare of the community; to implement the goals, policies, and proposals of the Comprehensive Plan for the zoning jurisdiction; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to encourage the most productive use of urban land resources through promotion of compatible land use patterns; 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 regulate and restrict the location and use of buildings and uses of land within each district for residential, commercial, industrial and other purposes; to regulate and restrict height, number of stories and size of buildings; to regulate and restrict the percentage of the lot that may be occupied by buildings and other structures; to regulate the size of yards and open spaces; to guard against loss of life and damage to property due to flooding through protection of natural drainage features; to preserve features of historical significance; to promote the conservation of natural resources; to protect property values; to protect property against blight and depreciation; and to secure economy in governmental expenditures.

Section 1.03 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

Section 1.04 Relationship to City Code

The use of buildings and land within the City of Gretna shall be subject to all applicable provisions of the City Code and other ordinances, as well as this Ordinance, whether or not those other provisions of the City Code are specifically cross-referenced in this Ordinance. Cross-reference to other provisions of the City Code found in this Ordinance are provided for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other provisions of the City Code do not apply.

Section 1.05 Relationship to Comprehensive Plan

It is the intention of this Ordinance to implement the goals, principles, and objectives reflected in the Comprehensive Plan as adopted by the City. While the City reaffirms its commitment that the provisions of this Ordinance and any amendment made to this Ordinance shall conform to adopted planning policies, the City acknowledges its intent that neither this Ordinance nor any amendment of this Ordinance may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan.

Section 1.06 Applicability of Prior Regulations

1. All violations of prior zoning or other regulations of the City, existing on the effective date of this Ordinance, shall continue to be violations and shall not be considered to be legal non-conforming situations under this Ordinance. The City shall have the same authority to secure civil remedies for violations of those regulations to the same extent that it may secure civil remedies for violations of this Ordinance.
2. All permits, applications, certificates and other authorizations submitted or approved prior to the effective date of this Code shall be governed by the regulations in effect at the time of the submission or approval.

ARTICLE 2: DEFINITIONS

Section 2.01 Rules

For the purpose of this ordinance the following rules shall apply:

- 2.1.1 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.
- 2.1.2 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.
- 2.1.3 The word "shall" is mandatory and not discretionary; the word "may" is permissive and not compulsory.
- 2.1.4 The word "and" indicates all connected items, conditions, provisions, or events shall apply; the word "or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.
- 2.1.5 Words importing the masculine gender shall include the feminine and neutral genders.
- 2.1.6 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.
- 2.1.7 The word "commission" shall refer to the Planning Commission of Gretna, Nebraska.
- 2.1.8 Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.
- 2.1.9 The particular controls the general.
- 2.1.10 All references to City personnel or staff shall include the person identified or their appropriate designee.
- 2.1.11 All words, terms, and phrases not otherwise defined herein shall be given their usual and customary meaning as defined in a standard English dictionary or other applicable City, State, or federal regulation, unless the context clearly indicates another meaning was intended.
- 2.1.12 **Computation of Time:** Unless otherwise specifically provided, the time within which an act is to be completed shall be computed by excluding the first day and including the last day, unless it is Sunday or a City holiday. All acts shall be completed within the time frame specified subject to extension periods provided herein.

Section 2.02 Abbreviation and Acronyms

For purposes of this Ordinance the following shall be standard abbreviations and acronyms found through the regulation.

- 2.02.01 ADA = Americans with Disabilities Act
- 2.02.02 AU = Animal Unit
- 2.02.03 CAFO = Confined Animal Feeding Operation
- 2.02.04 DU = Dwelling Unit
- 2.02.05 FAA = Federal Aviation Administration
- 2.02.06 FCC = Federal Communication Commission
- 2.02.04 FEMA = Federal Emergency Management Agency
- 2.02.07 FT = Foot or Feet
- 2.02.08 GFA = Gross Floor Area
- 2.02.09 GIS = Geographic Information System
- 2.02.10 HUD = US Department of Housing and Urban Development
- 2.02.11 kV = Kilovolt
- 2.02.12 kW = Kilowatt
- 2.02.13 LFO = Livestock Feeding Operation
- 2.02.14 NDA = Nebraska Department of Aeronautics or successor department
- 2.02.15 NDEQ = Nebraska Department of Environmental Quality or successor department
- 2.02.16 NPDES = National Pollutant Discharge Elimination System
- 2.02.17 NRD = Papio-Missouri River Natural Resources District
- 2.02.18 NSFM = Nebraska State Fire Marshall or successor department
- 2.02.19 NHHS = Nebraska Department of Health and Human Services or successor department
- 2.02.20 NDOR = Nebraska Department of Roads or successor department
- 2.02.21 R.O.W. = Right-of-Way or Rights-of-Way
- 2.02.22 SF = Square Feet
- 2.02.23 SY = Square Yard
- 2.02.24 USACE = United States Army Corps of Engineers
- 2.02.25 USDA = United States Department of Agriculture
- 2.02.26 YD = Yard

Section 2.03 Definitions.

For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

- 2.3.1 **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.
- 2.3.2 **ABUT, ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley
- 2.3.3 **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 ordinance.
- 2.3.4 **ACCESSORY BUILDING** (see Building, accessory)
- 2.3.5 **ACCESSORY LIVING QUARTERS** shall mean living quarters located 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.
- 2.3.6 **ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.
- 2.3.7 **ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
- 2.3.8 **ACREAGE** shall mean any tract or parcel of land which does not qualify as a farm or development.
- 2.3.9 **ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
- 2.3.10 **ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE** See Adult Bookstore in Section 8.17.02
- 2.3.11 **ADULT CABARET** shall mean a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
1. Persons who appear in a state of nudity or semi-nudity; or
 2. Live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities; or
 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- 2.3.12 **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."



Example of an Accessory Use

- 2.3.13 **ADULT DAY CARE CENTER** shall mean a facility that provides care and an array of social, medical, or other support services for a period of less than 24 consecutive hours to four or more persons who require or request such services due to age or functional impairment.
- 2.3.14 **ADULT ENTERTAINMENT ESTABLISHMENT** See Adult Establishment in Section 8.17.02
- 2.3.15 **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."
- 2.3.16 **ADULT INTERNET INDUSTRIES** shall mean any business within an enclosed building or outdoors that is producing materials for distribution on the Internet of an adult nature, including live video streaming, tape delayed video broadcasts, live simulcasting, still photographs, audio broadcasts, animated video or hard copy. Said uses are intended for viewing by other parties while on-line and for a specified charge.
- 2.3.17 **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."
- 2.3.18 **ADULT MINI-MOTION PICTURE THEATER** See Adult Motion Picture Theater in Section 8.17.02
- 2.3.19 **ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor 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 an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
- 2.3.20 **ADULT MOTION PICTURE THEATERS** See Adult Motion Picture Theater in Section 8.17.02
- 2.3.21 **ADULT NOVELTY BUSINESS** shall mean a business which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.
- 2.3.22 **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."
- 2.3.23 **ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures 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. Also see Outdoor Advertising.
- 2.3.24 **AESTHETIC ZONING** shall mean the regulation of a building or site to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.
- 2.3.25 **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of an agricultural operation including but not limited to residence of the operator, residence of employees, 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.
- 2.3.26 **AGRICULTURE** shall mean the use of land for agriculture as the primary purpose of 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, aquacultural, floricultural, viticultural, or horticultural use. Agriculture shall not mean the keeping of wild animals including species defined as zoo animals. Agriculture use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.

- 2.3.27 **AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing 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.
- 2.3.28 **AIRPORT HAZARD ZONE** the area of land surrounding an airport in which structures and land uses have the potential to obstruct the airspace required for the flight of an aircraft in landing or taking off at the airport or may be otherwise hazardous to such landing or taking off. This area consists of the required approach zone, turning zone, and transition zones. The outer boundary of this area is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the approach and turning zones.
- 2.3.29 **ALLEY** shall mean a minor public service street or public right-of-way measuring 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.
- 2.3.30 **ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.
- 2.3.31 **ALTERATION, STRUCTURAL** (see Structural alteration)
- 2.3.32 **AMATEUR RADIO** shall mean a radio equipment and associated antennas or support structures for the purpose of receiving or transmitting communications by a radio station as described in Section 153(g) of Title 47 of the CFR and which is operated under license by the FCC.
- 2.3.33 **AMENDMENT** shall mean a change in the wording, context, or substance of this ordinance, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.
- 2.3.34 **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.
- 2.3.35 **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, and restaurants and souvenir sales.
- 2.3.36 **ANIMAL HOSPITAL** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short- time boarding and shall be only incidental to such hospital use.
- 2.3.37 **ANIMAL UNIT** shall mean a unit of measurement to compare various domestic animal types based upon equivalent waste generation. One animal unit equals the following:
 One A.U.= One Cow/Calf
 combination One A.U.= One
 Slaughter, Feeder Cattle; One
 A.U.= One Horse;
 One A.U.= Seven Tenths Mature Dairy Cattle;
 One A.U.= Two and One Half Swine (55 pounds
 or more); One A.U.= Twenty Five Weaned Pigs
 (less than 55 pounds); One A.U.= Two Sows with
 Litters;
 One A.U.= 10 Sheep;
 One A.U.= 100
 Chickens; One A.U.=
 50 Turkeys; One
 A.U.= Five Ducks.
- 2.3.38 **ANIMALS, DOMESTIC** (see Household pet)

- 2.3.39 **ANIMAL SPECIALTY SERVICES** shall refer to establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services; and does not include veterinary services or overnight boarding kennels.
- 2.3.40 **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.)
- 2.3.41 **ANTIQUÉ STORE** 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, of belonging to the past, at least 30 years old.
- 2.3.42 **APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. (Also, see Dwelling Unit.)
- 2.3.43 **APARTMENT HOUSE** (see Dwelling, multi-family)
- 2.3.44 **APPAREL SHOP** shall mean retail stores where clothing is sold, such as department stores, shoe stores, and dress, hosiery, and millinery shops.
- 2.3.45 **APPLIANCE STORE** shall refer to retail shops selling equipment used for domestic functions. A store may include heavy appliances such as refrigerators, washers, dryers, ovens, dishwashers, or other similar domestic equipment. The store may also include smaller appliances such as televisions, computers, radios, microwaves, and other similar domestic equipment.
- 2.3.46 **APPEARANCE** shall mean the outward aspect visible to the public.
- 2.3.47 **APPROPRIATE** shall mean the sympathetic, or fitting, to the context of the site and the whole community.
- 2.3.48 **APPURTENANCES** shall mean the visible, functional objects accessory to and part of buildings.
- 2.3.49 **ARCHITECTURAL CANOPY SIGN** (see Sign, architectural canopy)
- 2.3.50 **ARCHITECTURAL CHARACTER** see Architectural Concept
- 2.3.51 **ARCHITECTURAL CONCEPT** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.
- 2.3.52 **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.
- 2.3.53 **ARCHITECTURAL STYLE** shall mean the characteristic form and detail, as of buildings of a particular historic period.
- 2.3.54 **AREA** shall mean a piece of land capable of being described with such detail that its location may be established and boundaries definitely ascertained.
- 2.3.55 **ART GALLERY** shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.
- 2.3.56 **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.

- 2.3.57 **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.
- 2.3.58 **ASSISTED LIVING FACILITY** shall mean any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.
- 2.3.59 **ATTACHED PERMANENTLY** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.
- 2.3.60 **ATTRACTIVE** shall mean having qualities that arouse interest and pleasure in the observer.
- 2.3.61 **AUCTION SALES** shall mean a building or structure or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes garage sales and motor vehicle wholesale sales, including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. Auction sales are limited to four sales per calendar year per property not to exceed two weeks per sale, unless otherwise provided for or allowed herein.
- 2.3.62 **AUTOMATED TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.
- 2.3.63 **AUTOMOBILE SALES** shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales)
- 2.3.64 **AUTOMOTIVE REPAIR SERVICES** shall refer to any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; major painting services; collision services; and tire service and sales.
- 2.3.65 **AUTOMOBILE SERVICES** shall refer to any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; and minor painting.
- 2.3.66 **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.
- 2.3.67 **BAKERY SHOP** shall mean an establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. A bakery shop shall be considered a general retail uses.
- 2.3.68 **BANK** shall mean a freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.



An Example of a stand-alone ATM

- 2.3.69 **BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub.)
- 2.3.70 **BASEMENT** shall mean that portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height.
- 2.3.71 **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.
- 2.3.72 **BEAUTY SHOP** shall mean any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.
- 2.3.73 **BED and BREAKFAST** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.
- 2.3.74 **BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
- 2.3.75 **BERM** shall mean a raised form of earth to provide screening or to improve the aesthetic character.
- 2.3.76 **BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not interest of the immediate neighborhood.
- 2.3.77 **BIG BOX RETAIL** shall mean a singular retail or wholesale user. These uses typically include: membership wholesale clubs emphasizing large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point sale concepts and department stores.
1. **LARGE BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 200,000 square feet of gross floor area.
 2. **MEDIUM BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 120,000 square feet of gross floor area.
 3. **SMALL BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 40,000 square feet of gross floor area.
- 2.3.78 **BILLBOARD** see Sign, Billboard.
- 2.3.79 **BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, unplatted land, City-County boundaries, or adjoining property lines.
- 2.3.80 **BLOCK FRONTAGE** shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.
- 2.3.81 **BOARD OF ADJUSTMENT** shall mean that board that has been created by the City and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.
- 2.3.82 **BOARDING OR ROOMING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided with or without meals for compensation.
- 2.3.83 **BOOK STORE** shall mean a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any uses defined as “adult entertainment establishments”.
- 2.3.84 **BOWLING CENTER** shall mean an establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area. Accessory uses such as the retail sale of snacks, the retail sale of beverages, and video game arcade are customary.
- 2.3.85 **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.

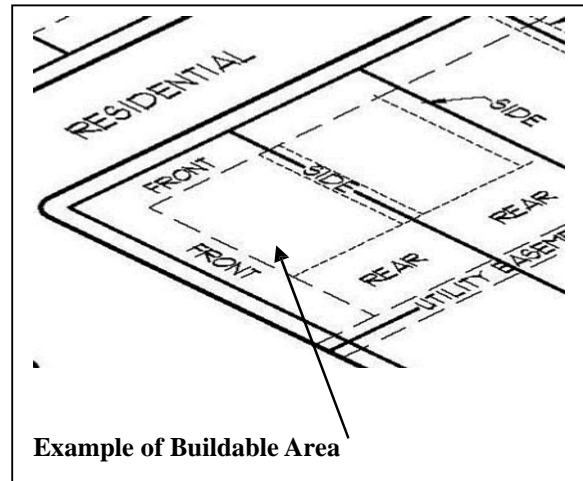
2.3.86 **BREW PUB** shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. 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.

2.3.87 **BREWERY** shall mean an industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.

2.3.88 **BREWERY, CRAFT** shall mean a brew pub or a micro brewery.

2.3.89 **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 per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

2.3.90 **BROADCASTING TOWER** shall mean a structure for the transmission or broadcast of radio, television, radar, or a microwave which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.

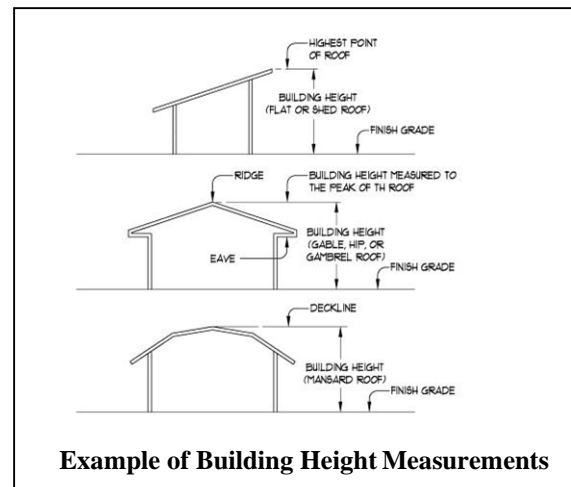


2.3.91 **BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening.)

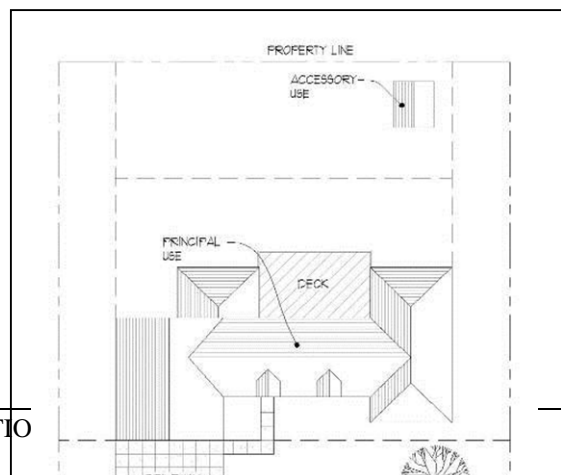
2.3.92 **BUFFER ZONE** shall mean an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.

2.3.93 **BUILDABLE AREA** shall mean that part of a zoned lot not included within the required yards or subject to other restrictions herein required.

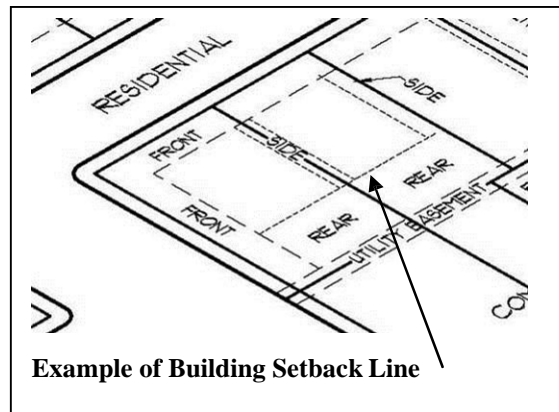
2.3.94 **BUILDING** shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in Temporary Structure. Trailers, with or without wheels, shall not be considered as buildings.



2.3.95 **BUILDING, ACCESSORY** shall mean any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.



- 2.3.96 **BUILDING, AREA OF** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.
- 2.3.97 **BUILDING CODE** shall mean the various codes adopted and enforced by the City that regulate construction and requires Building Permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work that pertain to building construction.
- 2.3.98 **BUILDING HEIGHT** shall mean the vertical distance above grade to the highest point of the roof, measured from the highest adjoining sidewalk or ground surface within a five foot horizontal distance at the exterior wall of the building. (Also, see Height of Building)
- 2.3.99 **BUILDING INSPECTOR** shall mean the Building Inspector of the City of Gretna, Nebraska.
- 2.3.100 **BUILDING, PRINCIPAL** shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Use, Principal)
- 2.3.101 **BUILDING SETBACK LINE** shall mean the minimum of distance as prescribed by this ordinance between any property line and the closed point of the building line or face of any building or structure related thereto.
- 2.3.102 **BUSINESS OR TRADE SCHOOL** (See Vocational Training Facilities)
- 2.3.103 **BUSINESS SERVICES** shall mean establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services.
- 2.3.104 **CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.
- 2.3.105 **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, not including semi-trailer tractors, buses, and commercial fleets.
- 2.3.106 **CAR WASH, INDUSTRIAL** shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.
- 2.3.107 **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.
- 2.3.108 **CELLAR** shall mean a building space having more than one-half of its height below the average adjoining grade lines.
- 2.3.109 **CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.
- 2.3.110 **CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainageway.
- 2.3.111 **CHARITABLE ORGANIZATION or CLUB** shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.
- 2.3.112 **CHILD CARE CENTER** shall mean a facility licensed to provide child care for 13 or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.



- 2.3.113 **CHILD CARE HOME**: see “Family Child Care Home I and II”.
- 2.3.114 **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. Structures adapted for congregations including barns, stores, warehouses, old public buildings, and single-family dwellings.
- 2.3.115 **CITY** shall mean the City of Gretna.
- 2.3.116 **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 Site Triangle.)
- 2.3.117 **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.
- 2.3.118 **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.
- 2.3.119 **CODE** shall mean the Municipal Code of the City of Gretna.
- 2.3.120 **COFFEE KIOSK** shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window or walk-up window to customers for consumption off the premises and that provides no indoor or outdoor seating.
- 2.3.121 **COHESIVENESS** shall mean the unity of composition between design elements of a building and/or a group of buildings and the landscape development.
- 2.3.122 **COLLEGE or UNIVERSITY** shall mean facilities which conduct regular academic instruction at collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions shall confer degrees as a college or university for undergraduate or graduate standing, conduct research, or give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.
- 2.3.123 **COMMISSION** shall mean the Gretna Planning Commission.
- 2.3.124 **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.
- 2.3.125 **COMMUNICATION SERVICES** shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as utility services or wireless communication towers. Typical uses include television studios, communication service centers, internet service offices, or film and sound recording facilities.
- 2.3.126 **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.
- 2.3.127 **COMMUNITY SANITARY SEWER SYSTEM** shall mean an approved central sewer collecting system, meeting required standards, available to each platted lot and discharging into a treatment facility. This does not include individual septic systems.
- 2.3.128 **COMMUNITY WATER SUPPLY SYSTEM** shall mean a public water supply system which serves at least 15 service connections used by year-round residents or uses, or regularly serves 25 or more year-round residents or uses.
- 2.3.129 **COMPATIBILITY** shall mean harmony in the appearance of two or more external design features in the same vicinity.

- 2.3.130 **COMPATIBLE USES** shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected 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.
- 2.3.131 **COMPREHENSIVE PLAN** shall mean the Comprehensive Plan of Gretna, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 23-174.05, R.R.S. 1943, as the same may, from time-to-time, be amended.
- 2.3.132 **CONDITIONAL 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, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
- 2.3.133 **CONDITIONAL USE PERMIT** shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make conditional use of property in accordance with the provisions of this ordinance and any additional conditions placed upon, or required by said permit.
- 2.3.134 **CONDOMINIUM** shall be as defined in the Nebraska State Statutes Section 76-824 - 76-894, the Condominium Law, whereby four or more apartments are separately offered for sale. A condominium shall mean a multiple dwelling building as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.
- 2.3.135 **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, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
- 2.3.136 **CONGREGATE HOUSING** shall mean a residential facility for four or more persons 55 years or over, their spouses, or surviving 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.
- 2.3.137 **CONSERVATION** shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.
- 2.3.138 **CONSERVATION AREA** shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in 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.
- 2.3.139 **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.
- 2.3.140 **CONSTRUCTION** shall mean on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not limited to, clearing of land, earth moving, blasting and landscaping.
- 2.3.140A **CONSTRUCTION YARD** shall mean any area used on a temporary basis for the storage or processing of materials and supplies used in the actual construction of a project for a limited time
- 2.3.140B **CONTRACTOR STORAGE YARD** shall mean any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

2.3.141 **CONVENIENCE STORE** shall mean a one-story, retail store containing less than 10,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to “Food Sales Limited and Food Sales General.”) It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. (Also, see self-service Station.)



2.3.141 **CONTIGUOUS** shall mean the same as "Abut".

2.3.142 **COPY CENTER** shall mean a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.

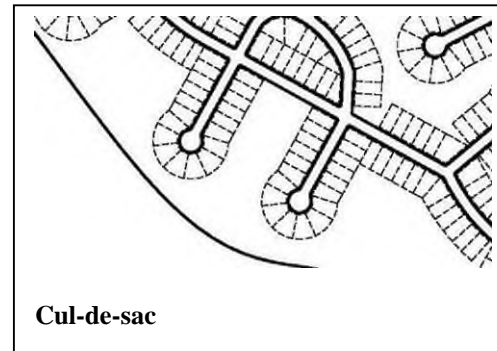
2.3.143A **CORRECTIONAL FACILITY** shall mean Publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

2.3.143 **COURT** shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two or more sides by such buildings.

2.3.144 **COURT, INNER** shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

2.3.145 **COURT, OUTER** shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.

2.3.146 **CUL-DE-SAC** shall mean a short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.



2.3.147 **CURVED LOT** see "Lot, Curved".

2.3.148 **DENSITY** shall mean the number of dwelling units per gross acre of land.

2.3.149 **DEPARTMENT STORE** see “Big Box Retail”.

2.3.150 **DETENTION BASIN** shall mean a facility for the temporary storage of stormwater runoff.

2.3.151 **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.

2.3.152 **DEVELOPMENT** shall mean any unnatural 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. Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area.

2.3.153 **DEVELOPMENT CONCEPT PLAN** shall mean a plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, building, major landscape features (both natural and man-made), and depending on requirements, the locations of proposed utility lines.

2.3.154 **DEVELOPMENT REVIEW** shall mean the review, by the City of subdivision plats, site plans, rezoning requests, or permit review.

- 2.3.155 **DISABILITY or HANDICAP** shall mean the following but shall not include current, illegal use of or addiction to a controlled substance:
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;
 2. A record of having such an impairment; or
 3. Being regarded as having such impairment.
- 2.3.156 **DOG DAY CARE** shall mean a facility where dogs may be groomed, trained, exercised, and socialized, but not kept or bred, sold, or let for hire.
- 2.3.157 **DOG KENNEL** (See Kennel, commercial; and Kennel, private.)
- 2.3.158 **DOMESTIC ANIMALS** shall mean the same as household pet and shall not include any type of exotic animal listed in this ordinance.
- 2.3.159 **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.
- 2.3.160 **DRAINAGE** shall mean the removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding.
- 2.3.161 **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 in the event of doubt as to whether a depression is a watercourse or drainageway, it shall be presumed to be a watercourse.
- 2.3.162 **DRIVE-IN FACILITY** shall mean an establishment where customers can be served without leaving the confinement of their vehicle.
- 2.3.163 **DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.
- 2.3.164A **DRY CLEANING ESTABLISHMENT** shall mean an establishment which launders or dry cleans articles dropped off on the pre-mises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.
- 2.3.164B **DRY CLEANING PLANT** shall mean a building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.
- 2.3.164 **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.
- 2.3.165 **DUPLEX** shall mean the same as "Dwelling, Two Family".
- 2.3.166 **DWELLING** Any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.
- 2.3.167 **DWELLING, MANUFACTURED HOME** 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 United States Department of Housing and Urban Development.
- 2.3.168 **DWELLING, MOBILE HOME** 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 roller, 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.
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 in order to relocate it on another site in accordance to manufacturers recommendations.

2. Permanent Foundation: Based 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 42 inches below the final ground level.

2.3.170 **DWELLING, MODULAR** (Is considered a conventional type single-family dwelling). Any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Section 71-1555 through 71-1567 Revised Statutes of Nebraska 1943, in addition to any amendments thereto, those that do not meet the above criteria shall be considered a mobile home.

2.3.171 **DWELLING, MULTI-FAMILY** 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.



Multi-Family Dwelling

2.3.172 **DWELLING, SEASONAL** shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.

2.3.173 **DWELLING, SINGLE FAMILY** a building having accommodations for or occupied exclusively by one family which meet all the following standards:

1. The home shall have no less than 900 square feet of floor area, above grade, for single story construction;
2. The home shall have no less than an 18 foot exterior width;
3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
4. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
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, and
7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
8. Permanent foundation: continuous perimeter 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 42 inches below the final ground level.

2.3.174 **DWELLING, SINGLE-FAMILY (ATTACHED)** shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.



Example of Single-Family Attached

2.3.175 **DWELLING, SINGLE-FAMILY (DETACHED)** shall mean a dwelling which is entirely surrounded by open space on the same lot and is detached from another single-family dwelling.

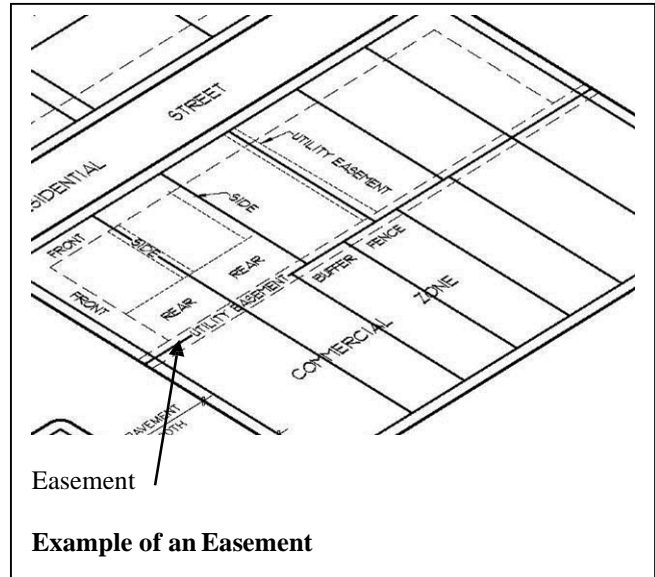
2.3.176 **DWELLING, TWO FAMILY** shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

2.3.177 **DWELLING UNIT** One room, or rooms connected together, 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.

2.3.178 **EASEMENT** shall mean a space, lot, parcel, or area of land reserved for or used for public utilities or public or private uses.

2.3.179 **EDUCATIONAL FACILITY** 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, commercial, or private trade schools are not included in this definition.



2.3.180 **EFFECTIVE DATE** shall mean the date that this Ordinance shall have been adopted, a mended, or the date land areas became subject to the regulations contained in this Ordinance as a result of such adoption or amendment.

2.3.181 **ELEEMOSYNARY INSTITUTION** shall mean any building or group of buildings devoted to and supported by charity.

2.3.182 **ENCROACHMENT** shall mean an advancement or intrusion beyond the lines or limits as designated and established by the ordinance, and to infringe or trespass into or upon the possession or right of others without permission.

2.3.183 **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.

2.3.184 **ERECTED** shall mean constructed upon or moved onto a site.

2.3.185 **ESCORT** shall mean a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

2.3.186 **ESCORT AGENCY** shall mean a person, or commercial establishment, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

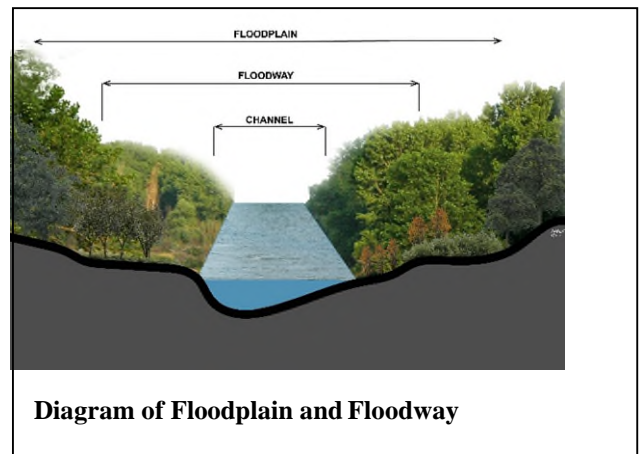
2.3.187 **EVENT CENTER** shall mean all buildings and associated parking facilities which are kept, used, maintained, advertised, held out, or otherwise made available to private groups and/or the general public for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, secondhand merchandise sales and the like, and may include a banquet hall, private club or fraternal organization, but not including uses identified in Adult Establishment.

2.3.188 **EXERCISE, FITNESS and TANNING SPA** shall mean an establishment that provides exercise facilities for the purposes of running, jogging, aerobics, weight lifting, court sports, and/or swimming, as well as locker rooms, showers, massage rooms, tanning beds, hot tubs, saunas or other related accessory uses;

however, excluding any uses defined as “adult entertainment establishments”.

- 2.3.189 **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.
- 2.3.190 **EXTERIOR BUILDING COMPONENT** shall mean an essential and visible part of the exterior of a building.
- 2.3.191 **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.
- 2.3.192 **EXTRATERRITORIAL JURISDICTION** shall mean the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers. First Class Cities may have up to a two-mile extraterritorial jurisdiction and Second Class Cities may have up to one mile of extraterritorial jurisdiction.
- 2.3.193 **FACADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.
- 2.3.194 **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.
- 2.3.195 **FAMILY** shall mean a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; (2) two unrelated people; (3) two unrelated people and any children related to either of them; (4) group care home; or (5) group home for the handicapped. Family does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.
- 2.3.196 **FAMILY CHILD CARE HOME I** shall mean a childcare 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 requirement of the State of Nebraska.
- 2.3.197 **FAMILY CHILD CARE HOME II** shall mean a childcare 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.
- 2.3.198 **FARM** an area containing at least 20 acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. 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.
- 2.3.199 **FARM ANIMALS or LIVESTOCK** shall mean animals 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.
- 2.3.200 **FARM BUILDING or STRUCTURE** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, 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.
- 2.3.201 **FARMER'S MARKET** shall mean the offering for sale of fresh agricultural products directly to the consumer at an open air market designated as a community activity.
- 2.3.202 **FARMSTEAD** shall mean a tract of land of not less than one acre and not more than 20 acres, upon which a farm dwelling and other farm building existed at the time of the adoption of this ordinance and is used for single-family resident purposes.

- 2.3.203 **FEEDLOT** shall mean a lot, yard, corral or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter.
- 2.3.204 **FENCE** shall mean an enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including vehicles, machinery, equipment, buildings or hedges, shrubs, trees, or other natural growth. A fence shall include retaining walls over four feet in height.
- 2.3.205 **FENCE, AGRICULTURAL** shall mean an artificially erected barrier, other than a building, vehicles or machinery, constructed of manmade material, or combination of manmade materials, erected to enclose an area of land used for agricultural purposes. An agricultural fence may be constructed of barbed or meshed wire.
- 2.3.206 **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.
- 2.3.207 **FENCE, SEASONAL** shall mean a temporary fence constructed of plastic or wood lathe erected and maintained from October through April to prevent snow drifting.
- 2.3.208 **FENCE, SOLID** shall mean any fence which does not qualify as an open fence.
- 2.3.209 **FENCE, TEMPORARY** shall mean a fence that is erected for construction purposes or for event security and is removed upon completion of the project or end of the event.
- 2.3.210 **FESTIVAL** shall mean the sale of ethnic specialty, regional, and gourmet foods, art and crafts, live musical entertainment, in an outdoor setting.
- 2.3.211 **FIREWORKS STAND** shall mean any portable building and/or structure used for the temporary retail sale and storage of fireworks.
- 2.3.212 **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.
- 2.3.213 **FLOOD** see Section 5.20.18 of this Ordinance.
- 2.3.214 **FLOOD PLAIN** see Section 5.20.18 of this Ordinance.
- 2.3.215 **FLOODWAY** see Section 5.20.18 of this Ordinance.
- 2.3.216 **FLOOR AREA** whenever the term "floor area" is used in this ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.



- 2.3.217 **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.
- 2.3.217.1 **FOOD SALES (LIMITED)** shall mean food sales establishments occupying 10,000 square feet or less of space.
- 2.3.217.2 **FOOD SALES (GENERAL)** shall mean food sales establishments occupying more than 10,000 square feet of space. Typically, a supermarket.
- 2.3.218 **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.
- 2.3.219 **FRONTAGE** shall mean that portion of a parcel of property which abuts a dedicated public street or highway. See also Lot Frontage and Street Frontage.
- 2.3.220 **GARAGE, PRIVATE** shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.
- 2.3.221 **GARAGE, PUBLIC** shall mean any garage other than a private garage.
- 2.3.222 **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.)
- 2.3.223 **GARBAGE** shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.
- 2.3.224 **GATED COMMUNITIES** shall mean residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses. The type of gates can range from elaborate guard houses to simple electronic arms.
- 2.3.225 **GRADE** shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
- 2.3.226 **GRAPHIC ELEMENT** shall mean a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.
- 2.3.227 **GREEN BUILDING** shall mean structures that incorporate the principles of sustainable design in which the impact of a building on the environment will be minimal over the lifetime of that building. Green buildings incorporate principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse. A building shall be considered “green” if it meets the requirements of the most current LEED certification criteria or any other nationally recognized green building certification program.
- 2.3.228 **GREENHOUSE** shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.
- 2.3.229 **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, bridal path, or other similar access-way.
- 2.3.230 **GROUND COVER** shall mean plant material used in landscaping which remains less than 12 inches in height at maturity. (Also, see Landscaping.)
- 2.3.231 **GROUND WATER** shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials (whether created or natural) such that they may be considered saturated.



Freestanding Canopy

- 2.3.232 **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. The term does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.
- 2.3.233 **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 in order 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.
- 2.3.234 **GROUP HOUSING** shall mean two or more separate buildings on a lot, each containing one or more dwelling units.
- 2.3.235 **GUEST ROOM** shall mean a room which is designed to be occupied by one or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.
- 2.3.236 **GUNSMITH** shall mean a shop that designs, makes or repairs small firearms.
- 2.3.237 **HALF-STORY** shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.
- 2.3.238 **HALFWAY HOUSE** shall mean a licensed home for individuals on release from more restrictive custodial confinement or 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.
- 2.3.239 **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.
- 2.3.240 **HARMONY** shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.
- 2.3.241 **HAZARDOUS WASTE/MATERIALS** shall mean waste products of industrial or chemical processes including finished surplus, used, contaminated, or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.
- 2.3.242 **HEALTH CLUB** shall mean privately-owned for-profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.
- 2.3.243 **HEALTH 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 proshop.
- 2.3.244 **HEDGE** shall mean a plant or series of plants, shrubs or other landscape vegetation, so arranged as to form a physical barrier or enclosure.
- 2.3.245 **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 5 foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
- 2.3.246 **HOME IMPROVEMENT CENTER** shall mean a facility of more than 40,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, lumber, paint and glass, housewares and household appliances, garden supplies, and cutlery.
- 2.3.247 **HOME OCCUPATION** shall mean an "in-home" or "home based" business, industry or service (not including uses defined as Adult Entertainment Establishment) operating from a residential dwelling, or within an accessory structure on the same property in a residential zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property in all residential

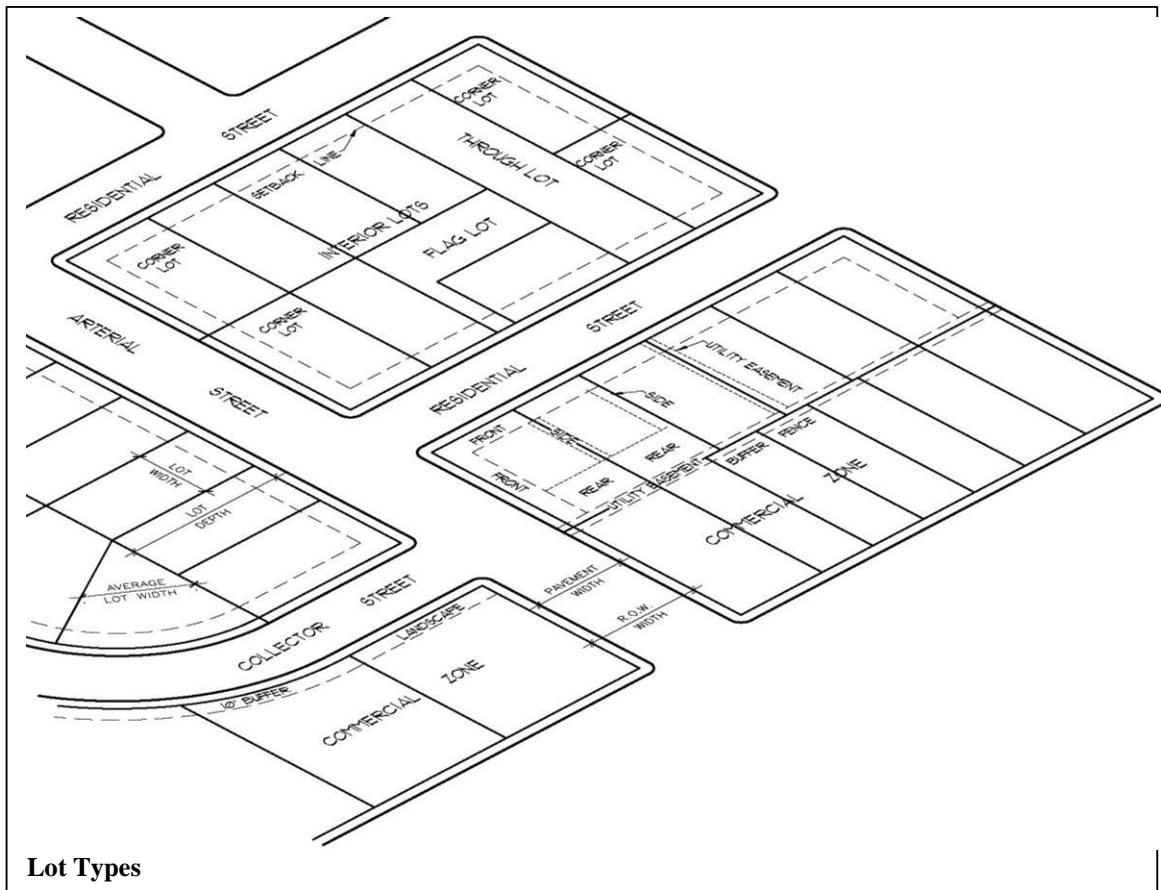
zoning districts. Occupations defined as Home Occupation II are exempt from a conditional use permit. All home occupations (I and II) are required to have a Home Occupation Registration. Home occupations shall satisfy the standards set forth in Section 8.07 of these regulations.

- 2.3.247.1 **HOME OCCUPATION I:** shall include art/craft making, seamstress services, professional offices (real estate/insurance/medical), multi-level marketing, vending services, service businesses (contracting/janitorial/mechanical), instruction (music), consulting, wholesale/catalogue sales, personal service (beauty/barber/massage/tattoo), shops, renting of rooms for residential purposes, and other similar uses. Such uses include on-site sales and services and may include an employee not residing on the premises.
- 2.3.247.2 **HOME OCCUPATION II:** shall include home occupations in which an office in the home, including such things as a home phone, computer, etc. are used for telecommuting and/or in deriving other income or sales. This includes business offices for services such as construction, repair and cosmetic services/sales rendered at other locations, internet business, and other similar uses.
- 2.3.248 **HOME OCCUPATION REGISTRATION** shall mean a no-fee registration provided to the owner/operator of a home occupation. Such registration shall include (but not limited to) the following:
- 2.3.248.1 Minimum standards for home occupations as provided in this ordinance.
- 2.3.248.2 A conditional use permit is required for Home Occupation I uses except childcare homes.
- 2.3.249 **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.
- 2.3.250 **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.
- 2.3.251 **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 motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.
- 2.3.252 **HOUSE TRAILER** (see Dwelling: Mobile Home)
- 2.3.253 **HOUSEHOLD PET** shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.
- 2.3.254 **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 rock, gravel, or clay and conventionally surfaced streets, sidewalks, parking lots, and driveways.
- 2.3.255 **INCIDENTAL USE** shall mean a use, which is subordinate to the main use of a premise.
- 2.3.256 **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 including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
- 2.3.257 **INFILL DEVELOPMENT** shall mean the construction of a building or structure on a vacant parcel located in a predominately built up area.
- 2.3.258 **INFILL SITE** shall mean any vacant lot, parcel, or tract of land within developed areas of the City, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, and fire protection have already been constructed or are provided.
- 2.3.259 **INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.
- 2.3.260 **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 intensive uses.

- 2.3.261 **INTENT AND PURPOSE** shall mean that the Commission and Council by the adoption of this ordinance, 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.
- 2.3.262 **JUICE BAR** (See Adult Establishment.)
- 2.3.263 **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.
- 2.3.264 **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 resulting 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".
- 2.3.265 **KENNEL, BOARDING AND TRAINING** shall mean any lot or premises on which three or more dogs, cats or non-farm/non-domestic or any combination thereof, at least four months of age, are boarded, bred, or trained.
- 2.3.266 **KENNEL, COMMERCIAL** shall mean any lot or premises on which three or more dogs, cats or non-farm/non-domestic or any combination thereof (more than two dogs and two cats), at least four months of age, are groomed, bred, boarded, trained, or sold for a fee.
- 2.3.267 **KENNEL, PRIVATE** shall mean the keeping, breeding, raising, showing or training of two or fewer dogs, cats, or non-farm/non-domestic or any combination thereof (not exceeding two dogs and two cats), over four months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.
- 2.3.268 **LABORATORY** shall mean a facility used for testing and analyzing medical and dental samples from off-site locations. Testing laboratories shall refer to soil and geotechnical research and analysis. Laboratories do not include human or animal research / testing facilities.
- 2.3.269 **LAGOON** shall mean a wastewater treatment facility which 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 wastes. All lagoons shall meet the design criteria and regulations established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services.
- 2.3.270 **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.
- 2.3.271 **LANDSCAPE** shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.
- 2.3.272 **LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this ordinance and the continued maintenance thereof.
- 2.3.273 **LAUNDRY SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.
- 2.3.274 **LEED** shall mean a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.
- 2.3.275 **LEED-ND** shall mean a professional credential within the overall LEED program meaning Leadership in Energy and Environmental Design – Neighborhood Design as administered and regulated by United States Green Building Council.
- 2.3.276 **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 and culminating in full health and continuing care nursing home facility. (also see Congregate Housing)
- 2.3.277 **LIGHT CUT-OFF ANGLE** shall mean an angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the groundplane.

- 2.3.278 **LIMITS OF GRADING** shall mean the outermost edge of the area in which the existing topography is to be altered by excavation and/or filling.
- 2.3.279 **LIVESTOCK** shall mean animals associated with agricultural operation, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.
- 2.3.280 **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.
- 2.3.281 **LOGIC OF DESIGN** shall mean accepted principles and criteria of validity in the solution of the problem of design.
- 2.3.282 **LONG-TERM CARE FACILITY** shall mean a facility that provides the following services, as such are defined by state law: Nursing home facilities, boarding home, adult care home, assisted living facility, center for the developmentally disabled, group residence, swing bed.
- 2.3.283 **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 a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the ordinance, 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 County Recorder and abutting at least one public street or right-of-way, two thoroughfare easements, or one private road.
- 2.3.284 **LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.



2.3.285 **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.

2.3.286 **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.

2.3.287 **LOT, CURVED** 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.

2.3.288 **LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

2.3.289 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

2.3.290 **LOT, FLAG** shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.

2.3.291 **LOT FRONTAGE** shall mean the side of a lot abutting on a legally accessible street/road right-of-way other than an alley or an unimproved 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.

2.3.292 **LOT, INTERIOR** shall mean a lot other than a corner lot.

2.3.293 **LOT LINE** shall mean the property line bounding a lot.

2.3.294 **LOT LINE, FRONT** shall mean the property line abutting a street.

2.3.295 **LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

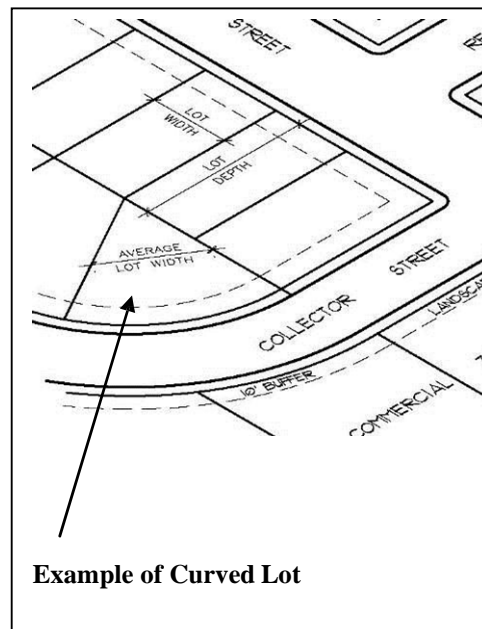
2.3.296 **LOT LINE, SIDE** shall mean any lot line not a front lot line or rear lot line.

2.3.297 **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 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 ordinance.

2.3.298 **LOT, THROUGH** shall mean a lot having frontage on two dedicated streets, not including a corner lot.

2.3.299 **LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulation establishing the zoning district in which the lot is located.

2.3.300 **LOT WIDTH** shall mean the horizontal distance between the side lot lines, measured at the front yard setback line.



- 2.3.301 **LOT, ZONING** shall mean a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on the approved private street, and may consist of:
- 2.3.301.1 A single lot of record;
 - 2.3.301.2 A portion of a lot of record;
 - 2.3.301.3 A combination of complete lots of record and portions of lots of record, or of portions of record;
 - 2.3.301.4 A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
- 2.3.302 **MAIL ORDER SERVICES** shall mean an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale.
- 2.3.303 **MANUFACTURED HOME PARK** shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.
- 2.3.304 **MANUFACTURED HOME SUBDIVISION** shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.
- 2.3.305 **MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are 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.
- 2.3.306 **MANUFACTURING, LIGHT** shall mean an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials.
- 2.3.307 **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 Gretna City Council.
- 2.3.308 **MESSAGE 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 devices. Said establishment shall comply with all state regulations as per §71-1,278 through §71-1,283, Nebr. R.R.S., 1943
- 2.3.309 **MESSAGE PARLOR** (See Adult Massage Parlor, Health Club)
- 2.3.310 **MASTER FEE SCHEDULE** shall mean a fee schedule maintained by the City of Gretna and adopted, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.
- 2.3.311 **MECHANICAL EQUIPMENT** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.
- 2.3.312 **MEDICAL/DENTAL OFFICES** shall mean a building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only.
- 2.3.313 **MEETING HALL** shall mean a building designed for public assembly.

- 2.3.314 **MICROBREWERY** (See Brew Pub)
- 2.3.315 **MINI-STORAGE OR MINI-WAREHOUSE** (See Self-Service Storage Facility.)
- 2.3.316 **MISCELLANEOUS STRUCTURES** shall mean structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities.
- 2.3.317 **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.
- 2.3.318 **MOBILE HOME** (See Dwelling, Mobile Home)
- 2.3.319 **MOBILE HOME PARK** (See Manufactured Home Park.)
- 2.3.320 **MOBILE HOME SUBDIVISION** (See Manufactured Home Subdivision.)
- 2.3.321 **MONOTONY** shall mean repetitive sameness, lacking variety and variation, and/or reiteration.
- 2.3.322 **MORTUARY** shall mean an establishment in which the deceased are prepared for burial or cremation. The facility may include funeral services and spaces for informal gatherings or display of funeral equipment. This classification excludes cemeteries and crematories.
- 2.3.323 **MOTEL** (See Hotel.)
- 2.3.324 **MOTOR VEHICLE** shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.
- 2.3.325 **NEBRASKA REVISED REISSUED STATUTES**, 1943 and the abbreviated term Nebr. R. R. S., 1943 are one and the same.
- 2.3.326 **NEWSSTAND** shall mean a temporary structure manned by a vendor, whom sells newspapers, magazines and other periodicals.
- 2.3.327 **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.)
- 2.3.328 **NON-COMMUNITY WATER SUPPLY SYSTEM** shall mean any public water supply system that is not a community water supply system.
- 2.3.329 **NON-CONFORMING** shall mean a building or use, or portion thereof, which was lawful when established but which does not conform to subsequently established zoning regulations.
- 2.3.330 **NON-CONFORMING STRUCTURE** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.
- 2.3.331 **NON-CONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.
- 2.3.332 **NON-FARM BUILDINGS** are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.
- 2.3.333 **NUDE MODEL STUDIO** shall mean any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a college, community college, or university supported entirely or in part by public money, or a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college, or university supported entirely or partly by public money, or in a structure or private studio operated by the college or university:
- 2.3.333.1 That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;

- 2.3.333.2 Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
- 2.3.333.3 Where no more than one nude or semi-nude model is on the premises at any one time.
- 2.3.334 **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.
- 2.3.335 **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.
- 2.3.336 **NURSERY SCHOOL** see Preschool
- 2.3.337 **OFFICE** shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.
- 2.3.338 **OFFICE PARK** shall mean a development which contains a number of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on a coordinated basis.
- 2.3.339 **OFFICIAL MAP** (See Map, Official Zoning District.)
- 2.3.340 **OFF-STREET PARKING AREA or VEHICULAR USE AREA** shall refer to 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.
- 2.3.341 **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.
- 2.3.342 **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.
- 2.3.343 **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.
- 2.3.344 **OUTLOT** shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued for any private structures, except signs.
- 2.3.345 **OUTDOOR ADVERTISING** shall include the definitions of "Advertising Structure" and "Sign".
- 2.3.346 **OUTDOOR STORAGE** shall mean the storage of any material for a period greater than 72 hours not in an enclosed building, including items for sale, lease, processing, and repair, including motor vehicles.
- 2.3.347 **OVERLAY DISTRICT** shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.
- 2.3.348 **OWNER** shall mean one or more persons, including corporations, who have title to the property, building or structure in question.
- 2.3.349 **PAINTBALL** shall mean all guns and other devices used for the purpose of firing pellets containing a latex paint at a person or target.
- 2.3.350 **PAINTBALL COURSE, COMMERCIAL** 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.

- 2.3.351 **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.
- 2.3.352 **PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.
- 2.3.353 **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.
- 2.3.354 **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.
- 2.3.355 **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 9 feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.
- 2.3.356 **PARKWAY** shall mean an arterial or collector roadway with full or partial control of access, and located within a park or ribbon of park like development.
- 2.3.357 **PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with these regulations as well as with approved plans and specifications of a development.
- 2.3.358 **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.
- 2.3.359 **PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
- 2.3.360 **PERMITTED USE** shall mean any land use allowed without condition within a zoning district.
- 2.3.361 **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 Gretna, Nebraska.
- 2.3.362 **PET HEALTH SERVICE** (See Animal Hospital)
- 2.3.363 **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 such as horses, cattle, goats, sheep and poultry.
- 2.3.364 **PINBALL or VIDEO GAMES BUSINESS** (See Amusement Arcade)
- 2.3.365 **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.
- 2.3.366 **PLANNING COMMISSION** shall mean the Planning Commission of Gretna, Nebraska.
- 2.3.367 **PLANT MATERIALS** shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.
- 2.3.368 **PLAT** shall mean a map showing the location, boundaries, and legal description of individual properties.
- 2.3.369 **POLICY** shall mean a statement or document of the City, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.
- 2.3.370 **POSTAL STATION** shall mean a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.
- 2.3.371 **POULTRY** shall mean domestic fowl, chickens, ducks, geese, and similar fowl, but specifically excluding turkeys and guinea fowl.

- 2.3.371A **POWER PLANT** shall mean an electrical power generation facility that, regardless of fuel or energy source, is operated by a public utility or independent power producer and whose primary function is the provision of electricity to the electrical distribution system or transmission grid.
- 2.3.372 **PRECHOOL** shall mean an early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.
- 2.3.373 **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.
- 2.3.374 **PRINCIPAL BUILDING** (see “Building, Principal”)
- 2.3.375 **PRINCIPAL USE** (see “Use, Principal”)
- 2.3.376 **PROHIBITED USE** 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.
- 2.3.377 **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.
- 2.3.378 **PROPORTION** shall mean a balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.
- 2.3.379 **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.
- 2.3.380 **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.
- 2.3.381 **PUBLIC SERVICES/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.
- 2.3.382 **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.
- 2.3.383 **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 15 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.
- 2.3.384 **QUARRY** shall mean an open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed or used for commercial purposes.
- 2.3.385 **RAILROAD** shall mean the land use including the right-of-way (R. O. W.) 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.
- 2.3.386 **RECREATIONAL ESTABLISHMENT** (See Recreational Facility)
- 2.3.387 **RECREATIONAL FACILITY** shall mean public or private 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, amphitheatres, race

tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

- 2.3.388 **RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than 40 feet in overall length, 8 feet in width, or 12 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 vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.
- 2.3.389 **RECREATIONAL VEHICLE (RV) 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.
- 2.3.390 **RECYCLING FACILITY** shall mean any location where the primary use is where scrap or recyclable materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, scrap metals, paper, rags, tires, bottles and other materials.
- 2.3.391 **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.
- 2.3.392 **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 City.
- 2.3.393 **RESERVATION CENTER** shall mean a travel agency; or other such agency involved in selling and arranging transportation, tours, trips, and accommodations for tourists.
- 2.3.394 **RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.
- 2.3.395 **RESTAURANT** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.
- 2.3.396 **RESTAURANT, DRIVE-IN** shall mean an 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.
- 2.3.397 **RESTAURANT, ENTERTAINMENT** shall mean an 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.
- 2.3.398 **RESTAURANT, FAST FOOD** shall mean an 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, drive-thru or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers.



Restaurant, Drive-In

- 2.3.399 **RETAIL, BIG BOX** (see Big Box Retail)
- 2.3.400 **RETAIL TRADE or USE** shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.
- 2.3.401 **RETENTION BASIN** shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.
- 2.3.402 **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



Restaurant, Fast Food

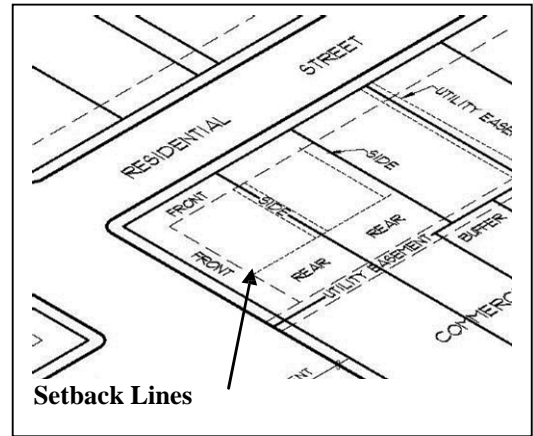
individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

- 2.3.403 **REZONING** shall mean an amendment to or change in the zoning regulations either to the text or map or both.
- 2.3.404 **REZONING, PIECEMEAL** shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.
- 2.3.405 **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.
- 2.3.406 **ROAD** shall mean the same as "Street".
- 2.3.407 **ROAD, PRIVATE** shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties not to exceed more than four lots served by such road. (Also, see right-of-way and Street.)
- 2.3.408 **ROAD, PUBLIC** shall mean a public right-of-way reserved or dedicated for street or road traffic. (Also, see right-of-way and Street.)
- 2.3.409 **ROOM** shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.
- 2.3.410 **SALVAGE YARD** shall mean businesses engaged in the storage, collection, purchase, sale, salvage, or disposal of machinery, parts and equipment that are a result of dismantling or wrecking, including scrap metals or other scrap materials, with no burning permitted.
- 2.3.411 **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.
- 2.3.412 **SCALE** shall mean a proportional relationship of the size of parts to one another and to the human figure.
- 2.3.413 **SCHOOL, PRE-, OR NURSERY** shall mean a school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with 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.
- 2.3.414 **SCHOOL, PRIVATE** shall mean facilities which conduct regular academic instruction for a profit, such as commercial schools, private trade schools, and business schools.
- 2.3.415 **SCREENING** shall mean a structure of planting that conceals from view from public ways the area behind such structure or planting.
- 2.3.416 **SEASONAL USE** shall mean those land uses and structures that are operated during specific seasons of the year, ie. Christmas tree sales and haunted houses.
- 2.3.417 **SELECTIVE CLEARING** shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.
- 2.3.418 **SELF-SERVICE STATION** shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.
- 2.3.419 **SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.
- 2.3.420 **SEPARATE OWNERSHIP** shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

2.3.421 **SERVICE STATIONS** 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.

2.3.422 **SETBACK LINE, FRONT YARD** shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line.

2.3.423 **SETBACK LINE, REAR YARD OR SIDE YARD** shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.



2.3.424 **SEXUAL ENCOUNTER CENTER** shall mean a commercial establishment that, as one of its principal business purposes, offers for any form of consideration:

- 2.3.424.1 Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- 2.3.424.2 Activities between either male and female persons or persons of the same sex, or both, when one or more of the persons is in a state of nudity or semi-nudity.

2.3.425 **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.

2.3.426 **SHOPPING CENTER, COMMERCIAL STRIP** shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one City block or more. Includes individual buildings on their own lots, with on-site parking and small linear shopping centers with on-site parking in front of the stores.

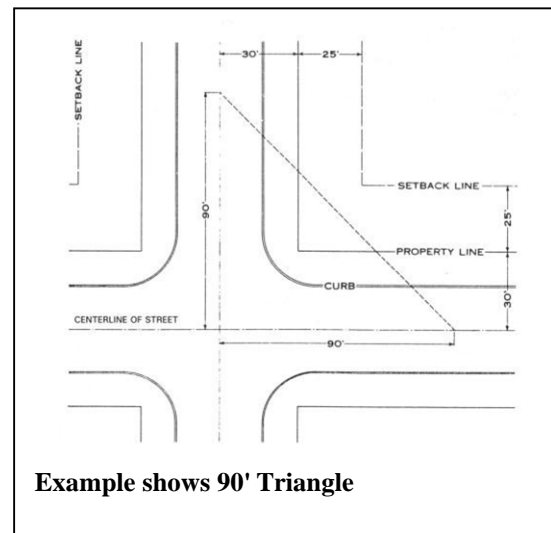


Example of a Sidewalk Cafe

2.3.427 **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 city clustered style centers.

2.3.428 **SHRUB** shall mean a multi-stemmed woody plant other than a tree.

2.3.429 **SIDEWALK CAFE** 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.



Example shows 90° Triangle

2.3.430 **SIGHT TRIANGLE** is an area at a street intersection (or street and railroad) in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 30 inches and 10 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, 60 feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the 60-foot distance shall be increased to at least 90 feet for each arterial leg of the intersection. On a four-lane street or road, such measurement shall be taken from the center of the nearest set of lanes and not the center of the

- entire roadway. The required distance may be increased based upon subdivision design and speed limits along major or other arterials.
- 2.3.431 **SIGN** see Section 7.01.03 of this Ordinance.
- 2.3.432 **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.
- 2.3.433 **SITE BREAK** shall mean a structural or landscape device to interrupt long vistas and create visual interest in a site development.
- 2.3.434 **SITE PLAN** (see Development Concept Plan)
- 2.3.435 **SITE, SEPTIC** shall mean the area bounded by the dimensions required for the proper location of the septic tank system.
- 2.3.436 **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.
- 2.3.437 **SKATE PARK** shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for use with skateboards and in-line skates.
- 2.3.438 **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 lays upon the device while it is in motion.
- 2.3.439 **SKATEBOARD PIPE** shall mean a outdoor structure which is shaped into a half circle or oval, that are designed and principally intended to permit persons on skateboards to move continuously from one side to the other.
- 2.3.440 **SKATEBOARD RAMP** shall mean a 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.
- 2.3.441 **SLUDGE** shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.
- 2.3.442 **SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.
- 2.3.443 **SOLID WASTE COMPANY** shall mean any company or firm that takes away, removes, or transfers solid wastes from one location to another through the use of vehicles or rail cars.
- 2.3.444 **SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:
- 2.3.444.1 Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
- 2.3.444.2 Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 2.3.445 **SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:
- 2.3.445.1 Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- 2.3.445.2 Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
- 2.3.445.3 Use of human or animal ejaculation, sodomy, oral copulation, coitus,, or masturbation; or
- 2.3.445.4 Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
- 2.3.445.5 Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
- 2.3.445.6 Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
- 2.3.445.7 Human excretion, urination, menstruation, vaginal, or anal irrigation.

- 2.3.446 **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.
- 2.3.447 **STABLE** shall mean a facility, either as a principal or accessory use, that is designed for the maintenance, rental, or storage of non-domesticated animals.
- 2.3.448 **STANDARD SYSTEM** shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.
- 2.3.449 **STATE** shall mean the State of Nebraska.
- 2.3.450 **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 30 days.
- 2.3.451 **STOREFRONT** shall mean the public-accessible entrance(s) to a commercial use visible from a private/public street or sidewalk.
- 2.3.452 **STORM DRAIN** shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.
- 2.3.453 **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. Said detention shall be designed by a licensed professional engineer and approved by the City
- 2.3.454 **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.
- 2.3.455 **STORMWATER RETENTION AREA** shall mean an area designed by a licensed professional engineer and approved by the City to retain water to control the flow of stormwater.
- 2.3.456 **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.
- 2.3.457 **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.
- 2.3.458 **STORY, ONE-HALF** shall mean the same as "Half-Story".
- 2.3.459 **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 ordinance.
- 2.3.460 **STREET, ARTERIAL** shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City, City, or county with controlled access to abutting property.
- 2.3.461 **STREET CENTERLINE** shall mean the centerline of a street right-of-way as established by official surveys.
- 2.3.462 **STREET, COLLECTOR** shall mean a street or high way, which is intended to carry traffic from minor Street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.
- 2.3.463 **STREET, CURVILINEAR** shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.
- 2.3.464 **STREET, 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.



An Example of a Stormwater Management project

- 2.3.465 **STREET FRONTAGE** shall mean the distance for which a lot line of a zoned lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.
- 2.3.466 **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.
- 2.3.467 **STREET HARDWARE** shall mean man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.
- 2.3.468 **STREET, LOCAL** shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.
- 2.3.469 **STREET, LOOPED** shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.
- 2.3.470 **STREETS, MAJOR** shall mean a street or highway used primarily for fast or high-volume traffic, including expressways, freeways, boulevards, and arterial streets.
- 2.3.471 **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."
- 2.3.472 **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.
- 2.3.473 **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.
- 2.3.474 **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.
- 2.3.475 **STRUCTURE, ADVERTISING** shall mean the same as "advertising structure".
- 2.3.476 **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.
- 2.3.477 **STUDIO, DANCE/YOGA** – Generally a small-scale facility, typically accommodating one or two groups of students at a time within no more than two instruction spaces. Examples of these facilities include individual and group instruction and training in the arts; production rehearsal; gymnastics, yoga and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment. This does not include uses defined in Adult Establishments.
- 2.3.478 **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.
- 2.3.479 **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. See also Waters of the State.
- 2.3.480 **SWIMMING POOL** shall mean a structure, and all appurtenant equipment, constructed either above or below grade with a depth of at least 18 inches utilized for the purposes of swimming, diving, or wading.

- 2.3.481 **TANNING SPA or SALON** shall mean any 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.
- 2.3.482 **TATOO 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.
- 2.3.483 **TAVERN** (See Bar.)
- 2.3.484 **TELECOMMUNICATIONS FACILITY** shall mean any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment, towers or similar structures supporting such equipment, and equipment buildings.
- 2.3.485 **TELEPHONE EXCHANGE** shall mean a building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless communications towers.
- 2.3.486 **TEMPORARY STRUCTURE** shall mean a structure without any foundation or footing and removed when the designated time period, activity or use for which the temporary structure was erected has ceased.
- 2.3.487 **TEMPORARY USE** shall mean a use intended for limited duration, not to exceed three months, to be located in a zoning district not permitting such use. Temporary use permits are limited to four per calendar year per lot/property
- 2.3.488 **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 no audience participation or meal service.
- 2.3.489 **TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna.)
- 2.3.490 **TOWNHOUSE** shall mean a one-family dwelling unit, with a private entrance, 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.
- 2.3.491 **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.
- 2.3.492 **TRANSPORTATION SERVICES** shall mean establishments providing services incidental to transportation, such as forwarding, packing, crating, or other means of preparing goods for shipping.
- 2.3.493 **TRANSFER STATION (REFUSE)** shall mean any enclosed facility where solid wastes, trash, or garbage is transferred from one vehicle or rail car to another or where solid wastes, trash, or garbage is stored and consolidated before being transported for disposal elsewhere.
- 2.3.494 **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.
- 2.3494A **TRUCK TERMINAL** shall mean a facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office
- 2.3.495 **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.
- 2.3.496 **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.

- 2.3.497 **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.
- 2.3.498 **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.
- 2.3.499 **USE, PERMITTED** shall mean any land use allowed without condition within a zoning district.
- 2.3.500 **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.
- 2.3.501 **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal.)
- 2.3.502 **USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".
- 2.3.503 **UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.
- 2.3.504 **UTILITY EASEMENT** shall mean the same as "Easement".
- 2.3.505 **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.
- 2.3.506 **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 be limited to 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.
- 2.3.507 **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.
- 2.3.508 **UTILITY SERVICE** shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.
- 2.3.509 **VARIANCE** shall mean a relief from or variation of the provisions of this Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.
- 2.3.510 **VEGETATION** shall mean all plant life; however, for purposes of this Zoning Regulation it shall be restricted to mean trees, shrubs, and vines.
- 2.3.511 **VEHICLE** shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.
- 2.3.512 **VEHICLE, MOTOR** (See Motor Vehicle.)
- 2.3.513 **VETERINARY SERVICES** shall mean a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not also provide long-term lodging for ill or unwanted animals or lodging for healthy animals on a fee basis. Such clinics may or may not also provide general grooming practices for such animals.
- 2.3.514 **VIEW** shall mean a range of sight including pleasing vistas or prospects or scenes. Views include but are not limited to the sight of geologic features, water, skylines, bridges, and distant cities.

- 2.3.515 **VIEW CORRIDOR** shall mean the line of sight identified as to height, width, and distance of an observer looking toward an object of significance to the community or the route that directs a viewer's attention.
- 2.3.516 **VIEW PROTECTION REGULATIONS** shall mean the regulations that protect the view of or from particular points, usually via height limitations.
- 2.3.517 **VISUAL IMPACT** shall mean a modification or change that could be either compatible or incompatible with the scale, form, texture, or color of the existing natural or man-made landscape.
- 2.3.518 **VOCATIONAL OR SPECIAL TRAINING FACILITIES** shall mean a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be included in this definition.
- 2.3.519 **WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.
- 2.3.520 **WAREHOUSE AND DISTRIBUTION** shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.
- 2.3.521 **WASTEWATER LAGOON** (See Lagoon.)
- 2.3.522 **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 or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.
- 2.3.523 **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.
- 2.3.524 **WHOLESALE ESTABLISHMENT** shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.
- 2.3.525 **WHOLESALE TRADE** shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or 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 addition 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 redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.
- 2.3.526 **WILDLIFE** shall mean animals or plants existing in their natural habitat.
- 2.3.527 **WIND ENERGY SYSTEM** shall mean a wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use.
- 2.3.528 **WIRELESS COMMUNICATIONS TOWER** shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground with guy wires), of either lattice or monopole construction.
- 2.3.529 **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 ordinance.

2.3.530 **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.

2.3.531 **YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

2.3.532 **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 ordinance, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

2.3.533 **ZONED LOT** see Lot, Zoning.

2.3.534 **ZONING ADMINISTRATIVE OFFICER** shall mean the person or persons authorized and empowered by the City to administer and enforce the requirements of this Ordinance.

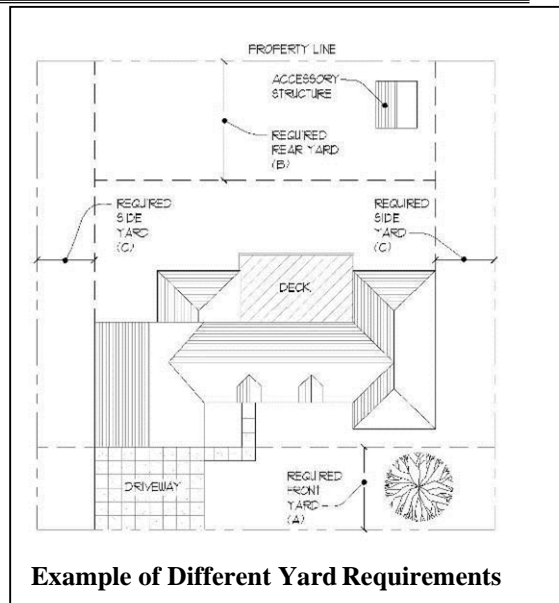
2.3.535 **ZONING DISTRICT** shall mean the same as "District".

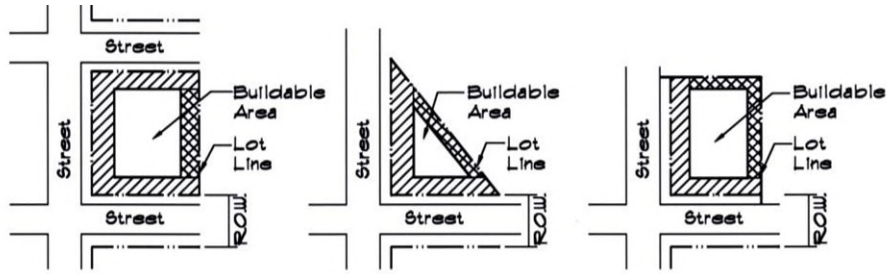
2.3.536 **ZONING DISTRICT, CHANGE OF** shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.

2.3.537 **ZOO** shall mean an area, building, or structures which contain wild animals on exhibition for viewing by the public.

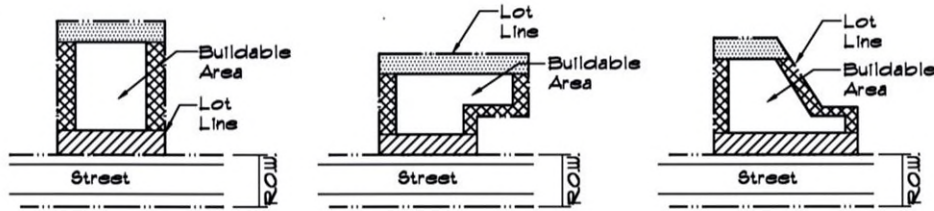
2.3.538 **ZOO ANIMALS** shall mean those animals that are kept in either a zoo or private zoo which are not native to Nebraska or the Great Plains region.

2.3.539 **ZOO, PRIVATE** shall mean any lot, building, structure, enclosure, or premises whereupon or wherein are kept by any person, other than a municipal corporation, the United States, the state, or any other political subdivision thereof, two or more wild animals, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where two or more wild animals are boarded, kept for sale or kept for hire.

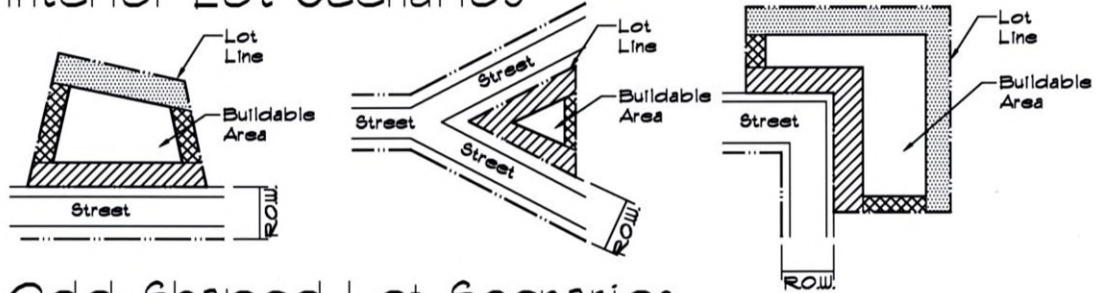




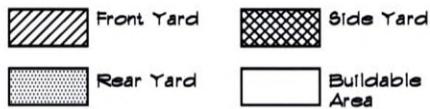
Corner Lot Scenarios



Interior Lot Scenarios



Odd-Shaped Lot Scenarios



Example of possible Lot Configurations and Yard Requirements

ARTICLE 3: DISTRICTS AND OFFICIAL MAP**Section 3.01 Districts**

In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the City and the area within the prescribed extraterritorial jurisdiction of the City as allowed under Nebraska Revised Statutes and the City is hereby divided into districts.

Section 3.02 Provision for Official Zoning Map

3.2.1 The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. _____ of the City of Gretna, Nebraska", together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

3.2.2 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ Ordinance No. _____ of the City of Gretna, Nebraska."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE 4: GENERAL PROVISIONS

Section 4.01 Planning Commission Recommendations

Pursuant to Section §19-901 et. seq., (Nebraska Reissue Revised Statutes, 1943), it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

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

Section 4.02 District Regulations, Restrictions, Boundary Creation

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the City at least one time 10 days prior to such hearing.

Section 4.03 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the City of Gretna, Nebraska, and within the territory beyond said corporate limits as prescribed under Nebraska Revised Statutes, as established on the map entitled "The Official Zoning Map of the City of Gretna, 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 this Ordinance require a lower height of building or lesser size of yards, courts or other spaces, or require a lower height of building or lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other ordinance, the provisions of this Ordinance shall govern. Wherever the provisions of any other ordinance requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or a lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such ordinance shall govern.

Section 4.05 Zoning Affects Every Building and Use

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

Section 4.06 Lot

- 4.6.1 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.
- 4.6.2 More than one principal building, of a single permitted use, may be located upon a lot or tract in the following instances if approved by the City Council.
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

On a corner lot or street median/island, within the area formed by the centerline of streets at a distance of 60 feet from their intersections, there shall be not obstruction to vision between a height of 30 inches and a height of 10 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. At the intersection of major or other arterial streets, the 60-foot distance shall be increased to 90 feet for each arterial leg of the intersection. On a four-lane street or road, such measurement shall be taken from the center of the nearest set of lanes and not the center of the entire roadway. The requirements of this section shall not be deemed to prohibit any necessary retaining wall approved by the City or State. The City has the right to increase this distance based upon subdivision design and speed limits along major or other arterials.

All landscaping materials or structures installed in the street/road right-of-way, including islands, medians, roundabouts, and chicanes, shall be at least 50% non-opaque between the heights of 30 inches and 10 feet, unless approved by the City, to reduce vision and hearing obstruction and the interference with pedestrian or vehicular traffic in any way.

Section 4.09 Yard Requirements

- 4.9.1 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.
- 4.9.2 All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 4.9.3 The City may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that 1.) more than 30 percent of the frontage 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.

Section 4.10 Through Lots

4.10.1 Through Lots shall follow the following criteria:

1. Where a Through Lot abuts a major thoroughfare, such as Highway 370, Highway 6, and 204th Street, etc., and access is made from the other frontage street and access along said thoroughfare is restricted, the 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 a Front Yard setback and a Street Side Yard setback.
3. Where a Through Lot occurs, other than along a major thoroughfare, the following shall apply:
 - A. Where all principal structures in the development face the same frontage, then the Rear Yard setback for fences and screening shall be zero feet and all accessory buildings shall meet the prescribed setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot.
 - B. Where principal structures face different directions along both frontages, the Rear Yard setback for fences and screening shall be the same as any prescribed Rear Yard setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot. All accessory buildings in this condition, shall comply with the minimum Rear Yard setbacks rather than the reduced setback allowed for accessory buildings.

Section 4.11 Drainage

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

Section 4.12 Permitted Obstructions in Required Yards

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

All Yards: Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting 24 inches or less into the yard; recreational and laundry- drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than 18 inches into the required yard; and fences or walls subject to applicable height restrictions, cantilevers and/or fireplaces not more than 24 inches into the required yard, are permitted in all yards.

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

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

Double Frontage Lots: The required front yard shall be provided on each street, unless otherwise provided.

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

Section 4.13 Projections from Buildings

4.13.1 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.

4.13.2 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 26 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 City's Building Code, 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 96 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 30 inches above ground and 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 12 inches.
3. Safety railings shall be installed as per the City's Building Code 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.

4.13.3 Provided further, that no railing or other 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 20 feet or more in width, may be considered as a front yard for purposes of determining permitted encroachments as provided herein.

4.13.4 Vertical supports shall meet the City's Building Code.

Section 4.14 Accessory Building and Uses

4.14.1 No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the principal building, except in the AG and TA Districts. No accessory building shall be used for more than six months unless the principal building on the lot is also being used or unless the principal building is under construction, except in the AG and TA Districts; however, in no event shall any such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.

4.14.2 No detached accessory building or structure shall exceed the maximum permitted height of the district.

- 4.14.3 No accessory building shall be erected in or encroach upon the required street side yard on a corner lot or the front yard of a double frontage lot.
- 4.14.4 Detached accessory buildings or structures shall be located no closer than 6 feet to any other accessory or principal building as provided in the local building code.
- 4.14.5 All accessory buildings, regardless of zoning district, shall be subordinate to the principal building with regard to size and building footprint except in the AG Agriculture and TA Transitional Agriculture Districts.
- 4.14.6 All accessory buildings shall be to the rear of the principal structure unless otherwise specified.
- 4.14.7 Detached garages and outbuildings in the R-1, R-2, R-3, and R-4 Residential Districts for storage uses and other structures customary and appurtenant to the permitted uses shall be constructed of materials customarily used in residential construction and be consistent with materials and color of the principal structure. The roofs of said building shall have a minimum 3:12 pitch.
- 4.14.8 Detached garages and outbuildings in the RE and REA Residential Districts for storage uses and other structures customary and appurtenant to the permitted uses shall be constructed of material usual and typical to larger storage buildings including metal.
- 4.14.9 The side or rear yard setback for an accessory structure having vehicular access through said yard to an alley, public street, private road, or ingress/egress easement shall be a minimum of 25 feet.
- 4.14.10 In the R-1, R-2, and R-3 Residential Districts, a maximum of two accessory structures shall be allowed
 - 1. Detached garages shall count as one accessory structure, with a maximum allowable size of 720 square feet.
 - 2. Garden sheds shall count as one accessory structure, with a maximum allowable size of 144 square feet.
 - 3. Provided that the total area of all of the accessory structures does not exceed 720 square feet and the total lot coverage of all buildings does not exceed 50 percent.
- 4.14.11 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 island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.

Section 4.15 Permitted Modifications of Height Regulations

4.15.1 The height limitations of this Ordinance shall not apply to:

- | | |
|-----------------------------|------------------------------------|
| Belfries | Public Monuments |
| Chimneys | Ornamental Towers and Spires |
| Church Spires | Radio and Television |
| Conveyors | Towers less than 50 feet in height |
| Cooling Towers | Silos |
| Elevator Bulkheads | Smoke Stacks |
| Fire Towers | Stage Towers or Scenery Lots |
| Water Towers and Standpipes | Tanks |
| Flag Poles | Air-Pollution Prevention Devices |

4.15.2 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is 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 substantially 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 ordinance.

Section 4.18 Non-conforming Lots of Record

In any district in which single-family dwellings 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

- 4.19.1 **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.
- 4.19.2 **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 nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by or as specified in the Residential District. All enlargements shall meet all existing required setbacks unless provided elsewhere in this Ordinance.
- 4.19.3 **Damage or Destruction:** In the 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 building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and may be extended six months upon an approved building Permit extension request.
- 4.19.4 **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

- 4.20.1 **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 of this ordinance;
 2. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
 3. If any such non-conforming use of land ceases for any reason for a period of more than 12 consecutive 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.
- 4.20.2 **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 Planning Commission and City Council, after each has completed a Public Hearing as per State Statute, 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 Planning Commission and/or City Council 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. When a non-conforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive 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 statutes of the land.

Section 4.21 Repairs and Maintenance

- 4.21.1 On any building devoted in whole or in part to any non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this ordinance shall not be increased.
- 4.21.2 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 Public Safety Radio Amplification Systems

- 4.23.1 **General:** Except as otherwise provided, no person shall maintain, own, erect, construct, remodel, renovate, or provide an addition of more than 20 percent to, any building or structure or any part thereof or cause the same to be done which fails to support adequate radio coverage for the Sarpy County Radio Communications System (SCRCS), including but not limited to emergency service workers, firefighters and police officers. Descriptively, adequate coverage means the ability for SCRCS users to transmit into the building an intelligible voice signal that may be heard; the ability to receive an intelligible voice signal transmitted and originating from within the building; and, the ability to transmit and receive intelligible voice signals among users who are within the building.

For purposes of this section, adequate radio coverage shall include all of the following:

1. A minimum received signal strength in the building of one micro volts (-107 dBm) available in 90 percent of the area of each floor when transmitted from the SCRCS;
 2. A minimum signal strength of one micro volts (-107 dBm) received by the SCRCS when transmitted from 90 percent of the area of each floor of the building;
 3. The frequency range that must be supported shall be 806 MHz to 869 MHz; and,
 4. A 90 percent reliability factor shall be required.
- 4.23.2 **Testing Procedures:** Initial Tests; It will be the building owner's responsibility to have the building tested to ensure that two-way coverage on each floor of the building is a minimum of 90 percent. At a minimum, the test shall be conducted using a Motorola MTS 2000, or equivalent portable radio, talking through the SCRCS. Radios may be obtained for conduct of the tests from the Sarpy County Communications Department (SCCD). The gain values of all amplifiers shall be measured and the test measurement results shall be provided to the SCCD and kept on file so that the measurements can be verified each year during the annual tests. The SCCD will be informed of the schedule for such testing, and, at its discretion may participate as an observer. A Certificate of Occupancy shall not be issued to any structure if the building fails to comply with this section. Annual Tests; the building owner shall be responsible to conduct annual tests. Such tests shall follow the guidance outlined in Section 4.23.01 and above.
 - 4.23.2 **Amplification Systems Allowed:** Buildings and structures that cannot support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC accepted bi-directional amplifiers as needed. If used, bi-directional amplifiers shall include filters to reduce

adjacent frequency interference at least 35 dB below the National Public Safety Planning Advisory Committee (NPSPAC) band. The filters shall be tuned to 825 MHz and to 870 MHz so that they will be 35 dB below the NPSPAC frequencies of 824 MHz and 869 MHz respectively. Other settings may be used provided that they do not attenuate the NPSPAC frequencies and further provided that they are not more than one MHz from the NPSPAC frequencies. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input.

- 4.23.3 **Field Testing:** SCCD personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to certain the required level of radio coverage is present.
- 4.23.4 **Exemptions:** This section shall not apply to; buildings permitted in residential districts; any building constructed of wood frame; any building 35 feet high or less; long as none of the aforementioned buildings make use of any metal construction or any underground storage or parking areas. For purposes of this section, parking structures and stairwells are included in the definition of “building” and stair shafts are included in the definition of “all parts of a building”, but elevators may be excluded.

Section 4.24 Design Review Committee

1. The Design Review Committee is hereby established and shall consist of the Development Services Director, the City Administrator, the Public Works Director, the City Engineer and the City Attorney. The City may also appoint others to the Design Review Committee as needed. For all matters involving the City’s DTO Downtown Overlay District, the Design Review Committee shall also include a downtown representative.
2. The Design Review Committee shall review, approve, approve with conditions, disapprove, and direct and/or negotiate required modifications to applications and submittals regarding site plans, site and building development criteria, development and design standards, and building designs for the City’s CO Corridor Overlay District, IC Interstate Corridor Overlay District, and the DTO Downtown Overlay District, and also for multiple buildings multi-family developments in the City’s R-4 Zoning District.
3. Any other provisions of these Zoning Regulations providing for a Design Review Board or a Design Advisory Board or any such other board or committee however designated, are hereby superseded and the Design Review Committee shall serve in the place thereof.

Section 4.25 Fees

All fees for any zoning or subdivision related action shall be required prior to the issuance or investigation of any said permit request. Fees shall be a part of the Master Fee Schedule adopted by the City Council by separate Ordinance.

Section 4.26 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

5.1	Districts; Uses
5.2	Districts; Boundaries
5.3	District Boundaries; Interpretation
5.4	Districts; Classification of Districts upon Annexation and Conformance with Land Use Plan
5.5	District (AG); Agricultural
5.6	District (TA); Transitional Agricultural
5.7	District (RE-A); Residential Estates – Animals
5.8	District (RE); Residential Estates
5.9	District (R-1); Low Density Residential
5.10	District (R-2); Medium Density Residential
5.11	District (R-3); High Density Residential
5.12	District (NC); Neighborhood Commercial
5.13	District (DC); Downtown Commercial District
5.14	District (GC); General Commercial
5.15	District (HC); Highway Commercial
5.16	District (MUC); Mixed Use Commercial and Business Park
5.17	District (I-1); Light Industrial
5.18	District (I-2); Heavy Industrial
5.19	District (CMD) Clustered/Mixed Use
5.20	District (FF/FW); Flood Plain (Overlay)
5.21	District (FX); Flex Space
5.22	District (CO); Corridor (Overlay)
5.23	District (IC); Interstate Corridor (Overlay)
5.24	Schedule of Lot and Area Requirements
5.25	District (DTO); Downtown Overlay District (Overlay)
5.26	District (GMA); Growth Management Area Overlay District (Overlay)
5.27	District (DD); Destination District-Vala’a Pumpkin Patch (overlay)

Section 5.01 Districts; Use

For the purpose of this Ordinance, the Municipality is hereby divided into 16 districts, designated as follows:

(AG)	Agricultural (10 acres or more)
(TA)	Transitional Agricultural (5 acres or more)
(RE-A)	Residential Estates (1-4 acres) (Animals)
(RE)	Residential Estates (1-4 acres)
(R-1)	Low Density Residential (10,000 sq. ft.)
(R-2)	Medium Density Residential (8,000 sq. ft.)
(R-3)	High Density Residential (8,000 sq. ft.)
(NC)	Neighborhood Commercial (5,000 sq. ft.)
(DC)	Downtown Commercial District
(GC)	General Commercial (8,000 sq. ft.)
(HC)	Highway Commercial (10,000 sq. ft.)
(MUC)	Mixed Use Commercial and Business Park
(I-1)	Light Industrial (15,000 sq. ft.)
(I-2)	Heavy Industrial (5,000 sq. ft.)
(CMD)	Clustered/Mixed Use
(FF/FW)	Flood Plain (Overlay)
(FX)	Flex Space (15,000 sq. ft.)
(CO)	Corridor (Overlay)
(IC)	Interstate Corridor (Overlay)
(DTO)	Downtown District (Overlay)
(GMA)	Growth Management Area (Overlay)
(DD)	Destination District – Vala’s Pumpkin Patch (Overlay)

Section 5.02 Districts; Boundaries

The boundaries of the districts are hereby established as shown on the maps entitled "Official Zoning Map of the City of Gretna, Nebraska." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor, and attested by the City Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this Ordinance. 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. (Ref. §19-904 RS Neb.)

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:

- 5.3.1 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- 5.3.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 5.3.3 Boundaries indicated as approximately following City limits shall be construed as following such City limits;
- 5.3.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 5.3.5 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 5.3.6 Boundaries indicated as parallel to or extensions of features indicated in subsections 5.03.01 – 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;
- 5.3.7 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 – 5.03.06 above, the Board of Zoning Adjustment shall interpret the district boundaries;
- 5.3.8 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Section 5.04 Classification of Districts Upon Annexation and Conformance with the Land Use Plan

Areas annexed into the corporate limits of Gretna shall be zoned to conform to the Land Use Plan.

- 5.04.01 All uses not specifically listed are hereby prohibited.

Section 5.05 AG Agricultural District

5.5.1 Intent: The Agricultural District is established for the purpose of preserving agricultural resources within the extraterritorial jurisdiction of Gretna and is unlikely to be compatible with adjacent urban growth within the planning period. However, it is not intended for commercial feedlot operations for livestock or poultry because these uses are 1) not in the identified growth areas for the community, and 2) accommodating very low-density residential development the district is designed to limit urban sprawl.

5.5.2 Permitted Uses:

The following principal uses are permitted in the AG District.

1. Farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale of products raised on the premises, provided that no livestock feedlot or yard for more than 50 animals shall be established.
2. Farm dwellings for the owners and their families, tenants, and employees, provided that each dwelling is on individual lots.
3. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
4. Bed & Breakfasts
5. Railroads, not including switching, terminal facilities or freight yards.
6. Public overhead and underground local distribution utilities.
7. Single family dwellings.
8. Religious institutions.
9. Public services.
10. Publicly owned and operated facilities.
11. Roadside stands offering agriculture products for human consumption for sale on the premises.
12. Hydrogenation process
13. Kennels and Stables

5.5.3 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 AG district as recommended by the Planning Commission and City Council and approved by the City Council.

1. Radio, television and wireless communication towers and transmitters, as per Section 8.08.
2. Cemeteries, provided all structures are located at least 100 feet from all property lines.
3. Wastewater treatment facilities.
4. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
5. Campgrounds.
6. Family Child Care Home II.
7. Hospital, nursing homes, assisted living, and convalescent facilities.
8. Construction batch plants that are temporary in nature.
9. Indoor/Outdoor Recreation facilities.
10. Winery.
11. Commercial/Utility Grade Wind Energy Systems, as per Section 8.16.

5.5.4 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Raising and care of animals for 4-H, Future Farmers of America (FFA), recreational uses, or other rural/school organizations.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.01 through 8.06.
6. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
7. Storage or parking of vehicles, boats, campers and trailer, as per Section 8.02.
8. Incidental public safety uses such as emergency sirens.
9. Home occupations, as per Section 8.07.
10. Family Child Care Home I.

- 11. Amateur radio towers and associated facilities, as per Section 8.08
- 12. Residential and small wind energy systems, as per Section 8.15.

5.5.5 Height and Lot Requirements:

- 1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)	Max. Lot Coverage (%)
Residential Dwelling	10	200	50	25	25	35	-
Other Permitted Uses	10	200	50	25	25	45	-
Conditional Uses	10	200	50	25	25	45	-
Accessory Buildings	-	-	100	25	10	35	-

Section 5.06 TA Transitional Agriculture District

5.6.1 Intent: The Transitional Agriculture District is an area that is in the process of transitioning from full scale agriculture to more urban uses. The district is established for the purpose of preserving agricultural resources, during the transitional period, that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry.

5.6.2 Permitted Uses:

The following principal uses are permitted in the TA District.

1. Farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale of products or animals raised on the premises, provided that:
 - a. There shall be a maximum of two animals for the first acre of land, with an additional one animal for every two additional acres of land.
2. Bed & Breakfasts
3. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
4. Railroads, not including switching, terminal facilities or freight yards.
5. Public overhead and underground local distribution utilities.
6. Single family dwelling.
7. Churches.
8. Public services.
9. Publicly owned and operated facilities.
10. Roadside stands offering agriculture products for human consumption for sale on the premises.
11. Hydrogenation process
12. Animal Hospitals

5.6.3 Conditional Uses:

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

1. Radio, television and wireless communication towers and transmitters, as per Section 8.08.
2. Cemeteries, provided all structures are located at least 100 feet from all property lines.
3. Wastewater treatment facilities
4. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
5. Campgrounds.
6. Family Child Care Home II
7. Hospital, nursing homes, assisted living, and convalescent facilities.
8. Kennels and stables.
9. Construction batch plants that are temporary in nature.
10. Winery.

5.6.4 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Signs as provided for in Section 7.01 through 7.04.
4. Parking as provided for in Section 8.01 through 8.06.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Storage or parking of vehicles, boats, campers and trailer, as per Section 8.02.
7. Incidental public safety uses such as emergency sirens.
8. Raising and care of animals for 4-H, Future Farmers of America (FFA), recreational uses, or other rural/school organizations.
9. Family Child Care Home I
10. Home occupations, as per Section 8.07.
11. Amateur radio towers and associated facilities, as per Section 8.08
12. Residential and small wind energy systems, as per Section 8.15.

5.6.5 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)	Max. Lot Coverage (%)
Residential Dwelling	5	200	50	25	25	35	-
Other Permitted Uses	5	200	50	25	25	45	-
Conditional Uses	5	200	50	25	25	45	-
Accessory Buildings	-	-	100	25	10	35	-

Section 5.07 RE-A Residential Estates-Animals District

5.7.1 Intent: The Residential Estates-Animal District is established for the purpose of allowing low density residential uses that are compatible with adjacent urban growth; while allowing farm animals on a limited basis. It is not intended for commercial feedlot operations for livestock or poultry.

5.7.2 Permitted Uses:

The following principal uses are permitted in the RE-A District.

1. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
2. Railroads, not including switching, terminal facilities or freight yards.
3. Public overhead and underground local distribution utilities.
4. Single family dwelling.
5. Public services.
6. Publicly owned and operated facilities.

5.7.3 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-A District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Radio, television and wireless communication towers and transmitters, as per Section 8.08.
2. Cemeteries, provided all structures are located at least 100 feet from all property lines.
3. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
4. Roadside stands offering agriculture products for human consumption for sale on the premises.
5. Bed & Breakfasts
6. Family Child Care Home II
7. Farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale or products or animals raised on the premises, provided that
 - a. No livestock feedlot or yard shall be established
 - b. There shall be a maximum of two animals for the first acre of land, with an additional one animal for every two additional acres of land.

5.7.4 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear of the primary structure.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Signs as provided for in Section 7.01 through 7.04.
4. Parking as provided for in Section 8.01 through 8.06.
5. Raising and care of animals for 4-H, Future Farmers of America (FFA), recreational uses, or other rural/school organizations
6. Family Child Care Home I
7. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
8. Storage or parking of vehicles, boats, campers and trailer, as per Section 8.02.
9. Incidental public safety uses such as emergency sirens.
10. Home occupations, as per Section 8.07.
11. Amateur radio towers and associated facilities, as per Section 8.08
12. Residential and small wind energy systems, as per Section 8.15.

5.7.5 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yd. (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Residential Dwelling	1 ¹	100	50	25	25	25	35	25/35
Other Permitted Uses	1 ¹	100	50	25	25	25	45	25/35
Conditional Uses	1 ¹	100	50	25	25	25	45	25/35
Accessory Buildings	-	-	100	10	10	25	20	-

1. Three acre minimum for lots with private wells/septic systems, 1.5 acres for any combination of public and private water/sewer systems. In all cases, the waste handling system must meet the requirements of Title 124 from NDEQ or subsequent agencies.

Section 5.08 RE Residential Estates District

5.8.1 Intent: The Residential Estates District is established for the purpose of allowing low density residential uses that are compatible with adjacent urban growth.

5.8.2 Permitted Uses:

The following principal uses are permitted in the RE District.

1. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
2. Railroads, not including switching, terminal facilities or freight yards.
3. Public overhead and underground local distribution utilities.
4. Single family dwelling.
5. Public services.
6. Publicly owned and operated facilities.

5.8.3 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 City Council and approved by the City Council.

1. Radio, television and wireless communication towers and transmitters, as per Section 8.08.
2. Cemeteries, provided all structures are located at least 100 feet from all property lines.
3. Bed & Breakfasts
4. Family Child Care Home II
5. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
6. Roadside stands offering agriculture products for human consumption for sale on the premises

5.8.4 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear of the primary structure.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Signs as provided for in Section 7.01 through 7.04.
4. Parking as provided for in Section 8.01 through 8.06.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Storage or parking of vehicles, boats, campers and trailer, as per Section 8.02.
7. Incidental public safety uses such as emergency sirens.
8. Home occupations, as per Section 8.07.
9. Family Child Care Home I
10. Amateur radio towers and associated facilities, per Section 8.08

5.8.5 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yd. (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Residential Dwelling	1 ¹	100	50	25	25	25	35	25/35
Other Permitted Uses	1 ¹	100	50	25	25	25	45	25/35
Conditional Uses	1 ¹	100	50	25	25	25	45	25/35
Accessory Buildings	-	-	100	10	10	25	20	-

1. Three acre minimum for lots with private wells/septic systems, 1.5 acres for any combination of public and private water/sewer systems. In all cases, the waste handling system must meet the requirements of Title 124 from NDEQ or subsequent agencies.

Section 5.09 R-1 Low Density Residential

5.9.1 Intent: The Low-Density Residential District is intended to permit single family residential developments and other compatible uses.

5.9.2 Permitted Uses:

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

1. Single family dwellings.
2. Public and private schools.
3. Public Services.
4. Publicly owned and operated facilities.
5. Public recreation areas such as parks, country clubs, golf courses, lakes, common areas and swimming pools.

5.9.3 Conditional Uses:

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

1. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, hospice, other similar institutions, or philanthropic institutions.
2. Religious institutions.
3. Family Child Care Home II.
4. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
5. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.

5.9.4 Permitted Accessory Uses:

The following accessory uses are permitted in the R-1 Single-Family Residential District:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached
3. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
4. Parking for permitted uses as per Section 8.01 through 8.06.
5. Signs allowed in Section 7.01 through 7.04.
6. Home Occupations, as per Section 8.07.
7. Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
8. Family Child Care Home I
9. Landscaping as required by Section 9.03
10. Incidental public safety uses such as emergency sirens
11. Amateur radio towers and associated facilities, per Section 8.08

5.9.5 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard ² (ft)	Rear Yard (ft)	Street Side Yd. (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Single-family Dwelling (existing development ³)	10,000	80	25	7.5	25	15	35	35/50
Single-family Dwelling (future development ³)	10,000	80	25	7.5	25	25	35	35/50
Other Permitted and Conditional Uses	10,000	80	25	7.5	25	15	35	35/50
Accessory Buildings	-	-	50	8	5	15	17 ⁴	10 ¹

¹ Provided that the total area of all of the accessory structures does not exceed 720 square feet and the total lot coverage of all buildings does not exceed 50 percent.

² Future development shall be defined as all new subdivisions created after the date of passage of this Ordinance.

³ Existing development shall be defined as existing prior to the adoption of this ordinance and shall not include any replatting or lot splits done after the date of original adoption.

Section 5.10 R-2 Medium Density Residential

5.10.1 Intent: The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.10.2 Permitted Uses:

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

1. Single family detached dwellings
2. Single family attached
3. Two-family, duplex, dwellings
4. Public and private schools
5. Publicly owned and operated facilities
6. Public Services
7. Public recreation areas such as parks, country clubs, golf courses, lakes, common areas and swimming pool

5.10.3 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-2 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Bed and Breakfasts, provided that guest rooms shall be within the principal residential building only and not within an accessory building.
2. Religious institutions
3. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, hospice, other similar institutions, or philanthropic institutions.
4. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
5. Child Care Center
6. Family Child Care Home II
7. Congregate housing
8. Emergency Shelters
9. Adult Care Center
10. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.

5.10.4 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.01 through 8.06.
6. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
7. Family Child Care Home I
8. Home Occupations as per Section 8.07.
9. Landscaping as required by Section 9.03.
10. Incidental public safety uses such as emergency sirens
11. Amateur radio towers and associated facilities, per Section 8.08

5.10.5 Height and Lot Requirements:

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

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard ² (ft)	Rear Yard (ft)	Street Side Yd. (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Single-family Dwelling	7,200	70	25	7.5	25	15	35	40/55
Single-family Dwelling (future development)	7,200	70	25	7.5	25	25	35	35/55
Two-family Dwelling	12,000	80	25	7.5	25	15	35	40/55
Single-family attached ²	6,000 per unit	45 per unit	25	10 ²	25	15	35	40/55
Other Permitted and Conditional Uses	8,000	70	25	7.5	25	15	35	30/55
Accessory Buildings	-	-	35	5	8	15	17 ³	10 ¹

1 Provided that the total area of all of the accessory structures does not exceed 720 square feet and the total lot coverage of all buildings does not exceed 50 percent.

2 The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

3 The height may be increased to 20 feet with 12 ft. sidewalls based on a 2-story house as principal structure.

Section 5.11 R-3 High Density Residential

5.11.1 Intent: The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and higher density residential development such as apartments in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.11.2 Permitted Uses:

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

1. Single family detached dwellings.
2. Two-family, duplex, dwellings.
3. Single family attached dwellings.
4. Townhouses, Condominiums, and Multiple family dwellings.
5. Public and private schools.
6. Publicly owned and operated facilities.
7. Public services.
8. Religious institutions.
9. Public recreation areas such as parks, country clubs, golf courses, lakes, common areas and swimming pools.

5.11.3 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-3 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Bed and breakfast, provided guest rooms shall be within the principal residential building only and not within an accessory building.
2. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
3. Child care center.
4. Multiple family dwellings with a density that is greater than allowed as a permitted use.
5. Charitable clubs and organizations.
6. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, hospice, or other similar institutions, philanthropic institutions.
7. Group care home.
8. Family child care home II.
9. Community center.
10. Emergency shelters.
11. Adult care center.
12. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
13. Mobile home parks, provided they meet the following conditions:
 - A. A mobile home park shall be developed according to a site plan approved by the Zoning Administrator and City Engineer.
 - B. There shall be a minimum livable floor area of 500 square feet in each mobile home, when mobile home is owned and leased by the mobile home park owner.
 - C. Height of buildings.
 1. Maximum height for principal uses: 35 feet.
 2. Maximum height for accessory uses: 20 feet.
 - D. Each lot shall have access to a hard-surfaced drive not less than 22 feet in width excluding parking.
 - E. City water and sewage disposal facilities shall be provided with connections to each lot.
 - F. Tie downs shall meet all manufacturers recommendations.
 - G. Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.
 - H. Not less than 10 percent of the total court area shall be designated and used for park, playground and recreational purposes.
 - I. Limitations on Lot Coverage shall be no more than 45 percent.
 - J. Storm shelters shall be required and shall meet the following criteria:
 1. Shelter space equivalent to a minimum of two persons per mobile home lot,

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

5.11.4 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached.
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.01 through 8.06.
6. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
7. Home occupations, as per Section 8.07.
8. Landscaping as required by Section 9.03.
9. Family child care home I.
10. Incidental public safety uses such as emergency sirens.

5.11.5 Height and Lot Requirements:

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

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard ² (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Single-family Dwelling	7,000	50	25	6	25	15	45	40/55
Two-family Dwelling	10,000	80	25	6	25	15	45	40/55
Single-family attached	6,000 per unit	45 per unit	25	10 ²	25	15	45	40/55
Multi-family Dwelling	3,000 per unit	75	25	7.5	25	15	45	50/55
Townhomes/Condominiums	3,000 per unit	75	25	7.5	25	15	45	50/55
Other Permitted and Conditional Uses	8,000	75	25	7.5	25	15	45	30/55
Accessory Buildings	-	-	35	5	8	15	17	10 ¹

¹ Provided that the total area of all of the accessory structures does not exceed 720 square feet and the total lot coverage of all buildings does not exceed 50 percent.

² The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

Section 5.11A R-4 Highest Density Residential

5.11A.1 Intent: The purpose of this District is to permit the highest density and mixture of a variety of residential uses which involve the more creative styles of housing such as villas, townhouses, condominiums, duplexes, other residential styles beyond the standard suburban single-family detached units, and multi-family. Some standard suburban single-family detached uses are allowable, but the aforesaid more creative styles of housing and/or multi-family uses must clearly predominate the subdivision. The multi-family uses include single building facilities and developments with multiple buildings on several acres of ground. Even though a multi-family development may be a permitted use, it will still require review by the Design Review Committee.

5.11A.2 Permitted Uses:

The following principal uses are permitted in the R-4 District.

1. Single-family dwellings with a maximum of 30% of the proposed dwelling units.
2. Multi-family dwelling units.
3. Two-family, duplex, dwellings.
4. Townhouses, Condominiums.
5. Public and private schools.
6. Publicly owned and operated facilities.
7. Public services.
8. Religious institutions.

5.11A.3 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-4 District as recommended by the Planning Commission and approved by the City Council.

1. Public utility substations, regulator stations, pumping and treatment facilities, water storage, equipment buildings, garages, towers, or similar uses.
2. Child care center.
3. Rest homes, nursing homes, convalescent homes, hospice, or other similar institutions.
4. Group care home.
5. Adult care center.

5.11A.4 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached.
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Signs as provided for in Sections 7.01 through 7.04.
5. Parking as provided for in Sections 8.01 through 8.06.
6. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence or complex.
7. Trails with exercise stations.
8. Landscaping as required by Section 9.03.
9. Family child care home I.
10. Incidental public safety uses such as emergency sirens.

5.11A.5 Height and Lot Requirements:

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

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Single-family, detached	5,000	40	25	5	25	15	45	40/55
Two-family Dwelling	8,000	50	25	7.5	25	15	45	40/55
Multi-family Dwelling Single Structure/Multi-level	-	-	25	25	25	25	45	50/55
Condominiums	1500 per unit	18/unit ²	25 ⁵	7.5 ²	20	15	45	50/55 ³
Multi-family Dwellings, Multiple buildings ^{5,6}	-	-	25 ⁷	25 ⁶	25 ⁶	25 ⁶	45	50/55
Condominiums similar to Townhouse design	1500 per unit	18/unit ²	25 ⁵	7.5 ²	20	15	45	50/55 ³
Townhouses, Single-family attached	1500 per unit	18/unit ²	25 ⁵	5 ²	20	15	45	50/55 ³
Other Permitted and Conditional Uses	8,000	50	25	7.5	25	15	45	30/55
Accessory Buildings	-	-	35	5	8	15	17	10

¹ The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

² The exterior lots of a set of townhouses shall not encroach with the required sight triangle.

- ³ In the case of a proposed development with front porches and rear parking access, the front yard setback may be reduced to 0 feet. In addition, Max. Lot Coverage Building/Impervious Area may also be increased to 80%.
- ⁴ All setbacks shall be from any property lines throughout the development.
- ⁵ The setbacks on a multi-building multi-family development may be reduced to 15 feet, provided that an accessory use (garages, etc.) or parking lot is facing the property line or thoroughfare.
- ⁶ All multiple buildings multi-family developments shall be a permitted use but shall still be subject to the Design Review Committee as per Section 4.24.

5.11A.6 Site Plan Review for Multiple Buildings Multi-Family Developments:

The following information is required prior to the approval of any permits when multiple buildings with multi-family units are proposed together or in phases. The Design Review Committee reserves the right to approve the proposed requirements as presented or require specific changes be made prior to approval.

1. Site Plan:

- A. Location of all proposed structures including accessory uses.
- B. Location of all proposed parking spaces.
- C. Location of proposed access points to surrounding street network and private streets.
- D. Direction of all proposed vehicular traffic movement within the site.
- E. Location of all proposed landscaping and screening elements.
- F. The location of any potential negative impacts on adjacent properties.
- G. Location of all existing and proposed topographic contours.
- H. Location of all proposed internal sidewalks and trails.
- I. Location of all proposed Site Lighting (see Item 3 below).
- J. Location of all proposed utility placement and easements (see Item 4 below).
- K. Location of all stormwater management facilities.

2. Traffic Impact Study:

A traffic impact analysis (TIA) may be required by the City regarding the proposed development and impacts on adjacent properties, streets, and highways. The City Engineer shall determine if a TIA is required.

3. Site Lighting:

- A. The following site features shall be illuminated by an exterior light source:
 1. Driveways and loading facilities; and
 2. Pedestrian walkway surfaces and entrances to buildings.
- B. The location and design of site lighting shall conform to the following:
 1. All exterior lighting shall be designed, installed and maintained so as not to cause glare or to shine in adjacent lots and streets;
 2. No light sources shall provide illumination onto adjacent lots, buildings or streets in excess of 1-foot candle;
 3. All exterior lighting luminaries shall be designed and installed to shield light from the luminaire at angles above 72 degrees from vertical;
 4. Fixtures mounted on a building shall not be positioned higher than the roofline or 25 feet maximum) of the building;
 5. Wooden utility type poles are acceptable only for temporary use during construction; and
 6. All electrical service lines to posts and fixtures shall be installed underground and concealed inside the posts.

4. Utility Locations:

Service lines and mechanical equipment for utilities shall be located in accordance with the following requirements:

- A. Service Lines: All electrical, telephone, cable, and other similar utility lines serving the building and other site features shall be located underground.
- B. Mechanical Equipment: All roof-mounted and ground-mounted electrical transformers, switching gears, relay boxes, meters, air conditioning units, heat pumps and other similar mechanical equipment shall be screened from view to the height of the equipment. Roof-mounted mechanical equipment shall be screened in such a manner that it will appear to be an integral part of the building's overall architectural design.
- C. Water, Sanitary and Storm Sewers shall be coordinated with the City Engineer.

5. Stormwater Management:

- A. Stormwater management systems shall be designed in accordance with the requirements of the City of Gretna Stormwater Management Policies, as amended. The entire site shall be developed using best management practices approved by the City Engineer.
- B. In some cases, the following tools may be appropriate only after approval of the City Engineer:
 1. Bio-swales: Vegetated swales with amended soil backfill and underdrains to improve infiltration or filtration.
 2. Native plantings: Use of native plants to reduce the need for irrigation and reduce runoff. Native plants also slow runoff and improve infiltration or filtration with their deep, fibrous root systems.
 3. Rain gardens: Landscape depressions filled with amended, permeable soil and native, deep-rooted, moisture-tolerant plants to promote infiltration or filtration.

4. Detention/Water Quality Ponds

6. Pedestrian Access and Circulation:

- A. Developments shall connect and link with adjacent residential areas, open spaces, and adjacent trails.

7. Vehicular Access and Circulation:

- A. Developments over five acres shall include a minimum of one community street with detached sidewalks and parkway strips. The community street shall connect to a public street in all cases.

Section 5.12 NC Neighborhood Commercial District

5.12.1 Intent: The Neighborhood District is intended for small scale commercial and office development typically found in or adjacent to commercial and/or neighborhood areas.

5.12.2 Permitted Uses:

The following principal uses are permitted in the NC District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment.
2. Museums, art galleries, and other public or semi-public cultural facilities.
3. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Barber Shop/Salon
 - B. Book store, not including uses defined in Adult Establishment
 - C. Dry cleaning and laundry pickup
 - D. Floral shop
 - E. Gift and curio shop
 - F. Jewelry store
 - G. Studio – Dance/Yoga
 - H. Travel agencies
 - I. Video store, not including uses defined in Adult Establishment
4. Community center
5. Public services
6. Medical offices
7. General offices
8. Educational institutions under the supervision and administration of a public agency

5.12.3 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 NC District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Coffee Kiosks
2. Automated Teller Machines when not within the interior of a primary use
3. Convenience store with limited fuel sales.
4. Churches and temples
5. Child care center
6. Dog day care
7. Food Sales, limited
8. Public and private higher educational institutions such as trade schools, colleges, and seminaries.
9. Public and private recreation uses such as parks, country clubs, golf courses, lakes, common areas, and swimming pools
10. Multiple Family, provided it adheres to the following:
 - A. All dwelling units shall be on the upper floors
 - B. Parking shall be provided to the rear of the building
 - C. Entrances shall be articulated through the use of architectural detailing, and shall be separate from other uses within the same structure
11. Animal hospital as defined and limited by Section 2.3.36, and provided it adheres to the following:
 - A. All services and activities shall occur inside the facility
 - B. Only services and activities for household pets (i.e. small animals such as dogs, cats, birds, and fish) are allowed and there shall be no services or activities for livestock or other large animals
 - C. There shall be no boarding of animals, except for short time boarding incidental to medical or surgical treatment.

5.12.4 Permitted Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Section 8.01 through 8.06.
3. Signs allowed in Section 7.01 through 7.04.
4. Landscaping as required by Section 9.03
5. Incidental public safety uses such as emergency sirens

5.12.5 Permitted Temporary Uses

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

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

5.12.6 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	2,000	-	20	10	10	15	30	60/80
Conditional Uses	2,000	-	20	10	10	15	30	60/80

5.12.7 Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
2. 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.
3. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.

Section 5.13 DC Downtown Commercial District

5.13.1 Intent: The Downtown Commercial District is intended for commercial and office development typically found in a downtown area. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

5.13.2 Permitted Uses:

The following principal uses are permitted in the DC District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment.
2. Museums, art galleries, and other public or semi-public cultural facilities.
3. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Barber Shop/Salon
 - B. Book store, not including uses defined in Adult Establishment
 - C. Brew-on premises store
 - D. Dry cleaning and laundry pickup
 - E. Floral shop
 - F. Gift and curio shop
 - G. Jewelry store
 - H. Restaurants, cafes and fast food establishment
 - I. Studio - Dance/Yoga
 - J. Travel agencies
 - K. Video store, not including uses defined in Adult Establishment
 - L. Food Sales, limited
4. Meeting Halls not including Adult Establishments
5. Community center
6. Public services
7. Congregate housing
8. Medical offices
9. General offices
10. Educational institutions under the supervision and administration of a public agency
11. Multiple Family, provided it adheres to the following:
 - A. All dwelling units shall be on the upper floors
 - B. Parking shall be provided to the rear of the building
 - C. Entrances shall be articulated through the use of architectural detailing, and shall be separate from other uses within the same structure

5.13.3 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 DC District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Theater, indoor, not including uses defined in Adult Establishment.
2. Automobile display, sales, service, and repair.
3. Brew Pubs
4. Micro breweries when in conjunction with a restaurant
5. Coffee Kiosks
6. Automated Teller Machines when not within the interior of a primary use
7. Tavern and cocktail lounge, not including uses defined in Adult Establishment
8. Convenience store with limited fuel sales.
9. Religious institutions
10. Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
11. Department Stores
12. Health Clubs and tanning salon, not including uses defined in Adult Establishment
13. Health Recreation Facilities, not including uses defined in Adult Establishment
14. Child Care Center
15. Food Sales, general
16. Public and private higher educational institutions such as trade schools, colleges, and seminaries.

5.13.4 Permitted Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Section 8.01 through 8.06.
3. Signs allowed in Section 7.01 through 7.04.
4. Landscaping as required by Section 9.03

5.13.5 Permitted Temporary Uses

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

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

5.13.6 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	0	0	0	0	0	NA	100/100
Conditional Uses	0	0	0	0	0	NA	100/100

5.13.7 Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
2. 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.
3. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.

Section 5.14 GC General Commercial District

5.14.1 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. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City. The district is primarily designed to be used in areas noted as “General Commercial” in the Comprehensive Plan.

5.14.2 Permitted Uses:

The following principal uses are permitted in the GC District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment
2. Child care center.
3. Studio -Dance/Yoga, not including uses defined in Adult Establishment
4. Museums, art galleries, and other publicly owned cultural facilities.
5. Community center
6. Public services
7. Public and private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools
8. Adult Day Care Center
9. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Apparel shop
 - B. Appliance store
 - C. Antique store
 - D. Automobile parts and supply store
 - E. Bakery shop (retail)
 - F. Barber and Beauty shop
 - G. Bicycle shop
 - H. Book store, not including uses defined in Adult Establishment
 - I. Brew-on premises store
 - J. Camera store
 - K. Communication services
 - L. Computer store
 - M. Confectionery.
 - N. Dairy products sales
 - O. Drug store
 - P. Dry cleaning and laundry pickup
 - Q. Health Clubs and tanning salon, not including uses defined in Adult Establishment
 - R. Health Recreation Facilities, not including uses defined in Adult Establishment
 - S. Floral shop
 - T. Mortuary
 - U. Food Sales (Limited)
 - V. Food Sales (General)
 - W. Furniture store or showroom
 - X. Gift and curio shop
 - Y. Gunsmith
 - Z. Hardware store
 - AA. Hobby, craft, toy store
 - BB. Jewelry store
 - CC. Liquor store
 - DD. Locksmith
 - EE. Meat market, retail
 - FF. Medical Office
 - GG. Meeting Halls, not including Adult Establishment
 - HH. Music retail store
 - II. Music studio
 - JJ. Newsstands, not including uses defined in Adult Establishment

KK.	Outlet retail store
LL.	Paint store
MM.	Pet shop, provided that all facilities are fully enclosed
NN.	Photographer
OO.	Picture framing shop
PP.	Reservation center
QQ.	Restaurants, cafes and fast food establishment
RR.	Shopping Center,
SS.	Second hand stores
TT.	Shoe store
UU.	Sporting goods
VV.	Stamp and coin stores
WW.	Tailors and dressmakers
XX.	Tanning salon
YY.	Tattoo and body piercing parlor
ZZ.	Travel agencies
AAA.	Video store, not including uses defined in Adult Establishment
BBB.	Social club and fraternal organizations, not including uses defined in Adult Establishment
CCC.	Telephone exchange
DDD.	Telephone answering service
EEE.	Public overhead and underground local distribution utilities.

5.14.3 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 GC District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Recreational establishments.
2. Variety store, not including uses defined in Adult Establishment
3. Amusement arcades.
4. Bowling center.
5. Brew Pubs
6. Micro breweries when in conjunction with a restaurant
7. Coffee Kiosks
8. Automated Teller Machines when not within the interior of a primary use
9. Business or trade school.
10. Dog day care
11. Garden supply and retail garden center.
12. Commercial greenhouse.
13. Mail order services.
14. Pinball or video games business.
15. Tavern and cocktail lounge, not including uses defined in Adult Establishment
16. Totally enclosed, automated and conveyor-style car washes.
17. Convenience store with limited fuel sales.
18. Residences in conjunction with the principal use when located above the groundfloor.
19. Religious institutions.
20. Big Box Retail, Large
21. Big Box Retail, Medium
22. Big Box Retail, Small
23. Car wash.
24. Veterinary Services
25. Animal Hospitals, provided the following:
 - A. Said use is totally enclosed within a building
 - B. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets
 - C. This excludes uses for livestock and other large animals.
26. All outdoor storage shall be temporary and shall comply with the provisions for Temporary Uses, as per this Ordinance.
27. Service station with minor automobile repair services.
28. Tire store and minor automobile repair service.
29. Radio, television and communication towers and transmitters, as per Section 7.11

30. Automobile, display, sales, service, and repair.
31. Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
32. Self service storage facility

5.14.4 Permitted Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Section 8.01 through 8.06.
3. Signs allowed in Section 7.01 through 7.04.
4. Landscaping as required by Section 9.03
5. Incidental public safety uses such as emergency sirens

5.14.5 Permitted Temporary Uses

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

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

5.14.6 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	8,000	50	25 ¹	10	10 ²	15	45	60/90
Conditional Uses	8,000	50	25 ¹	10	10 ²	15	45	60/90

¹ 25 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of 50 feet.

² 25 feet for through lots.

5.14.7 Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
2. 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.
3. All uses over 20,000 sq. ft. in gross floor area shall be required to submit development plans and site plans to the governing body for approval.
4. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.

Section 5.15 HC Highway Commercial

5.15.1 Intent: This district is designed to accommodate numerous commercial uses, including those that may have significant visual or traffic impacts. It is designed for commercial uses that serve an area beyond the adjacent neighborhood. This district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City. The district is to be used in areas noted as “Future Commercial” in the Comprehensive Plan.

5.15.2 Permitted uses:

The following principal uses are permitted in the HC District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment
2. Child care center.
3. Studio – Dance/Yoga, not including uses defined in Adult Establishment
4. Meeting hall, not including uses defined in Adult Establishment
5. Museum, art gallery.
6. Publicly owned and operated facilities.
7. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Apparel shop
 - B. Appliance store
 - C. Antique store
 - D. Automobile parts and supply store
 - E. Bakery shop (retail)
 - F. Barber and Beauty shop
 - G. Bicycle shop
 - H. Book store, not including uses defined in Adult Establishment
 - I. Brew-on premises store
 - J. Camera store
 - K. Communication services
 - L. Computer store
 - M. Confectionery
 - N. Dairy products sales
 - O. Drug store
 - P. Dry cleaning and laundry pickup
 - Q. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment
 - R. Food Sales (Limited)
 - S. Food Sales (General)
 - T. Floral shop
 - U. Mortuary
 - V. Furniture store or showroom
 - W. General and Medical Offices
 - X. Gift and curio shop
 - Y. Gunsmith
 - Z. Hardware store
 - AA. Hobby, craft, toy store
 - BB. Jewelry store
 - CC. Liquor store
 - DD. Locksmith
 - EE. Meat market, retail
 - FF. Music retail store
 - GG. Newsstands, not including uses defined in Adult Establishment
 - HH. Outlet retail store
 - II. Paint store
 - JJ. Pet shop, provided that all facilities are fully enclosed.
 - KK. Photographer
 - LL. Picture framing shop
 - MM. Reservation center
 - NN. Restaurants, cafes and fast food establishments, including those with drive-thru facilities.

OO.	Second hand stores
PP.	Shoe store
QQ.	Sporting goods
RR.	Stamp and coin stores
SS.	Tailors and dressmakers
TT.	Tanning salon
UU.	Tattoo and body piercing parlor
VV.	Travel agencies
WW.	Video store, not including uses defined in Adult Establishment
XX.	Social club and fraternal organizations, not including uses defined in Adult Establishment
YY.	Telephone exchange
ZZ.	Telephone answering service
AAA.	Public overhead and underground local distribution utilities.
BBB.	Medical and dental offices.

5.15.3 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 HC District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Recreational establishments.
2. Big Box Retail, Large
3. Big Box Retail, Medium
4. Big Box Retail, Small
5. Home Improvement Center; provided that the following minimum standards are present:
 - A. All lumber shall be enclosed with the primary structure.
 - B. All year round landscaping materials shall be enclosed within the primary structure.
6. Shopping center
7. Shopping center, commercial strip
8. Shopping center, outlet
9. Department Store
10. Variety store, not including uses defined in Adult Establishment
11. Amusement arcades.
12. Brew Pubs
13. Coffee Kiosks
14. Micro breweries when in conjunction with a restaurant.
15. Automated Teller Machines when not within the interior of a primary use
16. Theater, indoor, not including uses defined in Adult Establishment.
17. Bowling center.
18. Commercial greenhouse.
19. Hotels and Motels
20. Truck Stops
21. Mail order services.
22. Pinball or video games business.
23. Tavern and cocktail lounge, not including uses defined in Adult Establishment
24. Totally enclosed, automated and conveyor-style car washes.
25. Convenience store with limited fuel sales.
26. Automotive sales and service
27. Garden supply and retail garden center.
28. Outdoor storage in conjunction with another primary use.
29. Dog Day Care
30. Veterinary Services.
31. Animal Hospitals, provided the following:
 - A. Said use is totally enclosed within a building
 - B. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets
 - C. This excludes uses for livestock and other large animals.
30. Outdoor storage, subject to the following requirements:
 - A. A landscape buffer shall be provided subject to the approval of the zoning administrator.
 - B. 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

- C. All outdoor storage areas shall be screened by a fence or wall or a combination of both, and shall be located to the rear of the landscape buffer.

5.15.4 Permitted Accessory Uses:

- 1. Buildings and uses customarily incidental to the permitted uses.
- 2. Parking as allowed in Section 8.01 through 8.06.
- 3. Signs allowed in Section 7.01 through 7.04.
- 4. Landscaping as required by Section 9.03
- 5. Incidental public safety uses such as emergency sirens

5.15.5 Permitted Temporary Uses

Temporary Uses require a permit from the City of Gretna and shall be valid only for a specific amount of time as indicated on said permit. All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter.

- 1. Temporary greenhouses.
- 2. Temporary structures as needed for sidewalk and other outdoor sales events.
- 3. Fireworks stands, provided the criteria is met as established by the City through separate Ordinances.
- 4. Buildings and uses incidental to construction work are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed.
- 5. Temporary structures for festivals or commercial events.

5.15.6 Height and Lot Requirements:

- 1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	10,000	100	25 ¹	10	20	15	45	70/90
Conditional Uses	10,000	100	25 ¹	10	20	15	45	70/90

¹. 25 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of 50 feet.

5.15.7 Use Limitations:

- 1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district.
- 2. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
- 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.
- 4. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.

Section 5.16 MUC Mixed Use Commercial and Business Park District

5.16.1 Intent: The purpose of this district is to allow high density residential, including single-family dwellings, two-family dwellings, and multi-family dwelling development in commercial and business park areas and areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for residents and the community as a whole. This district is also intended to allow for a combination of office, commercial, business park developments, and other uses within the area designated below through the use of aesthetic, architectural, and other standards in a manner that encourages development that is considered appropriate for the main entryways into and through the City of Gretna. Such Mixed Use Commercial and Business Park Zoning District shall require a rezoning inclusion of the CO Corridor or Interstate Corridor Overlay District in which such aesthetic, architectural and other standards are prescribed. Such uses may require additional zoning to PUD Planned Unit Development District.

5.16.2 Permitted Uses:

The following principal uses are permitted in the MUC District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment
2. Child care center.
3. Studio – Dance/Yoga, not including uses defined in Adult Establishment
4. Meeting hall, not including uses defined in Adult Establishment
5. Museum, art gallery.
6. Publicly owned and operated facilities.
7. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Book store, not including uses defined in Adult Establishment
 - B. Brew-on premises store
 - C. Camera store
 - D. Communication services
 - E. Computer store
 - F. Confectionery
 - G. Drug store
 - H. Food Sales (Limited)
 - I. Floral shop
 - J. General, medical, and dental offices
 - K. Gift and curio shop
 - L. Hobby, craft, toy store
 - M. Jewelry store
 - N. Music retail store
 - O. Newsstands, not including uses defined in Adult Establishment
 - P. Outlet retail store
 - Q. Photographer
 - R. Picture framing shop
 - S. Reservation center
 - T. Restaurants, cafes and fast food establishments, including those with drive-thru facilities.
 - U. Shoe store
 - V. Sporting goods
 - W. Travel agencies
 - X. Video store, not including uses defined in Adult Establishment
 - Y. Social club and fraternal organizations, not including uses defined in Adult Establishment
 - Z. Telephone exchange
 - AA. Telephone answering service
 - BB. Public overhead and underground local distribution utilities.
8. Secondary education facilities

5.16.3 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 MUC District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Bed and breakfasts, provided that guest rooms shall be within the principal residential building only and not within an accessory building.
2. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
3. Home occupations, as per Section 8.07.
4. Single family detached dwellings.
5. Two-family, duplex buildings.
6. Single family attached dwellings.
7. Townhouses, condominiums, and multiple family dwellings.
8. Charitable clubs and organizations.
9. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, hospice, or other similar institutions, philanthropic institutions.
10. Group care home.
11. Community center.
12. Emergency shelters.
13. Big box retail, large.
14. Big box retail, medium.
15. Big box retail, small.
16. Shopping center.
17. Shopping center, commercial strip.
18. Shopping center, outlet.
19. Brew pubs.
20. Coffee kiosks.
21. Microbreweries when in conjunction with a restaurant.
22. Automated teller machines when not within the interior of a primary use.
23. Theater, indoor, not including uses defined in Adult Establishment.
24. Hotels and motels.
25. Tavern and cocktail lounge, not including uses defined in Adult Establishment.
26. Convenience store with limited fuel sales.
27. Recreational vehicle parks.

5.16.4 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.01 through 8.06.
6. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
7. Landscaping as required by Section 9.03

5.16.5 Height and Lot Requirements:

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

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yd. (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Single-family Dwelling ³	7,000	70	25	7.5	25	15	35	40/80
Single-family Attached ^{3,5}	4,500 per unit	45 per unit	25	7.5	25	15	35	40/80
Two-family Dwelling ³	10,000	80	25	7.5	25	15	35	40/80
Townhouses/Condominiums ^{4, 5, 6}	2,500 per unit	25 per unit	25	7.5	25	15	35	50/80
Multi-family Dwelling ^{3, 6}	2,500 per unit	100	25	7.5 ¹	25	15	45 ¹	50/80
Other Permitted and Conditional Uses	8,500	75	25	7.5	25	15	45	30/80
Accessory Buildings	-	-	35	5	8	15	17	10 ²

- ¹ For Multi-Family units the side yard shall be 10 feet if it is a three-story structure, and five feet additional side yard on each side shall be provided for each story in excess of three stories.
- ² Provided the total area of accessory structure for single family does not exceed 720 sq. ft. and the total lot coverage of all buildings does not exceed 50 percent
- ³ On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- ⁴ This applies to Condominiums and Townhouses where there are three or more units connected and where there is a minimum of two common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- ⁵ Where there are three or more units connected the side yard at the ends shall meet these criteria otherwise the side yard setback shall be zero feet at common walls. The side yard not containing the common wall shall be double the normal required setback.
- ⁶ The first four units of a multiple family dwelling, townhouse, or condominium shall have a minimum lot area of 2,500 s.f. per unit; after which the minimum lot area shall be 3,750 s.f. per unit.

Section 5.17 I-1 Light Industrial

5.17.1 Intent: It is the intent of the Light Industrial District Regulations to provide standards for areas suitable for some limited industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to avoid incompatible land uses, to serve these areas with adequate transportation facilities, and to prevent or mitigate hazards to adjacent properties.

5.17.2 Permitted Uses:

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

1. Light manufacturing; assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials, including:
 - Electrical and electronic appliances.
 - Treatment of articles or merchandise from previously prepared materials.
 - Light sheet metal products including heating and ventilation equipment.
2. Printing and publishing businesses.
3. Stone and monument works.
4. Public local distribution and main transmission utilities.
5. Warehouses and wholesale businesses.
6. Building materials yards with enclosed and screened storage areas; including construction and contractor storage yards.
7. Laboratories.
8. Highway maintenance yards or buildings.
9. Self-storage units, see Section 8.12.
10. Veterinarian services or animal hospitals
11. Outdoor storage facilities for recreational vehicles, campers, and similar vehicles.
12. Recycling collection and processing facilities, both public and private.
13. Railroads, including terminals, switching yards, and related facilities.
14. Dry cleaning.
15. Health clubs and tanning salons, not including those classified as an Adult Establishment.
16. Studios – dance/yoga, not including those classified as an Adult Establishment.
17. Personal improvement services.
18. Commercial recreation facilities, indoor and outdoor.
19. Public services and publicly owned and operated facilities.
20. Parks and recreation.
21. Landscape and horticultural services.
22. Business services.
23. Dog day care.

5.17.3 Conditional Uses

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

1. Sales and service of vehicles and equipment including:
 - A. Construction and heavy equipment sales and service.
 - B. Automotive.
 - C. Recreational vehicles such as boats and campers.
 - D. Farm implement sales and service.
 - E. Auto body repair.
2. Research facilities.
3. Truck terminal and dock facilities to include truck washing
4. Live-in quarters used by live-in watchman or custodians during periods of construction or when necessary as an accessory to permitted use
5. Cabinetry millwork
6. Correctional facilities
7. Kennels and stables
8. Automotive rental/leasing and other heavy equipment rental
9. Lumber and other building materials dealer
10. Radio, television and communication towers and transmitters, as per Section 8.08.
11. Fertilizer transmission lines
12. Utility substations, terminal facilities, and reservoirs.
13. Auction sales
14. Gun smithing and retail firearms sales

5.17.4 Permitted Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Section 8.01 through 8.06.
3. Signs allowed in Section 7.01 through 7.04.
4. Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.
5. Landscaping as required by Section 9.03.

5.17.5 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Use	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	15,000	100	50 ¹	10	10	15	45	70/90
Conditional Uses	15,000	100	50 ¹	10	10	15	45	70/90

¹ 50 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of 75 feet.

Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
2. No outdoor storage is permitted, except:
 - A. The display of new merchandise for sale to the public.
 - B. Unless specifically permitted within this Section.
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.
4. No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling.
5. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.

5.17.6 Performance Standards:

See Section 8.11 of the Supplemental Regulations.

Section 5.18 I-2 Heavy Industrial

5.18.1 Intent: It is the intent of the Heavy Industrial District Regulations to provide standards for areas suitable for some limited industrial uses and services, including some manufacturing, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to avoid incompatible land uses, to serve these areas with adequate transportation facilities, and to prevent or mitigate hazards to adjacent properties.

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

5.18.2 Permitted Uses:

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

1. Light manufacturing; assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials, including:
 - A. Electrical and electronic appliances.
 - B. Light sheet metal products including heating and ventilation equipment.
 - C. Treatment of articles or merchandising from previously prepared materials such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber, and paint.
2. Laboratories.
3. Printing and publishing businesses.
4. Stone and monument works.
5. Public local distribution and main transmission utilities.
6. Warehouses and wholesale businesses.
7. Building materials yards with enclosed and screened storage areas; including construction and contractor yards.
8. Highway maintenance yards or buildings.
9. Self storage units, see Section 8.12.
10. Bottling works.
11. Dairy products processing.
12. Veterinarian services or animal hospitals.
13. Ice plant.
14. Laundry and dry-cleaning plant.
15. Millwork, woodwork.
16. Storage and sales of farm and agricultural products.
17. Processing of food products.
18. Public services and publicly owned and operated facilities.
19. Parks and recreation.
20. Equipment rental, sales, and repair.
21. Personal improvement services.
22. Vehicle storage, short and long term.
23. Airports, not including private landing strips.
24. Railroads.
25. Truck and transportation terminals.
26. Construction batch plants that are temporary in nature.
27. Dog day care.

5.18.3 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-2 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Fertilizer transmission lines.
2. Utility substations, terminal facilities, and reservoirs.
3. Radio, television and communication towers and transmitters, as per Section 8.08.
4. Auction sales.
5. Construction and heavy equipment sales and service.
6. Farm implement sales and service.
7. Research facilities.
8. Truck terminal and dock facilities to include truck washing
9. Auto body repair.
10. Auto salvage.
11. Central mixing plant for concrete, asphalt, or paving material.
12. Scrap and salvage yard.

13. Storage of bulk petroleum products.
14. Storage or processing of non-hazardous material.
15. Solid waste companies and associated facilities.
16. Refuse transfer stations.
17. Tire retreading and recapping.
18. Recycling center for computers, televisions and household items.
19. Fireworks storage.
20. Adult entertainment establishments, provided that the following requirements are met:
 - 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. Explicit signs shall not be seen from any point off-premises.
 - I. Such use shall not diminish or impair established property values in adjoining or surrounding property.
 - J. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Gretna, Nebraska.
 - K. 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.
 - L. 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.
 - M. *Prohibited Activities of Adult Businesses:*
 1. No adult business shall employ any person under 18 years of age.
 2. No adult business shall furnish any merchandise or services to any person who is under 18 years of age.
 3. 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.
 4. 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.

5.18.4 Permitted Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Section 8.01 through 8.06.
3. Signs allowed in Section 7.01 through 7.04.
4. Temporary buildings and uses incidental to construction work which will be removed upon completion or abandonment of the construction work.

5. Live-in quarters used by live-in watchman or custodians during periods of construction
6. Landscaping as required by Section 9.03

5.18.5 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Max. Lot Coverage	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	5,000	50	50 ¹	10	10	15	55	85/100
Conditional Uses	5,000	50	50 ¹	10	10	15	55	85/100

¹ 50 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of 75 feet.

5.18.6 Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
2. 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.
3. No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling.
4. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.

5.18.7 Performance Standards:

See Section 8.11 of the Supplemental Regulations

Section 5.19 PUD Planned Unit Development District (*Amended Nov. 20, 2012 - Ord. No 1018*)**5.19.1 Intent.**

The intent of the PUD District is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, and their inter-relationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

The PUD District is a floating zone. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met.

5.19.2 Recommendation, findings of fact and development sizes.

The planning commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a PUD District, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.

1. Said planned unit development shall be in general conformity with the provisions of the Gretna Comprehensive Plan.
2. Said planned unit development shall not have a substantially adverse effect on the development of the neighboring area.
3. The minimum size allowed for a PUD District shall be as follows:
 - A. Residential, three (3) acres;
 - B. Residential – Commercial (combination), five (5) acres;
 - C. Commercial, three (3) acres;
 - D. Industrial, three (3) acres;
 - E. Height, bulk, and setback requirements may be varied so as to promote an efficient and creative PUD District.

5.19.3 Use regulations.

In a PUD District no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in R-1 through R-3 Districts inclusive and the commercial, industrial and flex space districts. All uses must be approved as shown on the development plan as specified in this division.

5.19.4 Standards and conditions for development.

A planned unit development shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the development by geographic division of the state:

1. The applicant shall satisfy the planning commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of twelve (12) months following the approval of the final application by the City Council. A minimum of fifty (50) percent of the total planned construction shown on the final plan shall be completed within a period of five (5) years following such approval or the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the City Council upon review and recommendation by the Planning Commission upon the showing of good cause by the developer.
2. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
3. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.

4. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
5. The entire tract or parcel of land to be occupied by the planned unit development shall be held in single ownership or control, or if there are two (2) or more owners, the application for such planned unit development shall be filed jointly by all owners.
6. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved.
7. Off-street parking and loading shall be provided in accordance with the parking and loading regulations.
8. When a commercial or industrial use within a PUD District abuts a residential district, a solid or semi-solid fence or wall at least six (6) feet high, but not more than eight (8) feet high, and having a density of not less than eighty (80) percent per square foot, shall be provided adjacent to any adjoining residential district; except in the event the adjacent residential district and the commercial developer are separated by a street right-of-way.
9. Space Limits. All space limit provisions of the primary zone to which the PUD District is appended shall be adhered to, except as modified by plans filed in accordance with the provisions of this zone. In the event the parcel lies in more than one zone, the designed layout may use the various space limits in proportion as the area of each zone relates to the entire parcel, provided that each portion developed contains a proportional share or more of the least dense development in such a manner that the space limit proportions shall be maintained in the event of less than full development. Lot area shall be at least equal to the minimum lot area per dwelling unit required in the primary zone to which the PUD District is appended, and shall also provide that no lot shall be platted with less than three-fourths (3/4) of the lot area in the primary zoning requirement. Any other space limits may be varied from those listed under the primary zone in order to satisfy the purpose of the PUD District classification. Additional space limits may be established as required and with absolute minimum space limits as follows:

Minimum front yard:	20 feet
Minimum side yard:	5 feet
Minimum rear yard:	20 feet
Minimum height of building:	35 feet

Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning Commission and City Council for the protection of health, safety, and general welfare.
10. Building coverage shall not exceed the following percentages of the net developable area of each individual parcel of the total development for each type of planned unit development:
 - Residential, forty (40) percent maximum;
 - Commercial, sixty (60) percent maximum.
 - Industrial, sixty-five (65) percent maximum.
11. A minimum of thirty (30) percent of the net area of that part of a planned unit development reserved for residential use shall be provided for open space as defined by these regulations under Section 16 below. Common open space for the leisure and recreation of PUD residents only shall be owned and maintained in common by them, through a homeowner's association.
12. The PUD District shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community.
13. No residential use shall have direct access onto an arterial street.
14. All commercial areas must have access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets, unless developed as a pad site within the overall development.

15. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the planned unit development.
16. Open space as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, or accessory structures, except recreational structures. Common open space as defined under this zoning district shall mean open space which is accessible and available to all occupants in common by a homeowner's condominium's or resident's association.
17. When a developer intends to design a new concept development, the Planning Commission and City Council may grant lesser front, side, and rear yard setbacks, including zero (0) lotline setbacks.
18. Any development in the Highway 370 corridor (areas lying approximately within one half mile of either side of the right of way of Nebraska Highway 370) of 160 acres or more shall consist of a mix of commercial/retail/office uses (of approximately 50%) and residential developments and shall include sufficient landscaping along both the highway frontage and interior of the development.
 - A. The total land coverage for commercial/retail/office area may be increased when residential is part of a multi-story structure.
 - B. All residential uses should have greater setbacks from any highway/arterial unless a high-density development is proposed in the Highway 370 corridor. For access purposes, higher density developments in the Highway 370 corridor should be located closer to the highway/arterial.
 - C. A ten-foot landscape buffer along any highway or major arterial in addition to any required yard setbacks. Such buffer should be designated adjacent to the right-of-way.
 - D. An additional 8% of the entire development site should be allocated for green space in a non-residential development. Such green space can include required green space within parking areas, internal trail system, natural drainageways, internal boulevard systems, and/or green space at the intersection of highways and major arterials.
 - E. Parking for commercial/office should have no more than two drive lanes allowed without an intervening green/landscape median/island. Three or four drive lanes shall require such median/island of at least five feet in width for adequate vegetative growth.
19. All developments shall use sustainable storm water management practices and maintenance of natural drainage patterns, incorporating water courses into the design of neighborhoods and business park features.

5.19.5 Application for approval of Preliminary PUD.

1. An application for a PUD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
2. The applicant shall prepare and submit thirty (30) folded copies of the preliminary development plan for review and approval by the planning commission. Said preliminary shall include a site plan showing:
 - A. Contours at intervals of two (2) feet or spot elevations on a one hundred foot grid shall be required on flat land;
 - B. Location, size, height, and use of all proposed structures in conformance with the yard requirements;
 - C. All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
 - D. All streets adjoining subject property and the width of the existing right-of-way;
 - E. Areas set aside for public and private open space with the type of recreational facilities planned for each are indicates;
 - F. Designation of individual parcels if the proposed development is to be set up in separate construction phases;
 - G. Designation of individual lots if such lots are proposed to be sold to individual owners;
 - H. Location of required screening;

- I. Location of natural features such as ponds, tree clusters, and rock outcroppings;
 - J. Existing development on adjacent properties within two hundred (200) feet.
3. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when, said items are applicable:
 - A. Net area in square feet or acres. (*Note:* Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, designate net area by parcel as well as total net area.)
 - B. Density of dwelling units per acre of the total dwelling units for the entire plan.
 - C. Building coverage of the net area of the planned unit development by individual parcel or total development.
 - D. The percentage of the development plan provided for common open space as defined by this regulation. (*Note:* Normally, this figure should be approximately fifty (50) percent.)
 - E. If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
 - F. Required number of off-street parking spaces.
 - G. Gross floor area proposed for commercial buildings.
 - H. All proposed land uses shall be listed by parcel.
 4. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
 5. The full legal description of the boundaries of the property or properties shall be included in the planned unit development.
 6. A vicinity map, shall be included, showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed planned unit development.
 7. A description, rendering or drawing of the general characteristics of the proposed buildings may be submitted if the applicant desires.
 8. When a planned unit development includes provisions for common space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.
 9. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.
 10. The Planning Commission shall hold a Public Hearing on the preliminary PUD after the PUD has been reviewed by City of Gretna staff after giving notice as required by Statute for hearings in amendments.
 11. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the preliminary plan complies with those regulations, together with its recommendations in respect to the action to be taken on the preliminary PUD. The planning commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.
 12. The City Council may or may not approve the preliminary development plan and authorize the submitting of the final development plan.
 13. Substantial or significant changes in the preliminary PUD shall only be made after rehearing and re-approval.

5.19.6 Final approval.

1. After approval of a preliminary plan and prior to the issuance of any building permit, the applicant shall submit an application for final approval with City staff. Said final application may include the entire PUD District or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application shall include thirty (30) folded copies of such drawings, specifications, covenants, easements, conditions, and form of performance bond as set forth in the approval of the preliminary plan and in accordance with the conditions established in this Ordinance for a PUD District. The final plan shall include the same information as the preliminary plan except the following shall also be provided:

- A. A surveyor's certificate certifying to the accuracy of the boundary surveys shown.
 - B. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
 - C. All easements and appropriate building setback lines;
 - D. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
 - E. Lot and/or parcel numbers;
 - F. Location, size, height, and use of all proposed or present buildings;
 - G. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property.
 - H. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.
 - I. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the plan by the landowner is tentatively approved does not:
 - i. Vary the proposed gross residential density or intensity of use by more than five (5) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
 - ii. Increase by more than ten (10) percent the floor area proposed for non-residential use; nor
 - iii. Increase by more than five (5) percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.
 - iv. Substantially change the design of the plan so as to significantly alter:
 - (a) Pedestrian or vehicular traffic flow.
 - (b) The juxtaposition of different land uses.
 - (c) The relation of open space to residential development.
 - (d) The proposed phasing of construction.
 - (e) Proposed use of one or more buildings to a more intensive use category as delineated in this Ordinance.
2. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan. The Planning Commission shall review the final plan for compliance, upon review and comment by the City of Gretna staff, with the approved preliminary plan. Upon review approval, said final plan shall be filed with the City Council for final approval and acceptance.
 3. In the event that the final plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this division as for original approval.

5.19.7 Density Bonuses

1. The use of the PUD District, in conjunction with Conservation Easements, will allow a developer of a Subdivision to institute Density Bonuses.
2. Density Bonuses may be awarded in direct proportion to the amount of the proposed Subdivision that is placed within a Conservation Easement.

For example:

If a developer places 30% of the proposed Subdivision into a Conservation Easement, then the required Lot Area may be reduced by 30% in order to maintain the same number of lots that would have been allowed by the Subdivision lot area and the minimum lot size of the Zoning District.

Normal Development

- A developer has 10 acres of land to develop = 435,600 square feet
- Minimum lot area of the Zoning District = 10,000 square feet
- Total lots (minus streets) = 43.56

Development with Conservation Easements

- Same site of 10 acres = 435,600 square feet
- 30% of site is placed in a Conservation Easement = 130,680 square feet
- Density Bonus allows total lots of 43.56
- New minimum lot area for Subdivision = 7,000 square feet

3. Density Bonuses shall not be a means for a developer to lower the Minimum Lot Area within a Subdivision to below three (3) acres, when said lots are on private wells and septic systems. All lots shall be required to meet the criteria established for wells and septic systems as regulated by the Nebraska Department of Environmental Quality.

5.19.8 Enforcement and modification of plan.

To further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the PUD plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

1. The provisions of the plan relating to:
 - A. The use of land and the use, bulk, and location of buildings and structures; and
 - B. The quality and location of common space; and
 - C. The intensity of use or the density of residential units shall run in favor of the City and shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law.
2. All provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or equity by said residents and owners acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

5.19.9 Amendments.

The PUD District ordinance or an approved preliminary or final development plan may be amended in the same manner prescribed in this division for approval of a preliminary or final plan. Application for amendment may be made by the homeowner's association or fifty-one (51) percent of the owners of the property within the PUD District.

5.19.10 Platting.

For unplatted tracts or tracts being replatted, the approval of the preliminary PUD shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations, except the scale shall be either one hundred (100) feet, fifty (50) feet, or twenty (20) feet to the inch.

5.19.11 Fees.

For the following applications, the indicated fees shall be paid to the City:

1. Preliminary PUD; as set in the Master Fee Schedule
2. Final PUD; as set in the Master Fee Schedule

These fees are separate and do not include any Preliminary and Final Plat Fees required by the City of Gretna.

Section 5.20 FF/FW Flood Plain District (Overlay District)**5.20.1 Statutory Authorization, Findings of Fact and Purposes**

1. **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 and general welfare. The Legislature, in Sections 31-1001 to 31-1022, R.R.S. 1943 (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. Therefore, City Council of Gretna, Nebraska, ordains as follows:

2. **Findings of Fact**
 - A. **Flood Losses Resulting from Periodic Inundation**
 The flood hazard areas of Gretna, Nebraska, are subject to inundation which 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 the public health, safety and general welfare.
 - B. **General Causes of the Flood Losses**
 These flood losses are caused by: (1) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.
 - C. **Methods Used to Analyze Flood Hazards**
 This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.
 - (1) Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood is selected for this ordinance. It is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated May 3, 2010 as amended.
 - (2) Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
 - (3) Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.
 - (4) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any water surface increase along the floodway profile.
 - (5) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but which still is subject to inundation by the base flood.

3. **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 5.20.01,2,A by applying the provisions of this ordinance to:
 - A. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
 - B. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
 - C. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
 - D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

5.20.2 General Provisions

1. **Lands to which Ordinance Applies**
This ordinance shall apply to all lands within the jurisdiction of the City of Gretna that are subject to a 1% or greater chance of flooding in any given year, now or in the future, as identified as numbered and unnumbered A Zones (including AE, AO and AH Zones) on the effective Flood Insurance Rate Map (effective FIRM) dated May 3, 2010, or best available data as determined by more recent hydrologic and hydraulic studies completed or approved by the City or other government agency. Requirements established in Section 4.0 of this ordinance shall apply to the Zoning Districts FW and FF based on the most restrictive information available. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 5.20.05, 5.20.06, 5.20.07.
2. **The Enforcement Officer**
The Building Inspector/Zoning Administrator of the community is hereby designated as the community's duly designated Enforcement Officer under this Ordinance.
3. **Rules for Interpretation of District Boundaries**
The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map, the Flood Insurance Rate Map or Floodway Map, or on the Digital Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the flood fringe overlay district boundary on the land. The location of the floodway overlay district boundary may be based on a map completed or approved by the Village/City/County or other government agency, provided the boundary is not less restrictive than that shown on the effective FIRM. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment and to submit his own technical evidence, if he so desires.
4. **Compliance**
Within identified special flood hazard areas of this community, no development shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
5. **Abrogation and Greater Restrictions**
It is not intended by this ordinance 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.
6. **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.
7. **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 on rare occasions or the flood height may be increased by man-made 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 Gretna 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.

8. **Severability**
If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
9. **Appeal**
Where a request for a permit to develop or a variance is denied by the enforcement officer the applicant may apply for such permit or variance directly to the Board of Adjustment.

5.20.3 Development Permit

1. **Permit Required**
No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 5.20.12.
2. **Administration**
 - A. The Enforcement Officer is hereby appointed to administer and implement the provisions of this ordinance.
 - B. Duties of the Enforcement Officer shall include, but not be limited to:
 - (1) Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
 - (2) Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
 - (3) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
 - (4) Notify adjacent communities, the U.S. Army Corps of Engineers, and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (5) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - (6) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
 - (7) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been flood proofed.
 - (8) When flood proofing is utilized for a particular structure the Enforcement Officer shall be presented certification from a registered professional engineer or architect.
 - (9) Facilitate the approval of new Flood Insurance Rate Maps or best available data as necessary.
 - (10) Maintain records of all floodplain development permits and or building permits within the floodway or flood fringe overlay district to ensure that structures are not substantial improvements.
 - (11) Filling of the floodway fringe associated with new development within the Papillion Creek System shall be limited to 25% of the floodway fringe in the floodplain development application project area, unless approved mitigation measures are implemented. The remaining 75% of floodway fringe within the project area shall be designated as a restricted fill zone. For redevelopment, these provisions may be modified or waived in whole or in part by the local jurisdiction.
3. **Application for Permit**
To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
 - A. Identify and describe the development to be covered by the floodplain development permit.

- B. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
- C. Indicate the use or occupancy for which the proposed development is intended.
- D. Be accompanied by plans and specifications for proposed construction, including but not limited to the following information: 1) existing (natural) grades, 2) proposed grades as a result of proposed development, 3) the proposed lowest floor elevation and any higher floor elevations, including attached garage, of any proposed structures, 4) the lowest and highest adjacent grades next to any proposed structures, 5) the most restrictive base flood elevation nearest the proposed development.
- E. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- F. Give such other information as reasonably may be required by the Enforcement Official.

5.20.4 Establishment of Zoning Districts

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study, effective FIRM, or best available data. The zoning districts created by this resolution overlie other zoning districts and place additional restrictions upon the manner in which lands in such underlying district may be used. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

5.20.5 Standards for Floodplain Development

1. No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of this Section are satisfied.
2. All areas identified as unnumbered A zones on the effective FIRM or best available data are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of SECTION 6.0. 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.
3. Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas 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 on the effective FIRM or best available data.
4. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
 - A. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - B. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
 - C. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - D. All electrical equipment and sanitary facilities, including circuits, installed electric appliances, toilets, sinks, drains, in new developments and substantial improvements shall be located so as to not be subject to flooding or shall be flood proofed to prevent damage resulting from flood levels exceeding the base flood elevation by one foot. Backflow valves should be installed on all septic lines leading from the structure.
5. Storage of Material and Equipment
 - A. 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.
 - B. 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.

6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure 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 so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for manufactured home parks and subdivision) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevation.

5.20.6 Flood Fringe Overlay District – (Including AO and AH Zones)

1. Permitted Uses

Any use permitted in Section 7.0 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.0 are met.
2. Standards for the Flood Fringe Overlay District
 - A. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above **one (1) foot** above the highest base flood elevation available, now or in the future.
 - B. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above **one (1) foot** above the highest base flood elevation available, now or in the future, or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Enforcement Officer as set forth in Section 5.20.03, 2, B, (7).
 - C. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage. The area below lowest floor subject to flooding shall be a maximum of four (4) feet in height measured from the bottom of the floor joists, unless used for parking of vehicles. Areas other than a basement and which are subject to flooding 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: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - D. All electrical equipment and sanitary facilities, including circuits, installed electric appliances, toilets, sinks, drains, in new developments and substantial improvements shall be located so as to not be subject to flooding or shall be flood proofed to prevent damage resulting from flood levels exceeding the highest base flood elevation available, now or in the future, by one foot. Backflow valves should be installed on all septic lines leading from the structure.
 - E. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

F. Manufactured Homes

- (1) All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - a. 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 one additional tie per side;
 - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
 - c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - d. Any additions to the manufactured home be similarly anchored.
- (2) Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:
 - a. Outside of a manufactured home park or subdivision,
 - b. In a new manufactured home park or subdivision,
 - c. In an expansion to an existing manufactured home park or subdivision, or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has 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 Section 5.20.06,2, F, (1).
- (3) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions of Section 5.20.06,2, F, (2) be elevated so that either:
 - a. The lowest floor of the manufactured home is at or above **one (1) foot** above the base flood elevation, or
 - b. 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 5.20.06,2, F, (1).

G. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (i) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or (ii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

H. Located within the areas of special flood hazard established in Section 5.20.02, 1 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as **one (1) foot** above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of non-residential structures shall:
 - a. Have the lowest floor elevated above the highest adjacent grade at least as high as **one (1) foot** above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - b. Together with attendant utility and sanitary facilities be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components

having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 5.20.03, 2, B, (7).

- (3) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

5.20.7 Floodway Overlay District

1. Permitted Uses

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway District:

- A. Open space uses not requiring a closed building, such as agricultural cropland, livestock feeding and grazing, or open public and private recreation areas.
- B. Wire fences or other appurtenances may be constructed which would not constitute an obstruction or debris-catching obstacle to the passage of flood waters.
- C. Railroads, streets, bridges, public utility wire and pipelines for transmission and local distribution.
- D. Commercial excavation of materials from pits, strips, or pools; provided, that no stockpiling of materials, products or overburden shall be such as to create a potential restriction to the passage of flood waters.
- E. Non-restrictive improvements in stream channel alignment, cross section, and capacity in the normal maintenance thereof.
- F. Uses of a type not appreciably damaged by flood waters; provided, no structures for human habitation shall be permitted.

2. Standards for the Floodway Overlay District

The uses enumerated in 5.20.06, 2, F above shall only be permitted if certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of Section 5.20.05 and 5.20.06. In Zone A unnumbered, obtain, review and reasonably utilize any flood elevation and floodway data available through Federal, State or other sources or Section 5.20.05, 6(d) of this ordinance, in meeting the standards of this section.

5.20.8 Variance Procedures

1. The Board of Adjustment as established by the City Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Enforcement Official in the enforcement or administration of this ordinance.
3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in 19-912, R.R.S. 1943.
4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 - A. The danger that materials may be swept onto other lands to the injury of others;
 - B. The danger to life and property due to flooding or erosion damage;
 - C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - D. The importance of the services provided by the proposed facility to the community;
 - E. The necessity to the facility of a waterfront location, where applicable;
 - F. The availability of alternative locations, not subject to flooding or erosion damage, 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 floodplain management program for that area;
 - I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (1) 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; and,
 - (2) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Conditions for Variances
- A. Generally, variances may be issued for new construction and substantial improvements to be 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 (5B-5F below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - B. 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 a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - C. Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.
 - D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - E. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, 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.
 - F. The applicant shall be given a written notice over the signature of a community official that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

5.20.9 Nonconforming Use

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
 - A. No such structure of use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
 - B. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Enforcement Official in writing of instances of nonconforming uses where utility services have been discontinued for a period of months.
 - C. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue 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, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration shall not preclude its continued designation.

5.20.10 Penalties for Violation

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 who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City Council or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

5.20.11 Amendments

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken 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 hearing shall be published in a newspaper of general circulation in the Gretna Area. At least ten days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Flood Plain Management Act.

5.20.12 Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

1. **Appeal** means a request for a review of the Enforcement Official's interpretation of any provision of this ordinance or a request for a variance.
2. **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 where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
3. **Base Flood** means the flood having one percent chance of being equaled or exceeded in any given year.
4. **Basement** means any area of the building having its floor subgrade (below ground level) on all sides.
5. **Best Available Data** means any hydrologic and hydraulic studies which result in a base flood elevation, now or in the future, that is higher than that shown on the Effective FIRM or Effective FIS. Such study must be completed or approved by the Village/City/County or other government agency.
6. **Development** means 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 or storage of equipment or materials.
7. **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, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.
8. **Expansion of Existing Manufactured Home Park or Subdivision** 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).

9. **Flood** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The usual and rapid accumulation of runoff of surface waters from any source.
10. **Flood Fringe** is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).
11. **Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Administrator has delineated both the special flood hazards areas and the risk premium applicable to the community.
12. **Flood Insurance Study (FIS) or Effective FIS** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
13. **Floodplain** means any land area susceptible to being inundated by water from any source (see definition of "flooding").
14. **Floodway or Regulatory Floodway** means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
15. **Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
16. **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 National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic 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.
17. **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 or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
18. **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".
19. **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.
20. **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.
21. **New 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, 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.

22. **Overlay District** is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.
23. **100-Year Flood** means the condition of flooding having one-percent chance of annual occurrence.
24. **Principally above Ground** means that at least 51 percent of the actual cash value of the structure is above ground.
25. **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 projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
26. **Regulatory Flood Elevation** means the water surface elevation of the 100-year flood.
27. **Special Flood Hazard Area** is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
28. **Start of Construction** [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement, and means the date the building 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. 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 include land 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.
29. **Structure** means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.
30. **Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
31. **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 (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
32. **Variance** means a grant of relief to a person from the terms of a floodplain management ordinance.
33. **Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

Section 5.21 FX Flex Space

5.21.1 Intent: It is the intent of the Flex Space District Regulations to provide standards for area suitable for some limited industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to avoid incompatible land uses, to serve these areas with adequate transportation facilities, and to prevent or mitigate hazards to adjacent properties.

5.21.2 Permitted Uses:

The following principal uses are permitted in the FX District.

1. Light manufacturing; assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
2. Laboratories.
3. Manufacture and assembly of electrical and electronic appliances.
4. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
5. Manufacture of light sheet metal products including heating and ventilation equipment.
6. Printing and publishing business.
7. Stone and monument works.
8. Public local distribution and main transmission utilities.
9. Warehouses and wholesale businesses.
10. Building materials yards with enclosed and screened storage areas.
11. Highway maintenance yards or buildings.
12. Self-storage units, see Section 8.12
13. Veterinarian services or animal hospitals
14. Ancillary Parking
15. Construction and contractor storage yards
16. Recycling collection and processing facilities, both public and private
17. Railroads, including terminals, switching yards, and related facilities
18. Personal improvement services
19. Commercial recreation facilities, indoor and outdoor
20. Public services and publicly owned and operated facilities
21. Parks and recreation
22. Landscape and horticultural services
23. Business services
24. Facilities for building construction contractors
25. Lumber and other building materials dealer
26. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Antique store
 - B. Automobile parts and supply store
 - C. Bicycle shop
 - D. Communication services
 - E. Dairy products sales
 - F. Dry cleaning and laundry pickup
 - G. Health Clubs, exercise, fitness and tanning salons, not including uses defined in Adult Establishment
 - H. Studio – Dance/Yoga, not including those classified as an Adult Establishment
 - I. Furniture store or showroom
 - J. Gunsmith
 - K. Hardware store
 - L. Hobby, craft, toy store
 - M. Locksmith
 - N. Outlet retail store
 - O. Paint store
 - P. Pet shop, provided that all facilities are fully enclosed.
 - Q. Second hand stores
 - R. Social club and fraternal organizations, not including uses defined in Adult Establishment
 - S. Telephone exchange
 - T. Telephone answering service
 - U. Public overhead and underground local distribution utilities.

5.21.3 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 FX District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Recreational establishments.
2. Home Improvement Center; provided that the following minimum standards are present:
 - A. All lumber shall be enclosed with the primary structure.
 - B. All year round landscaping materials shall be enclosed within the primary structure.
3. Amusement parks.
4. Brew Pubs
5. Bowling center.
6. Commercial greenhouse.
7. Hotels and Motels
8. Truck Stops
9. Mail order services.
10. Totally enclosed, automated and conveyor-style car washes.
11. Convenience store with limited fuel sales.
12. Garden supply and retail garden center.
13. Outdoor storage in conjunction with another primary use.
14. Outdoor storage, subject to the following requirements:
 - A. A landscape buffer shall be provided subject to the approval of the zoning administrator.
 - B. 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
 - C. All outdoor storage areas shall be screened by a fence or wall or a combination of both, and shall be located to the rear of the landscape buffer.
15. Radio, television and communication towers and transmitters, as per Section 8.08.
16. Fertilizer transmission lines
17. Utility substations, terminal facilities, and reservoirs.
18. Auction Sales
19. Construction and heavy equipment sales and service
20. Automotive sales and repair service, including recreational vehicles such as boats and campers
21. Automotive rental / leasing and other heavy equipment rental
22. Farm implement sales and service
23. Research facilities
24. Truck terminal and dock facilities to include truck washing
25. Auto body repair
26. Live-in quarters used by live-in watchman or custodians during periods of construction or when necessary as an accessory to permitted use
27. Cabinetry millwork
28. Kennels and stables
29. Dog day cares

5.21.4 Permitted Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses
2. Parking as permitted in Section 8.01 through 8.06.
3. Signs allowed in Section 7.01 through 7.04.
4. Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.
5. Landscaping as required by Section 9.03

5.21.5 Height and Lot Requirements:

- The height and minimum lot requirements shall be as follows:

Use	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	15,000	100	50 ¹	10	10	15	45	70/90
Conditional Uses	15,000	100	50 ¹	10	10	15	45	70/90

¹ 50 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of 75 feet.

Use Limitations:

- When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
- No outdoor storage is permitted, except
 - The display of new merchandise for sale to the public
 - Unless specifically permitted within this Section
- 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.
- No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling.
- Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.

5.21.6 Performance Standards:

See Section 8.11 of the Supplemental Regulations

Section 5.22 CO Corridor Overlay District

5.22.1 Intent: The City of Gretna has established basic site and building development criteria to be implemented within the boundaries of this overlay district. The Corridor Overlay District has been established in order to implement the policies developed in the Comprehensive Development Plan. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, and road development. The purpose for regulating these issues is to provide for a cohesive and properly developed corridors and entrance into Gretna along Highways 6, 31 and 370. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the Gretna, by providing quality design and construction which will also aid in the protection of past and future investment in the corridors. The regulations in the overlay district are in addition to those of the underlying zoning district for the property.

1. PURPOSE:

The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of Gretna. Pertinent to appearance is the design of the site, building and structures, planting, signs, and miscellaneous other objects that are observed by the public.

The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the city, preserve taxable values, and promote the public health, safety and welfare.

2. GEOGRAPHIC AREA:

The Corridor Overlay District extends generally 660 feet (1/8 mile) to 2640 feet (1/2 mile) from the right-of-way line on either side of U.S. Highways 6, 31 and 370. Entrance nodes should also be recognized as described within the Comprehensive Plan. If a site or property is partially covered by said overlay district, then the entire portion of the site or property facing the Corridor is to be covered by these regulations. For a graphically defined area, see the Official Zoning Map.

5.22.2 Permitted Uses:

The following principal uses are permitted in the CO District.

1. All permitted uses contained in the underlying base zoning district unless specifically noted in these regulations.

5.22.3 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 CO Overlay District as recommended by the Planning Commission and City Council and approved by the City Council.

1. All conditional uses contained in the underlying base zoning district unless specifically noted in these regulations.

5.22.4 Criteria for Application:

1. All developments consisting of one principal building with single or mixed uses shall comply with the design criteria of this section. This does not apply to farm buildings or single family dwellings.
2. All developments consisting of more than one principal building, mixed-uses, multiple-pad development and/or similar developments shall comply.
3. Process.
 - A. Pre-application Conference: A pre-application conference with city staff to give the applicant an opportunity to discuss plans before a great deal of time or money is expended.
 - B. Design Review: City staff (or Design Review Board/Architect) will review the submittal documents for compliance with regulations and intent of the overlay district.
 - C. Certificate of Occupancy Permit: After the zoning permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued.
 - D. Maintenance of Design requirements: The Applicant needs to maintain the design requirements for the life of the project. In the event that they fail to do so the City may revoke the Occupancy Permit.
4. Factors for Evaluation.

The following factors and characteristics, which affect the appearance of a development, will govern the evaluation of a design submission:

- A. Conformance of regulations and the Building Design Criteria.
- B. Logic of design.
- C. Exterior space utilization.
- D. Architectural character.
- E. Attractiveness Material selection.
- F. Harmony and compatibility.
- G. Circulation-vehicular (and pedestrian).
- H. Maintenance aspects.

5.22.5 Criteria for Appearance:

1. Relationship of Buildings to Site

The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.

 - A. Site planning in which setbacks and yards are in excess of standard commercial zoning restrictions is encouraged to provide an interesting relationship between buildings.
 - B. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.
 - C. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
 - D. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
 - E. Refuse and waste removal areas, service yards, storage yards, loading areas, and exterior work areas shall be oriented to the rear of the building away from public right-of-way or properly screened from view from public ways, using materials as stated in criteria for equipment screening.
2. Relationship of Buildings and Site to Adjoining Area (Outside of subdivision or developments)
 - A. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
 - B. Attractive landscape transitions shall be designed to be compatible to adjoining properties.
 - C. Harmony in texture, lines, and masses is required. Monotony shall be avoided.
3. Landscape and Site Treatment

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

 - A. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good site design and development.
 - B. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
 - C. Landscape treatments shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
 - D. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
 - E. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
 - F. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
 - G. Screening of service yards and other places such as mechanical equipment, trash dumpsters, or other items that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer months.
 - H. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas.

- I. All residential fencing within this District shall not exceed six feet in height.
 - J. Fencing within the District and as part of an Industrial Development may be required to be a solid fence.
 - K. All off street parking shall be to the rear of the building, and shall have a 6 feet wide planting buffer and screen wall at the public right of way or nearest lot line. Screen walls shall either be brick or ornamental ironwork, or be a combination of the two.
4. Building Design
- A. Architectural design and style are not restricted; however architectural style should be consistent throughout the subdivision. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
 - B. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
 - C. The primary building material of all portions of the structures shall be negotiated with the City, however, sample materials shall include but not be limited to materials of high quality, such as brick (clay), stucco, wood, glass, split faced concrete masonry units (CMU) with integrated color pigmentation and stone material native to Eastern Nebraska. The materials shall be similar and compatible throughout the entire development. The Gretna staff may allow other primary building designs (of good architectural character i.e. CMU, poured-in-place concrete) for portions of the building not visible from public areas. Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
 - D. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
 - E. Materials shall be of durable quality.
 - F. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
 - G. Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
 - H. Colors shall be harmonious and shall use only compatible accents
 - I. Colors shall be of “low reflectance, subtle, neutral, or earth tones” and shall not be of high-intensity or metallic colors unless the colors are true to the materials being used.
 - J. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
 - K. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
 - L. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
 - M. Building orientation shall be toward an arterial street, unless it is demonstrated that this would not be feasible. The second floors of existing two story structures, are encouraged to be converted to a residential use and/or office use.
 - N. Structures where the upper floors are not utilized for residential or office use shall utilize decorative features such as displays, curtains, and other materials to enhance the appearance of the overall structure.
 - O. Flat roofs on commercial buildings shall have parapets.
 - P. Metal Buildings shall not be allowed to have visible exterior metal walls.
 - Q. All openings in the façade of a building (windows, doorways, etc.) shall be proportioned to reflect pedestrian scale and designed in a manner that encourages interest at the street level. Main or primary entrances to buildings must be delineated through the use of architectural detailing appurtenant to the architectural style of the building. The main or primary entrances shall be oriented toward the front or side street setback.
 - R. Windows shall not carry the appearance of vacancy or deterioration, and shall utilize decorative features such as displays, curtains, and other materials to minimize an appearance of vacancy or deterioration. Windows shall maintain the architectural character of the structure they are a part of.

- S. Awnings or canopies shall be made of metal or of cloth material.
- T. Walkway coverings shall be of sheet metal, metal shingles or of standing-seam construction, or of canvas or cloth.
- U. Iron railings shall be of utilitarian styling as represented in the district.
- V. Planter boxes and screening walls, when used shall be compatible with the primary structure.
- W. Facades consisting of brick or masonry shall not be painted if they have not previously been painted.

Section 5.23 IC Interstate Corridor Overlay District

5.23.1 Intent: The City of Gretna has established basic site and building development criteria to be implemented within the boundaries of this overlay district. The Interstate Corridor Overlay District has been established in order to implement the policies developed in the Comprehensive Development Plan and those recommended in the Nebraska Innovative Zone Commission Design Standards, August 2009. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, and road development. The purpose for regulating these issues is to provide for a cohesive and properly developed corridor along Interstate 80. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the Gretna, by providing quality design and construction which will also aid in the protection of past and future investment in the corridor. The regulations in the overlay district are in addition to those of the underlying zoning district for the property.

1. **PURPOSE:**

The purpose of these adopted design standards is to promote quality design, preserve the natural features, preserve the appearance of the natural and agricultural landscape, and promote economic development along the I-80 corridor. The design standards will encourage design compatibility with the surrounding area, achieve greater architectural cohesiveness and compatibility where appropriate, and minimize the negative visual impacts of site development. These standards shall apply to the design and placement of landscaping, buffers, buildings, and exterior architectural features and finishes.

The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of Gretna and its extraterritorial jurisdiction. Pertinent to appearance is the design of the site, building and structures, planting, signs, and miscellaneous other objects that are observed by the public.

The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the county, preserve taxable values, and promote the public health, safety and welfare.

2. **GEOGRAPHIC AREA:**

The IC Interstate Corridor Overlay District shall apply to those areas lying approximately within one half mile (1/2 mile) of either side of the right of way of Interstate 80. In the event the standards of this overlay district are in conflict with those of the underlying zoning district, the standards of the overlay district shall apply. For a graphically defined area, see the Official Zoning Map.

5.23.2 Permitted Uses:

The following principal uses are permitted in the IC District.

1. All permitted uses contained in the underlying base zoning district unless specifically noted in these regulations.

5.23.3 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 IC Overlay District as recommended by the Planning Commission and City Council and approved by the City Council.

1. All conditional uses contained in the underlying base zoning district unless specifically noted in these regulations.

5.23.4 Criteria for Application:

The application and review procedure for a site plan review shall be as follows:

1. Pre-application Conference
 - A. The applicant shall schedule and attend a pre-application conference with the city planner or representative of the Gretna Planning Department no more than 60 days prior to submitting a site plan application. Site plan information shall be submitted to the planning department at least seven (local jurisdictions should insert the appropriate number) business days prior to the pre-application conference in a form identified by the planning department.

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- B. The purpose of the pre-application conference shall be for the applicant to review the site plan with the planning department and other departments, as appropriate, and to identify any initial conflicts between the site plan and these standards.
2. Site Plan Application
- A. The applicant shall submit an application in accordance with the city.
- B. The application generally shall be made within 60 days of the pre-application conference.
3. Design Review Board
- A. The application shall be sent to the applicable Gretna Design Review Board/Architect or I-80 Corridor Design Review Board for review and recommendation prior to either a planning department or planning commission consideration of the application.
4. Planning Department Review and Decision on the Site Plan
- A. For site plan applications that are considered by the planning department, the planning department shall review the application and make a decision to approve, approve with conditions, or disapprove the site plan application in accordance with these standards and state law.
- B. For site plan applications considered by the planning commission, the planning department shall review the site plan application and prepare a recommendation for the planning commission. The planning commission shall hold a public meeting to review the application and make a decision to approve, approve with conditions, or disapprove the site plan application in accordance with this ordinance and state law.
5. Approval Criteria
- Recommendations and decisions on a site plan shall be based on consideration of the following criteria:
- A. That the proposed development is consistent with all the requirements of these standards and other related codes and ordinances enforced by the city;
- B. That the proposed development is in compliance with the applicable base district and overlay districts [or just zoning district, as determined by the jurisdiction]; and
- C. That the proposed development meets all the requirements or conditions of any applicable development approvals (e.g., rezoning or conditional use permit approval).
6. Time Limit
- A. Unless otherwise specified in the site plan approval, an application for a building permit shall be applied for and approved within one year of the date of the site plan approval or the site plan shall become invalid. Permitted timeframes do not change with successive owners.
- B. Upon written request, one extension of one year [or other period of time as determined by the local jurisdiction] may be granted by the planning department if the applicant can show good cause.
7. Amendments of an Approved Site Plan
- A. If an applicant desires to amend an approved site plan, then the amendment may be made with the approval of the planning department with the exception of those changes stated in paragraph (ii) below. However, if a proposed change will, in the opinion of the planning department, substantially affect the terms of the original approval or would result in significant adverse impacts on the surrounding properties or the community at-large, then a re-submittal to the planning department or the planning commission (as appropriate) shall be required pursuant to the provisions of this ordinance.
- B. A change to an approved site plan shall require a re-submittal to the decision-making body responsible for the original approval, if:
- (1) The density of the development is to be increased;

- (a) The gross square footage of nonresidential buildings is to be increased or the number of stories is to be reduced or increased;
 - (b) Required landscaping materials are to be deleted;
 - (c) Required open space is to be deleted;
 - (d) There is any change in plans for historic structures or sites;
 - (e) Drainage, streets, or other engineering design changes will materially alter items approved in the rezoning or subdivision approval; and/or
 - (f) [identify categories of changes that should subject the site plan to re-review and approval, such as stormwater issues].
8. Certificate of Occupancy and Maintenance
- A. Certificate of Occupancy Permit: After the zoning permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued.
 - B. The Applicant needs to maintain the design requirements for the life of the project. In the event that they fail to do so the City may revoke the Occupancy Permit.
9. Structures Required for Review
- A. All developments consisting of one principal building with single or mixed uses shall comply with the design criteria of this section.
 - B. All developments consisting of more than one principal building, mixed-uses, multiple-pad development and/or similar developments shall comply.
 - C. Rehabilitation

The model design standards shall apply to existing, conforming development within the corridor when changes (renovation, restoration, modification, addition, or retrofit; collectively referred to as rehabilitation) are proposed to a structure or a site that will meet or exceed the **standard** of 20 percent of the existing size or 50 percent of the current appraised value of the structure or site, as established by the county, whichever is less. Rehabilitation costs or measurements shall be aggregated over a five year period to determine whether the rehabilitation is subject to the design standards.

Rehabilitation projects shall conform to the model design standards to the greatest extent possible. Where conformance is not possible, for all or any part of a standard, the applicant shall provide written explanation for each area of non-compliance.
 - D. Exceptions

The standards shall not apply to construction of individual homes on existing lots or agricultural use and operations, but shall apply to new residential subdivisions that consist of more than one lot.

5.23.5 Criteria for Application:

- 1. General Design Standards

The goal and purpose of the model design standards is to create a sense of place within a community or region. Here, the design standards are intended to establish the baseline requirements for design that reflects the desired regional character, while allowing flexibility for individual project design that works with a local jurisdiction.

The following standards are applicable to all development types.

 - A. Protection of Natural Features, Resources, and Sensitive Areas
 - (1) Intent

Protect significant natural features, resources, and sensitive areas in order to minimize the impacts of development on the environment and create more distinctive site development. Where appropriate, natural features, resources, and sensitive areas may be used as amenities to enhance the value of development.

(2) Standards

Development shall be organized and designed to protect, appropriately use, or enhance the following types of natural resources and features. This shall be accomplished by restricting development in these areas and then including such features in common landscaped areas or dedicated open space, by allowing construction in these areas sensitive to the protection of these features, or by mitigating impacts. If possible, these features shall be connected or integrated with similar features on adjacent lands. The following features shall be given consideration in this category:

- Water features (in addition to floodplains, which are dedicated);
 - Parks and public open space areas on or adjacent to the site;
 - Historic or archeological sites or areas that have been recognized by the local governing body as significant;
 - Significant views of the Platte River and the Platte River Valley and other significant views from the I-80 roadway;
 - Riparian wildlife habitat, as identified by the Nebraska Game and Parks Department [name appropriate agency];
 - Other natural features such as bluffs, ridges, steep slopes, stands of mature trees, rock outcroppings, or wetlands; and
 - Noise corridors/envelopes.
- (a) Development shall be prohibited from locating within the 100-year floodplain boundary as defined by the Federal Emergency Management Agency.
- (b) Development shall be set back a minimum of 100 feet from the edge of a wetland or natural area as defined by the local jurisdiction. Where an existing setback is in place, the larger of the two shall apply.
- (c) Many best management practices (BMPs) for the protection of natural features exist and may be applicable within the corridor.

B. Open Areas and Amenities

(1) Intent

Developments shall dedicate and develop open space, trails, and amenities in accordance with the Gretna Parks and Recreation Plan and the adopted subdivision regulations. "Open areas" means unoccupied space on the same lot with the building subject to the open area requirement and shall consist of private open space, open recreational facilities, and areas used exclusively for pedestrian and non-motorized traffic. Parking lots, recreational vehicle and equipment storage areas, public and private roadways, and structures shall not be considered "open areas" with the exception of residential development clubhouses/recreation facilities.

(2) Standards

To the maximum extent practicable, open areas shall be organized so as to include or protect as many of the natural resources and features identified in the previous section as possible.

- (a) Open areas shall be organized so as to create integrated systems of open areas that connect with the following types of lands located within or adjacent to the development plan or plat:
- (i) Dedicated park lands;
 - (ii) Dedicated school sites;
 - (iii) Dedicated open spaces;
 - (v) Any local or regional trail or open space system; and
 - (vi) Activity or community centers.

- (b) Each open area shall be adjacent to or visible from at least one dedicated public street or public site of the development. The majority of open areas shall not be located in isolated corners of the development, in peripheral strips along the borders of the development, or in unconnected patterns unless such a location is necessary to achieve one of the connections or visibility requirements.
- (c) Stormwater management systems shall be located, designed, and managed to serve as visual amenities, entryways features, or opportunities for passive recreation whenever possible.
- (d) The following stormwater management techniques, when designed pursuant to generally recognized standards and specifications and when long-term maintenance is provided, may be included as open space and may qualify for a reduction in required landscaping up to 10 percent of the total:
 - (i) Bioretention facilities,
 - (ii) Rain gardens,
 - (iii) Infiltration swales and trenches, or
 - (iv) Any alternative method identified by the jurisdiction.
- (e) On sites with existing, mature trees, at least twenty percent of significant trees shall be preserved or transplanted on the site. For the purposes of this section, "significant" trees include the following:
 - (i) Deciduous trees with 12 inch minimum caliper;
 - (ii) Evergreen trees 12 feet or more in height; or
 - (iii) Groups or stands of 10 or more trees with a minimum caliper of six inches.

Significant Tree Replacement

- (iv) Where significant trees cannot feasibly be preserved, the total caliper inches of the tree(s) that are removed shall be replaced by the same caliper inches of new trees. The new trees shall either be of the same or similar species, or if identified by the Planning Department for species diversification, shall be from a list of permissible species approved by the city.
 - (v) If site limitations affect the ability of the applicant to replace the total caliper inches of the removed tree(s), the city may allow the applicant to reduce the replacement measurement in an amount that allows for the maximum replacement of caliper inches feasible on the site. This reduction may not exceed 50 percent of the total caliper inches removed. Where this reduction is applied, the applicant shall make a contribution to the community's Tree Fund for the remaining caliper inches not replaced. The amount of the in-lieu fee shall be calculated as the cost to replace the remaining total caliper inches not planted with new trees with new trees of the same or similar species purchased wholesale at two-inch caliper.
 - (vi) The Tree Fund shall be used to replace or provide new trees within the jurisdiction.
- C. On-Site Automobile, Pedestrian, and Bicycle Circulation
- (1) Intent

Create an efficient vehicular circulation system that avoids the creation of large, isolated tracts without routes for through traffic. Create a safe, continuous pedestrian and bicycle network that minimizes conflict with vehicular movement while promoting a convenient option for movement within and between developments.

- (2) Standards
 - (a) All multifamily and non-residential developments shall provide pedestrian and vehicular connections to each adjoining public street.
 - (b) Primary circulation and access to and from multifamily and non-residential use areas shall be oriented toward predominately non-single-family residential streets.
 - (c) All on-site sidewalks and pedestrian walkways shall be a minimum width of five feet.
 - (d) All sidewalks and pedestrian walkways shall be aligned and connected with those on adjacent properties and public rights-of-way.
 - (e) Except for single family dwellings, private full movement driveways giving access to development sites shall be aligned across public streets to contribute to circulation efficiency unless determined otherwise by the local government.
 - (f) On-site sidewalk systems (or identified walkways) shall provide pedestrian connections that do not require walking across grass, landscaped areas, or the drive lanes of parking areas.
 - (g) Each point at which the system of sidewalks or walkways must cross an internal street, drive, or parking lot shall be clearly marked through the use of: change in paving materials, height, or distinctive colors.
 - (h) On-site walkways shall be a minimum of eight feet in width.
 - (i) The hardscape features described in this section, e.g. sidewalks, driveways, etc., should seek to minimize imperviousness whenever possible and be designed to complement the LID (low impact development) stormwater management features on the site.

D. On-Site Surface Parking

- (1) Intent

Parking areas shall be designed and located to minimize negative visual impacts, particularly as viewed from I-80, frontage streets, and residential development.
- (2) Standards
 - (a) All applicable local minimum off-street parking and loading requirements shall be met.
 - (b) No more than 50% of a site's frontage along: 1) I-80, 2) an I-80 frontage road, or 3) residential development shall be occupied by parking. If a property has dual or reverse frontage on both I-80 and a frontage road, this standard shall apply to the frontage on I-80.
 - (c) Garage entries, carports, and parking structures shall be internalized in building groupings or oriented away from street frontage to the maximum extent feasible.
 - (d) The number of contiguous parking spaces shall be limited to 20 and each block of 20 shall be separated from each other by at least one of the following methods:
 - (i) A landscaped island that separates the blocks and is at least nine feet wide;
 - (ii) A pedestrian walkway or sidewalk within a landscaped median that is at least nine feet wide;
 - (iii) A decorative fence or wall, a minimum of three feet in height, bordered by five feet of landscaping on at least one side;
 - (iv) An access drive or public street bordered by five feet of landscaping on at least one side; or
 - (v.) A building or buildings.
 - (e) All of the required landscaped areas must contain a minimum of 75 percent living and irrigated landscaping material, with a maximum of 25 percent nonliving landscaping material. Approved sidewalks are not counted toward the non-living landscape material percentage.
 - (f) Parking lot design shall incorporate terminal islands at the end of parking row. Divider strips between parking rows shall be used to help disperse the required landscaping throughout the entire parking lot.
 - (g) Large areas of parking (50 or more spaces) shall be distributed between the back or sides of a building, with not more than 50% of the parking for the entire property remaining between the principal building and the primary abutting street.
 - (h) The perimeter of all parking areas shall be buffered from adjacent streets, public rights-of-way, public open space, and adjacent uses by at least one of the following methods:
 - (i) A berm three feet high with a maximum slope of 3:1 in combination with evergreen and deciduous trees and shrubs;
 - (ii) A hedge at least three feet high, consisting of a double row of shrubs planted

- three feet on center along 75% of the perimeter length; or
- (iii) A fence or wall at least three feet high in combination with landscaping.
- b. All plant materials shall be installed in the following minimum sizes:
- (i) Deciduous shade trees – 2 inch caliper
 - (ii) Ornamental trees – 1 ½ inch caliper
 - (iii) Evergreen trees – 5 feet high
 - (iv) All shrubs – 5 gallon container
 - (v) Groundcover, annuals, and perennials – 1 gallon container
 - (vi) Where applicable, grow bag and bare root planting techniques with smaller plant materials may be used where case studies or past performance demonstrates healthier plant materials in the future.
- E. Landscaping and Buffers
- (1) Intent

Create an attractive environment along the edges of each development parcel, open space, and pedestrian area, and use landscaping to break-up the apparent size and monotony of parking areas. These provisions are not applicable to single-family residential development.
 - (2) Standards
 - (a) Highway Buffer
 - (i) Developments with a site perimeter directly adjacent to the corridor shall provide a landscaped buffer of at least 50 feet wide between the building or parking lot edge and the right-of-way or frontage road. Buffers shall consist of informal clusters of deciduous and evergreen trees and shrubs planted in an offset pattern and shall include a minimum of one tree and 10 shrubs per 25 lineal feet of frontage. Uses inside the buffer may include:
 - Permitted entrances;
 - Underground utilities;
 - Pedestrian and bike trails;
 - Stormwater management facilities; and
 - Frontage roads with a minimum buffer of 40 feet.
 - (ii) For lots that exist prior to the adoption of these regulations, the following buffer exceptions shall be applied:
 - If the minimum buffer width exceeds 25% of the lot length then the buffer width shall be reduced by half; however in no case shall the buffer width go below 20 feet.
 - Where a lot is previously developed and a primary structure encroaches into the minimum buffer area, the building line of the existing structure shall be used as the setback line for future development provided it meets the minimum setback for the zone district.
 - (b) Minimum Landscaping

A minimum of 20% of a site's total square footage (not including any Highway Buffer) shall be reserved for landscaping consisting of a variety of trees, turf grasses, shrubs, annual and perennial flower species, mulches, or groundcovers.
 - (c) Setback Buffer

Building setback areas along all arterial, collector, or local streets, as well as private streets and internal drives shall be landscaped with a minimum of one tree for every 25 lineal feet of frontage.
 - (d) Plant Materials
 - (i.) The Nebraska State Arboretum recommended plant materials list (as included in the Appendices).
 - (ii.) Trees shall have an average spread of crown of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet crown of spread.
 - (iii.) Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be three feet high within one year after time of planting.
 - (e) Deer Fence

Any deer fence constructed by the Nebraska Department of Roads is exempt from these design standards.

- (f) To the maximum extent possible, site landscaping shall include native landscape elements.
 - (g) To the maximum extent possible, each landscaped area shall promote ‘water smart’ landscaping through plant material and design.
 - (h) If native landscape elements are used, these plant materials shall not be permitted to overhang, extend, or encroach onto any private properties, or public sidewalks, streets, or alleys that are adjacent to the lot, tract, or parcel on which it is planted.
 - (i) If native landscape elements are used, these plant materials shall not obstruct, obscure, block, or impede regulatory, warning or street identification signs; or street lighting required to ensure the safe mobility of vehicles and pedestrians on streets, trails, and sidewalks.
 - (j) If native landscape elements are used, these plant materials must be cut at least once annually between April 15th and July 15th to a height no greater than ten (10) inches.
- F. Non-Residential Development Pattern/Site Layout
- (1) Intent

Identify standards required to create a pedestrian-oriented scale and appearance within non-residential development centers.
 - (2) Standards
 - (a) To the maximum extent possible, non-residential development on larger sites containing multiple buildings shall be composed of a series of “blocks” of development defined by streets and driveways that provide links to adjacent streets along the perimeter of the site.
 - (b) New buildings located along a street frontage shall, to the maximum extent feasible, align building walls with existing adjacent buildings and buildings across the street to help create a consistent building edge.
 - (c) New buildings shall be oriented so that loading bays, dock and service areas are not visible from the corridor, or otherwise screened from view of such corridor with landscape and/or earthen berms or other building materials.
 - (d) Unless part of a larger planned development or commercial center:
 - (i) When there is one building with a single tenant, the building’s “active” wall shall be oriented toward the primary abutting street; or
 - (ii.) When there is one building with multiple tenants, at least 50 percent of the building’s “active” wall shall be oriented toward the primary abutting street.
 - (e) Where there is more than one building in a development, all principal and pad site buildings shall be arranged and grouped so that their primary orientation complements adjacent, existing development and either:
 - (i) Frames the corner of an adjacent street intersection;
 - (ii) Frames and encloses a main street pedestrian and/or vehicle access corridor within the development site;
 - (iii.) Frames and encloses on at least three sides parking areas, public spaces, or other site amenities.
 - (f) To the maximum extent feasible, building layout shall follow and respect the natural topography of the site. Berms, channels, swales, and similar man-made change to the landscape shall be designed and graded to be an integral part of the natural landscape and to provide a smooth transition in changes in slope.
- G. Non-Residential Building Design
- (1) Intent

Provide a high-quality architectural character in all non-residential developments.
 - (2) Standards
 - (a) Building Orientation

Buildings on lots that front the corridor should be oriented to present a front or side view to the highway corridor. Architectural or landscape features are encouraged to be located facing the highway corridor also.
 - (b) Four-Sided Design

All sides of a building open to view by the public, whether from public or private property, shall display a similar level of quality and architectural interest.

Alternative language: These standards shall apply to the primary façade of a building

and all sides of the building where visible from public rights-of way, private roads, service drives, adjacent residential properties, and park/recreation areas shall include design characteristics and material consistent with those of the primary façade, except as provided.

(c) Building Form

The design of all buildings shall avoid incorporating monotonous, unbroken flat walls through the use of textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural devices. Buildings having single walls exceeding 50 feet in length shall incorporate two or more of the following at 50 foot intervals:

- (i) Changes in color, graphical patterning, changes in texture, or changes in material(s);
- (ii) Projections, recesses, and reveals with a minimum change in plane of 12 inches;
- (iii) Windows and fenestration;
- (iv.) Arcades and pergolas;
- (v.) Towers;
- (vi.) Gable projections;
- (vii.) Horizontal/vertical breaks; or
- (viii.) Other similar techniques.

(d) Franchise Architecture

Franchise architecture is discouraged in favor of architecturally compatible designs. National “standard”, prototype, or trademark designs shall be adapted to be compatible with these standards.

(e) Building Materials and Colors

- (i) Intense, bright, or fluorescent colors shall not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors may be used as building accent colors, but shall not constitute more than 10% of the area of each elevation of the building. Permitted sign areas shall be excluded from this calculation.
- (ii) Highly reflective or glare producing glass with a reflectance factor of .25 or higher is prohibited on all façades. Such prohibition shall apply whether the glass is used in windows or spandrels areas.
- (iii) All building façades visible from the corridor shall be finished with the same mix of materials and colors and the same degree of fenestration and articulation used on the major entry walls that are the front of the building.

(f) Roofs

- (i) Roof types should be related to the building’s function and character. Gabled and pitched roofs are generally appropriate for one and two-story construction, while more massive buildings are best suited for hipped roofs or flat roofs placed behind a parapet wall.
- (ii) Sustainable roofs are encouraged. At the discretion of the local government, buildings with sustainable roofs may be granted reduced parking lot landscaping or stormwater management requirements or waived on-site parking requirements. Sustainable roofs include:
 - Cool roofs that for a minimum of 75 percent of the total roof surface have a Solar Reflectance Index (SRI) of 78 or higher for a roof with a slope of 2:12 or less, or 29 or higher for a roof with a slope greater than 2:12; or
 - A vegetated roof consisting of a minimum of 50% of the total roof surface.

(g) Screening

- (i) Rooftop Equipment and Screening. All rooftop mechanical equipment and vents greater than eight inches in diameter shall be screened. Screening may be done either with an extended parapet wall or a free-standing screen wall. Screens shall be at least as high as the equipment they hide, and shall be of a color material matching or compatible with the dominant colors and materials found on the façades of the primary building.
- (ii) Service Area and Loading Dock Screening. Loading docks, on-site storage yards, and all other service areas shall be oriented away from the corridor, where possible, and shall be fully screened from view from all public and private rights-

of-way by walls, fences, or opaque landscaping. Screens shall be of a color material matching or compatible with the dominant colors and materials found on the façades of the primary building. The screen height shall be of sufficient height to hide the equipment, vehicles, materials, or trash being screened from public view, but in no case shall the screen exceed 10 feet. Chain link fences, with or without slats, shall not be used to satisfy this screening requirement.

H. Towers, Alternative Energy, Signs

(1) Cell Towers

Within the corridor, the use of stealth cell towers with regionally appropriate design is strongly recommended.

(2) Solar Energy

(a) Purpose

This section is intended to promote the compatible use of solar energy systems and to assist in decreasing the local jurisdictions dependence upon non-renewable energy systems through the encouragement of solar energy systems for the heating of buildings and water.

(b) Standards

Solar energy systems shall be a permitted use. Private restrictions on solar energy systems, such as homeowners association covenants or restrictions, are not permitted.

(c) Height

In solar retrofit installations, solar energy collectors, storage tanks and equipment, roof ponds, or other solar equipment appurtenant to a solar energy system may exceed by three feet the local maximum height limits. Systems taller than three feet above any maximum height shall be subject to local approval.

(d) Setbacks

In solar retrofit installations, solar energy collectors, storage tanks and equipment, roof ponds, or other solar equipment appurtenant to a solar energy system may extend into the required setbacks a maximum of three feet. Systems extending more than three feet into any required setback shall be subject to local approval.

(e) Conflict with Other Municipal Policies and Ordinances

Nothing in this subsection does, or is intended to abrogate the owner's responsibility to meet all other requirements of the local land use regulations, including, but not limited to, the preservation of private and public views, the quality of architectural design, the preservation of historic landmark structures.

(3) Small Wind Energy Systems

(a) Purpose

This section is intended to promote the compatible use of small wind energy systems. Wind energy is an abundant, renewable, and nonpolluting energy resource. When converted to electricity, it reduces our dependence on nonrenewable energy resources and reduces air and water pollution that result from conventional sources. Distributed wind energy structures also enhance the reliability and power quality of the power grid, reduce peak power demands, and increase local electricity generation.

(b) Standards

Small wind energy systems shall be limited to one (1) tower and shall be permitted on lots of at least 20,000 square feet that are not adjacent to residential uses. They are subject to the following requirements:

(i) Setbacks

A wind tower for a small wind system shall be set back a distance of 1.0 times its total height from:

- Any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
- Any overhead utility lines, unless written permission is granted by the affected utility; and
- All property lines, unless written permission is granted from the affected land owner or neighbor. Written permission must be recorded in the property chain of title and will run with the land.
- No part of the system, including guy wire anchors, may be closer than five feet from any property boundary.

(ii) Access

- All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
- The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.

(iii) Lighting

A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration. A light temporarily used to inspect a turbine, tower, and associated equipment is permissible, providing said light is only used for inspection purposes and not left on for an extended period of time.

(iv) Decibel Levels

Decibel levels for the system shall not exceed the lesser of 60 decibels (Dba) as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.

(v) Signs

All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

(vi) Code Compliance

A wind energy structure including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code as adopted by the city council.

(vii) Height

- The maximum height of a wind energy system shall be 75 feet. Systems taller than 75 feet shall be subject to local approval.
- The structure shall comply with all applicable Federal Aviation Administration requirements, including but not limited to Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations in excess of 200 feet in height and, installations close to airports. The system shall also comply with any and all Nebraska aeronautics regulations.

(viii) Met and New Technology

- Temporary meteorological (Met) towers shall be permitted under the same standards as a small wind energy system, except that the requirements shall be the same as those for a temporary structure. A permit for a temporary met tower shall be valid for a maximum of 3 years after which an extension may be granted. Permanent Met towers may be permitted under the same standards as a small wind energy system.
- The local jurisdiction may waive the provisions of these requirements through the alternative equivalent compliance process in Section xx.xxx where the availability of new technology alleviates the issues addressed by these regulations.

(4) Commercial Wind Energy Systems

Commercial wind energy systems shall be discouraged from locating within the study area.

(5) Signs

Local sign standards and *NAC Title 410, Chapter 3—Sign Permits: NDOR Rules and Regulations Relating to the Control of Advertising in Areas Adjacent to the Highway Beautification Control System* shall apply in the corridor, except as modified in this section:

- (a) The combined area of all wall signs attached to any façade of a building shall not exceed twenty five percent of the façade area of the building (including doors and windows).
- (b) Roof signs are not permitted, and wall signs shall not extend beyond the top edge of any façade of the building.
- (c) Projecting signs shall not project over public property more than 1/3 the distance from the building to the curb, and not project into a public alley or public parking lot. A sign shall not project over the street line. Projecting signs shall fit within the architectural features of the building and be a minimum of eight feet above the ground.
- (d) Projecting signs shall not exceed 15 square feet per building face.
- (e) Window signs shall consist of lettering applied to the interior of display windows.
- (f) Window signs shall not fill up more than 20 percent of the window area, and shall be limited to letters of 8 inches or less in height.
- (g) Billboards shall be limited to a minimum setback of 660 feet, a maximum height of 20 feet, a minimum separation in all directions of 1320 feet (or not more than 4 per mile), and shall not be permitted on either side of Interstate 80 from exit 426 (Mahoney) to exit 432 (Gretna).
- (h) Pole signs shall be limited to on premise only with a max height of 45 feet.
- (i) All signs shall be monument signs (i.e., the lower edge of the sign is attached to a foundation with no visible air space in between the lower edge of the sign face and the foundation) constructed of materials that are similar to or are compatible in quality and appearance with the primary materials used on primary buildings on the site. The addition of skirting between the lower edge of the sign face and the foundation of a pole sign, in order to avoid visible air space between the two, is prohibited.
- (j) The maximum height of a monument sign shall be 12 feet above grade along the corridor and eight feet above grade for internal streets, and the maximum sign face of a monument sign shall be 24 square feet. If the monument sign is oriented approximately perpendicular to the street frontage, or if it is located diagonally on a corner lot in order to be seen from two streets, it may contain a sign face of up to 24 square feet on each of its two sign faces. Maximum sign areas shall apply to each lot or parcel, and not per street frontage or per user.

2. Multi-family Residential development

A. Intent

These standards focus on creating a cohesive development pattern for multi-family development that reflects local design themes and provides an inviting living area for residents.

B. Standards

(1) Preferred Location

Multi-family development should be located within or adjacent to commercial activity

- centers where a wide range of services exist or are planned for the future.
- (a) Multi-family development should be generally located and set back from the corridor and local interchanges by at least one-quarter mile (1320 feet).
 - (b) Multi-family development should be buffered and screened from the corridor with landscape or fencing materials.
 - (i.) Landscape materials shall comply with section 4.D, Landscaping and Buffers.
 - (ii.) Fencing shall be of uniform design and materials for each subdivision adjacent to the corridor.
- (2) Open Area Standards
- (a) A minimum of 30% of the gross development area within a subdivision plat or site plan shall be designated as open areas. The open areas shall be located to:
 - (i) Protect the types of areas identified in Section 4.A: Protection of Natural Features, Resources, and Sensitive Areas;
 - (ii) Comply with local landscaping regulations; and
 - (iii) Create courtyards or other internal configurations whenever possible.
 - (b) All groupings of 50 or more multi-family units shall have access to at least one the following amenities and all groupings of 100 or more multi-family units shall have access to at least two of the following amenities:
 - (i) A recreational facility, such as a tennis court, picnic area, or volleyball court.
 - (ii) A swimming pool.
 - (iii) A plaza area with benches focused on a water feature or work of art.
 - (iv) Residential clubhouse space.
 - (v) Playground/play area
- (3) Parking Design
- (a) Where allowed, parallel parking spaces on public and private streets within multi-family development may be used to meet the requirements for guest parking.
 - (b) To minimize exterior surface parking, at least 40% of residential parking shall be in garages.
 - (c) Where detached garages are used, they shall be faced with the same mix and percentage of materials as the primary structure.
- (4) Building Design
- (a) Massing and Articulation
 - (i) All multi-family buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Large multi-family structures shall provide changes in wall and roof planes in 50 foot intervals.
 - (ii) Buildings shall be horizontally articulated at every two floors through the use of decorative banding, a change in siding material and/or color, or sloping roof planes.
 - (iii) The façades of single-family attached townhouses or rowhouses shall be articulated and provided with different façades to differentiate individual units.
 - (b) Building Length
 - (i) The maximum length of any multi-family residential building shall not exceed 200 feet.
 - (ii) No more than 8 single-family attached townhouses or rowhouses may be attached in a single row or building cluster.
 - (c) Four-Sided Design

All sides of a building open to view by the public, whether from public or private property, shall display a similar level of quality and architectural interest.
 - (d) Windows
 - (i) All elevations on multi-family buildings shall contain windows.
 - (ii) Windows shall be of a similar size, shape, and architectural character to those traditionally found in the neighborhood or community.
 - (e) Additional Standards
 - (i) Multifamily structures taller than two stories shall provide a gradual height transition by “stepping-down” to meet the approximate height of adjacent single-family homes or other structures of a lesser height.
 - (ii) Exposed concrete foundations shall not be permitted where visible from the street.

- (iii) Roof forms and treatments shall be similar to those found on similar structures in the neighborhood or community.
3. Commercial and Mixed Use Development
- A. Intent
- These standards focus on the development of commercial and mixed-use development at a scale that meets local needs with design elements that are geared to a human scale with a site balance between pedestrian and vehicle preferences.
- B. Standards
- (1) Preferred Location
- Commercial and Mixed-Use development should be concentrated within activity centers at an interchange. These uses shall not be developed in a linear strip along frontage roads.
- (2) Building Design
- (a) Exterior Building Materials
- (i) Permitted exterior building materials shall be high quality, durable materials that include, but are not limited to, brick; native or manufactured stone (Renaissance stone or similar masonry materials); integrally colored, burnished, textured, or glazed concrete masonry units; pre-finished metal panel systems; quality metals such as copper; high quality prestressed concrete systems; tilt-up concrete panels with an architectural finish; and drainable (water managed) EIFS.
- (ii) The following exterior materials are prohibited: split shakes, rough-sawn wood; painted concrete block; tilt-up concrete panels without an architectural finish; field-painted or pre-finished standard corrugated metal siding; standard single- or double-tee concrete systems; or barrier type EIFS. The Planning Director may permit the use of these materials, up to 10% of any façade as an accent material.
- (iii) Materials on all sides of the building shall be consistent with materials and colors of the front façade when visible from public streets and trails and adjacent residential areas.
- (iv) These guidelines are not intended to inhibit creativity and innovation in building design. The Planning Director may permit the use of any building material if the applicant demonstrates that the use of such materials will result in a building that gives a sense of quality and permanence.
- (If permitted materials list is created) A minimum of 75% of the primary building material from the permitted materials list shall be utilized in the exterior façade.
 - To promote visual diversity, all commercial units shall incorporate a minimum of three (3) and maximum of five (5) materials from the permitted materials list.
- (b) Pedestrian Scale Details
- To promote a sense of human scale, special accent materials and design details shall be incorporated into all first floor façades and paving areas abutting pedestrian walkways. Such features shall include, but are not limited to:
- (i) Changes in paving patterns and materials at pedestrian building entrances and other significant pedestrian locations.
- (ii) Special decorative wall patterns, textures, accent materials, or graphics;
- (iii.) Reveals;
- (iv.) Special architectural features marking pedestrian entries; and
- (v.) Display windows. – Darkly tinted and mirrored windows are prohibited as ground floor windows or doorways
- (vi.) All pedestrian circulation design shall be ADA compliant
- (vii.) The development and layout of internal street systems shall promote pedestrian linkage, accessibility, and interconnectivity among commercial uses within a development.
- (viii.) All pedestrian walkways shall be designed to maximize access to commercial entryways, places of social interaction, parks, and parking areas.
- (c) Common Architectural Theme
- All use, buildings, and areas in a commercial or mixed-use development shall share common architectural and landscaping themes, materials, and styles. Each commercial or mixed-use development shall create its own identity with unique design themes

based on a palette of compatible rooftops, materials, and colors. Both pads and anchor stores shall incorporate all such thematic design, materials, landscaping, roof types, and colors.

- (i.) Highly visible commercial entryways are required to incorporate canopies, awnings, outdoor patios, arcades, display windows, and/or overhangs.
 - (ii.) All new commercial buildings shall be constructed with a base; middle; and top. Each component shall be articulated through horizontal and/or vertical articulation, which may consist of changes in the wall plane, use of openings and projections, material changes, and/or color variations.
- (d) **Building Height**
Structures shall not exceed the local height requirement. Where there is no local height requirement, all commercial units shall maintain existing scale of surrounding structures
- (e) **Building Orientation**
The main or front façade of all commercial units shall orient to a public street.
- (3) **Big Box Retail Standards**
- (a) **Applicability**
These standards are applicable to all single-story retail buildings containing 65,000 square feet or more of gross floor area.
 - (b) **Façade Articulation**
Each façade greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least two feet and extending at least 20% of the length of the building.
 - (c) **Façade Design**
Each building façade shall have a repeating pattern that includes no fewer than three instances of either:
 - (i.) Color change;
 - (ii.) Texture change;
 - (iii.) Material change; or
 - (iv.) Expression of an architectural or structural bay through a change in plane no less than 12 inches in width.

At least one of those elements shall repeat horizontally at an interval of no more than 30 feet.
 - (d) **Concealing Equipment**
Each building shall have either (i) overhanging eaves extending at least three feet past supporting walls, or (ii) parapets to conceal rooftop equipment from public view. If parapets are incorporated, they shall have an average height of no more than 15% of the supporting wall, a maximum height at any point equal to 33% of the height of the supporting wall, and three-dimensional cornice treatments.
 - (e) **Customer Entrances**
Each building shall have clearly defined, highly visible customer entrances featuring at least three of the following elements:
 - (i) Canopies or porticoes;
 - (ii) Overhangs;
 - (iii) Recesses or projections;
 - (iv) Arcades;
 - (v) Arches;
 - (vi) Peaked roof forms;
 - (vii) Outdoor patios;
 - (viii) Display windows;

- (ix) Architectural tile work or moldings integrated into the building design; or
 - (x) Integrated planters or wing walls that incorporate landscaped areas or seating areas.
- (f) Outdoor Amenities
- Each site containing a big box retail building shall provide at least two of the following within a public area that measure at least 1,000 square feet:
- (i.) Patio or seating area;
 - (ii.) Pedestrian plaza with benches;
 - (iii.) Transit stop;
 - (iv.) Window shopping walkway;
 - (v.) Outdoor playground;
 - (vi.) Water feature; or
 - (vii.) Other deliberately shaped and highly visible outdoor amenity such as public art.
4. Industrial Development
- A. Intent
- This section is intended to provide minimum design standards to ensure that where industrial development occurs with other development types that the industrial structures are designed in keeping with the overall development pattern.
- B. Standards
- (1) Building Design
- (a) Concrete tilt-up buildings are allowed subject to the following standards:
 - (i.) Panels shall be embossed with reveals that repeat a common pattern.
 - (ii.) All elevations visible from a public or private street shall include variable parapet heights and two feet minimum projections with the distance between not to exceed 60 feet.
 - (iii.) All main entries (or storefronts) shall be identified by the use of an arcade, covered entry, spandrel glass, or other similar architectural feature.
 - (b) Metal is prohibited as a primary exterior surface material on industrial buildings (including manufacturing, storage, distribution, or assembly buildings) on the side of the building oriented to the corridor or other public street. Metal may be used as a trim material on the side of the building oriented to the corridor or other public street, covering no more than 30% of the façades of such buildings.
- (2) Landscaping - Exterior Boundaries
- A landscaped buffer of a minimum of 25 feet in width shall be maintained within and along the exterior boundaries of any industrial development or industrial park, except those portions of the boundaries adjacent to dedicated public streets and alleys.
- (3) Landscaping--Developed Lots
- All of a developed lot except that portion covered by buildings, parking lots, and driveways, shall be landscaped. Landscaping may consist of grass, trees, decorative walls, screenings, terraces, fountains, pools, or other landscaping approved by the local jurisdiction. Proposed landscaping shall be included upon the preliminary plat. Landscaping in accordance with the approved final plat and subdivision agreement is mandatory.
- (4) Outdoor Waste Storage--Screened From View
- Outdoor storage of waste material or refuse and all refuse collection bins, cans, or other containers shall be concealed from view such that the same cannot be seen from any point under ten feet in height outside of the Industrial district, or from any point, indoors or outdoors, on adjoining property within the Industrial district.
- (5) Landscaping--Interior Property Lines
- A landscaped buffer of a minimum of ten feet in width shall be established and maintained along the interior of property lines of all lots in any industrial park, except for those areas used for ingress and egress to the property through curb-cuts opening onto dedicated public streets and alleys.

Section 5.24 – Schedule of Lot and Area Requirements

ZONING DISTRICT	MINIMUM LOT AREA		MIN. YARD SETBACK (feet)				MAX. HEIGHT (ft)	MAX. LOT COVERAGE BUILDING/IMPERVIOUS AREA (%)
	LOT AREA	LOT WIDTH (ft)	FRONT	SIDE	REAR	STREET SIDE		
AG: Agricultural								
Residential dwellings	10 acres	200	50	25	25	-	35	-
Other Permitted Uses	10 acres	200	50	25	25	-	45	-
Conditional Uses	10 acres	200	50	25	25	-	45	-
Accessory Uses	10 acres	-	100	25	10	-	35	-
TA: Transitional Agricultural								
Residential dwellings	5 acres	200	50	25	25	-	35	-
Other Permitted Uses	5 acres	200	50	25	25	-	45	-
Conditional Uses	5 acres	200	50	25	25	-	45	-
Accessory Uses	-	-	100	25	10	-	35	-
RE-A: Residential Estates-Animals								
Residential dwellings	1 acre	100	50	25	25	25	35	25/35
Other Permitted Uses	1 acre	100	50	25	25	25	45	25/35
Conditional Uses	1 acre	100	50	25	25	25	45	25/35
Accessory Uses	-	-	100	10	10	25	20	-
RE: Residential Estates								
Residential dwellings	1 acre	100	50	25	25	25	35	25/35
Other Permitted Uses	1 acre	100	50	25	25	25	45	25/35
Conditional Uses	1 acre	100	50	25	25	25	45	25/35
Accessory Uses	-	-	100	10	10	25	20	-
R-1: Low Density Residential								
Single-family detached	10,000 s.f.	80	25	7.5	25	15/25	35	35/50
Other Permitted Uses and Conditional Uses	10,000 s.f.	80	25	7.5	25	15	35	35/50
Accessory Uses	-	-	50	5	8	35	17	10
R-2: Medium Density Residential								
Single-family, dwelling	7,200 s.f.	70	25	7.5	25	15	35	40/55
Single-family, attached	6,000 s.f. / du	45 per unit	25	10	25	15	35	40/55
Two-family dwelling	12,000 s.f.	80	25	7.5	25	15	35	40/55
Other Permitted Uses and Conditional Uses	8,000 s.f.	70	25	7.5	25	15	35	30/55
Accessory Uses	-	-	35	5	8	15	17	10
R-3: High Density Residential								
Single-family, detached	7,000 s.f.	50	25	6	25	15	45	40/55
Single family, attached	6,000 s.f./du	45 per unit	25	10	25	15	45	40/55
Two-family dwelling	10,000 s.f.	80	25	6	25	15	45	40/55
Townhouses	3,000 s.f. / unit+	75	25	7.5	25	15	45	40/55
Multi-family dwellings	3,000 s.f./unit+	75	25	7.5	25	15	45	40/55
Other Permitted Uses and Conditional Uses	8,000	75	25	7.5	25	15	45	40/55
Accessory Uses	-	-	35	5	8	15	17	10
R-4: Highest Density Residential								
Single-family, detached	5,000 s.f.	40	25	5	25	15	45	40/55
Two-family dwelling	8,000 s.f./du	50	25	7.5	25	15/	45	40/55
Multi-family dwelling single structure/Multi-level	-	-	25	25	25	25	45	50/55
Condominiums	1,500 s.f. / unit+	18' per unit	25	7.5	20	15	45	50/55
Multi-family, Multiple buildings	-	-	25	25	25	25	45	50/55
Condominiums similar to townhouse design	1,500 s.f. / unit	18' per unit	25	7.5	20	15	45	50/55
Townhouses, Single family, attached	1,500 s.f. / unit	18' per unit	25	5	20	15	45	50/55
Other Permitted Uses and Conditional Uses	8,000	50	25	7.5	25	15	45	30/55
Accessory Uses	-	-	35	5	8	15	17	10
NC: Neighborhood Commercial								
Permitted Uses	2,000	-	20	10	10	15	30	60/80
Conditional Uses	2,000	-	20	10	10	15	30	60/80
GC: General Commercial								
Permitted Uses	8,000	50	25	10	10	15	45	60/90
Conditional Uses	8,000	50	25	10	10	15	45	60/90
DC: Downtown Commercial								
Permitted Uses	0	0	0	0	0	0	-	100/100
Permitted Conditional Uses	0	0	0	0	0	0	-	100/100
HC: Highway Commercial								
Permitted Uses	10,000	100	25	10	20	15	45	70/90
Conditional Uses	10,000	100	25	10	20	15	45	70/90
MUC: Mixed Use Corridor								
Single-family, detached	7,000 s.f.	70	25	7.5	25	15	35	40/80
Single-family, attached	4,500 s.f. / du	45 per unit	25	7.5	25	15	35	40/80
Two-family dwelling	10,000 s.f.	80	25	7.5	25	15	35	40/80
Townhouse, Condominiums	2,500 s.f./unit+	25 per unit	25	7.5	25	15	35	50/80
Multi-family dwellings	2,500 s.f./unit+	100	25	7.5	25	15	45	50/80
Other Permitted Uses and Conditional Uses	8,500 s.f. / du	75	25	7.5	25	15	45	30/80
Accessory Uses	-	-	35	5	8	15	17	10

I-1: Light Industrial								
Permitted Uses	15,000	100	50	10	10	15	45	70/90
Conditional Uses	15,000	100	50	10	10	15	45	70/90
I-2: Heavy Industrial								
Permitted Uses	5,000	50	50	10	10	15	55	85/100
Conditional Uses	5,000	50	50	10	10	15	55	85/100
FX: Flex Space								
Permitted Uses	15,000	100	50	10	10	15	45	70/90
Conditional Uses	15,000	100	50	10	10	15	45	70/90
CMD: Cluster/Mixed Use See Section 5.19.06	See Section 5.19.06							

+Note: Additional requirements apply for these uses, refer to the specific district for details.

Additional requirements may apply to a Zoning District, please refer to the specific district, the General Requirements and the Supplemental Regulations for more information.

Section 5.25: DTO Downtown Overlay District

5.25.1 Intent: This document is intended to assist property owners, architects, and officials when considering new development in the District. The principles, guidelines and standards provided herein build off an examination of existing historic structures in the neighborhood. Beyond simply considering the buildings themselves, however, the principles, guidelines and standards consider the buildings' relationships with each other and their relationships with streets and other shared spaces. Each structure in the district is part of a larger shared whole, and context plays a key role in determining the appropriate design of any new construction or building modification.

Main street commercial districts came into being at a time before the ascendance of the automobile as the dominant form of transportation, so the form and orientation of many of their buildings reflect the needs of people traveling by foot. The principles, guidelines and standards detailed in the following sections honor this historic form to preserve the overall character of the community without resorting to contrived historic imitation. They encourage the tasteful rehabilitation of historic structures while supporting the introduction of contemporary design done in a harmonious manner. Main street commercial districts should not become stagnant.

Additionally, these principles, guidelines and standards recognize the benefits of low rents on entrepreneurship and innovation. They seek to protect and enhance the atmosphere of a neighborhood with a minimum level of control and present financial incentives to assist with some construction. Ultimately, a Form Based Overlay District is designed to preserve the historic character of an area, improve the economic well-being of neighborhood businesses and increase the quality of its inhabitants and visitors' lives. In doing so, projects in the district should take inspiration from the following general preservation and redevelopment principles, guidelines and standards.

1. PURPOSE:

The purpose of the Downtown Gretna Form Based Overlay District (subsequently referred to as the District) is to help preserve and protect the character of historic business districts through the use of development standards.

The standards contained in this section have been crafted so that they closely reflect the physical characteristics of particular main street commercial districts that make them unique. The overlay district helps to achieve the following purposes:

- To preserve the historic character of Downtown Gretna
- To encourage reinvestment through infill development and redevelopment that is compatible with the historic character of the area.
- To enhance the public's understanding of the District's past.
- To foster an appreciation of the unique characteristics of the District's physical form.
- To support the quality of life for residents of the District and surrounding neighborhood by maintaining and enhancing the mix of uses and services that serve them.
- To enhance the economic viability of the area and create jobs by attracting visitors to the District.
- To improve safety through increased activity on the street.

2. APPLICABILITY:

The provisions set forth in this plan shall apply to all private and public development in the District. Where the provisions of this plan conflict with the provisions of a local zoning code or local planning authority, the provisions of this plan shall control.

3. GEOGRAPHIC AREA:

The Downtown Overlay District extends generally 1/2 block on either side of McKenna Street between 1/2 block south of Angus Road to Bums Place. This District also includes the entire block east of McKenna between Wallace Street and Angus Road. In the event that the standards of this overlay district are in conflict with those of the underlying zoning district, the standards of the overlay district shall apply. For a graphically defined area, see the Official Zoning Map.

5.25.2 General Principles:

The following General Principles are to be used as a guide for the preservation and redevelopment of the Downtown Gretna District and as a basis for the Development Standards that follow:

- Maintain and enhance a sense of community.
- Respect and complement the neighborhood's historic structure and character.
- Enhance the economic and commercial viability of the district.

- Maintain and enhance the pedestrian character of the district and the vibrancy it creates.
- Provide for automobile movement and parking while minimizing conflicts with pedestrians.
- Encourage multiple modes of transportation and neighborhood connections.
- Create and enhance public open spaces. Provide housing choices.
- Ensure and enhance public safety.
- Concentrate on building form rather than use to increase neighborhood cohesiveness, vibrancy and adaptability.

5.25.3 Permitted Uses:

The following principal uses are permitted in the DTO District.

1. All permitted uses contained in the underlying base zoning district unless specifically noted in these regulations.

5.25.4 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 DTO District as recommended by the Planning Commission and City Council and approved by the City Council.

1. All conditional uses contained in the underlying base zoning district unless specifically noted in these regulations.

5.25.5 Criteria for Application:

The application and review procedure for a site plan review shall be as follows:

1. Pre-application Conference
 - A. The applicant shall schedule and attend a pre-application conference with the city planner or representative of the Gretna Planning Department no more than 60 days prior to submitting a site plan application. Site plan information shall be submitted to the planning department at least seven business days prior to the pre-application conference in a form identified by the planning department.
 - B. The purpose of the pre-application conference shall be for the applicant to review the site plan with the planning department and other departments, as appropriate, and to identify any initial conflicts between the site plan and these standards.
2. Site Plan Application
 - A. The applicant shall submit an application in accordance with the city.
 - B. The application generally shall be made within 60 days of the pre-application conference.
3. Downtown Design Advisory Board
 - A. The application shall be sent to the applicable Downtown Gretna Advisory Review Board for review and recommendation prior to either a planning department or planning commission consideration of the application.
 - B. Downtown Design Advisory Board consists of: Development Services Director, Building Inspector, Planning Commissioner, City Council member, and a downtown representative.
4. Planning Department Review and Decision on the Site Plan
 - A. For site plan applications that are considered by the planning department, the planning department shall review the application and make a decision to approve, approve with conditions, or disapprove the site plan application in accordance with these standards and state law.
 - B. For site plan applications considered by the planning commission, the planning department shall review the site plan application and prepare a recommendation for the planning commission. The planning commission shall hold a public meeting to review the application and make a decision to approve, approve with conditions, or disapprove the site plan application in accordance with this ordinance and state law.
5. Approval Criteria

Recommendations and decisions on a site plan shall be based on consideration of the following criteria:

 - A. That the proposed development is consistent with all the requirements of these standards and other related codes and ordinances enforced by the city;
 - B. That the proposed development is in compliance with the applicable base district and overlay districts; and
 - C. That the proposed development meets all the requirements or conditions of any applicable development approvals (e.g., rezoning or conditional use permit approval).

6. Time Limit
 - A. Unless otherwise specified in the site plan approval, an application for a building permit shall be applied for and approved within one year of the date of the site plan approval or the site plan shall become invalid. Permitted timeframes do not change with successive owners.
 - B. Upon written request, one extension of one year may be granted by the planning department if the applicant can show good cause.
7. Amendments of an Approved Site Plan

If an applicant desires to amend an approved site plan, then the amendment may be made with the approval of the planning department. However, if a proposed change will, in the opinion of the planning department, substantially affect the terms of the original approval or would result in significant adverse impacts on the surrounding properties or the community at-large, then a re-submittal to the planning department or the planning commission (as appropriate) shall be required pursuant to the provisions of this ordinance.
8. Certificate of Occupancy and Maintenance
 - A. Certificate of Occupancy Permit: After the zoning permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued.
 - B. The Applicant needs to maintain the design requirements for the life of the project. In the event that they fail to do so the City may revoke the Occupancy Permit.

5.25.6 Development Standards:

Guidelines are contained in Appendix A of this zoning ordinance.

5.25.7 Definitions

Unless specifically defined below, words or phrases used in this Ordinances shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinances its most reasonable application.

1. **Block face** is one side of a street between two intersections.
2. **Build-to Setback** is the distance which a building or other structure is built and set back from a street or road.
3. **False front** is a façade extending beyond and/or above the true dimensions of a building to give it a more imposing appearance.
4. **Parapet** is a low protective wall along the edge of a roof, bridge, or balcony.
5. **Street wall** see "Block face".
6. **Traffic calming** is the deliberate slowing of traffic in residential areas by building speed bumps or other obstructions.

Section 5.26 GMA Growth Management Area Overlay District

5.26.1 Intent:

The City of Gretna has established this GMA Overlay District for the purposes of protecting the Future Growth Areas of the community and implementing the specific growth policies as developed in the Gretna Comprehensive Plan as amended. The City of Gretna finds the following:

1. This area is urban and suburban in character.
2. It is in the best interest of the City of Gretna and Sarpy County to see these areas remain urban and suburban in character.
3. It is in the best interest of the past and current development investment interests to maintain this area as urban and suburban in character.
4. Based upon the costs associated with the construction of sanitary sewers by the City and/or the South Sarpy Sewer Agency, development must continue to be at urban development levels.
5. Based upon the costs associated with the construction of several major transportation routes (i.e., NE Highways 370 and 31, US Highway 6), development must continue to be at urban development levels.
6. Based upon NDOT and MAPA's identification of a future Interstate 80 interchange in the approximate location of I-80 and S. 192nd Street, development must continue to be at urban development levels.
7. Based upon the costs associated with other public and private infrastructure investments in and around this area, development must continue to be at urban development levels.

8. GEOGRAPHIC AREA:

The GMA Overlay District shall apply to those areas lying east and south of the current corporate limits of Gretna. Based upon the Future Land Use Plan these areas are considered to be Medium to High Density Residential or residential land uses allowing greater density, with some areas described as a commercial use district. For the graphically defined area, see the Official City Zoning Map.

9. URBAN DEVELOPMENT:

Urban development shall mean development of any use not considered to be agriculture. Regardless of the use, urban development shall include paved streets, access to the urban transportation network of Gretna and Sarpy County, connections to a water system other than a private well, sanitary sewer connection other than an individual septic and lagoon system, contain approved parking lots, and other urban utilities. Regarding residential uses, a minimum density shall be three dwelling units per acre.

5.26.2 Permitted Uses:

The following principal uses are permitted in the GMA Overlay District.

1. All permitted uses contained in the underlying base zoning district unless specifically noted in these regulations.

5.26.3 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 GMA Overlay District as recommended by the Planning Commission and City Council and approved by the City Council.

1. All conditional uses contained in the underlying base zoning district unless specifically noted in these regulations.

5.26.4 Prohibited Uses:

The following uses are not allowed under any circumstances. Uses already in existence may continue to exist according to the Nonconforming Regulations.

1. Residential uses on larger lots, not meeting urban development levels.
2. Residential developments of less than three dwelling units per acre.
3. Residential lots and developments requiring individual, small scale, or special community water and/or sanitary sewer systems other than connecting to a public utility system.

5.26.5 Special Criteria:

The following special criteria are established for the protection of specific future investments within the GMA Overlay District.

1. Any development proposed along a City, County, or State identified Transportation Protection Corridor shall not develop or build on land within 100 feet of the rights-of-way of said Protection Corridor.
2. All developments proposed along a Protection Corridor shall comply with the Access Policy within the Transportation Plan of the Gretna Comprehensive Plan.

Section 5.27 Destination District — Vala's Pumpkin Patch

5.27.1 Purpose:

Vala's Pumpkin Patch and Fall Festival, Inc. established an AgriTainment farm located in Sarpy County, Nebraska. The Vala family has operated the facilities and properties for over thirty-five years. The site is developed with various buildings and attractions, parking areas, and growing fields. The purpose of this Destination District - Vala's Pumpkin Patch, is to:

- Stimulate economic development,
- Foster authentic cultural expression,
- Develop civic pride,
- Deepen connections to places that increase tourism,
- Create a vibrant place that people want to experience, and
- Thrive where there are concentrated mixtures of uses and a strong sense of identity.

5.27.2 Definitions:

1. **AgriTainment.** AgriTainment is the use of farmland, buildings or structures for the purpose of "u-pick" fruit and/or vegetable operations, food/beverage preparation and service associated with the items produced on the land, livestock shows/demonstrations/petting areas, agricultural equipment matches, mazes, sleigh/wagon/pony rides, harvest festivals, and other entertainment of any temporary or seasonal nature.
2. **Authentic.** Authentic is of undisputed origin; genuine; being true to one's own personality, spirit or character; not false or an imitation.
3. **Cider/Wine Making.** Cider/wine making is the production of cider or wine, with or without added ingredients or alcohol content, by specific processing and/or fermentation within a controlled and licensed environment.
4. **Cultural.** Cultural means relating to the ideas, customs, and social behavior of a society.
5. **Tasting Room.** Tasting room is an area designated for the occasional sampling of a selection of foods or drinks in order to compare qualities; part of a winery or brewery located on the premises of the production facilities.
6. **Winery.** Winery is an establishment where wine is made.

5.27.3 Scope:

The Scope of the Destination District — Vala's Pumpkin Patch is:

- Commercial areas that offer unique cultural, retail, environmental, agriculture, and entertainment opportunities,
- Authentic reflections of the unique characteristics of the properties,
- Easily accessible by locals and visitors,
- Comprised primarily of locally-owned businesses and enterprises, and
- Attractive for amusement, shopping, entertainment, and working.

5.27.4 Uses:

The following uses are permitted by right or with a Conditional Use Permit (CUP). All uses shall be only located upon properties zoned as Destination District — Vala's Pumpkin Patch.

1. Permitted Uses:
 - A. Retail stores or shops
 - B. Agriculture produce stands
 - C. Amusement parks, centers, or activities
 - D. Festivals and related events
 - E. Winery and tasting room with on-site consumption under proper licensing
 - F. Brewery
 - G. Distillery
 - H. Food and beverage preparation, sales, and service
 - I. Business office for uses conducted on the properties
 - J. Special private events
 - K. Musical events
 - L. "U-Pick" fruit and/or vegetable operations
 - M. Livestock shows/demonstrations/petting areas
 - N. Agriculture equipment matches

2. Condition Uses requiring a CUP:

- A. Agriculture for the primary purpose of shipping product off-site
- B. Manufacture of products imported from off-site

3. Accessory Uses:

- A. Agriculture for the primary purpose of supplying the permitted uses
- B. General agriculture operations and maintenance
- C. Single family residential by owners, operators, and employees
- D. Parking lots and parking garages
- E. Directional or identification signage
- F. Fireworks shows only as permitted by local Fire District
- G. Cider/wine/beer/spirits making under proper licensing
- H. Making of food and beverage under proper licensing

4. Bulk Standards:

- A. All uses and buildings shall conform with the regulations of this Section
- B. Permits are required for all structures
- C. The following bulk standards apply:

	Permitted Uses	Conditional Uses	Accessory Uses
Lot Size Minimum	1 acre	1 acre	1 acre
Lot Size Maximum	40 acres	160 acres	50 acres
Front setback	50 feet	50 feet	50 feet
Side Setback	15 feet	50 feet	15 feet
Rear Setback	50 feet	50 feet	50 feet
Building Maximum Height	75 Feet	50 feet	35 feet
Lot Coverage Maximum (Impervious surface)	80 percent	40 percent	40 percent

5. Supplemental Standards:

- A. Parking Standards. Off-street parking shall be provided in accordance with the requirements of the Gretna City Code. Public parking for the various activities and parcels within the Zoning District shall be considered shared, therefore, the total required parking spaces for each individual activity shall only be required at 80% for the entire Zoning District. Employee parking shall be included in the public parking count.
- B. Hours of Operation for Public. The hours of operation shall be determined by the specific and individual use. Typical hours of operation are Sunday through Thursday, 9:00 a.m. to 10:00 p.m.; Friday through Saturday, 8:00 a.m. to midnight.
- C. Hours of Operation for Employees. The hours of operation for employees shall be determined by the specific and individual use and shall not be established by this Zoning District.
- D. Licensing. All licenses required for food, beverage, burning, fireworks, and any other regulated activity shall be obtained by the operator and maintained on-site through the entire season.
- E. Lighting Standards. Lighting standards shall comply with the Gretna City Code and the Gretna Zoning Regulations.
- F. Noise limitations. Loud entertainment, event, or construction noises shall not be produced between the hours of 10:00 p.m. and 6:00 a.m., Sunday through Thursday. Such noises shall not be produced between the hours of 1:00 a.m. and 6:00 a.m., Friday and Saturday.
- G. Access. Each activity shall have access directly from the designated parking areas. Each designated parking area shall have access from public streets. Access to activities shall be provided by trails, paths, or sidewalks constructed to withstand heavy pedestrian traffic.
- H. Dust Control. The responsibility for dust control shall remain with the operator until such time as the adjacent public streets/roads are paved. Dust control is required during the highest traffic, seasonal events, specifically August through November. Dust control shall be applied regularly and in advance of such traffic generating periods. For dust control applied by the City of Gretna or Sarpy County, the operator shall reimburse such entity at 100% of the costs.
- I. Buildings per Lot. For all permitted uses, there is no limit on the number of principal buildings per lot.
- J. Water and Sewer. Annual confirmation from appropriate State Departments is required prior to July 1, that existing wastewater facilities and existing domestic water facilities meet minimum requirements for the existing and proposed activities. Permanent public water and wastewater facilities and portable wastewater facilities shall be maintained throughout the activity areas.

- K. Life Safety Standards. The operator shall maintain compliance with the State Fire Marshal's requirements for egress, smoke and fire detection, as well as maintaining annual sprinkler inspections in designated buildings. The Gretna Fire Department shall have access to the properties for annual inspections and suggested improvements as the activities further grow and develop.
- L. The operator is responsible for regular trash pickup throughout the Zoning District, including parking areas, trash receptacles, and adjoining roadways.

6. Amendment:

- A. Major amendments to these regulations must be reviewed and approved by the Planning Commission and City Council. Major amendments include one or more changes that would:
 - i. Add and/or remove part or all of the District boundaries,
 - ii. Change design regulation requirements,
 - iii. Change in uses allowed or restricted,
 - iv. Change in overall intent of the District, and
 - v. Change in ownership of the properties.
- B. Minor amendments to these regulations must be reviewed and approved by City staff. Minor amendments are items not classified as major amendments.

ARTICLE 6: CONDITIONAL USE PERMITS

Section 6.01 General Provisions

The City Council may, by conditional use permit after a Public Hearing and referral to and recommendation from the Planning Commission, 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 Council may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance. In granting a conditional use permit, the Council will authorize the issuance of a conditional use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

Section 6.02 Application for Conditional Use Permits

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

Section 6.03 Planning Commission Public Hearing

Before any proposal for a conditional use permit is considered by the City Council, the Planning Commission shall conduct a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Gretna, one time at least 10 days prior to such hearing.

Section 6.04 City Council Public Hearing

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

Section 6.05 Decisions

A majority vote of the Council shall be necessary to grant a conditional use permit. No order of the Council granting a conditional use permit, which has not been acted upon by the applicant, shall be valid for a period longer than 12 months from the date of such order. Unless the following is completed:

- 6.5.1 The Zoning Administrator, in consultation with City Staff, has granted an additional six month administrative extension provided:
1. The character (including uses, parking conditions, traffic, and others) of the area in which the use(s) were approved has not changed significantly,
 2. The applicant has made some effort to follow through with said permit or there were circumstances that slowed the applicants' progress.
 3. If the administrative extension of the second six-month period has lapsed without establishment of said conditionally permitted use; or, if staff deems the character of the area has changed within the initial six-month period, the applicant shall be required to reapply to both the Planning Commission and City Council for further approval(s).

Section 6.06 Standards

No conditional use permit shall be granted unless that Planning Commission or City Council has found:

- 6.6.1 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.
- 6.6.2 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.
- 6.6.3 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.
- 6.6.4 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- 6.6.5 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 6.6.6 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled

-
- or otherwise controlled.
- 6.6.7 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.
- 6.6.8 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
- 6.6.9 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.
- 6.6.10 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.
- 6.6.11 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.

ARTICLE 7: SIGN REGULATIONS

Section 7.01 Purpose and Applicability

7.1.1 Purpose

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. These sign regulations are adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the zoning ordinance.

7.1.2 Applicability

A sign may be erected, placed, established, painted, created, or maintained within the City and the City's extraterritorial zoning jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations.

7.1.3 Definitions and Interpretation

Words and phrases used in this ordinance shall have the meanings set forth herein and in Article 2. Principles for computing sign area and sign height are contained in Section 7.01.04.

ABANDONED SIGN shall mean a sign which no longer identifies or advertises a business, lessor, service, owner, product, or activity on the parcel where the sign is located or a sign for which no legal owner can be found.

AERIAL SIGN shall mean a balloon or other airborne flotation or inflatable device which sits on a surface or is tethered to the ground or to a building that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered, regardless of whether it does or does not contain text or advertising copy.

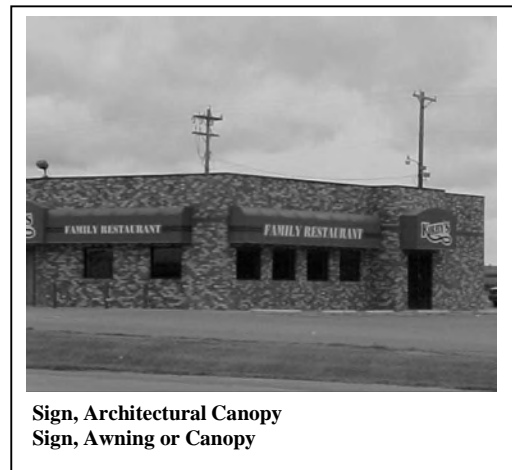
ADVERTISING SIGN shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

ANIMATED SIGN shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene. An animated sign does not include time and temperature, or message center signs.

ANNOUNCEMENT SIGN shall mean a small announcement or professional signs, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 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, except the setback shall not apply in the Downtown District.

ARCHITECTURAL CANOPY SIGN shall mean an enclosed, illuminated (backlit awning) 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.

AUDIBLE SIGN 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, Architectural Canopy
Sign, Awning or Canopy

AWNING OR CANOPY SIGN 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.

BACK-LIT SIGN shall mean a sign whose light source is located behind fully opaque letters and/or graphics in the interior of the sign so that the rays go through the face of the sign.

BALLOON SIGN shall mean one or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.

BANNER/FLAG SIGN 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. Banner signs shall not represent a commercial message.

BANNER (COMMERCIAL) SIGN shall mean an advertising sign of non-rigid material mounted on a building or structural frame.

BILLBOARD SIGN shall mean a large sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, service rendered, or a commodity sold on site or at a location other than where the sign is located.

BUILDING SIGN shall mean any sign supported by, painted on or otherwise attached to any building or structure.

BUILDING MARKER SIGN 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.

CENTER IDENTIFICATION SIGN 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.

CHANGEABLE COPY SIGN 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.

CLOSED SIGN shall mean a sign in which more than 50 percent of the entire area is solid or tightly closed or covered.

COMMEMORATIVE SIGN shall mean a permanent sign indicating the name of a structure or site, its address, or other information of commemorative or historical significance.



Sign, Banner



Sign, Billboard

a

COMMERCIAL MESSAGE SIGN 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.

CONDITIONAL USE SIGN shall mean a sign type requiring approval by the Planning Commission and City Council as a conditional use permit.

CONSTRUCTION SIGN shall mean a temporary sign identifying an architect, engineer, contractor, subcontractor, and/or building material supplier who participates in construction on the property on which the sign is located.

DESTINATION SIGN 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.

DIGITAL SIGN shall mean a sign which displays an advertisement or message which is generated electronically and commonly utilizes computerized or electronic digital technology, including but not limited to digital display boards, electronic variable message signs and light emitting diode (LED) signs. (See also "Animated Sign").

DIRECT LIGHTING shall mean illumination by means of an external source.

DIRECTIONAL/INFORMATIONAL SIGN shall mean an on-premises sign which provides direction for the safe and efficient flow of vehicular or pedestrian traffic to an activity on the premise. Directional/Informational signs shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premise.

DIRECTORY SIGN shall mean an on-premises sign identifying an activity, operational feature, or business name upon such premise. Directory signs shall include building names, offices, or activities in same size letters, colors and general design and shall be limited to one sign per street entrance.

DISCONTINUED SIGN (See "Sign, Abandoned")

DOUBLE-FACED SIGN shall mean a sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes. This does not include "V-type signs".

DWELL TIME shall mean the duration or interval of time during which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

ELECTRONIC MESSAGE SIGN 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. (See also "Animated Sign").

EXTERNALLY ILLUMINATED SIGN shall mean a sign whose illumination is derived entirely from an external source.

FACADE shall mean the entire building front, including the parapet.

FENCE SIGN shall mean a sign attached to or painted on a fence.

FLASHING SIGN 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, Monument
Sign, Electronic Message
Sign, Flashing
Closed Sign

FRONTAGE shall mean the length of the property line of any one premises along a public right of way on which it borders. A building or building complex which lacks frontage on a public right of way or buildings located on a private street have "internal frontage".

GAS STATION PRICE SIGN shall mean a changeable copy or electronic sign advertising fuel prices.

GOVERNMENT SIGN shall mean any temporary or permanent sign erected and maintained by the City, County, State, or Federal government, or in conjunction with the City, for public information, traffic control or for designation of or direction to any school, hospital, historic site, or public service, property, or facility.

GROUND MONUMENT SIGN shall mean a sign mounted directly to the ground.

HAZARDOUS SIGN shall mean a sign that by reason of design, inadequate maintenance, dilapidation, or obsolescence, or placement creates a hazard to the public health, safety and welfare.

HOLIDAY DECORATION SIGN shall mean a temporary sign, in the nature of decorations, clearly customary and commonly associated with federal, state, local, or religious holidays and contains no commercial message.

IDENTIFICATION SIGN shall mean a sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

ILLEGAL SIGN shall mean any of the following: (1) a sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use; (2) a sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises; (3) a nonconforming sign for which the amortization period has expired; (4) a sign that was legally erected but which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value; (5) a sign that is a danger to the public or is unsafe; (6) an abandoned or obsolete sign; or (7) a sign that pertains to a specific event that has not been removed within 48 hours after the occurrence of the event.

ILLUMINATED SIGN shall mean a sign illuminated in any manner by an artificial light source.

INCIDENTAL SIGN 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. Incidental signs may be either attached or painted on the wall.

INDIRECTLY ILLUMINATED SIGN shall mean illumination of a sign that is affected by a source of light not contained within the sign itself.

INFLATABLE SIGN shall mean any sign designed or constructed with the ability to be mechanically filled with air or gas that displays a commercial message or an identifiable corporate character or logo.

INTERNAL SIGN shall mean a sign that is not visible or not intended to be viewed from outside the building.

INTERNALLY ILLUMINATED SIGN shall mean a sign that is illuminated by means of a light source in the interior of the sign so that light passes through the face of the sign.

KIOSK SIGN shall mean a freestanding bulletin board or information sign structure having more than two sides that is meant to provide announcements or direction to the public.

LOGO SIGN shall mean signs owned and operated by an agent for the Nebraska Department of Roads. The signs are located in the right-of-way on interstate or primary highways. The signs are designed to accommodate businesses that furnish gas, food, lodging, or camping and meet any criteria established by the Nebraska Department of Roads.

MAINTENANCE shall mean the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

MARQUEE SIGN shall mean any permanent roof-like structure projecting beyond a building or extending



Sign, Ground Monument
Sign, Changeable Copy

along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MENU-BOARD SIGN shall mean a permanently mounted sign displaying the bill of fare for a drive-through restaurant.

MOBILE/VEHICLE SIGN shall mean a sign mounted on a motor vehicle, or trailer, or other framework, not permanently attached to a pole, building or other structure.

MONUMENT SIGN shall mean a sign mounted directly to the ground with a maximum height not to exceed 10 feet.

MOVING SIGN shall mean any sign which in part or in total rotates, revolves, or otherwise is in motion.

NAMEPLATE SIGN shall mean a sign not exceeding two square feet for each dwelling.

NEON SIGN shall mean a sign containing glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

NON-CONFORMING SIGN shall mean any sign that does not conform to the requirements of this ordinance

OBSOLETE SIGN 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.

OFF-PREMISES SIGN 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.

ON-PREMISE SIGN shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

OPEN SIGN 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.

OUTDOOR ADVERTISING shall include the definitions of "Advertising Structure" and "Sign".

PAINTED WALL SIGN shall mean a sign applied to a building wall with paint or similar substances on the face of a wall and which has no sign structure. A "Painted Wall Sign" is considered to be a wall mounted sign for calculation purposes.

PARAPET SIGN shall mean a sign attached to that portion of a building's exterior wall that projects above the plate line of a building.

PENNANT SIGN 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.

PERMANENT SIGN shall mean a sign attached to a building, structure, or the ground in some manner that requires a permit and which is made of materials intended for long-term use.

POLE SIGN shall mean a sign that is mounted on a freestanding single or double poles or other support so that the bottom edge of the sign face is six feet or more above grade.

POLITICAL SIGN shall mean a sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

PORTABLE SIGN 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 (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.

PROJECTING SIGN 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.

PUBLIC/TRAFFIC INFORMATION SIGN shall mean a sign, usually erected and maintained by a public agency that provides the public with information and in no way relates to a commercial activity. Such signs include but are not limited to, speed limit signs, stop signs, city limit signs, welcome signs, street name signs, vehicle identification signs, pedestrian wayfinding signs, and destination and directional signs.

REAL ESTATE SIGN shall mean a temporary sign that identifies property or properties that are for sale or lease.

ROOF LINE shall mean the top edge of the roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

ROOF SIGN 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.



**Projecting Sign
Open Sign**

ROOF (INTEGRAL) SIGN 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. Such signs will be treated as a wall sign.

ROTATING SIGN shall mean a sign which in its entirety or in part moves in a revolving or similar manner. Such motion does not include methods of changing copy.

SANDWICH BOARD SIGN shall mean an advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

SEARCHLIGHT SIGN shall mean a searchlight that is used to announce, direct attention to, or advertise businesses.

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 less than 50 square feet in area and less than 25 feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Nebraska, City of Gretna, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

SIGN AREA 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 BASE shall mean any structural element extending upward from grade to the base of the sign.

SIGN COPY shall mean any combination of letters or numbers which are intended to inform, direct or otherwise transmit information.

SIGN COPY AREA shall mean the area of the sign occupied by sign copy. It is computed by measuring the area enclosed by straight lines drawn to enclose the extremities of the letters or numbers.

SIGN FACE shall mean the area or display surface used for the sign copy or message.

SIGN GROSS AREA shall mean the entire area within a single continuous perimeter enclosing the extreme limits of a sign. However, this perimeter shall not include any structural elements lying outside of the limits of

the sign and not forming an integral part of the display.

SIGN HEIGHT shall mean the vertical distance measured from the highest point of the sign, excluding embellishments of not more than five feet in height above the sign, to the average ground grade beneath the sign.

SIGN SETBACK shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGN STACKING shall mean the placing of one sign above another at the same location.

SIGN STRUCTURE shall mean the base, supports, uprights, bracing, or framework of any structure exhibiting a sign, be it single-faced, double-faced, or V-type or otherwise.

SIGN SURFACE shall mean the entire area of a sign.

SIGNAGE PLAN shall mean a scaled or dimensioned graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular lot.

SNIPE SIGN shall mean an off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

SPECIAL EVENT SIGN shall mean a sign advertising display that is temporary in nature, is not permanently attached to the ground, building or sign structure surface, and is used for special events, such as, but not limited to, grand openings, seasonal sales, liquidations, going-out-of-business sales, fire sales, and promotions.

STATIC DWELL TIME (see Dwell Time)

STATIC MESSAGE shall mean an advertisement or message which, when displayed contains no motion, flashing, changeable copy, running lights, variations in brightness, or animation.

SUBDIVISION IDENTIFICATION SIGN shall mean a sign that is permanently constructed at the entrance(s) of the subdivision and identifies a recognized subdivision, condominium complex, or residential development, and includes the name of the subdivision in the form of attached letters or sign. The subdivision entrance sign may include specific types of landscaping such as water, stone, brick, etc.



Subdivision Identification Sign

SUSPENDED SIGN shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY PORTABLE SIGN shall mean a movable reusable sign structure made of durable material, mounted on wheels and towed or on a rigid frame and trucked, which is regularly and periodically moved from parcel to parcel.

TEMPORARY SIGN 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. Examples are menu and sandwich board signs, inflatable signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.

TETHERED SIGN shall mean a sign which is anchored by a rope, wire, chain or similar method.

TIME AND TEMPERATURE SIGN shall mean an electrically controlled sign which contains only public service, time, temperature, and/or date information.

TRANSITION TIME shall mean the duration or interval of time between which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

TOURIST ORIENTED DIRECTIONAL SIGN shall mean a sign owned and operated by a contracted agent

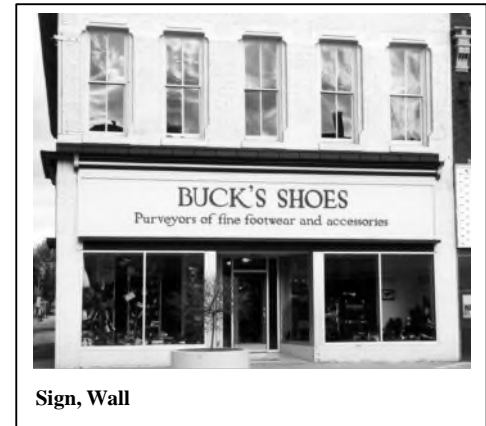
of the Nebraska Department of Roads and located in the right-of-way on rural highways and cannot be erected on the interstate or interchanges on expressways. These signs shall meet all applicable criteria established by the Nebraska Department of Roads.

VIDEO SIGN 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. (See also “Animated Sign”).

WALL SIGN 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 sign surface.

WARNING SIGN shall mean a sign located on a property posting such property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity.

WINDOW SIGN shall mean any sign, pictures, 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.



7.1.4 Computations

1. *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.

2. *Computation of Area of Multi-faced Signs*

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

3. *Computation of Height*

The height of a sign shall be computed as the distance from the grade at 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 from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

Section 7.02 Design Criteria and Limitations

7.2.1 Permitted Signs and Limitations

1. *Ground Monument*

- A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
- B. All ground monument signs shall be located on the same lot as the advertised use, unless they are a Center Identification Sign, which shall be located on one of the lots containing an advertised use.
- C. Signs shall contain only the information of the business, building or complex which it identifies.
- D. Setbacks for all ground monument signs are five feet.
- E. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monuments		
	Max. Size (SF)	Max. Height (ft)	Max. Number
TA	50	10	One per lot frontage.
RE	32	10	One per lot frontage.
R-1	32	10	One per lot frontage.
R-2	32	10	One per lot frontage.
R-3	32	10	One per lot frontage.
MUC	32	10	One per lot frontage.
HC	50	10	Two per lot frontage.
GC	50	10	One per lot frontage.
DC	20	5	One per lot frontage.
NC	20	5	One per lot frontage.
I-1	50	10	One per lot frontage.
I-2	50	10	One per lot frontage.
FX	50	10	Two per lot frontage.
CMD	32	10	One per lot frontage.

2. **Center Identification Signs**

- A. All Center Identification signs shall be a ground monument style sign.
- B. All Center Identification signs shall be located on an outlot or easement within the development.
- C. All Center Identification signs shall be constructed in a manner that is permanent and permeable.
- D. Acceptable materials include:
 - Brick
 - Split face Concrete Masonry Units
 - Stone
 - Metal
 - Simulated Acrylic, or
 - Other materials provided said design is reflective of the character of the use.
- E. All Center Identification signs shall advertise only the name of the development, or major tenants, unless in compliance with Subsection G below.
- F. Setbacks for all Center Identification Signs shall be 20 feet along a street designated as an arterial or collector and 10 feet along any street designated as a local, minor or private street.
- G. Change panels and/ or changeable copy may be allowed provided:
 - Panel may be translucent
 - Panels may be opaque
 - Panels may include any individual business logos
 - Signs shall only include business names
 - Fonts shall be similar to that of the development name
 - Said panels and / or copy to be consistent in color and material to the overall sign.
- H. The following criteria apply to Center Identification signs:

District	Design Limitations for Center Identification Signs		
	Max. Size (SF)	Max. Height (ft)	Max. Number
TA			
RE			
R-1			
R-2			
R-3			
MUC	100	20	One per main entrance but not more than three; plus, one when abutting Interstate 80
NC	50	10	One per street frontage of the development
HC	100	20	One per main entrance but not more than two per street frontage of the development
GC	150	20	One per main entrance but not more than three; plus, one when abutting Interstate 80
DC	50	10	One per street frontage of the development
I-1	100	20	One per main entrance but not more than three; plus, one when abutting Interstate 80
I-2	100	20	One per main entrance but not more than three; plus, one when abutting Interstate 80
FX	100	20	One per main entrance but not more than three; plus, one when abutting Interstate 80

3. **Wall Signs**

A. All wall signs shall be mounted to the primary face of the use.

B. The following criteria apply to Wall Signs:

District	Design Limitations for Wall Signs		
	Max. Size	Max. Height	Max. Number
TA	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per storefront Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
RE			
R-1			
R-2			
R-3			
MUC	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per storefront Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
GC	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per storefront Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
HC	2.5 square feet per lineal foot of building / storefront to a Max. of 600 sq. ft.	45 feet above grade	One per main frontage One additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
DC/NC	1.5 square feet per lineal foot of building / storefront to a Max. of 200 sq. ft.	30 feet above grade	One per main frontage Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per main frontage Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per main frontage Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
FX	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per main frontage Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.

4. **Digital Signs**

- A. The area of the electronic message center shall not exceed 40 percent of the area of the sign; provided the area limitation shall not apply if the sign is solely limited to time and temperature.
- B. All messages displayed on an electronic message center shall be directly related to the business for which the sign was constructed. No off-premises signage is permitted unless message is related to community events or school competitions.
- C. All electronic message centers signs shall be constructed as an integral part of a permanent sign constructed on site. Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign.
- D. The display shall be limited to text and static images only and shall not appear to flash, portray blinking or chasing lights, or otherwise create continuously changing images. However, scrolling of text (horizontal or vertical) is permitted. The rate of change for sign copy from one message to another shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.
- E. All digital signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic message center sign based on ambient light conditions.
- F. Digital signs shall not be associated with any dwelling or home occupation in any residential zone.
- G. Digital signs which create a source of glare shall be adjusted or removed as directed by the Planning Official. No electronic message center sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand (8,000) nits or equivalent candelas during daylight hours, or one thousand (1,000) nits or equivalent candelas between dusk and dawn.
- H. Electronic message center sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance upon request of the City.

4. **Incidental Signs**

- A. Incidental signs shall be placed in locations along the primary face of the building.
- B. Incidental signs may be placed on a second building face, when the building has dual frontage.
- C. The following criteria apply to Incidental Signs:

District	Design Limitations for Incidental Signs		
	Max. Size	Max. Height	Max. Number
TA	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
RE			
R-1			
R-2			
R-3			
MUC	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
GC	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
HC	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
DC/NC	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
I-1	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
I-2	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
FX	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront

5. **Other Permitted Signs**

Other permitted signs include Canopy, Identification, Projecting, Real Estate, Nameplate, Pole, Subdivision, Temporary (see Section 7.04.02), Window, and Marquee signs. Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

Zoning District	TA	RE	R1	R2	R3	NC	DC	GC	HC	MUC	I-1	I-2	FX	CMD	CO	IC
Sign Type																
Real Estate																
Max. Square Ft.	32	6	6	6	6	32	32	32	32	32	32	32	32	6		
Max. Height Ft.	4	4	4	4	4	10	10	10	10	10	10	10	10	10		
Max. Number	2	1	1	1	1	1	1	1	1	1	1	1	1	1		
Announcement																
Max. Square Ft.	32	6	6	6	6	32	32	32	32	32	32	32	32	6		
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	4	4	4	4		
Max. Number	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
Wall																
Max. Square Ft.	400 ¹	-	-	-	-	200 ¹	200 ¹	400 ¹	600 ¹	400 ¹	400 ¹	400 ¹	400	400 ¹		
Max. Height Ft.	-	-	-	-	-	45	45	45	45	45	45	45	45	45		
Max. Number	-	-	-	-	-	1	1	1	1	1	1	1	1	1		
Name Plate																
Max. Square Ft.	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
Max. Height	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Max. Number	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
Ground																
Max. Square Ft.	50	32	32	32	32	20	20	50	50	50	50	50	50	32	See Overlay & Underlying	See Overlay & Underlying
Max. Height Ft.	10	10	10	10	10	5	5	10	10	10	10	10	10	10		
Max. Number	1	1	1	1	1	1	1	1	2	2	1	1	2	1	Zoning District	Zoning District
Projecting (5)																
Max. Square Ft.	-	-	-	-	-	-	15	-	15	15	15	15	15	15		
Min. Height Ft.	-	-	-	-	-	-	8	-	8	8	8	8	8	8		
Max. Number	-	-	-	-	-	-	1	-	1	1	1	1	1	1		
Pole (4)(6)																
Max. Square Ft.	-	-	-	-	-	-	-	-	100	100	200	200	200	-		
Max. Height Ft.	-	-	-	-	-	-	-	-	45	45	45	45	45	-		
Max. Number	-	-	-	-	-	-	-	-	1	1	1	1	1	-		
Lighted or Animated (4)																
Max. Square Ft.	-	-	-	-	-	36	36	36	36	36	-	-	-	-		
Max. Height Ft.	-	-	-	-	-	10	10	20	20	20	-	-	-	-		
Max. Number	-	-	-	-	-	1	1	1	1	1	-	-	-	-		

-: not permitted NA: Not Applicable
 1: Maximum letter height is equal to 128 inches
 2: percentage of total Canopy area
 3: percentage of total window area
 4: Setbacks for Pole, Lighted, or Animated signs shall be 20 feet along collector or arterial streets, and 10 feet for all other streets.
 5: Setbacks for Projecting signs shall be two feet from any property line.
 6: Pole Sign may be single or double legged support design.

Note: All signs shall have a Vertical Clearance of nine feet above any sidewalk, private drive, or parking. All signs shall have a Vertical Clearance of 12 feet above any Public Street.

6. Sign type, District Permitted

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

<u>Zoning District</u>	<u>FW</u>	<u>TA</u>	<u>RE</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>MUC</u>	<u>GC</u>	<u>HC</u>	<u>DC</u>	<u>I-1</u>	<u>I-2</u>	<u>FX</u>
Sign Type													
Building Marker	-	+	+	+	+	+	+	+	+	+	+	+	+
Identification	-	+	+	+	+	+	+	+	+	+	+	+	+
Temporary	-	+	+	+	+	+	+	+	+	+	+	+	+
Incidental	-	+	+	+	+	+	+	+	+	+	+	+	+
Real Estate	-	+	+	+	+	+	+	+	+	+	+	+	+
Wall	-	+	-	-	-	-	+	+	+	+	+	+	+
Canopy	-	+	-	-	-	-	+	C	C	-	+	+	+
Window	-	+	-	-	-	-	+	+	+	+	+	+	+
Projecting	-	-	C	-	-	-	+	+	+	+	+	+	+
Suspended	-	-	-	-	-	-	+	+	+	+	+	+	+
Name Plate	-	C	+	+	+	+	+	+	+	-	+	+	+
Monument	-	C	C	C	C	C	+	+	+	-	+	+	+
Billboard (IC Overlay only)	-	-	-	-	-	-	-	-	C	-	C	C	C
Subdivision	-	+	+	+	+	+	+	C	C	-	C	C	C
Marquee	-	-	-	-	-	-	C	+	+	-	-	-	-
Pole	-	-	-	-	-	-	-	-	C	-	+	C	C

+: permitted -: not permitted C: Conditional Use

7. Special Signage Conditions

The following special conditions apply to stand-alone ATM's, Coffee Kiosks and other Kiosks.

A. Stand-alone ATM's may have the following:

- One wall sign on each exterior wall provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
- Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
- Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
- All signs are subject to the required permitting process of this Ordinance.
- Said signage may be incorporated with lighting plan and backlit in order to provide for greater security on the premises.

B. Coffee Kiosks and other Kiosks may have the following:

- One wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
- Where a canopy is integrated into the Coffee Kiosks / Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk / Kiosks, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
- Directional signage shall be contained on the Coffee Kiosk /Kiosk, painted within a drive lane or in any curbing defining a drive lane
- Window signs limited to menu boards and daily specials shall not require a sign permit.
- All signs are subject to the required permitting process of this Ordinance, unless otherwise noted.

7.2.2 Permits Required

1. If a sign requiring a permit under the provision of the ordinance is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 7.05.
2. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 7.05.09.
3. No signs shall be erected in the public right-of-way except in accordance with Section 7.04.01.
4. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Common Signage Plan in effect for the property.

7.2.3 Design, Construction, Maintenance

All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the adopted building code and the National Electrical Code.
2. Except for flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this code, at all times.

Section 7.03 Signage Plans**7.3.1 General Provisions**

1. No permit shall be issued for an individual sign requiring a permit unless and until an Individual Signage Plan, Master Signage Plan or Common Signage Plan for the zoned lot on which the sign will be erected has been submitted to the City and approved by the Building Inspector as conforming with this section.
2. All signage plans and permits shall include the following minimum information:
 - A. Color scheme;
 - B. Lettering or graphic style;
 - C. Lighting;
 - D. Location of each sign on the buildings;
 - E. Material;
 - F. Sign proportions; and
 - G. Any other criteria required by the appropriate signage plan.

7.3.2 Master Signage Plan.

For any zoned lot on which the owner proposes to erect more than one sign requiring a permit, unless such zone lot has been included in a Common Signage Plan, the owner shall submit to the Building Inspector a Master Signage Plan containing the following:

1. An accurate plot plan of the zone lot, at such a scale as the Building Inspector may require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of signs allowed on the zone lot(s) included in the plan under this ordinance and
4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

7.3.3 Individual Signage Plan

1. For any zoned lot on which a Common Signage Plan or Master Signage Plan has been submitted and approved, an applicant shall submit a permit request to the City of Gretna for the installation of any individual sign.
2. For any zoned lot and / or storefront where an individual tenant is moving into an established lease space, the new tenant or said agent for new tenant shall submit an Individual Signage Plan to the City of Gretna for review, comment and approval.

7.3.4 Common Signage Plan.

1. If the owners of two or more contiguous (disregarding intervening streets and alleys) zoned lots or the owner of a single lot with more than one building (not including any accessory building) file with the Building Inspector for such zone lots a Common Signage Plan conforming with the provisions of this section.

7.3.5 Showing Window Signs on Common, Individual, or Master Signage Plan.

1. A Common Signage Plan, Individual Signage Plan, or Master Signage Plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window (e.g., paper affixed to window, painted, etched on glass, or someother material hung inside window) and need not specify the exact dimension or nature of every window sign.

7.3.6 Limit Number of Signs Under Common Signage Plan.

1. The Common Signage Plan, for all zone lots with multiple uses or multiple users, shall limit the number of signs to a total of one for each street on which the zone lots shall provide for shared or common usage of such signs.

7.3.7 Other Provisions of Master or Common Signage Plans.

1. The Master, Individual, or Common Signage Plan may contain such other restrictions as the owners of the zone lots may reasonably determine.

7.3.8 Consent.

1. The Master, Individual, or Common Signage Plan shall be signed by all owners or their authorized agents in such form as required by the City.

7.3.9 Procedures.

1. A Master, Individual, or Common Signage Plan may be included in any development plan, site plan, or other official plan required by the City for the proposed development and may be processed simultaneously with such other plan.

7.3.10 Amendment.

1. A Master, Individual, or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms to all requirements of the ordinance then in effect.

7.3.11 Existing Signs Not Conforming to Signage Plan.

1. If any new or amended Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within one year, all signs not conforming to the proposed amended plan or to the requirements of this ordinance in effect on the date of submission.

7.3.12 Binding Effect.

1. After approval of a Master, Individual, or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.

Section 7.04 Other Signage Provisions**7.4.1 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. 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. Bus stop signs erected by a transit company.
 - C. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
 - D. Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of this Article and approval of the city; and

- E. Subdivision signs located inside street islands or medians, provided:
- i. Signs shall be monument style signs and shall be located at least two feet from back side of curb.
 - ii. Signs shall not be located in street islands or medians less than eight feet in width and the square feet of such signs shall not comprise more than 25% of such island/median square feet.
 - iii. Such signs shall not be located with the designated sight triangle, and sign location and height shall not obstruct vision, hearing, or interfere with pedestrian or vehicular traffic in any way.
 - iv. If signs are installed by developer, sanitary improvement district, or homeowner's association, then such signs shall be maintained by said developer, sanitary improvement district, or homeowner's/business' association, unless otherwise designated by the City.

7.4.2 Temporary Signs

Temporary signs for which a permit has been issued in accordance to the Master Fee Schedule shall be issued only for signs meeting the following criteria:

1. Such signs shall not be in place for more than seven consecutive days;
2. No more than four temporary permits shall be issued to an individual use in a calendar year;
3. Any violation of this Section may void any future requested permits;
4. No temporary sign shall be of such size, message, or character so to harm the public, health, safety or general welfare.
5. The provisions of this section shall also apply to Banner Signs that are promotional in nature.

7.4.3 Emergency Signs (Permitted)

1. Emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

7.4.4 Other Signs Forfeited

1. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

7.4.5 Signs Exempt from Regulation under this Ordinance

The following signs shall be exempt from regulation under this ordinance:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance.
2. Any religious institution.
3. Any sign identifying a public facility or public / civic event, including city and schools;
4. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
5. Holiday lights and decorations with no commercial message;
6. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
7. A political sign exhibited in conjunction with the election of political candidates. Such signs may not exceed six square feet in any residential zone and 32 square feet in any other zone. Only six political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 45 days before the election and shall be removed no later than 10 days after the election.

7.4.6 Signs Prohibited Under These Regulations

All signs not expressly permitted in these regulations or exempt from regulation hereunder in accordance with the previous section are prohibited in the City. Such signs include, but are not limited to:

1. Beacons and flashing signs;
2. Portable signs, except as allowed by a Temporary Sign Permit;

3. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section;
4. Off-premises signs;
5. Audible Signs.
6. Single leg pole signs

7.4.7 Signs Allowed as a Conditional Use

The following sign types are allowed as a conditional use in identified zoning districts:

1. Video signs
2. Roof Signs
3. Animated Signs
4. Double leg Pole Signs
5. Billboards

Section 7.05 Permit Procedures

7.5.1 General Permit Procedures

1. The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance, and the submission and review of Common Signage Plans and Master Signage Plans.

7.5.2 Applications

1. All applications for sign permits of any kind and for approval of a Master or Common Signage Plan shall be submitted to the City on an application form or in accordance with application specifications published by the City.

7.5.3 Fees

1. Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established in the Master Fee Schedule.

7.5.4 Completeness

1. Upon receiving an application for a sign permit or for a Common or Master Signage Plan, the Building Inspector shall review it for completeness. If the Building Inspector finds that it is complete, the application shall then be processed. If the Building Inspector finds that it is incomplete, the Building Inspector shall, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this ordinance.

7.5.5 Action

Within fourteen working days of the submission of a complete application for a sign permit, the Building Inspector shall either:

1. Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this ordinance and applicable Master or Common Signage Plan; or
2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this ordinance and the applicable Master or Common Signage Plan. In case of a rejection, the Building Inspector shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.

7.5.6 Permits to Construct or Modify Signs

1. All signs shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Building Inspector. Such permits shall be issued only in accordance with the following requirements and procedures.

7.5.7 Permit for New Sign or for Sign Modification

1. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master Signage Plan or Common Signage Plan then in effect for the zone lot.

7.5.8 Inspection

1. The Building Inspector shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and the building and electrical codes, the Building Inspector shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the Building Inspector shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Building Inspector shall affix to the premises the permanent symbol described above.
2. The permanent symbol shall remain affixed to approved sign. If removed the approved permit may become voided and said owner may be in violation and subject to any applicable fines.

7.5.9 Sign Permits - Continuing

1. The owner of a zone lot containing signs requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots, notwithstanding the fact that a particular zone lot may be included with other zone lots in a Signage Plan.

7.5.10 Initial Sign Permit

1. An initial sign permit shall be automatically issued by the Building Inspector covering the period from the date of inspection of the completed sign installation, construction, or modification through the last day of that calendar year.

7.5.11 Lapse of Sign Permit

1. A sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 180 days or more and is not renewed within 30 days of a notice from the City to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

7.5.12 Assignment of Sign Permits

1. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Building Inspector may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

7.5.13 Sign Removal Required

1. A sign that was constructed, painted, installed, or maintained in conformance with a permit under this ordinance, but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of a non-conforming sign has expired, shall be forthwith removed, by the owner, without notice or action from the City.

7.5.14 Violations

1. Any of the following shall be a violation of these regulations and shall be subject to the enforcement remedies and penalties provided by the Gretna Zoning Ordinance, and by state law:
 - A. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
 - B. To install, create, erect, or maintain any sign requiring a permit without such permit;
 - C. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed.
 - D. To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.
 - E. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

ARTICLE 8 SUPPLEMENTAL REGULATIONS

Section 8.01 Off-Street Automobile Storage

- 8.1.1 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used.
- 8.1.2 If vehicle storage space or standing space required in Section 8.01.01 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Building Inspector, the Building Inspector may permit such space to be provided on other off-street property, provided such space lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 8.1.3 All parking spaces for Single-family, Rooming houses, convalescent homes, Apartments, Townhouses, and two or more unit multi-family dwellings, and Mobile Homes shall be paved with asphalt or concrete.
- 8.1.4 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.
- 8.1.5 In Districts R-1, R-2, and R-3, required off-street parking shall be provided on the same lot that the use is located on. In other Districts, such parking may be provided either on the same lot, or an adjacent or other lot, provided the lot on which the use requiring them is located is not separated by more than 300 feet at closest points, measured along a street or streets.
- 8.1.6 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.
- 8.1.7 Some uses may require two different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require a tabulation for classrooms and assembly areas)
- 8.1.8 Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distances as provided below:

TYPES OF OPERATION		MINIMUM STACKING SPACE
Financial Institution – Electronic Teller		Two vehicles per lane*
Financial Institution – Personal Teller		Three vehicles per window or kiosk*
Car Wash – Self Service		Two vehicles per bay at entrance*
		One vehicle per bay at exit
Car Wash – Automatic / Conveyor		200 feet per bay at entrance*
		One vehicle per bay at exit
Drive-through Restaurant		Four vehicles per window*
Coffee Kiosk		
-	Drive side service	Four vehicles per lane*
-	Passenger side service	Two vehicles per lane*
Drive-through Pharmacy		Two vehicles per lane*
Service Stations		
-	Service Islands	Two vehicles per pump lane*
-	Service bay	One vehicle per bay*
-	Quick lube / Oil change “starting gate design”	Two vehicles per bay*
-	(4 or more pump islands side by side, 18 feet apart	One vehicle per lane*
Gated parking lot entrance		One vehicle per gate
Garage Unit or Overhead door	(Major streets only)	One vehicle per door
Other uses		Two vehicles per lane being serviced

* Stacking requirements are in addition to vehicle being served.

Required vehicle stacking shall not block driveways or required parking stalls and shall not be located in side, front, or rear yards where parking stalls are prohibited. Each vehicle stacking unit shall be 22 feet long.

Required stacking may be reduced by approval of the City Council following site plan review by the Planning Commission. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.

- 8.1.9 Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator, after receiving a report and recommendation from the Zoning Administrator, based upon comparable uses listed.

Section 8.02 Storage or parking of vehicles, boats, campers and trailers

No lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Gretna shall be used for any of the following:

- 8.2.1 The storage or keeping of motor vehicles not having a property issued current motor vehicle registration and current motor vehicle license plate property displayed; provided, however, that the following shall not constitute a violation of this subparagraph.
1. The storage of unlicensed and/or unregistered motor vehicles in a fully enclosed garage.
 2. The storage or keeping of operable off-highway farm or industrial vehicles on tracts zoned Agricultural (AG), Transitional Agricultural (TA), or any Industrial District and used in agricultural or industrial activity conducted on said premises.
 3. The storage of not more than one passenger type motor vehicle in good operable condition (owner shall be required, upon request, to provide proof of operability) and shielded from view of the general public by a fence and/or manufactured and fitted vehicle cover and located on a hard surfaced driveway.
- 8.2.2 The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, except in enclosed buildings or garages or where otherwise authorized by the Gretna zoning regulations.
- 8.2.3 Parking, storage, or keeping, other than in a fully enclosed garage, of any non-operable motor vehicle on any lot zoned residential, provided, however, that automobiles that are non-operable solely by reasons of repair work being done thereon may be parked on residential lots within the Gretna zoning jurisdiction occupied by the owner of said automobile, under the following conditions:
1. The automobile is owned by the occupier of the premises and registered to him/her at that address.
 2. The period of said repair work does not exceed 10 days in duration;
 3. Said repair work is at all times conducted on a hard surface driveway; and
 4. No more than one automobile in need of repair is situated on the premises at the same time.

Before the City removes a vehicle suspected of violation hereof by reason of it being inoperable the City shall give the owner of the premises upon which the offending vehicle is situated a 72 hour warning notice which may be given by either tagging the motor vehicle or by sending notice by regular mail, postage prepaid, to the occupier of the premises upon which the motor vehicle is situated. Any motor vehicle not removed from the premises within such 72 hour period shall be presumed to be inoperable and may thereafter be removed by the City. If he chooses, the owner may demonstrate operability of the vehicle by making special arrangements with the designated law enforcement agency to demonstrate within said 72 hour period. The operability of the vehicle and, if such operability is satisfactorily demonstrated, the automobile need not be removed.

- 8.2.4 No motor vehicle as defined by section 60-301 of Nebraska State Statutes (or boat, camper or trailer in excess of 15 feet in length or 10 feet in height) shall be parked in the front, side or rear yard of any lot zoned residential except on paved driveways or other hard surfaced areas as designed and provided for in Article 2; provided that;

Boats, campers, trailers or any combination thereof not exceeding two may be parked in the side or rear yard of lots zoned residential from October through April of each year provided they are parked on a hard surface. A camper or boat situated on a trailer shall be considered as one vehicle.

Said boats, campers and trailers together with accessory structures shall not occupy more than thirty-five percent of the required rear yard.

Notwithstanding the foregoing, it shall be permissible to park motor vehicles in the yards of residential lots on areas which are paved as driveways or otherwise hard surfaced for a period not to exceed 72 hours, when on-street parking is illegal.

There shall be no more than two vehicles displayed for private sale at any time on any residential lot. The display of vehicles for sale both commercially and privately within any other district shall require the appropriate permits.

Any motor vehicle, boat, camper or trailer parked, stored or kept in violation of the provisions hereof may be removed by the City. All towing, storage and other costs of removal pursuant to this section shall be solely at the expense of the owner of the premises from which the vehicle, boat, camper or trailer is situated, and if the owner is different than the occupier of the premises, then both owner and occupier shall be jointly and severally liable. In addition, the City, upon certifying the same to the county treasurer, shall have a lien against the premises in the full amount of such removal costs, together with interest at the highest legal rate that the City is authorized by law to collect on special assessments.

Section 8.03 Schedule of Minimum Off-Street Parking and Loading Requirements

Use	Parking Requirements
Adult entertainment establishments	One space per two persons of licensed capacity
Agricultural Sales / Service	One space per 500 s.f. of gross floor area
Amusement Arcades	One space for each 100 s.f. of gross floor area, in addition to one space for each employee on the max. shift
Animal Specialty Services	One space per 300 sq. ft. of gross floor area
Assisted-living facilities	One space per dwelling unit plus one space per employee on the largest shift
Automotive Rental / Sales	One space per 500 s.f. of gross floor area
Automotive Repair Services	Three spaces per repair stall
Bars, Taverns, Nightclubs	Parking equal to 30 percent of licensed capacity
Boarding Houses / Bed and Breakfasts	One space per rental units
Bowling Alleys	Four spaces per alley
Campground	One space per camping unit
Churches, Synagogues, and Temples	One space per three seats in main worship area
Social Clubs, fraternal organizations	One space per 500 s.f. of gross floor area
College/University	Eight spaces per classroom plus one space per employee
Commercial Recreation	One space per three persons of licensed capacity
Communication Services	One space per 500 s.f. of gross floor area
Construction Sales / Service	One space per 500 s.f. of gross floor area
Convalescent and Nursing Home	One space per three beds plus one per employee on the
Convenience Store with limited fuel sales	One space per 200 s.f. of gross floor area; spaces adjacent to fuel pump are included in total number
Services	largest shift
Day Care (Child Care Center)	One space per employee plus one space or loading stall per each ten persons of licensed capacity
Dog Day Care	One space per employee plus one space per every 10 dogs
Duplex	Two spaces per dwelling unit
Educational Uses, Primary facilities – Kindergarten, Elementary School, Junior High	Two spaces per classroom
Educational Uses, Secondary facilities – High School	10 spaces per classroom plus one space per employee
Equipment Rental / Sales	One space per 500 s.f. of gross floor area
Food Sales (general)	One space per 200 s.f. of gross floor area
Food Sales (limited)	One space per 300 s.f. of gross floor area
Funeral Homes and Chapels	Eight spaces per repose room
General Retail Sales establishments	One space per 200 s.f. of gross floor area
Group Care Facility	One space per four persons of licensed capacity
Group Care Home	One space per four persons of licensed capacity
Guidance Services	One space per 300 s.f. of gross floor area
Health Club	One space per 200 s.f. of gross floor area, plus one space for each employee on peak shift.
Hospitals	One space per two licensed beds
Hotels and Motels	One space per rental unit, plus one space per employee on largest shift.
Industrial Uses and Flex Space	.75 times the maximum number of employees during the largest shift
Laundry Services	One space per 200 s.f. of gross floor area

Libraries	One space per 500 s.f. of gross floor area
Medical Clinics	Five spaces per staff doctor, dentist, chiropractor
Mobile Home Park	Two per dwelling unit
Multi-family / Apartments / Condominiums	One and a half spaces per bedroom for efficiencies and one bedroom units, otherwise one space per bedroom. Note: this does not include detached garages.
Offices and Office Buildings	One space per 200 s.f. of gross floor area
Recreational Facilities	One space per four occupants or, in the case of a nonstructural facility, one space per four persons the facility is intended to accommodate.
Residential (Single-family, attached and detached)	Two spaces per dwelling unit with one required to be enclosed
Restaurants (General)	Parking equal to 30 percent of licensed capacity
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; plus five stacking spaces for drive-thru window.
Roadside stands	Four spaces per stand
Self-Service Storage Facilities	Two spaces at the rental office or 1.5 spaces per employee, whichever is greater.
Service Oriented Establishments	One space per 200 s.f. of gross floor area
Special and Vocational Training	One space per 500 s.f. of gross floor area
Theaters, Auditoriums, and Places of Assembly	One space per three persons of licensed capacity
Veterinary Establishments / Pet Health Services	Three spaces per staff doctor
Warehousing	One per 2,000 s.f. of gross floor area
Wholesaling / Distribution Operations	One space per two employees on the largest shift

Gross Floor Area of Use (sq. ft.)	Number of Required Loading Spaces
5,000 or less	None
5,001 – 25,000	1
25,001 – 75,000	2
75,001 – 150,000	3
Over 150,000	4 plus one for each additional 100,000 s.f

Section 8.04 Off-street Parking: Shared Parking requirements

- 8.4.1 Notwithstanding the provisions of Section 8.03, in cases of shopping centers having 400,000 or more square feet of gross floor area and 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 Zoning Administrator after a recommendation by the Planning Commission.
- 8.4.2 Where convention centers, conference centers, assembly halls, ballrooms, or other similar facilities are built in conjunction with a hotel, office park, or shopping center, the Zoning Administrator, after receiving a recommendation from the Planning Commission may permit the construction of fewer parking spaces, due to overlapping usage of a portion of the parking spaces. Said request for a decrease in parking spaces.

Section 8.05 Off-Street Parking: Parking for Individuals with Disabilities

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

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

8.5.2 Except as provided to Section 8.05.02 (1) of this Ordinance, access aisles adjacent to accessible spaces shall be 60 inches (1525 mm) wide minimum.

1. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches (2440 mm) wide minimum and shall be designated “van accessible” as required by Section 8.05.04 of this Ordinance. The vertical clearance at such spaces shall comply with 8.05.04 of this Ordinance. All such spaces may be grouped on one level of a parking structure.

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.

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 1:50 (2%) in all directions.

2. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 8.05.06 of this Ordinance.
3. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 8.05 of this Ordinance shall be provided in accordance with 8.05.02 (1) 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.
4. Valet parking: valet parking facilities shall provide a passenger loading zone complying with 8.5.2 of this Ordinance located on an accessible route to the entrance of the facility. Sections 8.05.01, 8.04.02, and 8.02.04.03 of this Ordinance do not apply to valet parking.

8.5.3 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 with adjacent parking, accessible parking spaces shall be dispersed and located closet to the accessible entrances.

8.5.4 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 7.02.02 (1) shall have an additional sign “Van Accessible” mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

8.5.5 Minimum vertical clearance of 114 inches (2895mm) 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 8.04.02 (1), provide minimum vertical clearance of 98 inches (2490mm) at

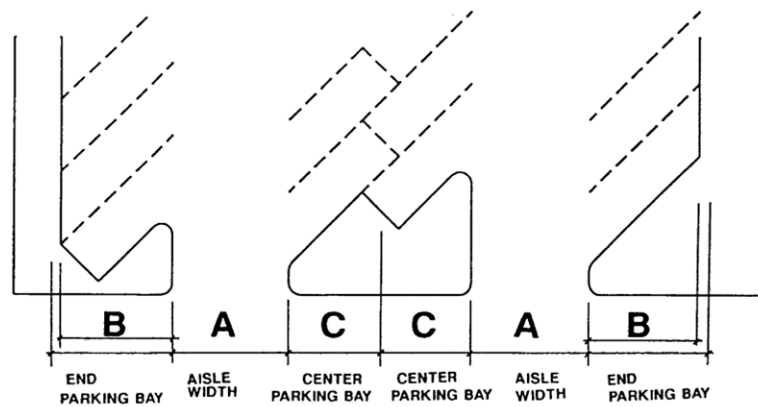
the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

- 8.5.6 Passenger Loading Zones shall provide an access aisle at least 60 inches (1525mm) wide and 20 feet (240inches) (6100mm) 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 1:50 (2%) in all directions.

Section 8.06 Off-Street Parking Design Criteria

- 8.6.1 Standard parking stall dimensions shall not be less than 9 feet by 20 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

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



- 8.6.2 Minimum dimensions for a parallel parking space shall be nine feet by 23 feet
- 8.6.3 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and City Council upon recommendation of the Zoning Administrator and City Engineer

Section 8.07 Home Occupations

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

- 8.7.1 No external evidence of the home occupation with the exception of one unlighted nameplate of not more than two square foot in area attached flat against the building located on local or collector streets. However, four square feet in area may be attached flat against the building located on arterial streets.
- 8.7.2 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 8.7.3 No more than 50 percent of the home can be used for the home occupation. This percentage is inclusive of any detached accessory buildings used for Home Occupations.
- 8.7.4 Home occupations shall employ no more than one full-time or part-time employee on-site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by the non-resident employee.
- 8.7.5 Unless expressly permitted by a conditional use permit, no retail sales are permitted from the site other than incidental sales related to services provided.
- 8.7.6 No exterior storage is permitted.
- 8.7.7 Additional off-street parking may be required for the business.

- 8.7.8 If home occupation is for a business office for services rendered at another location then not more than two (2) business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one (1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.
- 8.7.9 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 8.7.10 Home Occupation Registration shall be required.
- 8.7.11 Conditional use permit is required, except for Home Occupation II uses and Family Child Care Home I.
- 8.7.12 Child Care Homes and Child Care Centers shall require a certificate signed by the State of Nebraska Fire Marshall.
- 8.7.13 All fees shall be paid in accordance with the Master Fee Schedule.
- 8.7.14 All activities within a home occupation must be able to operate on normal household utilities including electricity.
- 8.7.15 All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebr. R. R. S. 1943, Sec. §71-1902. All business related to Adult Care Centers shall be in accordance with all applicable state statutes.

Section 8.08 Wireless Communication Towers

8.8.1 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 towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the City's jurisdiction, to protect residential areas and land uses from potential adverse impact 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 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 landuses.

8.8.2 Definitions:

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

1. **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
2. **ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.
3. **APPLICANT** shall mean any person that applies for a Tower Development Permit.
4. **APPLICATION** shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever, formal forum, made by an applicant to the City concerning such request.

5. **CONFORMING COMMERCIAL EARTH STATION** shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this ordinance.
6. **ENGINEER** shall mean any engineer qualified and licensed by any state or territory of the United States of America.
7. **OWNER** shall mean any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.
8. **PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
9. **SATELLITE DISH ANTENNA** shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
10. **STEALTH** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.
11. **TELECOMMUNICATIONS FACILITIES** shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
 1. Any Conforming Commercial Earth Station antenna two meters or less in diameter which is located on real estate zoned TA, RE, MUC, HC, GC, I-1 or I-2.
 2. Any earth station antenna or satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.
12. **TOWER** shall mean a self-supporting lattice, guyed, or monopole structure which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling unit exclusively.
13. **TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the City upon recommendation of the Planning Commission and approval by the City Council of an application to develop a tower within the zoning jurisdiction of the City; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest. A tower development permit shall follow the same procedure as a conditional use permit and be administered the same.
14. **TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

8.8.3 **Location of Towers and Construction Standards**

1. Towers shall be permitted by conditional uses of land in only those zoning districts where specifically listed and authorized in this ordinance.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Tower Development Permit by the City Council and issuance of the permit by the City. Applicants shall submit their application for a Tower Development Permit to the Building Inspector and shall pay a filing fee in accordance with the Master Fee Schedule.
3. Towers shall not be permitted in the Mixed-Use Overlay District.
4. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this ordinance shall conform to the Building Codes and all other construction standards set forth by the City,

County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Building Inspector.

8.8.4 **Application to develop a Tower**

Prior to commencement of development or construction of a tower, an application shall be submitted to the Building Inspector 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 the established Building Code, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

8.8.5 **Tower Development Permit: Procedure**

After receipt of an application for a Tower Development Permit, the City shall schedule a public hearing before the Planning Commission, following all Statutory requirements for publication and notice, to consider such application. The Planning Commission shall receive testimony on the Tower Development Permit and shall make a recommendation to the City Council. Upon the completion of the Planning Commission Public Hearing the City shall schedule a public hearing before the City Council, following all Statutory requirements for publication and notice, to consider such application and the recommendation of the City Planning Commission. Notice, for each Public Hearing, shall be made at least one time and at least 10 days prior to such hearing. In addition, the City 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 City Council may approve the Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and / or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

8.8.6 **Setbacks and Separation or Buffer Requirements**

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. from abutting parcels, recorded right-of-ways, and road and street lines, by the greater of the following distances: A distance equal to the manufacturers designed fall distance radius of the tower plus ten percent (10%) of the manufacturers designed fall distance radius of the tower or the existing setback requirements of the underlying Zoning District, whichever is greater. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto., but does not include any lightning rod attached to the top of the tower. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Towers exceeding 100 feet in height may not be located in any residentially zoned district and

must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.

3. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100 percent of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
 1. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 2. 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.

8.8.7 **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.

8.8.8 **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 of at least six feet in height or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

8.8.9 **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 Building Inspector as part of the application approval process. All towers which must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

8.8.10 **Landscaping**

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

8.8.11 **Maintenance, Repair or Modification of Existing Towers**

All towers constructed or under construction on the date of approval of this ordinance 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 nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this ordinance shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the City Council, an exemption from compliance as a condition of the Tower Development Permit.

8.8.12 **Inspections**

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

8.8.13 Maintenance

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

8.8.14 Abandonment

If any tower shall cease to be used for a period of one year, the Building Inspector shall notify the tower owner that the site will be subject to determination of abandonment. Upon issuance of written notice to show cause by the Building Inspector, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Building Inspector shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Building Inspector, or his/her designee and a written request shall be directed to the City Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and City of Gretna 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.

8.8.15 Satellite Dish Antennas, Regulation

Upon adoption of this ordinance, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Gretna only upon compliance with the following criteria and the issuance of a permit:

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
2. Single family residences may not have more than one satellite dish antenna over 3 feet in diameter.
3. Multiple family residences with 10 or less dwelling units may have no more than one satellite dish antenna over three feet in diameter. Multiple family residences with more than 10 dwelling units may have no more than two satellite dish antennas over three feet in diameter.
4. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
5. All satellite dish antennas installed within the zoning jurisdiction of Gretna, upon adoption of this ordinance, 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.

8.8.16 Amateur Radio Towers and facilities, Regulation

All amateur radio antennas, towers, and associated facilities not in compliance with the provisions for accessory structures within individual zoning districts shall comply with the standards of Section 8.08.

8.8.17 Severability

If any clause, subsection, or any other part of this Section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Section shall not be affected thereby, but shall remain in full force and effect.

Section 8.09 Keeping of Animals

Animals may be kept within the zoning jurisdiction of the City of Gretna subject to the following restrictions:

- 8.9.1 No bees or livestock including but not limited to sheep, goats, cattle or swine shall be allowed within R-1, R-2, R-3 or RE residential zoning districts or commercial zoning districts, within all other zoning districts, please refer to the individual district for additional regulations.
- 8.9.2 The keeping of birds or fowl in the RE-A, TA, or AG zoning district shall be subject to the following conditions:
 1. All birds or fowl shall be confined to the property of the owner of said birds or fowl.
 2. All birds or fowl shall be kept at least 50 feet from any property line.
- 8.9.3 No bird or fowl shall be allowed within residential or commercial zoning districts. Grandfather rights shall be granted upon application to the City so that this section will not apply to bird or fowl owned, kept or harbored prior to the adoption of this section, subject to the following conditions:
 1. No more than two fowl of any one species or a total of more than five fowl shall be allowed on any one residence or dwelling unit. All fowl shall be confined to the premises of the residence or dwelling unit of the person owning, keeping or harboring such fowl.

- 8.9.4 Horses and other members of the horse family shall be allowed on any piece of property zoned Transitional Agricultural (TA), Agricultural (AG), or Rural Estates-Animal (RE-A) and containing at least one acre of land. Two such animals are allowed on the first acre and an additional animal is allowed for each additional two acres of land.
- 8.9.5 The keeping of dogs, cats, rabbits, pigeons and household pets shall be a permitted accessory use in residential and commercial districts subject to the regulations for kennels as defined in Article 2 of this Ordinance and the provision found in Chapter 3 of the Gretna Municipal Code. For the purposes of this section, a “household pet” is any animal or creature kept inside a residential dwelling not outside, and in no event shall include any of the following: any live monkey (non- human primate), raccoon, skunk, fox, poisonous or dangerous insect or reptile, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal or other exotic animal which can normally be found in the wild state. The keeping of pigeons is subject to the following conditions.
1. Such birds shall be banded with some form of identification.
 2. Such birds shall be confined in sanitary, secure structures subject to inspection and approval by the City of Gretna.
 3. No more than 10 such birds shall be allowed on any one piece of property.
 4. Trained pigeons may be exercised under supervision of owner or trainer and be trained to recall on command.
 5. A permit for the keeping of such birds shall be obtained from the City of Gretna.
- 8.9.6 The restrictions contained in this section shall not apply to any pet store or veterinary services.

Section 8.10 Solar Energy Uses

No solar panel, neighborhood solar or solar farm shall be installed or constructed within the zoning jurisdiction of the City of Gretna unless a Conditional Use Permit, if applicable, and a Building Permit have been issued. All solar units shall be constructed in conformance with all state and national building and fire codes. For those devices that include electrical, plumbing and/or heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the requirements found in this section.

8.10.01 General Solar Definitions

ACCESSORY SOLAR ENERGY SYSTEMS: Any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

CONCENTRATED SOLAR POWER: A solar conversion system (SCS) that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.

DEVELOPMENT: Any plat, subdivision, or planned unit development created under the City of Gretna subdivision and zoning regulations.

ELECTRIC UTILITY: The public electric utility providing retail service to a given area.

NET EXCESS GENERATION: On an ISCS, net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period.

NET METERING: Net metering means a system of metering electricity in which a local distribution utility:

1. Credits a customer-generator at the applicable retail rate for each kilowatt-hour produced by a qualified facility during a billing period up to the total of the customer-generator's electricity requirements during that billing period. A customer-generator may be charged a minimum monthly fee that is the same as other noncustomer-generators in the same rate class but shall not be charged any additional standby, capacity, demand, interconnection, or other fee or charge; and
2. Compensates the customer-generator for Net Excess Generation during the billing period at a rate equal to the electric utility avoided cost of electric supply over the billing period. The monetary credits shall be applied to the bills of the customer-generator for the preceding billing period and shall offset the cost of energy owed by the customer-generator. If the energy portion of the customer-generator's bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer-generator until the balance is zero. At the end of each annualized period, any excess monetary credits shall be paid out to coincide with the final bill of that period.

SOLAR ACCESS: The ability to receive sunlight across real property for any solar energy device.

SOLAR ACCESS EASEMENT: A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

SOLAR CONVERSION SYSTEM (SCS): An assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

SOLAR CONVERSION SYSTEM, COMMERCIAL: A commercial solar conversion system (CSCS) is a series of solar panels and equipment connected together in order to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid.

SOLAR CONVERSION SYSTEM, GROUND-MOUNTED: Any SCS which is directly supported and attached to the ground.

SOLAR CONVERSION SYSTEM, INDIVIDUAL: An individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.

SOLAR CONVERSION SYSTEM, NEIGHBORHOOD: A neighborhood solar conversion system (NSCS) is a series of solar panels and equipment connected together in order to supply converted energy to a specific neighborhood and its uses.

SOLAR CONVERSION SYSTEM, STRUCTURE-MOUNTED: Any SCS which is directly connected to and supported by a building.

SOLAR SKYSPACE: The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.

1. Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. local apparent time from September 22 through March 22 of each year.
2. Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. local apparent time from March 23 through September 21 of each year.

SOLAR ORIENTED SUBDIVISION: A subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.

SOUTH OR SOUTH-FACING: True south, or 20 degrees east of magnetic south.

8.10.02 General Provisions Applying to ISCS, NSCS, and/or CSCS

The following provisions shall apply, typically, to two or more of the different solar conversion systems in this Section:

1. For commercial and neighborhood SCS: Applicant shall provide evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application.



Example of a Solar Conversion System, Ground-mounted



Example of a Solar Conversion System, Structure-mounted

2. For commercial and neighborhood SCS: Applicant shall comply with specific requirements of the Gretna Fire Department or the appropriate Rural Fire District.
3. Maintenance: All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SCS shall be kept in a presentable manner based upon the ground cover decided.
4. Decommissioning: All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan that has been agreed to upfront by the City of Gretna, the electric utility, and the owner/developer.
5. Repowering: If any SCS is no longer operating for purposes of Repowering, replacement, or maintenance, Decommissioning provisions will not apply for up to six months. However, an SCS that is not operating or is operating at a substantially reduced capacity for more than six months will be considered abandoned and Decommissioning provisions will apply.
6. Repowering does not require a new Conditional Use permit or permit amendment if the footprint of the SCS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.
7. Any applicant for a SCS project shall meet with and shall indicate they have met the requirements of the electric utility and have in place an interconnection agreement with the electric utility.
8. All NSCS and CSCS operations shall have located at key access points signage stating specific language as outlined by the electric utility.
9. SCS may be installed in the floodway fringe subject to Section 5.20, as may be amended from time to time, given that all components are installed a minimum of one foot (1') above base flood elevation and subject to written authorization of the Floodplain Administrator.
10. No SCS shall be constructed in the identified Floodway.
11. Concentrated Solar Power (CSP) systems are prohibited within the City of Gretna and the Extraterritorial Jurisdiction (ETJ) boundary.
12. Financial assurances shall be in place as part of the Decommissioning Plan.

8.10.03 Individual Solar Conversion Systems

1. General Requirements for ISCS:

ISCS's shall conform to the required front, side and rear lot setback requirements except as provided herein:

- A. An ISCS which is attached to an integral part of the principal building shall meet all local, state, and federal codes for building, electrical, plumbing, and accessibility.
- B. A ground-mounted ISCS may be located only in the required rear yard provided it does not exceed 12-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 anchorage.
- C. No ground mounted ISCS shall be located in the required side yard or front yard.
- D. All ISCS's shall have an agreed to solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground mounted ISCS is in place and operational.
- E. The applicant for any ISCS shall provide evidence that they have a working Net Metering agreement with the electric utility.

2. Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

3. 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.

4. 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 of Gretna, may continue to be utilized so long as it is maintained in operational condition.

5. Decommissioning

- A. Whenever an ISCS ceases operation on a property, the property owner shall be required to report this to the City of Gretna Development Services Office and the electric utility.
- B. Whenever, a ground mounted ISCS is no longer operating, the property owner shall have six months to completely remove the structure and wiring. The location of the ISCS shall be returned to a usable state based upon the surrounding property.

8.10.04 Neighborhood Solar Conversion Systems

1. General Requirements for NSCS:

NSCS's shall meet the following requirements as provided herein:

- A. An NSCS shall be set on its own lot within the neighborhood/development.
- B. The NSCS shall be designed and constructed for no more than the anticipated maximum solar usage in the designated neighborhood or development.
- C. No excess power generated shall be sold or given to a user outside the agreed upon neighborhood or development, except via a Net Metering agreement.
- D. The developer shall provide the City of Gretna with all solar easements established, however, the City of Gretna shall not be responsible for enforcing said easements.
- E. All solar easements shall be enforced by an establish a Sanitary Improvement District or Homeowners Association for the development/neighborhood.
- F. A ground mounted NSCS shall be protected with fencing and/or bollards.
- G. All connections to the uses within the neighborhood shall be made underground.
- H. An access agreement between the developer, Sanitary Improvement District, Homeowners Association, and any other necessary entity and the electric utility shall exist in case of an emergency.
- I. A Net Metering agreement between the developer, Sanitary Improvement District, Homeowners Association, and any other entity and the electric utility shall exist in case of excess electricity, and
- J. All ground mounted NSCS's shall have an agreed to solar access easement from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground- mounted NSCS is in place and operational.

2. Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

3. Solar Oriented Subdivision/Plot Plan:

- A. Whenever a NSCS is part of a proposed new subdivision, the developer shall outline the specific lot or outlot where the NSCS will be placed. Specific developments/neighborhoods initially designed with an NSCS shall identify all solar easements on the preliminary and final plats and shall be recorded the same as other utility easements. In addition, the subdivision plats shall indicate, in addition to all other requirements in the subdivision regulations, the location of all proposed underground conduits serving the other lots in said subdivision.
- B. 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.
- C. The developer shall install all underground wiring as prescribed by the electric utility.
- D. All underground wiring shall be protected by a utility easement or located within prescribed rights-of-way.
- E. The developer shall provide the City of Gretna with As-builts of the wiring locations within the subdivision.

4. Decommissioning:

- A. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions or removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City of Gretna may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

8.10.05 Commercial Solar Conversion Systems**1. Applicability:**

The purpose of this subsection is to provide standards for fixed-panel photovoltaic solar farms or CSCS consisting of ground-mounted solar panels capturing energy from the sun and converting it to electricity. The provisions of this subsection are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels supporting the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site.

2. Site Development Standards:

- A. Lot coverage: No more than one percent of the gross site area shall be occupied by enclosed buildings and structures.
- B. Setbacks: A setback of 30 feet shall be observed in the front, side and rear yards when the lot abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does

not about a residential use or residential zoning district, or the two districts are separated by a public right-of-way; however, the front yard setback shall be 20 feet.

- C. Height: The average height of the solar panel arrays shall not exceed 12 feet.
- D. Landscaping Buffer: The primary use of the property shall determine the buffer requirement. Where a ground-mounted photovoltaic solar farm is the primary use the property shall be considered industrial or agricultural for the purposes of buffer requirements, there are no requirements for screening from public streets.
- E. Stormwater Management: Fixed panel solar arrays shall be considered pervious and the property shall be designed to absorb or detain specific runoff. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas and buildings on the site.
- F. A property developed pursuant to this subsection shall be required to be platted however water and sewer connections shall not be required. Suitable fire department access shall be required.
- G. Signage shall conform to the City of Gretna sign code.
- H. Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.
- I. Fencing: Due the unique security requirements of this land use, and to facilitate the educational value of seeing this land use, fencing up to eight (8) feet in height is permitted provided the fencing material is predominantly open.
- J. All state and federal codes and provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis and historic preservation.

3. Submittal Requirements:

All plans shall contain the following:

- A. These requirements shall apply to both the Conditional Use Permit and Building Permit.
- B. A plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines.
- C. The plot plan shall include any roads, electric lines and/ or overhead utility lines.
- D. A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant Power District.
- E. A copy of the interconnection agreement with the local electric utility
- F. Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar power plant.
- G. Structural engineering analysis for a solar panel, array and its foundation, as applicable.
- H. Manufacturer's recommended installations, if any.
- I. Documentation of land ownership and/or legal authority to construct on the property.
- J. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City of Gretna reserves the right to require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

4. Compliance with Other Regulations:

- A. Zoning permit applications for CSCS's shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the State's adopted electrical code and that has been pre- approved by the associated power district meeting their Distribution Generation Requirements and Guidelines.
- B. This subsection does not waive any requirements of any state or federal codes, electrical codes or other technical codes as applicable.

5. Discontinuation:

A CSCS shall be considered abandoned after one year without energy production. The solar equipment owner shall remove all CSCS equipment and appurtenances within 90 days of abandonment.

Section 8.11 Performance Standards for Industrial Uses

The following standards shall be met unless there are greater standards required by the United States Environmental Protection Agency or the Nebraska Department of Environmental Quality.

- 8.11.1 **Physical Appearance:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be displayed or stored in the open, if the applicable zoning district permits. 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 outdoor storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition. However, allowable outdoor storage or display shall be visually screened from public roadways and residential properties.
- 8.11.2 **Fire hazard:** No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of Gretna.
- 8.11.3 **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume or in excess of eighty (80) decibels, whichever is greater. 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.
- 8.11.4 **Exterior Lighting:** Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas and public rights-of-way.
- 8.11.5 **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge of waste into a storm sewer, water course, or the ground; nor should any 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 be dumped into wastewater sewerage.
- 8.11.6 **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 an 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 the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinances.
 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 thousandths (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 8.12 Self Storage Units / Convenience Storage Units

- 8.12.1 Minimum lot size of the Self Storage facility shall be two acres.
- 8.12.2 Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
- 8.12.3 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt, or asphaltic concrete. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
- 8.12.4 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
- 8.12.5 No storage may open into the front yards.
- 8.12.6 Facilities must maintain landscape buffer yards of 50 feet adjacent to any public Right-of-Way and 20 feet adjacent to other property lines, unless greater setbacks are require, a total of 35 percent of all buffers shall be landscaped.
- 8.12.7 Height limitations shall require a maximum height of 20 feet for any structure in the facility.
- 8.12.8 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.

Section 8.13 Auto Wrecking Yards, Junk Yards Salvage Yards and Scrap Processing Yards

- 8.13.1 The use shall be located on a tract of land at least 300 hundred feet from a residential district.
- 8.13.2 The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded by a solid fence or wall at least eight feet high.
- 8.13.3 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.
- 8.13.4 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.
- 8.13.5 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.
- 8.13.6 Burning of paper, trash, junk or other materials shall be prohibited.

Section 8.14 Funeral, Mortuary or Crematory Services

- 8.14.01 These uses shall be located on a collector or arterial street as shown in the Comprehensive Plan.

Section 8.15 Residential and Small Wind Energy Systems

8.15.1 Purpose

It is the purpose of this ordinance to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity and that such systems are appropriately sited within Gretna's zoning jurisdiction.

8.15.2 Definitions

The following are defined for the specific use of this section. Additional definitions pertaining to wind energy systems are found in Section 8.16.02 herein.

1. **Building-Mounted Wind Turbine (BMWT):** a wind energy conversion system consisting of a wind turbine mounting system and associated control or conversion electronics and which is mounted to a building and intended to primarily reduce on-site consumption of utility power.
2. **Decibel (db):** The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 dbA. In general, this means the quietest sound we can hear is near 0 dbA and the loudest we can hear without pain is near 120 dbA. Most sounds in the typical day-to-day environment range from 30 dbA to 100 dbA. Normal speech at 3 feet averages about 65 dbA.
3. **FAA:** Federal Aviation Administration.
4. **Micro-Wind Energy Conversion System** shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
5. **Residential Wind Energy Conversion System (RWECS):** a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and which is intended to primarily reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for

on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

6. **Small Wind Energy Conversion System (SWECS):** a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, and which will be used primarily to reduce on-site consumption of utility power. Such system has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
7. **Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.
8. **Tower Height** shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

8.15.3 *Requirements for Residential Wind Energy Conversion System (RWECS)*

Residential wind energy systems shall be permitted as a conditional use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met. See Section 8.16.07 for regulations on building mounted wind turbines.

1. Wind energy towers shall to the extent possible blend into the surrounding environment and architecture, including painting to reduce visual obtrusiveness. The City Planner may require a photo of an RWECS system of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
2. RWECS shall not be artificially lighted unless required by the FAA or another appropriate authority.
3. No tower should have any sign, writing, or picture that may be construed as advertising.
4. RWECS shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
5. An RWECS shall be located on a parcel that is at least one-half (1/2) acre in size.
6. The applicant shall provide information demonstrating that the system will be used primarily to off-set on-site consumption of electricity. No residential 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. Off-grid systems shall be exempt from this requirement.
7. The minimum distance between the ground and any protruding blades utilized on an RWECS shall be 20 feet, as measured at the lowest point on the arc of the rotor. The supporting tower shall also be enclosed with a six foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.
8. Compliance with FAA regulations: An RWECS must comply with applicable regulations of the Federal Aviation Administration, including any necessary approvals for installations close to airports.
9. Compliance with the International Building Code: Building permit applications for an RWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower base, and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a professional engineer licensed in the State of Nebraska shall also be submitted.
10. Compliance with National Electric Code: Building permit applications for an RWECS 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 Electric Code. This information may be supplied by the manufacturer.
11. Setbacks
 - A. See Section 8.16.05 for setbacks.
 - B. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site
12. Tower Height

The applicant shall provide evidence that the proposed height of the RWECS does not exceed the height recommended by the manufacturer or distributor of the system.

 - A. The maximum tower height is 80, unless a greater restriction is imposed by FAA regulations.

8.15.4 *Requirements for Small Wind Energy Conversion System (SWECS)*

Small wind energy systems shall be permitted as a conditional use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met. See Section 8.16.07 for

regulations on building mounted wind turbines.

1. Small wind energy towers shall maintain a galvanized steel finish, unless FAA standards require otherwise, or if the owner is attempting to match the finish on the tower to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusiveness. The City Planner may require a photo of an SWECS system of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
2. SWECS shall not be artificially lighted unless required by the FAA or another appropriate authority.
3. No tower should have any sign, writing, or picture that may be construed as advertising.
4. SWECS shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
5. An SWECS shall be located on a parcel that is at least three (3) acres in size.
6. The applicant shall provide information demonstrating that the system will be used primarily to off-set on-site consumption of electricity. No residential 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. Off-grid systems shall be exempt from this requirement.
7. The minimum distance between the ground and any protruding blades utilized on an SWECS shall be 20 feet, as measured at the lowest point on the arc of the rotor. The supporting tower shall also be enclosed with a six foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.
8. Compliance with FAA regulations: An SWECS must comply with applicable regulations of the Federal Aviation Administration, including any necessary approvals for installations close to airports.
9. Compliance with the International Building Code: Building permit applications for an SWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower base, and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a professional engineer licensed in the State of Nebraska shall also be submitted.
10. Compliance with National Electric Code: Building permit applications for an SWECS 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 Electric Code. This information may be supplied by the manufacturer.
11. Setbacks
 - a. See Section 8.16.05 for setbacks.
 - b. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
12. Tower Height

The applicant shall provide evidence that the proposed height of the SWECS does not exceed the height recommended by the manufacturer or distributor of the system.

 - a. The maximum tower height is 120, unless a greater restriction is imposed by FAA regulations.

Section 8.16 Commercial/Utility Grade Wind Energy Systems

8.16.01 Purpose

It is the purpose of this ordinance to promote the safe, effective and efficient use of commercial/utility grade wind energy systems and that such systems are appropriately sited within the zoning jurisdiction of the City of Gretna.

8.16.2 Definitions

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

1. **A-weighted Sound Level (dBA):** a measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1,000 Hz and above 5,000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid- range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band. This measurement is the most commonly used filter in both industrial noise applications (governed by OSHA) and community noise regulations.

2. **Aggregate Project** shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.
3. **Applicant:** A property owner, or any person or entity acting as an agent for the property owner, in an application for a WECS Permit under this Article.
4. **Blade Glint:** The intermittent reflection of the sun off the gloss surface of wind turbine blades.
5. **Building-Mounted Wind Turbine (BMWT):** a wind energy conversion system consisting of a wind turbine mounting system and associated control or conversion electronics and which is mounted to a building and intended to primarily reduce on-site consumption of utility power.
6. **Commercial Wind Energy Conversion System (CWECS):** an electrical generating facility comprised of one or more wind turbines and accessory facilities generating capacity, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy generated will be used by a utility company for off-site use. A wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.
7. **Decibel (db):** The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 dbA. In general, this means the quietest sound we can hear is near 0 dbA and the loudest we can hear without pain is near 120 dbA. Most sounds in the typical day-to-day environment range from 30 dbA to 100 dbA. Normal speech at 3 feet averages about 65 dbA.
8. **FAA:** Federal Aviation Administration.
9. **Fall Zone** shall mean the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
10. **FCC:** Federal Communications Commission.
11. **Feeder Line** shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.
12. **Furling:** A design characteristic of a wind turbine intended to limit its power output in high winds by changing the rotor's plane of rotation to a plane that is not perpendicular to the prevailing wind direction.
13. **Hub Height:** the distance measured from ground level to the centerline of the rotor.
14. **Ice Throw:** Ice build-up that is thrown by the spinning turbine blades.
15. **Meteorological Tower** shall mean, for purposes of this ordinance, a tower, including the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.

16. **Micro-Wind Energy Conversion System** shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
17. **Nacelle:** A cover housing that holds all of the generating components of a WECS, such as the gearbox, drive train, rotor shaft, and brake assembly.
18. **Operator:** The person or entity responsible for the day-to-day operation and maintenance of the WECS.
19. **Public Conservation Lands** shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, Federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this ordinance, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
20. **Pure Tone:** A sound whose instantaneous sound pressure is a simple sinusoidal function of the time and is characterized by a single frequency or singleness of pitch. For the purpose of these regulations, a pure tone shall exist if the one-third octave band sound pressure level in the bandwidth of the tone exceeds the arithmetic average of the sound pressure levels on the two contiguous one-third octave bands by five db for center frequencies of 500 Hz and above, and eight db for center frequencies between 160 and 400 Hz, and by 15 db for center frequencies less than or equal to 125 Hz.
21. **Residential Wind Energy Conversion System (RWECS):** a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and which is intended to primarily reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
22. **Rotor:** The rotating part of a turbine, including the blades.
23. **Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.
24. **Sensitive Receptor:** Structures that have occupants on a routine basis and whose occupants could be negatively affected by noise, vibration, shadow, or flicker, including those structures intended for four season human habitation (whether inhabited or not), public parks, state designated wildlife areas, the manicured areas of private recreational establishments such as golf courses or the campsites in a state approved campground, schools, daycare centers, elderly care facilities, hospitals, places of public assembly, and businesses.
25. **Shadow Flicker:** When the blades of an operating wind turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his or her immediate environment.
26. **Small Wind Energy Conversion System (SWECS):** a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, and which will be used primarily to reduce on-site consumption of utility power. Such system has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
27. **Stall Control:** A braking mechanism on wind turbines where the rotor blades are bolted onto the hub at a fixed angle. The rotor blade profile is aerodynamically designed to ensure that the moment the wind speed becomes too high it creates turbulence on the side of the rotor blade which is not facing the wind. This stall prevents the lifting force of the rotor blade from acting on the rotor.
28. **Substations** shall mean any electrical facility to convert electricity produced by wind

- turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.
29. **Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.
 30. **Tower** shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.
 31. **Tower Height** shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.
 32. **Transmission Line** shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
 33. **Turbine, or Wind Turbine:** see “Wind Energy Conversion System.”
 34. **Upwind Rotor:** A design in which the rotor on a wind turbine tower faces into the wind.
 35. **Well-designed Braking System:** The primary braking system, which uses a mechanical brake, pitch-control of the turbine blades, or stall-control to bring the turbine to a stop in such a way that stall-induced vibrations/noise are avoided.
 36. **Wind Energy Conservation System (WECS)** shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
 37. **Wind Energy Conversion System (WECS) Facility:** An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
 38. **Wind Turbines** shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

8.16.3 *Requirements*

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

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Engineer’s certification from a professional engineer licensed in the State of Nebraska.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed CWECS not owned by the applicant.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed CWECS.
11. An Acoustical Analysis that certifies that the noise requirements within these regulations can be met.
12. FAA and FCC permit, if necessary. Applicant shall submit permit or

- evidence that the permit has been filed with the appropriate agency.
- 13. Location of all known Communication Towers within two miles of the proposed Wind Energy Conversion System and evidence that there will be no interference with any such commercial and/or public safety communications towers.
- 14. Decommissioning Plan as required by this ordinance.
- 15. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties.
- 16. A CW ECS shall be located on a parcel that is at least ten (10) acres in size.
- 17. Setbacks identified as required in Section 8.16.05.

8.16.4 *Aggregated Projects*

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

8.16.5 *Setbacks*

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

	Wind Turbine – Non Commercial WECS (residential & small)	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	1.1 times the total height or in an Agricultural or Transitional Agricultural Districts only. In other districts, the setback shall be the distance of the fall zone, as certified by a professional engineer, + 10 feet	1.25 times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Neighboring Dwelling Units*		750 feet	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Road Rights-of-Way**	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	One times the height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other Rights-of-Way	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Public conservation lands	NA	1320 feet	600 feet
Wetlands, USFW Types III, IV, and V	NA	1320 feet	600 feet
Other structures	NA	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other existing WECS	NA	To be considered based on: <ul style="list-style-type: none"> • Relative size of the existing and proposed WECS • Alignment of the WECS relative to the predominant winds • Topography • Extent of wake interference impacts on existing WECS • Property line setback of existing WECS • Other setbacks required Waived for internal setbacks in multiple turbine projects including aggregated projects	
River Bluffs	NA	1,320 feet	NA

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

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

8.16.6 *Special Safety and Design Standards*

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

- 1. Clearance of rotor blades or airfoils must maintain a minimum of 20 feet of clearance between their lowest point and the ground.
- 2. All CW ECS shall have a sign or signs posted on the tower, transformer and substation,

- warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a CWECS, shall be installed with a tubular, monopole type tower.
 4. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
 5. The design of the nacelles of turbines and towers shall not use designs or construction methods that provide perches for avian predators.
 6. Turbine identification:
 - A. Each site access road shall be named according to the City street (or county road) naming convention;
 - B. Each individual turbine shall be designated with a numeric or alphanumeric identifier;
 - C. Each individual turbine shall be labeled with its respective identifier and the name of the access road it is located along; and
 - D. Signage shall be provided at the intersection of each access road with the public right-of-way indicating the towers that may be found along that access road, along with subsequent signage at each road intersection within the site further indicating the direction to specific towers.
 7. Wind turbines that are not designed in “accordance with proven good engineering practices” shall be prohibited. Turbines designed with the following characteristics shall be deemed in “accordance with proven good engineering practices:”
 - A. at least 3 blades;
 - B. upwind rotor;
 - C. no furling;
 - D. tapered and twisted blades; and
 - E. a well-designed braking system.
 8. Color and finish:
 - A. All wind turbines and towers that are part of a CWECS shall be white, grey or another non-obtrusive single color.
 - B. Blades may be black in order to facilitate deicing.
 - C. Finishes shall be matte or non-reflective.
 - D. CWECS shall not display advertising, except for reasonable identification of the manufacturer, facility owner or operator, which may be placed on the nacelle.
 9. Visual Impact
 - A. To provide visual order to a WECS facility, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counter-clockwise) in relation to the wind.
 - B. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground.
 - C. Distinct groupings or clusters of wind turbines shall be limited to no more than 12 machines per cluster. A cluster shall be defined as a grouping of machines that are greater than 1,320 feet (¼ mile) from another grouping.
 - D. In light wind conditions, turbine rotor blades shall not be kept in a locked position except as necessary to meet operational or maintenance requirements;
 - E. Except during construction, re-construction or removal, outdoor storage is not permitted within the facility boundary except at locations that are screened from view, as shown on the approved site plan;
 - F. If turbines become inoperable for any reason, they shall be repaired as soon as reasonably possible;
 - G. To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure.
 - H. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers.
 - I. The maximum total height of the turbines shall be 355 feet. Greater height, but not in excess of 400 feet, may be considered on a case-by-case basis if the applicant can sufficiently demonstrate that the increased height will result in increased energy efficiencies thereby reducing the overall number of turbines in the project. However, in all cases, due consideration shall be given to the scale of the turbines in relation to the surrounding landscape.
 10. Lighting:
 - A. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations.
 - B. Red strobe lights shall be used during nighttime illumination to reduce impacts on

- neighboring uses and migratory birds.
- C. Red pulsating incandescent lights shall be prohibited.
11. All signage shall comply with the sign regulations found in these regulations.
 12. All communications and feeder lines installed as part of a CWECS shall be buried, where feasible.
 13. No CWECS shall exceed 50 dbA at the nearest structure or use occupied by humans.
 14. Controls and brakes:
 - A. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode.
 - B. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
 15. Interference.
 - A. The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any CWECS.
 - B. The applicant shall notify all communication tower operators within five miles of the proposed CWECS location upon application to the City for permits.
 16. Roads, applicant shall:
 - A. Identify all city, county or townships streets/roads to be used for the purposes of transporting CWECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the CWECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
 - B. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road/facility.
 - C. Be responsible for restoring or paying damages as agreed to by the applicable jurisdiction sufficient to restore the road(s) and bridges to preconstruction conditions.
 17. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the CWECS.
 18. Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

8.16.7 *Building-Mountable Wind Turbines (BMWT)*

A BMWT and its essential support facilities shall be allowed as a permitted accessory use when attached to the principle structure in any zoning district subject to the following:

1. A simple site plan shall be submitted for each BMWT providing the following information:
 2. Mounting location of the BMWT on the principle structure.
 3. Description of the BMWT height and width, including a photo (if available) or other visual representation.
 4. BMWT shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
 5. BMWT shall comply with the maximum height requirement of the zoning district in which it is located. Applicants proposing an installation higher than allowed by the zoning district in which it will be located may apply for a variance to the Zoning Board of Adjustment.
 6. No BMWT may occupy, encroach or “overhang” any public right-of-way without the expressed approval of the City of Gretna.
 7. Each BMWT installation shall require a separate building permit.

8.16.8 *Noise and Shadow Flicker*

1. Audible sound from a WECS facility shall not exceed 50 dbA if it is determined a pure tone is generated by the facility, as measured at the exterior of any occupied building on a non-participating landowner's property. Methods for measuring and reporting acoustic emissions from the WECS facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 (1989) titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. The Facility owner and Operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.

8.16.9 *Use of Public Roads; Bond Required*

The property owner of a CWECS facility shall be responsible for extraordinary maintenance and restoration of all City roads leading to the project site that may be damaged during construction or due to activities involving the CWECS facility unless the property owner can prove that operation of the CWECS facility was not the cause of the roadway damage. All maintenance and restoration of roads shall be done with the approval of and to the satisfaction of the Public Works Director.

The following information shall be submitted along with an application for a CWECS Permit:

1. Detailed maps of access and haul routes;
2. If weight and size permits are required by the Nebraska Department of Roads, a pre-construction baseline survey shall be provided to document and determine existing road conditions;
3. A report on potential road damage that may result from the construction and maintenance of the CWECS facility;
4. If, in the discretion of the Public Works Department, road damage may occur, a road damage mitigation plan and/or long-term road maintenance agreement shall be submitted, which shall include a bond, escrow, security agreement, or other form of guarantee approved by the City Attorney, in an amount determined by the Public Works Director to be sufficient to guarantee the necessary restoration or extraordinary maintenance required due to the construction or operation of the CWECS facility; and
5. If impacts may occur to public roads in other jurisdictions, the Applicant shall give notice to such other jurisdictions, providing information regarding road impacts, and submit to the Public Works Department proof that such notice was given.

8.16.10 *Decommissioning Plan; Bond Required*

1. The facility owner and operator shall, at its expense, complete decommissioning of the CWECS facility, or individual turbines, within six months after the end of the useful life of the facility or individual turbines. The CWECS facility or individual turbines will presume to be at the end of their useful life if no electricity is generated for a continuous period of 12 months. A decommissioning plan shall be submitted with an application for a CWECS permit, which shall document:
 - A. The removal of turbines, buildings, cabling, electrical components, roads, foundations to a depth of four feet within 180 days;
 - B. Grading and re-seeding all disturbed earth;
 - C. A report prepared by an independent professional engineer licensed in the State of Nebraska that estimates the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the City of Gretna after the first year of operation and every fifth year thereafter.
 - D. The facility owner or operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs, provided, at no point shall Decommissioning Funds be less than 25 percent of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained as a bond, escrow, security agreement, or other form of guarantee approved by the City Attorney.
 - E. If the facility owner or operator fails to complete decommissioning within the period prescribed herein, then the landowner shall have six months to complete decommissioning.
 - F. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed herein, then the City of Gretna may take such measures as necessary to complete decommissioning.

- G. An easement allowing the City of Gretna access to the project site, pursuant to reasonable notice, to effect or complete decommissioning.
 - H. The escrow agent shall release the Decommissioning Funds when the facility owner or operator has demonstrated and the City of Gretna concurs that decommissioning has been satisfactorily completed, or upon written approval of the City of Gretna in order to implement the decommissioning plan.
 - I. An agreement that the City of Gretna is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the facility owner or operator, or property owner, for decommissioning costs in excess of the amount guaranteed, and to file a lien against any real estate owned by the facility owner or operator, or property owner, or in which they have an interest, for the amount of the excess, and to take all steps allowed to enforce such lien.
2. Financial provisions shall not be so onerous as to render CWECS facilities unfeasible in the City of Gretna.

8.16.11 *Repair; Abandonment; Removal*

Small Wind Energy Conversion Systems: Any SWECS found to be unsafe by the Building Official shall be repaired by the owner to meet federal, state and local safety standards, or removed within six months. If any SWECS is not operated for a continuous period of 12 months, the City shall notify the landowner by registered mail that such SWECS is deemed abandoned, and provide 45 days for a response. In their response, the landowner shall set forth reasons for the operational difficulty and provide a timetable for corrective action not exceeding six months. If the corrective action is not completed within six months, the City shall notify the landowner that such SWECS shall be removed within 12 days of receipt of the notice.

8.16.12 *Liability Insurance*

For each CWECS facility, there shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Copies of such certificates shall be made available to the City of Gretna upon request.

Section 8.17 Adult Establishments

8.17.01 *Purpose and Intent*

It is the purpose of this section to regulate Adult Establishments to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of Adult Establishments within the city's jurisdiction. The provisions of these regulations have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these regulations to condone or legitimize the distribution of obscene material.

8.17.02 *Findings and Rationale*

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and

Farkas v. Miller, 151 F.3d 900 (8th Cir. 1998); *Jakes, Ltd. v. City of Coates*, 284 F.3d 884 (8th Cir. 2002); *BZAPS, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *SOB, Inc. v. County of Benton*, 317 F.3d 856 (8th Cir. 2003); *Scope Pictures v. City of Kansas City*, 140 F.3d 1201 (8th Cir. 1998); *ILQ Invs. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *City of Lincoln v. ABC Books, Inc.*, 470 N.W.2d 760 (Neb. 1991); *Xiong v. City of Moorhead*, 2009 WL 322217 (D. Minn. Feb. 2, 2009); *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596

F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Major Liquors, Inc. v. City of Omaha*, 188 Neb. 628 (1972); *DLH Inc. v. Nebraska Liquor Control Commission*, 266 Neb. 361(2003); *Village of Winslow v Sheets*, 261 Neb.203 (2001),

and based upon reports concerning secondary effects occurring in and around adult establishments, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis," *Crime & Delinquency* (2012) (Louisville, KY); *Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General's Working Group On The Regulation Of Adult establishments, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Adult establishments: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA), McCleary and Weinstein; Do "Off-Site Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory and Empirical Evidence, Law and Policy, Vol. 31, No. 2 (April 2009), Adult Business Study: Town and Village of Ellicottville, Cattaraugus County, New York (January 1998), the city finds:*

1. Adult Establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Adult Establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.
3. Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing and/or abating. Additionally, the city's interest in

regulating Adult Establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the city. The city finds that the cases and documentation relied on in this resolution are reasonably believed to be relevant to said secondary effects.

The city hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

8.17.02 *Definitions*

As used in this section, the following terms shall have the meanings indicated:

Adult Arcade: shall mean a commercial establishment to which the public is permitted or invited that maintains booths or rooms smaller than 100 square feet, wherein image-producing devices are regularly maintained, where a fee is charged to access the booths or rooms, and where minors are excluded from the booths or rooms by reason of age.

Adult Bookstore: shall mean a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas.” A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:

1. At least 35% of the establishment’s displayed merchandise consists of said items, or
2. At least 35% of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items, or
3. The establishment maintains at least 35% of its floor area for the display, sale, and/or rental of said items; or
4. The establishment maintains at least seven hundred fifty square feet (750 sq. ft.) of its floor area for the display, sale, and/or rental of said items.

Adult Establishment: shall mean an “adult arcade,” an “adult bookstore,” an “adult motion picture theater,” a “semi-nude lounge,” or a “sex paraphernalia store.”

Adult Motion Picture Theater: shall mean a commercial establishment to which the public is permitted or invited that maintains viewing rooms that are 100 square feet or larger wherein films or videos characterized by their emphasis upon “specified sexual activities” or “specified anatomical areas” are regularly shown.

Characterized By: shall mean describing the essential character or quality of an item. As applied to adult establishments, no business shall be classified as an adult establishment by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

Employee of an Adult Establishment: shall mean any person who works on the premises of an adult establishment, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Nudity or Nude Conduct: shall mean the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operator of Adult Establishment: shall mean any person on the premises of an adult establishment who manages, supervises, or controls the business or a portion thereof. A person may be found to be an operator regardless of whether such person is an owner or part owner, of the business.

Semi-Nude or Semi-Nudity: shall mean the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a

bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Semi-Nude Lounge: shall mean a nightclub, juice bar, restaurant, bottle club, massage parlor, or similar commercial establishment that regularly offers live semi-nude conduct. No establishment shall avoid classification as a semi-nude lounge by offering nude conduct.

Sexual Device: shall mean any three (3) dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sex Paraphernalia Store: shall mean a commercial establishment where more than 100 sexual devices are regularly made available for sale or rental. This definition shall not be construed to include any establishment located within an enclosed regional shopping mall or any establishment primarily dedicated to providing medical products.

Specified Anatomical Areas: shall mean less than completely and opaquely covered human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola.

Specified Sexual Activities: shall mean intercourse, oral copulation, masturbation or sodomy.

Viewing Room: shall mean the room or booth where a patron of an adult establishment would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video on an image-producing device.

8.17.03 *Regulations*

1. No person shall establish, operate, or cause to be operated an adult establishment in Gretna's jurisdiction within:
 - A. 1,000 feet of another adult establishment;
 - B. 500 feet of a business licensed to sell alcohol at the premises; or
 - C. 1,000 feet of a residential district, residential use, residence, church, educational institution, park, or recreational facility.
 - D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure containing the adult establishment to the closest point on a property boundary of another adult establishment, a business licensed to sell alcohol at the premises, a residential district, a residential use, a residence, a church, an educational institution, park, or a recreational facility.
2. No adult establishment shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day.
3. No patron, employee of an adult establishment, or any other person shall knowingly or intentionally, in an adult establishment, appear in a state of nudity or engage in a specified sexual activity.
4. No person shall knowingly or intentionally, in an adult establishment, appear in a semi-nude condition unless the person is an employee of an adult establishment who, while semi-nude, remains at least six (6) feet from all patrons and on a stage at least eighteen (18) inches from the floor in a room of at least six hundred (600) square feet.
5. No employee of an adult establishment who appears semi-nude in an adult establishment shall knowingly or intentionally touch a customer or the clothing of a customer on the premises of an adult establishment. No customer shall knowingly or intentionally touch such an employee of an adult establishment or the clothing of such an employee of an adult establishment on the premises of an adult establishment.
6. No person shall possess alcoholic beverages on the premises of an adult establishment.
7. No person shall knowingly or recklessly allow a person under the age of eighteen (18) years to be or remain on the premises of an adult establishment.
8. No operator of an adult establishment shall knowingly or recklessly allow a room in the adult establishment to be simultaneously occupied by any patron and any other employee of an adult establishment who is semi-nude or who appears semi-nude on the premises of the adult establishment, unless an operator of the adult establishment is present in the same room.

9. A person who operates or causes to be operated an adult establishment which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.
 - A. The operator of the adult establishment shall, within one week of opening the adult establishment for business, submit to the City Zoning Officer a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, video cassettes, digital video discs, or other video reproductions. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.
 - B. It shall be the duty of the operator of the adult establishment, and of any employees of the adult establishment present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
 - C. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
 - D. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.
 - E. It shall be the duty of the operator of an adult establishment to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - i. That the occupancy of viewing rooms less than 150 square feet is limited to one person.
 - ii. That specified sexual activity on the premises is prohibited.
 - iii. That the making of openings between viewing rooms is prohibited.
 - iv. That violators will be required to leave the premises.
 - v. That violations of these regulations are unlawful.
 - F. It shall be the duty of the operator of an adult establishment to enforce the regulations articulated in E.i. through E.v. above.
 - G. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator of the adult establishment's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator of an adult establishment to ensure that at least one employee of an adult establishment is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator of an adult establishment, and it shall also be the duty of any employees of an adult establishment present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
 - H. It shall be the duty of the operator of an adult establishment to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.
 - I. It shall be unlawful for a person having a duty under subsections 9.a. through 9.h above to knowingly or recklessly fail to fulfill that duty.
 - J. No patron shall knowingly or recklessly enter or remain in a viewing room less than 150 square feet in area that is occupied by any other patron.
 - K. No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is 150 square feet or larger in area.
 - L. No person shall knowingly or recklessly make any hole or opening between viewing rooms.

10. It shall be the duty of the operator of an adult establishment to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.
11. Unless a culpable mental state is otherwise specified herein, a showing of a reckless mental state shall be sufficient to establish a violation of a provision of this section 8.17.03.

Section 8.18 Dog Day Care Facilities

8.18.01 Purpose

The purpose of this section is to establish the standards for the location of dog day care facilities, in a manner that minimizes impacts on surrounding property owners.

8.18.02 Approval Process

- A. Lower Density Residential Zoning Districts. Dog Day Care uses are prohibited in the R-1, R-2, and R-3 zoning districts.
- B. Higher-Density Residential Zoning Districts. Dog Day Care uses are allowed as conditional uses in the RE and RE-A zoning districts, pursuant to Article 6, governing Conditional Uses, and subject to the development standards contained in this Section.
- C. Commercial Zoning Districts. Dog Day Care uses are allowed as conditional uses in the NC, GC, and HC commercial zoning districts, pursuant to Article 6, governing Conditional Uses, and subject to the development standard contained in this Section. Dog day care uses are prohibited in the DC and MUC zoning districts.
- D. Industrial Zoning Districts. Dog Day Care uses are allowed as conditional uses in the I-1 zoning district, pursuant to Article 6, governing Conditional Uses, and subject to the development standard contained in this Section. Dog Day Care uses are prohibited in the I-2 zoning district.
- E. Open Space Zones. Dog Day Care uses are prohibited in the AG and TA zoning districts.

8.18.03 Development Standards

- A. General standards. All Dog Day Care facilities regardless of the zoning district in which they are located shall comply with the following criteria:
 1. The hours of operation shall be limited daily from 6 a.m. to 9 p.m. in the high density residential district and 6 a.m. to 10 p.m. in the commercial and industrial districts.
 2. The dogs may be groomed, trained, exercised, socialized, and kept or boarded overnight, but not bred, sold, or let for hire.
 3. Provide off-street parking and loading as required in Section 8.03 – Parking and Loading.
 4. Dog Day Care facilities shall be subject to Section 8.09 – Keeping of Animals.
 5. Walls, partitions and floor/ceiling assemblies separating Dog Day Care facilities from residential uses shall have a sound transmission class (STC) as required by the Building Code.
 6. Provide sight-obscuring fencing for all on-site outdoor recreation areas. The Fence shall be subject to Section 9.04 – Fences and Retaining Walls.
 7. The applicant shall be required to obtain all licenses and permits and meet the City's Conditional Use and Site Plan review requirements, as applicable.
- B. Higher-density residential zoning districts. A Dog Day Care facility is permitted as a conditional use in the R-3 zoning district, subject to the regulations in Article 6, governing Conditional Uses. Such a facility in one of these zoning districts shall satisfy the following requirements in addition to those in Subsection (A) above:
 1. A minimum lot size of one acre, a maximum of 30 dogs on the premises.
 2. Outdoor areas where dogs will be allowed must be a minimum of 50' from any property line. The setback requirements of this section do not apply if all activity is contained indoors.
 3. All existing and additional structures shall maintain a residential character. Dog Day Care shall be accessory to the residential use of the site.
 4. Hours of operations: 6 a.m. to 9 p.m.
- C. Commercial zoning districts. A Dog Day Care facility is permitted as a conditional use in the NC, GC, and HC zoning districts, subject to the regulations in Article 6, governing Conditional Uses. Such a facility in one of these zoning districts shall satisfy the following requirements in addition to those in Subsection A above:
 1. Maximum of 40 dogs on the premises.
 2. Minimum setback requirements shall be consistent with the standards of NC, GC, and HC

unless the Dog Day Care facility abuts a residential district, in which case the setback shall be 50'. The setback requirements of this section do not apply if all activity is contained indoors.

3. Outdoor play areas are permitted in the GC and HC zoning districts with the approval of a conditional use permit but are not permitted in the NC zoning district.
 4. Hours of operation: 6 a.m. to 10 p.m.
- D. Industrial zoning districts. A Dog Day Care facility is permitted as a conditional use in the I-1 district, subject to the regulations in Article 6, governing Conditional Uses. Such a facility in this zoning district shall satisfy the following requirements in addition to those in Subsection A above:
1. A 50' setback shall be maintained where such facilities abut a residential district.
 2. A 50' setback shall be maintained where such facilities abut a residential district. The setback requirements of this section do not apply if all activity is contained indoors.
 3. Hours of operation: 6 a.m. to 10 p.m.

ARTICLE 9: LANDSCAPING REQUIREMENTS

Section 9.1 Intent:

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment within the City of Gretna by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with the provisions of this section.

Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing landuses.

Section 9.2 Application and Scope:

The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following:

- 9.2.1 Agricultural buildings, structures and uses.
- 9.2.2 Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking is more than 4,000 square feet shall not be excepted. Where such enlargement is less than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.
- 9.2.3 Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.
 - 1. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the City.

Section 9.3 Landscaping Requirements:

Landscaping shall be required and provided as follows:

- 9.3.1 Single-family and two-family dwellings shall provide and maintain a minimum of 30 percent of lot area as a permeable and uncovered surface that contains living material. Single-family and two-family dwellings shall be exempt from all other requirements of this section.
- 9.3.2 Street Frontage:
A landscaped area having a minimum depth of 15 feet from the property line shall be provided along the street frontage of all lots or sites including both street frontage of corner lots.
 - 1. The required landscaped area of 15 feet may be reduced to 10 feet if an equal amount of square feet of landscaped area, exclusive of required side and rear yard landscaped areas, is provided elsewhere on the site.
 - 2. Exclusive of driveways and sidewalks not more than 25 percent of the surface of the landscaped area shall have inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf.
 - 3. A minimum of one tree, of a minimum two inch caliper, shall be planted for every 40 lineal feet or fraction thereof.
- 9.3.3 Side Yard:
A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the side yard abutting any Residential District.
 - 1. Exclusive of driveways and sidewalks, not more than 10 percent of the surface of the landscaped area shall be inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf. If the slope of ground within the landscape area exceeds 2:1, not more than 50 percent of the surface shall be inorganic material.
 - 2. Landscaping shall include a hedge screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet within four years. A landscaped earth berm not exceeding six feet in height may be used in combination with the plant materials.
 - 3. A six foot solid wood and/or masonry fence or wall, may be used in lieu of or in combination with the plant materials required in section 9.04.01 (2).

- 9.3.4 **Rear Yard:**
A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the rear yard abutting any Residential District or Transitional Agriculture District.
1. The landscape requirements for the rear yard shall be the same as for the side yard described in section 9.03.03.
- 9.3.5 **Off-Site Parking Lots:**
Parking lots not located on the property where the use served is located, shall conform to this section provided that a parking lot with an area of 4,000 square feet or less shall be exempt from the requirements of this section.
- 9.3.6 **Parking Area Interior Landscaping:**
Off-street parking lots, as defined in 9.05, and other vehicular use areas shall have at least five percent of the total area utilized for parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections of this Ordinance, and excluding all parking spaces which are directly served by an aisle abutting and running parallel to such perimeter.
- The front of a vehicle may encroach upon any interior landscaped area when said area is at least four feet in depth per abutting parking space and protected by curbing. Two feet of said landscaped area may be part of the required depth of each abutting parking space. No more than two drive aisles shall be placed parallel to one another without an intervening planter aisle of at least four feet in width; eight feet is required if parking spaces overlap the curbs of the aisle.
- 9.3.7 **Perimeter Landscaping:**
All commercial office and industrial developments, buildings, or additions thereto shall provide perimeter landscaping to include a minimum of one tree for each 40 lineal feet of street or lot frontage or fraction thereof. Such landscaped area shall consist of sufficient area for the species of tree to be planted. Other perimeter landscaping shall require approval of the City.
- 9.3.8 **Exterior lighting:**
Exterior lighting when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas.
- 9.3.9 **Plant Materials:**
Landscape living plant materials shall consist of trees, shrubs, ground covers, vines, grasses, flowers, and any other plants.
1. The plant nomenclature shall conform with the recommendations and requirements of the “American Standard for Nursery Stock”, as amended, published by the American Association of Nurserymen, Inc.
 2. Size. The minimum size of plant materials to be installed shall be as follows:
 - A. Deciduous trees having a mature height of 20 feet or less shall have a minimum caliper of one and one-fourth inches.
 - B. Deciduous trees having a mature height of more than 20 feet shall have a minimum caliper of one and one-half inches.
 - C. Evergreen (conifer) trees shall have a minimum height of three feet.
 - D. Deciduous shrubs shall have a minimum height of 18 inches.
 - E. Evergreen shrubs shall have a minimum spread of 18 inches.
- 9.3.10 **Planting Schedule:**
The plant materials shall be installed prior to the issuance of the certificate of occupancy. If, because of seasonal reasons, the landscaping cannot be installed, a surety satisfactory to the City of Gretna equal to the contract cost shall be submitted to the City. The City shall release the surety when the plant materials have been installed. If the plant materials have not been installed within 12 months of the effective date of the certificate of occupancy, the City may install the required landscaping.
- 9.3.11 **Required Plans:**
Upon application of a building permit, a landscape-planting plan shall be submitted to the City of Gretna for review and approval.
1. Three copies of the plan shall be submitted.

2. The plan shall include, but not be limited to, the following:
 - A. Property lines and other physical features necessary to show the proposed installation of plants.
 - B. The location and spacing of plant materials.
 - C. The scientific name, common name, plant size, quantity and planting method.
 - D. The plan shall have a scale of not more than one-inch equals 100 feet.
 - E. When necessary, existing and proposed contours shall be provided.

Section 9.4 Fences and Retaining Walls:

No fence or retaining wall (four feet in height or more) shall be constructed within the zoning jurisdiction of the City of Gretna unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements:

- 9.4.1 The height limitation for fences shall be six feet above ground level except as provided herein.
 1. A fence constructed within a front yard of a residential lot and vegetation used as a barrier, screen, or fence along and parallel to the front line of a residential lot, shall be open (at least 50% of the surface area in open spaces) and shall not exceed 48 inches in height.
 2. A fence constructed within the portion of a side yard of a residential lot that lies in front of a line extending perpendicularly from the side lot line to the front corner of the structure that is closest to such side lot line, shall not exceed four feet in height, if the lot is located on a corner, as defined in Article 2 of this Ordinance, a fence constructed within a side yard along the side lot line which is adjacent to a street shall not exceed four feet in height, a fence constructed at six feet in height shall be set back a minimum of 10 feet from the property line.
 3. Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than eight feet in height may be approved through a Conditional Use Permit
 4. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall be a minimum of six feet and shall not exceed eight feet in height.
 5. 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.
 6. Subdivisions originally designed and platted under the zoning regulations of Sarpy County, which have come into the City's corporate limits or into the City's extraterritorial jurisdiction do not meet some of the City's fence setback requirements as set forth immediately above. Accordingly, the fence setback requirements for such subdivisions shall continue under the Sarpy County zoning regulations.
- 9.4.2 Fences located within a front or side yard of a residential lot 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, Flex Space or an Industrial District. A solid fence may be constructed in a side yard parallel and adjacent to the lot line that is adjacent to a street.
- 9.4.3 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.
- 9.4.4 The use of barbed wire in the construction of any fence is prohibited except:
 1. Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
 2. Farm fencing constructed for agricultural purposes on parcels of land five acres or more in the Transitional Agriculture or Agriculture District, provided they do not abut a residential zoning district.
- 9.4.5 All fences shall be maintained in good repair.
- 9.4.6 For any property containing a swimming pool or bathing facility with a depth of more than 24 inches, a fence with a self-closing, self-latching gate of a minimum of 4 feet in height shall be installed.
- 9.4.7 All fences shall be located inside the boundaries of the property upon which constructed except where two adjacent property owners pursuant to written agreement filed with the City agree to build one fence on the common lot line of adjacent side yards or backyards.
- 9.4.8 Electric Fences. No above ground electric fence shall be constructed or maintained within the City of Gretna or within its extraterritorial zoning jurisdiction except in TA-Transitional Agriculture

District or AG – Agriculture District provided they do not abut a residential zoning district. An owner or lessee of such property may, upon application to the City and approval by the Building Inspector, maintain electrified fencing provided same shall not be energized to the extent that it is capable of causing bodily harm to persons, be they children or adults, or to animals. Before the Building Inspector shall approve any electrified fencing, he shall determine that non-electrified fencing will not adequately protect the owner's property and the owner's application for approval of electrified fencing shall set forth in detail the reasons why non-electrified fencing will not adequately protect his property.

- 9.4.9 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.
- 9.4.10 Any existing fence constructed pursuant to a permit issued and approved by the City of Gretna which was in conformity with the prior to the provisions of this Ordinance may remain without change in accordance with this section notwithstanding same may be in conflict with one or more provisions of this section as amended; provided, however, and replacement or change of said existing fence or addition of a new fence, must hereby meet the requirements of this section as amended hereby.

Section 9.5 Screening Requirements

- 9.5.1 All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three feet.
- 9.5.2 All commercial and industrial uses that abut residential or office districts shall provide screening not less than six feet in height along the abutting property line(s).
- 9.5.3 Screening required by this section shall be equivalent to the following:
1. Solid fences or walls as approved by the City on the final development plan.
 2. Hedges, shrubs, or evergreen trees of 36 inches in height at planting spaced appropriately to provide a solid screen within three years after planting.
 3. Berms of not less than three feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in Section 9.03.
 4. All projects except one-and-two family dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters. All dumpsters or trash bins shall maintain a solid six-foot enclosure around each unit. Said enclosure shall be constructed of materials complementary to the principal structure.
 5. All plant material used for screening shall meet the standards in section 9.03

Section 9.6 Installation and Maintenance of Landscaping and Screening:

- 9.6.1 Installation:
All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures. Landscaped areas shall require protection from vehicular encroachment. All above-ground landscaping material and structures located in street/road right-of-way, excluding grass, shall be located at least two (2) feet from back side of curb. The Building Inspector shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Building Inspector.
- 9.6.2 Maintenance:
The owner, developer, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a healthy condition by necessary and appropriate measures. When replacement is necessary all plants and other non-living landscape materials shall be equal in size, density and appearance, at maturity, to those items requiring replacement when feasible. Underground sprinkler systems are encouraged to serve all landscaped areas except individual one and two family dwellings unless an equivalent watering system is approved by the Building Inspector.

All landscaping (hardscape and plant material) that is installed in the street/road right-of-way, including medians or islands, by the developer, sanitary improvement district, or homeowner's/business' association shall be maintained accordingly by said developer, sanitary improvement district, or homeowner's/business' association, unless otherwise designated by the city.

All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris so as to present a healthy, neat and orderly appearance. Turf grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.

Section 9.7 Preliminary Plan Approval

A landscape plan indicating both proposed and existing landscaping and screening shall be submitted, with the preliminary plat, or preliminary site plan for development, for review and recommendation by City Staff. Said Plan shall be in sufficient detail to provide the City with a reasonable understanding of what is being proposed. Site calculations used in computing quantities shall also be submitted which are proposed to be used to satisfy the required amounts of landscaping.

Section 9.8 Final Plan Approval

A detail listing of all plant materials to be used, quantities, size, and spacing shall be submitted to the City on separate sheets for review and recommendation and approval by the City Staff along with a planting schedule at final development plan submission.

Section 9.9 Parking Lot Plan Approval

A final site development plan shall be submitted to the City with the necessary landscaping and screening required herein for each of the following types of parking lot improvements:

- 9.9.1 New construction.
- 9.9.2 Expansion of existing facilities.
- 9.9.3 Maintenance of existing facilities where an overlay is proposed at which time the landscaping and screening shall be required. Modifications to the required parking lot landscaping and screening may be granted by the Planning Commission after review of submitted plans and in consideration of surrounding uses.
- 9.9.4 No parking lot shall be exempted from these regulations; unless previously exempted.

ARTICLE 10: BOARD OF ADJUSTMENT

Section 10.01 Members, Terms and Meetings

Pursuant to Section 19-908, Reissue Revised Statutes of 1943 (in full): The board of adjustment shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the board of adjustment shall be appointed from the membership of the planning commission, and the loss of membership on the planning commission by such member shall also result in his or her immediate loss of membership on the board of adjustment and the appointment of another planning commissioner to the board of adjustment. After September 9, 1995, the first vacancy occurring on the board of adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than two hundred persons reside within such area. Thereafter, at all times, at least one member of the board of adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The board of adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

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

As provided in Section 19-909, Reissue Revised Statutes of 1943 (in full): Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of the appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties, in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

Section 10.03 Powers and Jurisdiction on Appeal

The Board of Adjustment shall have the following powers:

- 10.3.1 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;
- 10.3.2 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
- 8.3.3 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.
 1. The Board of Adjustment shall authorize no such variance, unless it finds that:
 2. The strict application of the Ordinance would produce undue hardship;
 3. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

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

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

Section 10.04 Appeals to District Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may appeal as provided by Section 19-912, Reissue Revised Statutes of 1943 (in full).

ARTICLE 11: AMENDMENTS

Section 11.01 Amendments

Pursuant to Section 19-905, Reissue Revised Statutes of 1943 (in full): 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 members of the City Council. The provisions of this section of the Ordinance relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least 10 days prior to the date of such hearing.

It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than 50 dollars or more than 100 dollars.

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 districts are made applicable to areas, or parts of areas, already within a zoning district of the City.

Section 11.02 Planning Commission Review

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

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

- 11.02.01 At the time that application for a change of zoning district or amendment to the zoning test is filed with the Planning Commission, there shall be deposited the sum set in Article 4, Section 4.23 as a fee to cover investigation, legal notices, or other expenses incidental to the determination of such matter.

Section 11.03 Inspections by City Staff

The provisions of this Ordinance shall be administered and enforced by City Staff, who shall have the power to make inspection of buildings or premises necessary to carry out individually assigned duties in the enforcement of this Ordinance.

Section 11.04 Building Permits

The following shall apply to all new construction and all applicable renovations and remodels within Gretna's Zoning Jurisdiction:

- 11.4.1 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 Building Inspector has issued a building permit for such work.
- 11.4.2 Issuance of a building permit. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance, and other Ordinances of the City then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector 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 Building Inspector shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance. A building or zoning permit shall become void 12 months from the date of issuance unless substantial progress has been made by that date on the project described therein, or if the construction shall be discontinued for a period of six months. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

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 Building Inspector 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 three days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Building Inspector 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 Section 19-913, Reissue Revised Statutes of 1943 (in full), 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 shall be punished by a fine not to exceed 100 dollars for any one offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

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

Section 11.07 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Sections 19-901 to 19-914, Reissue Revised Statutes of 1943 (in full), or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 12: COMPREHENSIVE PLAN RELATIONSHIP

These zoning ordinances are 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.