

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1389

AN ORDINANCE TO AMEND 2.03, 2.08, 2.20, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.16, 5.19, AND 7.15 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 2.03, 2.08, 2.20, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.16, 5.19, AND 7.15 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Amendment of Section 2.03. Section 2.03 of the Ordinance No. 848 is hereby amended to read as follows:

Section 2.03 - Definitions: B

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 shall be considered a general retail use. (Ordinance No. 1083, 2-17-09)

BANK shall mean a freestanding building or secondary use within a 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. (Ordinance No. 1083, 2-17-09)

BASEMENT shall mean a building space partly underground, and having at least one-half (1/2) of its height, measuring from its floor to its ceiling, above the average adjoining finished ground grade line.

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.

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. (Ordinance No. 1083, 2-17-09)

BED and BREAKFAST shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator shall live on the premises. (Ordinance No. 1083, 2-17-09)

BEDROOM shall mean a room within a dwelling unit planned and intended for sleeping, separated from other rooms by a door.

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

BILLBOARD (see Sign, Billboard)

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, unplatte land, City-County boundaries, or adjoining property lines.

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.

BOARDING HOUSE shall mean a building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation. (Also, see Bed and Breakfast) (Ordinance No. 1083, 2-17-09)

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." (Ordinance No. 1083, 2-17-09)

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 a video game arcade are customary. (Ordinance No. 1083, 2-17-09)

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

BREW PUB shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes 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

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed twenty-five (25) percent of the total floor area of the commercial space.

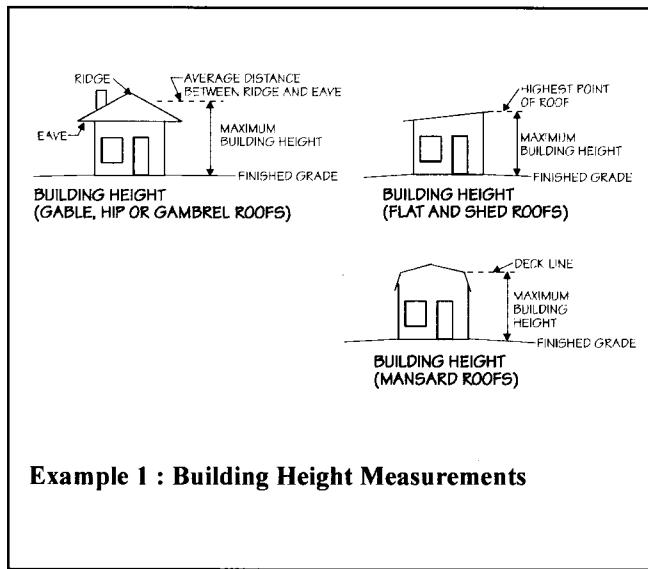
BUFFER shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening)

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

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.

BUILDING CODE shall mean the various codes of the City that regulate construction and requires building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the Uniform Building Code, and other codes adopted by the City that pertain to building construction.

BUILDING HEIGHT shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the building. (Also, see Height) (*Ordinance No. 1083, 2-17-09*)



Example 1 : Building Height Measurements

BUILDING INSPECTOR shall mean the *Chief Building Official* of the City of La Vista, Nebraska. (*Ordinance No. 1083, 2-17-09*)

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM shall mean a solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

BUILDING-MOUNTED SECS shall mean a solar photovoltaic system attached to any part or type of roof on a building or structure that has a permit on file with the City of La Vista and that is either the principal structure or an accessory structure on a recorded lot. This system also includes any solar-based architectural elements.

BUILDING SETBACK LINE shall mean the minimum of distance as prescribed by this regulation between any property line and the closest point of the building line or face of any building or structure related thereto.

BUSINESS OR TRADE SCHOOL (see Special or Vocational Training Facilities) (*Ordinance No. 1083, 2-17-09*)

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. (See also Standard Industrial Classification (SIC) Major Group 73, published by the U.S. Department of Labor.) (*Ordinance No. 1053, 1-15-08*)

SECTION 2. Amendment of Section 2.08. Section 2.08 of the Ordinance No. 848 is hereby amended to read as follows:

Section 2.08 - Definitions: G

GARAGE shall mean a detached accessory building or *an attached portion of a dwelling* for the housing of vehicles, including carports. (*Ordinance No. 1083, 2-17-09*)

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

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.

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.

GROUND COVER shall mean plant material used in landscaping which remains less than twelve (12) inches in height at maturity. (Also, see Landscaping)

GROUND-MOUNTED SECS shall mean a solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

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 (24) hour care for individuals in a residential setting. *This term does not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals where the common living arrangement is temporary or seasonal. Also, the term does not include any group of individuals who are in a group living arrangement as a result of criminal offenses.* (Ordinance No. 1083, 2-17-09)

GUNSMITH shall mean a shop that designs, makes or repairs small firearms. (Ordinance No. 1083, 2-17-09)

GUEST ROOM shall mean a room which is designed to be occupied by one (1) or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.

SECTION 3. Amendment of Section 2.20. Section 2.20 of the Ordinance No. 848 is hereby amended to read as follows:

Section 2.20 - Definitions: S

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.

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

SELF-SERVICE STORAGE FACILITY shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

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.

SETBACK, 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 or other access way. (Ordinance No. 1083, 2-17-09)

SETBACK, 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, offset by the perpendicular distance prescribed for the yard in the district. (Ordinance No. 1083, 2-17-09)

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.

ORDINANCE RECORD

No. 728-REFFIELD & COMPANY INC., OMAHA

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 or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.

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

SIGHT TRIANGLE is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two-and-a-half (2 1/2) feet and ten (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, sixty (60) feet in each direction along the centerline of the streets. At the intersection of major or *other* arterial streets, the sixty (60) foot distance shall be increased to ninety (90) feet for each arterial leg of the intersection. (*Ordinance No. 891, 2-04-03*)

SIGN shall mean and include any outdoor 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: Signs less than fifty (50) square feet in area and less than twenty-five (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 La Vista, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

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

SIGN AREA shall refer to that portion 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. (*Ordinance No. 1083, 2-17-09*)

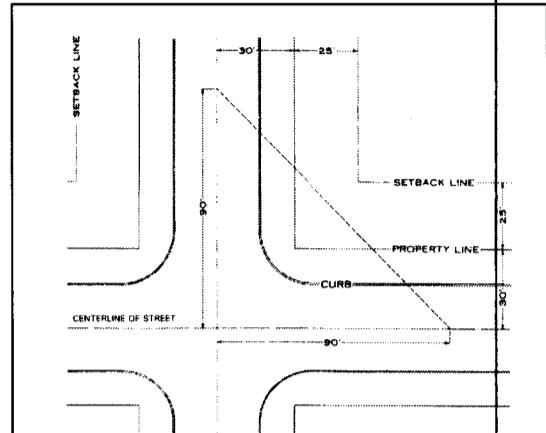
SIGN, AUDIBLE shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and / or sounds to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

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

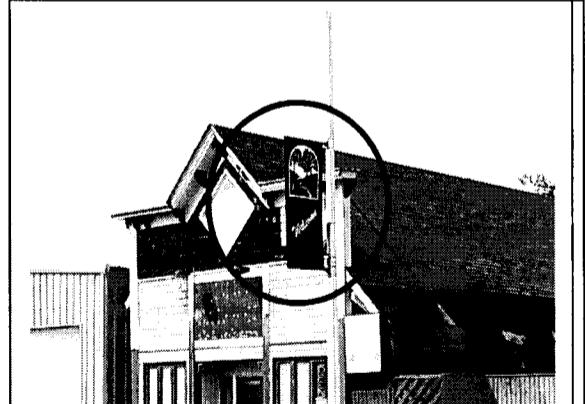
SIGN, BILLBOARD shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

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

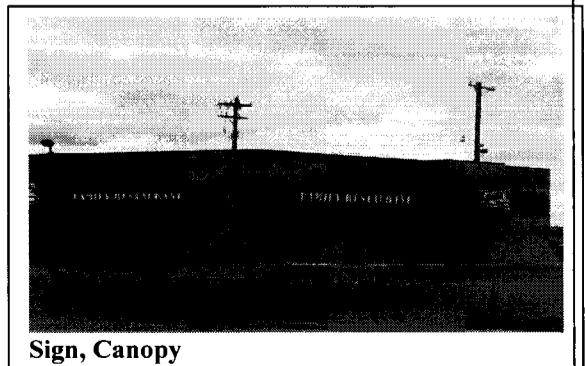
SIGN, CANOPY shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. (*Ordinance No. 1083, 2-17-09*)



Example shows 90° Triangle



Sign, Banner



Sign, Canopy

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

SIGN, CENTER IDENTIFICATION shall mean any sign erected to provide direction to a development including multiple uses and / or structures within the development. Center Identification signs shall include the name of said development and may include the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs. (*Ordinance No. 1083, 2-17-09*)

SIGN, CONSTRUCTION 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. (*Ordinance No. 871, 10-15-02*); (*Ordinance No. 1083, 2-17-09*)

SIGN, ELECTRONIC MESSAGE BOARD shall mean any sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. (*Ordinance No. 1144, 5-17-11*)

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

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

SIGN, IDENTIFICATION 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.

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

SIGN, INCIDENTAL shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. Incidental signs may be attached or painted on the wall, or they may be freestanding signs. (*Ordinance No. 1083, 2-17-09*)

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

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

SIGN, NAMEPLATE shall mean a sign not exceeding two (2) square feet for each dwelling.

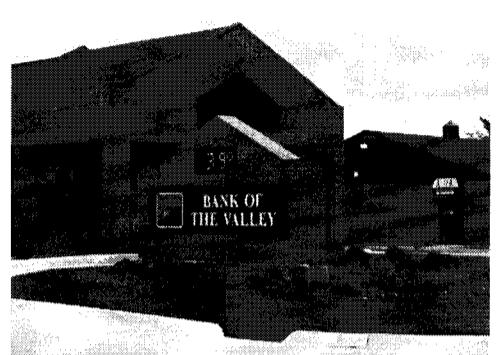
SIGN, NONCONFORMING shall mean any sign that does not conform to the requirements of this ordinance

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

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

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

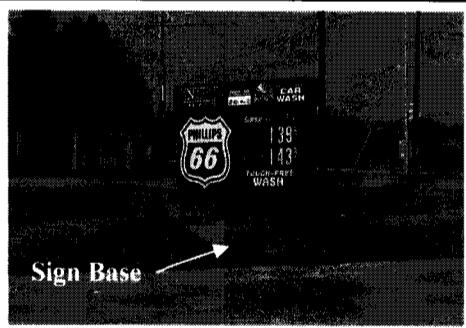
SIGN, POLE shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.



Sign, Monument

Sign, Electronic Message

Sign, Flashing



Sign Base

Sign, Monument

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

SIGN, PORTABLE shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.

SIGN, PROJECT DIRECTORY shall mean a sign fronting on a road containing only the name of the principal use and directional arrow to the principal use. Project directory signs are intended to direct attention to planned multi-tenant developments which are not easily accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists traveling on nearby arterial or collector roads at the closest point of access. (Ordinance No. 1144, 5-17-11)

SIGN, PROJECTING shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight (8) inches beyond the surface of such building or wall.

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

SIGN, ROOF shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on or over the roof of a building. (Ordinance No. 1083, 2-17-09)

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

SIGN, SUBDIVISION shall mean a sign erected on a subdivision which identifies the platted subdivision where the sign is located.

SIGN SURFACE shall mean the entire area of a sign.

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

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

SIGN, VIDEO shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen. This definition shall include electronic message board signs. (Ordinance No. 1083, 2-17-09)

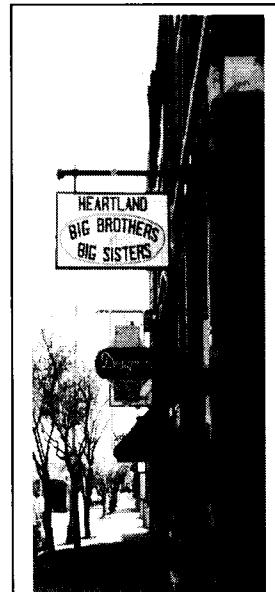
SIGN, WALL shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

SIGN, WINDOW 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 window panes or glass and is visible from the exterior of the window.

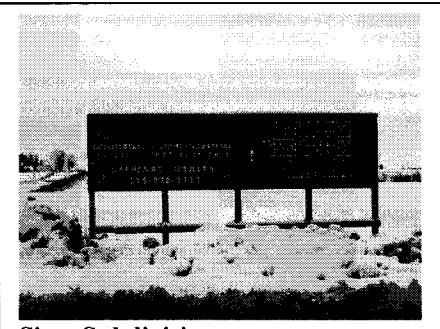
SIGN BASE shall mean any decorative, functional element extending upward from grade to the start of the sign.

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

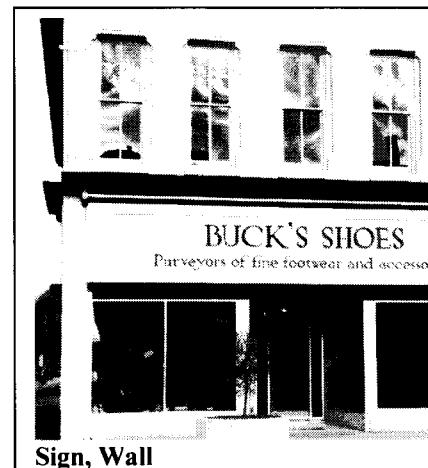
SITE PLAN shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.



Sign, Projecting



Sign, Subdivision



Sign, Wall

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

SOCIAL CLUB OR FRATERNAL ORGANIZATIONS 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. (Ordinance No. 1083, 2-17-09)

SOLAR ENERGY CONVERSION SYSTEM (SECS) shall mean any device, such as a solar panel or solar collector or any combination thereof, which collects and converts solar energy to a form of usable energy. This includes both Building-Mounted Systems and Ground-Mounted System.

SOLID WASTE shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

SPECIAL or VOCATIONAL 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. (Ordinance No. 1083, 2-17-09)

SPECIFIED ANATOMICAL AREAS shall mean anatomical areas consisting of:

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,

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES shall mean activities consisting of the following:

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

Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or

Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or

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

Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or

Human excretion, urination, menstruation, vaginal, or anal irrigation.

STATE shall mean the State of Nebraska.

STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days.

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.

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

STREET, ARTERIAL shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City, City, or county with controlled access to abutting property.

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

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

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

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. (Ordinance No. 1083, 2-17-09)

STREETSCAPE shall mean the scene as may be observed along a street right-of-way composed of natural and man-made components, including buildings, paving, plantings, poles, signs, benches, and other miscellaneous amenities. (Ordinance No. 1083, 2-17-09)

ORDINANCE RECORD

No. 728—REFFIELD & COMPANY INC., OMAHA

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.

STRUCTURE, TEMPORARY shall mean a structure permitted as a temporary use. (Ordinance No. 1083, 2-17-09)

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

SUBDIVISION shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. (Ordinance No. 1083, 2-17-09)

SECTION 4. Amendment of Section 5.05. Section 5.05 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.05 TA Transitional Agriculture District

5.05.01 Intent: The Transitional Agriculture District is established to recognize these properties as agricultural at present with the understanding that they may be suitable for development in the future. This district allows for existing agricultural properties to continue using the land in that manner.

5.05.02 Permitted Uses.

5.05.02.01	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 twelve (12) animals shall be established.
5.05.02.02	Farm dwellings for the owners and their families, tenants, and employees.
5.05.02.03	Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
5.05.02.04	Railroads, not including switching, terminal facilities or freight yards.
5.05.02.05	Public overhead and underground local distribution utilities.
5.05.02.06	Single family dwelling.
5.05.02.07	Churches.
5.05.02.08	Hydrogenation process.
5.05.02.09	Public services.
5.05.02.10	Publicly owned and operated facilities.
5.05.02.11	Roadside stands offering for sale agriculture products on the premises.

5.05.03 Permitted Conditional Uses:

5.05.03.01	Radio, television and wireless communication towers and transmitters, as per Section 7.11.
5.05.03.02	Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
5.05.03.03	Wastewater treatment facilities.
5.05.03.04	Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), soccer fields, indoor and outdoor tennis courts, and swimming pools.
5.05.03.05	Home occupations, as per Section 7.10.
5.05.03.06	Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations.
5.05.03.07	Wind energy systems on tracts of more than ten (10) acres, as per Section 7.18.
5.05.03.08	Airports.
5.05.03.09	Campgrounds.
5.05.03.10	Water reservoir.
5.05.03.11	Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.

5.05.04 Permitted Accessory Uses:

5.05.04.01	Buildings and uses customarily incidental to the permitted and conditional uses.
5.05.04.02	Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
5.05.04.03	Signs as provided for in Section 7.01 through 7.04.
5.05.04.04	Parking as provided for in Section 7.05 through 7.09.
5.05.04.05	Private outdoor swimming pool, and other similar facilities in conjunction with a residence.
5.05.04.06	Storage or parking of vehicles, boats, campers and trailer, as per Section 7.13.
5.05.04.07	Solar Energy Conversion Systems as provided for in Section 7.15.

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

5.05.05 Height and Lot Requirements:

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

Uses	Lot Area (Acres)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	20	660'	75'	25'	25'	45'	-
Permitted Conditional Uses	20	660'	75'	25'	25'	45'	-
Recreational Uses	20	330'	20'	20'	10'	75'	-
Accessory Buildings	-	-	100'	25'	10'	17'	-

SECTION 5. Amendment of Section 5.06. Section 5.06 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.06 R-1 Single-Family Residential.

5.06.01 Intent: The Single-Family Residential District is intended to permit low to medium-density residential developments to accommodate residential and compatible uses.

5.06.02 Permitted Uses:

- 5.06.02.01 Single family dwellings.
- 5.06.02.02 Public and private schools.
- 5.06.02.03 Public Services.
- 5.06.02.04 Publicly owned and operated facilities.
- 5.06.02.05 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.06.02.06 *Group Care Home (Ordinance No. 1118, 4-6-10)*

5.06.03

Permitted Conditional Uses:

- 5.06.03.01 Public and private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools.
- 5.06.03.02 Churches, temples, seminaries, convents, including residences for teachers and pastors.
- 5.06.03.03 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar public service uses.
- 5.06.03.04 Home Occupations, as per Section 7.10.
- 5.06.03.05 Child Care Center.
- 5.06.03.06 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.

5.06.04 Permitted Accessory Uses:

- 5.06.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.06.04.02 Decks, elevated patios either attached or detached.
- 5.06.04.03 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.06.04.04 Parking for permitted uses as per Section 7.05 through 7.09.
- 5.06.04.05 Signs allowed in Section 7.01 through 7.04.
- 5.06.04.06 Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
- 5.06.04.07 Landscaping as required by Section 7.17.
- 5.06.04.08 Solar Energy Conversion Systems as provided for in Section 7.15.

5.06.05 Height and Lot Requirements:

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

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Single-family Dwelling (existing development) ^{4,2}	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development) ^{3,2}	7,000	70'	30'	10'	30'	35'	40%
Other Permitted Uses	8,000	75'	25'	25'	25'	35'	25%
Other Conditional Uses	8,000	75'	25'	25'	25'	45'	25%
Publicly owned and operated facilities ⁵	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ¹

¹ Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

² 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.

³ Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.

⁴ Existing development shall be defined as existing prior to the adoption of this regulation and shall not include any replatting or lot splits done after the date of original adoption.

⁵ Publicly owned and operated facilities are exempt from requirements of this subsection 5.06.05. (Ordinance No. 1371, 10-15-19)

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

SECTION 6. Amendment of Section 5.07. Section 5.07 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.07 R-2 Two-Family Residential

5.07.01 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.

5.07.02 Permitted Uses:

5.07.02.01	Single family detached dwellings.
5.07.02.02	Single family attached.
5.07.02.03	Two-family, duplex, dwellings.
5.07.02.04	Public and private schools.
5.07.02.05	Publicly owned and operated facilities.
5.07.02.06	Public Services.
5.07.02.07	<i>Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)</i>
5.07.02.08	<i>Group Care Home (Ordinance No. 1118, 4-6-10)</i>

5.07.03 Permitted Conditional Uses:

5.07.03.01	Bed and Breakfasts. <ol style="list-style-type: none">Guest rooms shall be within the principal residential building only and not within an accessory building.Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
5.07.03.02	Churches, temples, seminaries, and convents including residences for teachers and pastors.
5.07.03.03	<i>Nursing care and rehabilitation facilities, or assisted living facilities (Ordinance No. 1118, 4-6-10)</i>
5.07.03.04	Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
5.07.03.05	Home Occupations as per Section 7.10.
5.07.03.06	Child Care Center.
5.07.03.07	Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided
	for in Section 7.15.

5.07.04 Permitted Accessory Uses:

5.07.04.01	Buildings and uses customarily incidental to the permitted uses.
5.07.04.02	Decks, elevated patios either attached or detached.
5.07.04.03	Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
5.07.04.04	Signs as provided for in Section 7.01 through 7.04.
5.07.04.05	Parking as provided for in Section 7.05 through 7.09.
5.07.04.06	Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
5.07.04.07	Landscaping as required by Section 7.17.
5.07.04.08	Solar Energy Conversion Systems as provided for in Section 7.15.

5.07.05 Height and Lot Requirements:

The height and minimum lot requirements shall be follows:							
	Lot Area (SF)	Lot Width	Front Yard	Side Yard ³	Rear Yard	Max. Height	Max. Building Coverage
Single-family Dwelling (existing development) ⁵ ²	5,000	50'	30'	5'	30'	35'	35%
Single-family Dwelling (future development) ⁴ ²	7,000	70'	30'	10'	30'	35'	40%
Two-family Dwelling ²	10,000	100'	30'	10'	30'	35'	40%
Single-family attached	4,500	50' per unit	30' unit	10'	30'	35'	40%
Other Permitted Uses	8,000	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,000	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ¹

¹ Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%.

² 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.

³ The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

⁴ Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.

⁵ Existing development shall be defined as existing prior to the adoption of Ordinance No. 848 and shall not include any replatting or lot splits done after the adoption of Ordinance No. 848 on November 20, 2001.

(Ordinance No. 895, 2-04-03) (Ordinance No. 968, 11-15-05)

ORDINANCE RECORD

No. 728—REFIELD & COMPANY INC., OMAHA

⁶ Publicly owned and operated facilities are exempt from requirements of this subsection 5.07.05. (*Ordinance No. 1371, 10-15-19*)

SECTION 7. Amendment of Section 5.08. Section 5.08 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.08 R-3 High Density Residential

5.08.01 Intent: The purpose of this district is to permit high density residential in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.08.02 Permitted Uses:

5.08.02.01 Townhouses and Condominiums.
5.08.02.02 Public and private schools.
5.08.02.03 Publicly owned and operated facilities.
5.08.02.04 Public Services.
5.08.02.05 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
5.08.02.06 *Group Care Home (Ordinance No. 1118, 4-6-10)*
5.08.02.07 *Multiple family dwellings constructed prior to November 20, 2001 (Ordinance No. 1132, 12-7-10)*

5.08.03 Permitted Conditional Uses:

5.08.03.01 *Multiple family dwellings constructed after November 20, 2001.*
5.08.03.02 Bed and Breakfast.

1. Guest rooms shall be within the principal residential building only and not within an accessory building.
2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.

5.08.03.03 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
5.08.03.04 Home Occupations, as per Section 7.10.
5.08.03.05 Child Care Center.
5.08.03.06 Charitable clubs and organizations.
5.08.03.07 *Nursing care and rehabilitation facilities, and assisted living facilities (Ordinance No. 1118, 4-6-10)*
5.08.03.08 *Congregate housing, senior apartments (age restricted to 55+ years old), or continuing care retirement community. (Ordinance No. 1118, 4-6-10)*
5.08.03.09 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.*

5.08.04 Permitted Accessory Uses:

5.08.04.01 Buildings and uses customarily incidental to the permitted uses.
5.08.04.02 Decks, elevated patios either attached or detached.
5.08.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
5.08.04.04 Signs as provided for in Section 7.01 through 7.04.
5.08.04.05 Parking as provided for in Section 7.05 through 7.09.
5.08.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
5.08.04.07 Landscaping as required by Section 7.17.
5.08.04.08 Solar Energy Conversion Systems as provided for in Section 7.15.

5.08.05 Height and Lot Requirements:

5.08.05.01 The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums ⁴	2,500 per unit	25' per unit	30'	10 ⁵	30'	35'	40%
Multi-family Dwelling ³	2,250 per unit	100'	30'	(¹)	30'	45 ¹	40%
Other Permitted Uses	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ²

¹ For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

² Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

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 (3) more units connected and where there is a minimum of two (2) 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 (3) or more units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall zero (0) at common walls.

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

6 Publicly owned and operated facilities are exempt from the requirements of this subsection 5.08.05. (*Ordinance No. 1371, 10-15-19*)

SECTION 8. Amendment of Section 5.09. Section 5.09 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.09 R-4 Condominium Residential

5.09.01 Intent: The purpose of this district is to permit high density residential, including condominium dwellings, in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.09.02 Permitted Uses:

5.09.02.01 Townhouses and Condominium dwellings.
5.09.02.02 Public and private schools.
5.09.02.03 Publicly owned and operated facilities.
5.09.02.04 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
5.09.02.05 *Multiple family dwellings constructed prior to November 20, 2001. (Ordinance No. 1132, 12-07-10)*

5.09.03 Permitted Conditional Uses:

5.09.03.01 Multiple family dwellings *constructed after November 20, 2001.*
5.09.03.02 Bed and Breakfast.

1. Guest rooms shall be within the principal residential building only and not within an accessory building.
2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.

5.09.03.03 Churches, temples, seminaries, and convents including residences for teachers and pastors.
5.09.03.04 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
5.09.03.05 Home Occupations, as per Section 7.10.
5.09.03.06 Child Care Center.
5.09.03.07 Charitable clubs and organizations.
5.09.03.08 *Nursing care and rehabilitation facilities, and assisted living facilities (Ordinance No. 1118, 4-6-10)*
5.09.03.09 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.*

5.09.04 Permitted Accessory Uses:

5.09.04.01 Buildings and uses customarily incidental to the permitted uses.
5.09.04.02 Decks, elevated patios either attached or detached.
5.09.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
5.09.04.04 Signs as provided for in Section 7.01 through 7.04.
5.09.04.05 Parking as provided for in Section 7.05 through 7.09.
5.09.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
5.09.04.07 Landscaping as required by Section 7.17.
5.09.04.08 Solar Energy Conversion Systems as provided for in Section 7.15.

5.09.05 Height and Lot Requirements:

5.09.05.01 The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums ⁴	2,500 per unit	25' per unit	30'	10' ⁵	30'	35'	40%
Multi-family Dwelling ³	2,250 per unit	100'	30'	(1')	30'	45' ¹	40%
Other Permitted Uses	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	8'	10'	17'	10% ²

¹ For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

² Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

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 (3) or more units connected and where there is a minimum of two (2) 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 (3) or more units connected the side yard at the ends shall meet these criteria otherwise the side yard setback shall zero (0) at common walls. (*Ordinance No. 881, 11-19-02*)

⁶ Publicly owned and operated facilities are exempt from the requirements of this subsection 5.09.05. (*Ordinance No. 1371, 10-15-19*)

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

SECTION 9. Amendment of Section 5.10. Section 5.10 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.10 C-1 Shopping Center Commercial.

5.10.01 Intent: *The purpose and intent of the City of La Vista in establishing the C-1 Shopping Center Commercial District is to provide convenient local retail shopping and service areas within the city for all residents and to provide for the development of new local commercial districts where so designated. This includes uses such as retail stores, banks, theaters, business offices, restaurants, and taverns. (Ordinance No. 1253, 6-15-15)*

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.

5.10.02 Permitted uses:

5.10.02.01 *Medical/dental offices and 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. (Ordinance No. 950, 3-1-05)*

5.10.02.02 Child care center.

5.10.02.03 Dance studio, not including uses defined in Adult Establishment.

5.10.02.04 Meeting hall, not including uses defined in Adult Establishment.

5.10.02.05 Museum, art gallery.

5.10.02.06 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:

1. Apparel shop.
2. Appliance store.
3. Antique store.
4. Automobile parts and supply store.
5. Bakery shop (retail).
6. Barber and Beauty shop.
7. Bicycle shop.
8. Book store, not including uses defined in Adult Establishment.
9. Brew-on premises store.
10. Camera store.
11. Communication services.
12. Computer store.
13. Confectionery.
14. Dairy products sales.
15. Drug store.
16. Dry cleaning and laundry pickup.
17. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
18. Food Sales (Limited).
19. Food Sales (General).
20. Floral shop.
21. Mortuary.
22. Furniture store or showroom.
23. Gift and curio shop.
24. Gunsmith.
25. Hardware store.
26. Hobby, craft, toy store.
27. Jewelry store.
28. Liquor store.
29. Locksmith.
30. Meat market, retail.
31. Music retail store.
32. Newsstands, not including uses defined in Adult Establishment.
33. Paint store.
34. Photographer.
35. Picture framing shop.
36. Reservation center.
37. Restaurants, cafes and fast food establishments.
38. Second hand stores.
39. Shoe store.
40. Sporting goods.
41. Stamp and coin stores.
42. Tailors and dressmakers.
43. Tanning salon.
44. Travel agencies.
45. Video store, not including uses defined in Adult Establishment.
46. Social club and fraternal organizations, not including uses defined in Adult Establishment.

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

47. Telephone exchange.
48. Telephone answering service.
49. Public overhead and underground local distribution utilities.
50. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
51. *Adult Day Care Services (Ordinance No. 1328, 9-18-18)*
52. *Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)*
53. *Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)*

5.10.03 Permitted Conditional Uses:

- 5.10.03.01 Recreational establishments.
- 5.10.03.02 Department Store.
- 5.10.03.03 Variety store, not including uses defined in Adult Establishment.
- 5.10.03.04 Amusement arcades.
- 5.10.03.05 Brew Pubs.
- 5.10.03.06 Coffee Kiosks.
- 5.10.03.07 Micro breweries when in conjunction with a restaurant.
- 5.10.03.08 Automated Teller Machines when not within the interior of a primary use.
- 5.10.03.09 Theater, indoor, not including uses defined in Adult Establishment.
- 5.10.03.10 Bowling center.
- 5.10.03.11 Business or trade school.
- 5.10.03.12 Commercial greenhouse.
- 5.10.03.13 Mail order services.
- 5.10.03.14 Pinball or video games business.
- 5.10.03.15 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.10.03.16 Totally enclosed, automated and conveyor-style car washes.
- 5.10.03.17 Convenience store with limited fuel sales.
- 5.10.03.18 Garden supply and retail garden center.
- 5.10.03.19 Outdoor storage in conjunction with another primary use.
- 5.10.03.20 Pet Health Services, provided the following:
 1. Said use is totally enclosed within a building.
 2. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
 3. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary, not exceeding 48 hours.
 4. Grooming shall only be associated with medical appointment.
 5. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons.
- 5.10.03.21 *Self-storage units, provided:*
 1. *Storage unit is an extension of an existing self-storage unit or facility.*
 2. *The topography and access of the property will limit the development of identified commercial uses.*
 3. *No outdoor storage.*
 4. *Unit or facility provides perimeter fencing in accordance with this ordinance and a vegetative screen of at least six (6) feet in height and twenty (20) feet in width to any adjacent residential zoned property.*
 5. *Lighting on site shall not be directed at or allowed to shine on any residential zoned property.*
 6. *Applications for self-storage units under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its affect on surrounding property and shall include a site plan defining the areas to be developed with buildings and/or structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls and fences, the location and type of landscaping, and the location, size and number of signs.*
 7. *Such use shall not be located adjacent to the intersection of two or more arterial streets.*
 8. *The property shall have at least one boundary line that is adjacent to other property that is zoned I-1 Light Industrial or I-2 Heavy Industrial.*
 9. *Such use shall not include storage of explosives or hazardous materials and shall be in accordance with the intent, purpose and spirit of this ordinance and the Comprehensive Development Plan of La Vista, Nebraska.*
- 5.10.03.22 *(Ordinance No. 954, 7-5-05)*
Event center, provided:
 1. *A conditional use permit would need to include specifics to the design and operation of the proposed center and individual activities, including, but not limited to, a detailed site plan and floor plan, a complete list of appointed or designated managers for each event at the center, and a complete description and duration of each event submitted to the city prior to each event.*

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

2. *Lighting on site shall not be directed at or allowed to shine on any residential zoned property.*
3. *Buildings utilized as event centers shall be accompanied by evidence concerning the feasibility of the proposed request and its affect on surrounding property and shall include a site plan defining the areas to be developed with buildings and/or structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls and fences, the location and type of landscaping, and the location, size and number of signs.*
4. *All signage shall comply with the City's established regulations.*

5.10.03.23 *Animal Specialty Services with or without overnight boarding of animals and outdoor exercise areas. (Ordinance No. 1253, 6-16-15)*

5.10.03.24 *Pet Shop. (Ordinance No. 1253, 6-16-15)*

5.10.04 Permitted Accessory Uses:

5.10.04.01 Buildings and uses customarily incidental to the permitted uses.

5.10.04.02 Parking as allowed in Section 7.05 through 7.09.

5.10.04.03 Signs allowed in Section 7.01 through 7.04.

5.10.04.04 Landscaping as required by Section 7.17.

5.10.04.05 Solar Energy Conversion Systems as provided for in Section 7.15.

5.10.05 Permitted Temporary Uses

Temporary Uses require a permit from the City of La Vista 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. (Ordinance No. 998, 7-18-06)*

5.10.05.01 Temporary greenhouses.

5.10.05.02 Temporary structures as needed for sidewalk and other outdoor sales events.

5.10.05.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.

5.10.05.04 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. (Ordinance No. 998, 7-18-06)*

5.10.05.05 Temporary structure for festivals or commercial events.

5.10.06 Height and Lot Requirements:

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

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	-	150'	25'	10'	25'	45'	60%
Permitted Conditional Uses	-	150'	25'	10'	25'	45'	60%

^{1.} 25' 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 fifty (50) feet.

5.10.07 Use Limitations:

5.10.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district.

5.10.07.02 Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04.

5.10.07.03 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

SECTION 10. Amendment of Section 5.11. Section 5.11 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.11 C-2 General Commercial District

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

5.11.02 Permitted Uses:

5.11.02.01 *Medical/dental offices and 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. (Ordinance No. 950, 3-1-05)*

5.11.02.02 Child care center.

ORDINANCE RECORD

No. 728—REFFIELD & COMPANY INC., OMAHA

5.11.02.03 Dance studio, not including uses defined in Adult Establishment.
5.11.02.04 Meeting hall, not including uses defined in Adult Establishment.
5.11.02.05 Museum, art gallery.
5.11.02.06 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:

1. Apparel shop.
2. Appliance store.
3. Antique store.
4. Automobile parts and supply store.
5. Bakery shop (retail).
6. Barber and Beauty shop.
7. Bicycle shop.
8. Book store, not including uses defined in Adult Establishment.
9. Brew-on premises store.
10. Camera store.
11. Communication services.
12. Computer store.
13. Confectionery.
14. Dairy products sales.
15. Drug store.
16. Dry cleaning and laundry pickup.
17. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
18. Floral shop.
19. Mortuary.
20. Food Sales (Limited).
21. Food Sales (General).
22. Furniture store or showroom.
23. Gift and curio shop.
24. Gunsmith.
25. Hardware store.
26. Hobby, craft, toy store.
27. Jewelry store.
28. Liquor store.
29. Locksmith.
30. Meat market, retail.
31. Music retail store.
32. Music studio.
33. Newsstands, not including uses defined in Adult Establishment.
34. Paint store.
35. Photographer.
36. Picture framing shop.
37. Reservation center.
38. Restaurants, cafes and fast food establishment.
39. Second hand stores.
40. Shoe store.
41. Sporting goods.
42. Stamp and coin stores.
43. Tailors and dressmakers.
44. Tanning salon.
45. Travel agencies.
46. Video store, not including uses defined in Adult Establishment.
47. Social club and fraternal organizations, not including uses defined in Adult Establishment.
48. Telephone exchange.
49. Telephone answering service.
50. Theater, indoor, not including uses defined in Adult Establishment.
51. Public overhead and underground local distribution utilities.
52. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
53. *Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)*
54. *Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)*

5.11.03 Permitted Conditional Uses:

5.11.03.01 Recreational establishments.
5.11.03.02 Variety store, not including uses defined in Adult Establishment
5.11.03.03 Amusement arcades.
5.11.03.04 Bowling center.
5.11.03.05 Brew Pubs.
5.11.03.06 Micro breweries when in conjunction with a restaurant.
5.11.03.07 Coffee Kiosks.
5.11.03.08 Automated Teller Machines when not within the interior of a primary use.
5.11.03.09 Business or trade school.

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

5.11.03.10 Garden supply and retail garden center.
5.11.03.11 Commercial greenhouse.
5.11.03.12 Mail order services.
5.11.03.13 Pinball or video games business.
5.11.03.14 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
5.11.03.15 Totally enclosed, automated and conveyor-style car washes.
5.11.03.16 Convenience store with limited fuel sales.
5.11.03.17 Residences in conjunction with the principal use when located above the ground floor.
5.11.03.18 Churches, temples, seminaries, and convents including residences for teachers and pastors.
5.11.03.19 Car wash.
5.11.03.20 Retail building material sales; provided that the following minimum standards are present:
1. All lumber shall be enclosed with the primary structure.
2. All year round landscaping materials shall be enclosed within the primary structure.
3. All outdoor storage shall be temporary and shall comply with the provisions for Temporary Uses, as per this Ordinance.
5.11.03.21 Service station with minor automobile repair services.
5.11.03.22 Tire store and minor automobile repair service.
5.11.03.23 *Animal Specialty Services with or without overnight boarding of animals and outdoor exercise areas. (Ordinance No. 1254, 6-16-15)*
5.11.03.24 *Pet Shop. (Ordinance No. 1254, 6-16-15)*

5.11.04 Permitted Temporary Uses
Temporary Uses require a permit from the City of La Vista 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. (Ordinance No. 998, 7-18-06)*
5.11.04.01 Temporary greenhouses.
5.11.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.
5.11.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.
5.11.04.04 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. (Ordinance No. 998, 7-18-06)*
5.11.04.05 Temporary structure for festivals or commercial events.

5.11.05 Permitted Accessory Uses

5.11.05.01 Buildings and uses customarily incidental to the permitted uses.
5.11.05.02 Parking as permitted in Section 7.05 through 7.09.
5.11.05.03 Signs allowed in Section 7.01 through 7.04.
5.11.05.04 Landscaping as required by Section 7.17.
5.11.05.05 Solar Energy Conversion Systems as provided for in Section 7.15.

5.11.06 Height and Lot Requirements:

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

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	-	25' ¹	15'	15'	45'	60%
Permitted Conditional Uses	10,000	-	25' ¹	15'	15'	45'	60%

¹ 25' 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 fifty (50) feet.

5.11.07 Use Limitations:

5.11.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (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 7.14.04.
5.11.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

SECTION 11. Amendment of Section 5.12. Section 5.12 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.12 C-3 Highway Commercial / Office Park District

5.12.01 Intent: The Highway Commercial / Office Park District is intended for large scale commercial and office park development. 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.

ORDINANCE RECORD

No. 728-REFIDEL & COMPANY INC., OMAHA

5.12.02 Permitted Uses:

5.12.02.01 *Medical/dental offices and 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. (Ordinance No. 950, 3-1-05)*

5.12.02.02 Museum, art gallery.

5.12.02.03 Entertainment Venue, indoor, not including uses defined in Adult Establishment. (*Ordinance No. 1219, 7-15-14*)

5.12.02.04 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:

1. Book store, not including uses defined in Adult Establishment.
2. Brew-on premises store.
3. Dry cleaning and laundry pickup.
4. Floral shop.
5. Gift and curio shop.
6. Jewelry store.
7. Reservation center.
8. Restaurants, cafes and fast food establishment.
9. Travel agencies.
10. Office Park developments.
11. Video store, not including uses defined in Adult Establishment.
12. Meeting Halls not including Adult Establishments.
13. Theater, indoor, not including uses defined in Adult Establishment. (*Ordinance No. 1219, 7-15-14*)
14. Coffee kiosks. (*Ordinance No. 1219, 7-15-14*)
15. Department stores. (*Ordinance No. 1219, 7-15-14*)
16. Retail trade centers. (*Ordinance No. 1219, 7-15-14*)
17. Shopping centers. (*Ordinance No. 1219, 7-15-14*)
18. Commercial strip shopping center. (*Ordinance No. 1219, 7-15-14*)
19. Tutoring and Exam Preparation Services (*Ordinance No. 1341, 2-5-19*)
20. Personal Services, not including uses defined in Adult Entertainment Establishment. (*Ordinance No. 1369, 10-1-19*)

5.12.02.04 *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*

5.12.03 Permitted Conditional Uses:

5.12.03.01 Automobile display, sales, service, and repair.

5.12.03.02 Brew Pubs.

5.12.03.03 Micro breweries when in conjunction with a restaurant.

5.12.03.04 Entertainment Venue, indoor, but which may include outdoor events, not including uses defined in Adult Establishment. (*Ordinance No. 1219, 7-15-14*)

5.12.03.05 Automated Teller Machines when not within the interior of a primary use.

5.12.03.06 Tavern and cocktail lounge, not including uses defined in Adult Establishment.

5.12.03.07 Convenience store with limited fuel sales.

5.12.03.08 Churches and temples.

5.12.03.09 Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.

5.12.03.10 Outlet Shopping Center.

5.12.03.11 Health Clubs and tanning salon, not including uses defined in Adult Establishment.

5.12.03.12 Health Recreation Facilities, not including uses defined in Adult Establishment.

5.12.03.13 *Child Care Center. (Ordinance No. 1041, 7-17-07)*

5.12.03.14 *Colleges and Universities. (Ordinance No. 1169, 3-6-12)*

5.12.04 Permitted Temporary Uses

Temporary Uses require a permit from the City of La Vista 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. (Ordinance No. 998, 7-18-06)*

5.12.04.01 Temporary greenhouses.

5.12.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.

5.12.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.

5.12.04.04 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. (Ordinance No. 998, 7-18-06)*

5.12.04.05 Temporary structure for festivals or commercial events.

5.12.05 Permitted Accessory Uses

5.12.05.01 Buildings and uses customarily incidental to the permitted uses.

5.12.05.02 Parking as permitted in Section 7.05 through 7.09.

5.12.05.03 Signs allowed in Section 7.01 through 7.04.

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

5.12.05.04 Landscaping as required by Section 7.17.
5.12.05.05 Solar Energy Conversion Systems as provided for in Section 7.15.

5.12.06 Height and Lot Requirements:

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

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	-	25 ¹	15'	15'	90 ²	60%
Permitted Conditional Uses	10,000	-	25 ¹	15'	15'	90 ²	60%
¹ 25' 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 fifty (50) feet.							
² Any building within 100 feet of a residentially zoned district shall not exceed 45 feet in height. (Ordinance No. 1082, 11-18-08)							

5.12.07 Use Limitations:

5.12.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (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 7.14.04.

5.12.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

SECTION 12. Amendment of Section 5.13. Section 5.13 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.13 I-1 Light Industrial.

5.13.01 Intent: *It is the intent of the Light Industrial District Regulations to provide for limited industrial uses and services, including some retail businesses, wholesaling, and storage activities; to preserve land for the expansion of 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. (Ordinance No. 1053, 1-15-08)*

5.13.02 Permitted Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)

5.13.02.01 *Light Manufacturing*
5.13.02.02 *Automotive services, except repair, towing and wrecking*
5.13.02.03 *Business services*
5.13.02.04 *Facilities for building construction contractors*
5.13.02.05 *Landscape and horticultural services*
5.13.02.06 *Medical and dental laboratories*
5.13.02.07 *Assembly of electrical and electronic appliances*
5.13.02.08 *Miscellaneous repair services, not including automotive*
5.13.02.09 *Printing, publishing, and allied industries*
5.13.02.10 *Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste*
5.13.02.11 *General warehousing*
5.13.02.12 *Testing laboratories*
5.13.02.13 *Publicly owned and operated facilities (Ordinance No. 950, 3-1-05)*
5.13.02.14 *Special and vocational training facilities (Ordinance No. 950, 3-1-05)*
5.13.02.15 *Wholesale trade of goods*
5.13.02.16 *Microbreweries without on-site sales (Ordinance No. 1292, 9-6-16)*

5.13.03 Permitted Conditional Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)

5.13.03.01 *Animal specialty services*
5.13.03.02 *Automotive rental / leasing and other heavy equipment rental*
5.13.03.03 *Household furniture, furnishings, and equipment store*
5.13.03.04 *Hardware, lawn and garden supply store*
5.13.03.05 *Lumber and other building materials dealer*
5.13.03.06 *Outdoor display of merchandise*
5.13.03.07 *Radio, television and communication towers and transmitters, as per Section 7.11*
5.13.03.08 *Utility substations, terminal facilities, and reservoirs*
5.13.03.09 *Farm-implement sales and service*
5.13.03.10 *Cabinetry millwork*
5.13.03.11 *Gasoline service stations*
5.13.03.12 *Automotive repair services*
5.13.03.13 *Sale of recreational vehicles, including boats and jet skis*
5.13.03.14 *Indoor recreational facility (Ordinance No. 918, 10-6-03)*
5.13.03.15 *Veterinary Services, not including livestock*
5.13.03.16 *Self-service storage facility (Ordinance No. 1069, 8-19-08)*
5.13.03.17 *Industrial Condominiums (Ordinance No. 1246, 4-21-15)*
5.13.03.18 *Microbreweries with on-site sales (Ordinance No. 1292, 9-6-16)*

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

5.13.03.19 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.*

5.13.04 Permitted Accessory Uses

- 5.13.04.01 Buildings and uses customarily incidental to the permitted uses
- 5.13.04.02 Parking as permitted in Section 7.05 through 7.09
- 5.13.04.03 Signs allowed in Section 7.01 through 7.04
- 5.13.04.04 Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work
- 5.13.04.05 Landscaping as required by Section 7.17
- 5.13.04.06 Solar Energy Conversion Systems as provided for in Section 7.15.

5.13.05 Height and Lot Requirements:

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

Use	Lot Area (SF) ²	Lot Width ²	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100	35' ¹	30'	25'	45'	65%
Permitted Conditional Uses	10,000	100	35' ¹	30'	25'	45'	65%
Accessory Buildings	-	-	70'	10'	10'	25'	20%

¹ 35' 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 sixty (60) feet.

² *Lots created before January 1, 2008 may have a minimum Lot Area of 10,000 square feet and may have less than the minimum 100 feet lot width. (Ordinance No. 1053, 1-15-08)*

5.13.06 Use Limitations:

- 5.13.06.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within thirty (30) 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 7.17.04. *(Ordinance No. 1053, 1-15-08)*
- 5.13.06.02 No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
- 5.13.06.03 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- 5.13.06.04 *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. (Ordinance No. 1053, 1-15-08)*

5.13.07 Performance Standards:

See Section 7.16 of the Supplemental Regulations.

SECTION 13. Amendment of Section 5.14. Section 5.14 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.14 I-2 Heavy Industrial

5.14.01 Intent: *It is the intent of the Heavy Industrial District Regulations to provide for 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. (Ordinance No. 1053, 1-15-08)*

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

5.14.02 Permitted Uses: *(Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)*

- 5.14.02.01 Assembly, fabrication, packaging, and processing of products inside an enclosed building, except hazardous or toxic materials
- 5.14.02.02 *Automotive services, except repair, towing and wrecking*
- 5.14.02.03 *Business services*
- 5.14.02.04 *Facilities for building construction contractors*
- 5.14.02.05 *Landscape and horticultural services*
- 5.14.02.06 *Medical and dental laboratories*
- 5.14.02.07 *Miscellaneous repair services, not including automotive*
- 5.14.02.08 *Printing, publishing, and allied industries*
- 5.14.02.09 *Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste*
- 5.14.02.10 *General warehousing*

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

5.14.02.11	<i>Testing laboratories</i>
5.14.02.12	<i>Facilities for heavy construction contractors</i>
5.14.02.13	<i>Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic equipment and components</i>
5.14.02.14	Manufacture of light sheet metal products including heating and ventilation equipment.
5.14.02.15	<i>Manufacturing of food and kindred products, limited to bakery items, dairy products, sugar and confectionary products, and beverages</i>
5.14.02.16	<i>Manufacturing stone, clay, glass and concrete products</i>
5.14.02.17	Millwork; veneer, plywood and structural wood products manufacturing.
5.14.02.18	Publicly owned and operated facilities. (<i>Ordinance No. 950, 3-1-05</i>)
5.14.02.19	Special and vocational educational and training facilities. (<i>Ordinance No. 950, 3-1-05</i>)
5.14.02.20	Transportation services
5.14.02.21	Trucking and courier services, except air
5.14.02.22	Veterinary Services, including livestock
5.14.02.23	<i>Wholesale trade of goods</i>
5.14.02.24	<i>Microbreweries without on-site sales (Ordinance No. 1292, 9-6-16)</i>

5.14.03 Permitted Conditional Uses: (*Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted*)

5.14.03.01	<i>Automotive rental / leasing and other heavy equipment rental</i>
5.14.03.02	<i>Manufacturing of food and kindred products, except bakery items, dairy products, sugar and confectionary products, and beverages</i>
5.14.03.03	<i>Lumber and other building materials dealer</i>
5.14.03.04	<i>Outdoor storage or display of merchandise</i>
5.14.03.05	Radio, television and communication towers and transmitters, as per Section 7.11
5.14.03.06	Utility substations, terminal facilities, and reservoirs
5.14.03.07	Farm-implement sales and service
5.14.03.08	<i>Temporary Batch plant for concrete, asphalt, or paving material, not to exceed 24 months of operations</i>
5.14.03.09	Cabinetry millwork
5.14.03.10	<i>Recycling center for computers, televisions and household items</i>
5.14.03.11	Storage of bulk petroleum products
5.14.03.12	<i>The manufacturing, compounding, processing, extruding, painting, coating and assembly of steel, metal, vinyl, plastic, paper and similar products and related outdoor and indoor storage activities. (Ordinance No. 855, 3-5-02)</i>
5.14.03.13	<i>Gasoline service stations</i>
5.14.03.14	<i>Automotive repair services</i>
5.14.03.15	<i>Sale of recreational vehicles, including boats and jet skis</i>
5.14.03.16	<i>Indoor recreational facility (Ordinance No. 918, 10-6-03)</i>
5.14.03.17	<i>Self-service storage facility (Ordinance No. 1069, 8-19-08)</i>
5.14.03.18	Adult Entertainment establishments
1.	No Adult business shall be closer than 500 feet to any similar use and no closer than 500 feet to a residential district / use, religious uses, educational uses and recreational uses. 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 point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use. In addition, no Adult establishment shall be located within the Gateway Corridor Overlay or within 500 feet of said Overlay Corridor.
2.	Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
3.	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.
4.	No adult business shall be open for business between the hours of one am and six a.m.
5.	The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
6.	Such use shall not impair an adequate supply of light and air to surrounding property.
7.	Such use shall not unduly increase congestion in the streets or public danger of fire and safety.
8.	Any explicit signs shall not be seen from any point off-premises.
9.	Such use shall not diminish or impair established property values in adjoining or surrounding property.

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

10. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of La Vista, Nebraska.
11. 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 and shall include a site plan defining the areas to be developed for buildings and structure, 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.
12. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (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 coming on the premises.
13. Prohibited Activities of Adult Businesses
 - A. No adult business shall employ any person less than eighteen (18) years of age.
 - B. No adult business shall furnish any merchandise or services to any person who is under eighteen (18) years of age.
 - C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
 - D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

5.14.03.19 *Industrial Condominiums (Ordinance No. 1247, 4-21-15)*
5.14.03.20 *Microbreweries with on-site sales (Ordinance No. 1292, 9-6-16)*
5.14.03.21 *Concrete Batch Plants (Ordinance No. 1329, 9-19-18)*
5.14.03.22 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.*

5.14.04 Permitted Accessory Uses:

5.14.04.01 Buildings and uses customarily incidental to the permitted uses
5.14.04.02 Parking as permitted in Section 7.05 through 7.09
5.14.04.03 Signs allowed in Section 7.01 through 7.04
5.14.04.04 Temporary buildings and uses incidental to construction work which will be removed upon completion or abandonment of the construction work
5.14.04.05 Live-in quarters used by live-in watchman or custodians during periods of construction
5.14.04.06 Landscaping as required by Section 7.17
5.14.04.07 Solar Energy Conversion Systems as provided for in Section 7.15.

5.14.05 Height and Lot Requirements:

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

Use	Lot Area (SF) ²	Lot Width ²	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100	35' ¹	30'	25'	45'	75%
Permitted Conditional Uses	10,000	100	35' ¹	30'	25'	45'	75%
Accessory Buildings	-	-	70'	10'	10'	25'	20%

¹ 35' 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 sixty (60) feet.

² Lots created before January 1, 2008 may have a minimum Lot Area of 10,000 square feet and may have less than the minimum 100 feet lot width. (Ordinance No. 1053, 1-15-08)

5.14.06 Use Limitations:

5.14.06.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within thirty (30) 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 7.17.04. (Ordinance No. 1053, 1-15-08)

5.14.06.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

5.14.06.03 *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*

ORDINANCE RECORD

No. 728—REFIELD & COMPANY INC., OMAHA

enjoyment of any surrounding property, structure, or dwelling. (Ordinance No. 1053, 1-15-08)

5.14.07 Performance Standards:

See Section 7.16 of the Supplemental Regulations.

SECTION 14. Amendment of Section 5.16. Section 5.16 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.16 R-M Mobile Home Residential - District

5.16.01 Intent: The intent of the Mobile Home Residential District shall be to provide for mobile home dwellings on leased or owned property in areas where a mobile home park is appropriate, where such development is recognized as being in the best interests of the citizens and taxpayers of La Vista.

5.16.02 Permitted Uses

The following uses are permitted in the R-M Mobile Home Residential District.

- 5.16.02.01 Single family dwelling.
- 5.16.02.02 Mobile Home Dwellings.
- 5.16.02.03 Public School.
- 5.16.02.04 Private and public park, playground and recreational facilities.
- 5.16.02.05 Church, educational facilities and parish house.
- 5.16.02.06 Multi-unit dwellings provided such use is part of a Planned Unit Development-Residential.
- 5.16.02.07 Public buildings.
- 5.16.02.08 Child Care Homes.

5.16.03 Permitted Conditional Uses

- 5.16.03.01 Home occupation, subject to Section 7.10
- 5.16.03.02 Child Care Center
- 5.16.03.03 Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
- 5.16.03.04 Sewage disposal and water supply and treatment facilities.
- 5.16.03.05 Campgrounds.
- 5.17.03.06 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.*

5.16.04 Permitted Accessory Uses.

- 5.16.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.16.04.02 Parking as provided for in Section 7.05 through 7.09.
- 5.16.04.03 Signs as provided for in Section 7.01 through 7.04.
- 5.16.04.04 Solar Energy Conversion Systems as provided for in Section 7.15.

5.16.05 Area and Lot Requirements

- 5.16.05.01 A mobile home park shall have an area of not less than five (5) acres. No mobile homes or other structures shall be located less than eighty-three (83) feet from the road centerline when contiguous to or having frontage to a County road or state highway. The setback on all other court property lines shall be twenty-five (25) feet. These areas shall be landscaped. The minimum lot width for a mobile home park shall be two hundred (200) feet.
- 5.16.05.02 Each lot provided for occupancy of a single mobile home shall have an area of not less than five thousand (5,000) square feet, excluding road R.O.W., and a width of not less than fifty (50) feet for an interior lot, eighty (80) feet for a corner lot, or forty-five (45) feet when facing a cul-de-sac turnaround or curve on a minor loop street. Each individual lot shall have:
 1. Side yards shall not be less than ten (10) feet on one side and not less than ten (10) feet on the other side, except that on corner lots, the setback for all buildings shall be a minimum of thirty (30) feet on the side abutting a street/road.
 2. Front yard of not less than thirty (30) feet.
 3. A rear yard of not less than twenty-five (25) feet.
- 5.16.05.03 There shall be a minimum livable floor area of five hundred (500) square feet in each mobile home, when mobile home is owned and leased by the mobile home park owner.
- 5.16.05.04 Height of Buildings.
 1. Maximum height for principal uses: thirty-five (35) feet.
 2. Maximum height for accessory uses: twenty (20) feet.

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

5.16.05.05 Each lot shall have access to a hard surfaced drive not less than twenty-two (22) feet in width excluding parking

5.16.05.06 City water and sewage disposal facilities shall be provided with connections to each lot. The water supply shall be sufficient for domestic use and for fire protection.

5.16.05.07 Tie downs shall meet all manufacturers' recommendations.

5.16.05.08 Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.

5.16.05.09 Not less than 8% of the total court area shall be designated and used for park, playground and recreational purposes.

5.16.05.10 Limitations on Lot Coverage shall be no more than 45%.

5.16.05.11 Storm shelters shall be required and shall meet the following criteria:

1. Shelter space equivalent to two (2) 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.

5.16.05.12 All mobile home pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.

5.16.05.13 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.

5.16.05.14 All off-street parking shall be hard surfaced.

5.16.05.15 All Mobile homes shall comply with all other City Ordinances.

5.16.06 Plan Requirements

5.16.06.01 A complete plan of the mobile home court shall be submitted showing:

1. A development plan and grading plan of the court.
2. The area and dimensions of the tract of land.
3. The number, location, and size of all mobile home spaces.
4. The number, location, and size of all hard surfaced pads shall be shown.
5. The area and dimensions of the park, playground and recreation areas.
6. The location and width of roadways and walkways.
7. The location of service buildings and any other proposed structures.
8. The location of water and sewer lines and sewage disposal facilities.
9. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

SECTION 15. Amendment of Section 5.19. Section 5.19 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.19 MU-CC Mixed Use City Centre District

5.19.01 Intent: The intent of the Mixed Use Town Centre District (MU-CC) is to:

1. Accommodate mixed use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units and office uses above the ground floor;
2. Buildings can be solely residential provided they are designed in a building-forward environment, with buildings at the street edge or having only shallow front setbacks.
3. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
4. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

5.19.02 Permitted Uses:

Uses are allowed in "MU-CC" zoning districts in accordance with the use table of this section.

Uses Allowed in the MU-CC Zoning District

Use Category (Specific Use Type)	MU-CC District
Residential:	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	P

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

Bed & breakfasts	P
Townhouses/condominiums	P
Multi-Family, above ground floor	P
Multi-Family, ground floor	C
Senior living: nursing care, rehab facility & assisted living facility	C

Public and Civic:

Meeting hall	C
Museum	P
Publicly owned and operated facilities	P
Public services	P
Recreation areas/parks (public)	P
Social club/fraternal organizations	C
Parking Structures or Lots	P

Commercial:

Antique store	P
Apparel shop	P
Art gallery	P
Attorneys	P
Automated Teller Machines	C
Bakery shop (retail)	P
Banks	P
Barber and beauty shop	P
Bicycle shop	P
Book store, not including uses defined in Adult Establishment.	P
Brew pubs	P
Brew-on premises store	P
Business or trade school	C
Business services	P
Camera store	P
Charitable organizations	C
Child care (center)	P
Coffee kiosks	P
Communication services	C
Computer store	P
Confectionery	P
Credit services	P
Dairy product sales	P
Dance studio	P
Dental office	P
Department store	P
Drug store	P
Dry cleaning & laundry pickup	P
Event center	C
Exercise, fitness & tanning spa	P
Finance/investment services	P
Fireworks stands	T
Floral shop	P
Food sales (general)	P
Food sales (limited)	P
Furniture store or showroom	P
Gift shop	P
Gunsmith	C
Hardware store	P
Health club or recreation facility, not including uses defined	C

ORDINANCE RECORD

No. 728—REFFIELD & COMPANY INC., OMAHA

in Adult Establishment.	
Hobby, craft store	P
Home occupations	C
Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.	P
Insurance	P
Jewelry store	P
Liquor store	P
Locksmith	P
Mail order services	C
Meat market, retail	C
Medical office	P
Micro-breweries, connected to restaurant	P
Music retail store	P
Music studio	P
Newsstands	P
Office	P
Open-air farmers markets	P
Outdoor display of merchandise	P
Paint store	P
Personal Services, not including uses defined in Adult Entertainment Establishment. (<i>Ordinance No. 1369, 10-1-19</i>)	P
Pet health services	P
Pet shop	C
Photographer	P
Picture framing shop	P
Pinball or video games business	C
Produce stands	P
Real estate offices	P
Recreational establishments	C
Restaurants, café, and fast food	P
Second hand stores	C
Security brokers	P
Shoe store	P
Sporting goods	P
Stamp and coin stores	P
Tailors and dressmakers	P
Tanning salon	P
Tavern and cocktail lounge, not including uses defined in Adult Establishment.	P
Theater, indoor, not including uses defined in Adult Establishment.	P
Title abstracting	P
Toy store	P
Travel agencies	P
Tutoring and Exam Preparation Services	P
Video store, not including uses defined in Adult Establishment.	P

Industrial:

Manufacturing: Artisan (Limited)	C
(hand tools only: e.g., jewelry or ceramics)	

Other:

Temporary structures (events)	T
Temporary structures (construction)	T

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

P = permitted by right; C = conditional use; T = temporary

5.19.03 Permitted Accessory Uses

- 5.19.03.01 Buildings and uses customarily incidental to the permitted uses.
- 5.19.03.02 Urban residential storage as an accessory to a primary residential use.
- 5.19.03.03 Parking as permitted in Section 7.05 through 7.09.
- 5.19.03.04 Signs allowed in Section 7.01 through 7.04.
- 5.19.03.05 Landscaping as required by Section 7.17.
- 5.19.03.06 Solar Energy Conversion Systems as provided for in Section 7.15.

5.19.04 Setbacks

- 1. The entire building façade must abut front and street side property lines or be located within 10 feet of such property lines.
- 2. No rear setback shall be required, except where the rear lot line is contiguous to a residential use, in which case the following standards shall apply:
 - a. There shall be a minimum rear setback of twenty (25) feet the full width of the lot;
- 3. No interior side setbacks are required in the MU-CC district, except when MU-CC zoned property abuts a residential use, in which case the minimum side setback required in the MU-CC district shall be the same as required for a residential use on the abutting residentially-zoned lot.

5.19.05 Building Height

The maximum building height shall be 90 feet.

5.19.06 Off-Street Parking

- 1. No off-street parking is required in the MU-CC district.
- 2. If off-street parking is utilized, it shall comply with Sections 7.08-7.09 of this ordinance.
- 3. All parking spaces shall be paved with asphalt, concrete or other approved hard surface.
- 4. The use of shared parking is encouraged.
- 5. Off-street parking spaces should be located to the rear of the main façade of the principal building or otherwise screened to satisfy the screening requirements of the district design standards.

5.19.10 Circulation and Connectivity

Uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel options.

- 1. Internal walk connections are required between buildings, and from buildings to all on site facilities, such as parking areas, bicycle facilities, and open space.
- 2. External walk connections are required to provide direct access from all buildings on the site to existing or planned sidewalks, adjacent multi-use trails, parks, and greenways.

ORDINANCE RECORD

No. 728—REFFIELD & COMPANY INC., OMAHA

LOT AND AREA REQUIREMENTS		MINIMUM LOT AREA		MIN. YARD SETBACK		MAXIMUM HEIGHT		MAX. LOT COVERAGE	
ZONING DISTRICT		LOT AREA	LOT WIDTH (feet)	FRONT (feet)	SIDE (feet)	REAR (feet)	IN-STORIES	IN-HEIGHT	PERCENT OF LOT AREA
TA: Transitional Agricultural		20 acres 20 acres 20 acres	660 660 660	75 75 75	25 25 25	25 25 10	2½ 3 3	35 45 45	- - -
Residential dwellings									
Other Permitted Uses									
Permitted Conditional Uses									
Accessory Uses		-		100	25	10	1½	17	-
R-1: Single-Family Residential		5,000 s.f. 7,000 s.f. 8,000 s.f.	60 70 75	30 30 25	5 10 5	30 30 25	2½ 2½ 3	35 35 45	35% 40% 25%
Single-family detached (existing) ¹									
Single-family dwelling (future) ²									
Two-family dwelling ³									
Single-family, attached ⁴									
Townhouses/Condominiums									
Other Permitted Uses and Conditional Uses									
Accessory Uses		-							
R-2: Two-Family Density Residential		5,000 s.f. 7,000 s.f. 10,000 s.f.	50' 70 100	30 30 30	5 10 10	30 30 30	2½ 2½ 2½	35 35 35	35% 40% 40%
Single-family detached (existing) ¹									
Single-family, dwelling (future) ²									
Two-family dwelling ³									
Single-family, attached ⁴									
Townhouses									
Multi-family dwellings									
Other Permitted Uses and Conditional Uses									
Accessory Uses		-							
R-3: High Density Residential		7,000 s.f. 4,500 s.f./du 10,000 s.f.	70 50 per unit 75	30 25 per unit 30	10 (1) (1)	30 30 30	2½ 2½ 2½	35 35 35	40% 40% 40%
Single-family, detached ¹									
Single-family, attached ²									
Two-family dwelling ³									
Townhouses									
Multi-family dwellings									
Other Permitted Uses and Conditional Uses									
Accessory Uses		-							
R-4: Condominium Residential		7,000 s.f. 4,500 s.f./du 10,000 s.f.	70 50 per unit 75	30 30 30	10 (1) (1)	30 30 30	2½ 2½ 2½	35 35 35	40% 40% 40%
Single-family, detached ¹									
Single-family, attached ²									
Two-family dwelling ³									
Condominiums									
Multi-family dwellings									
Other Permitted Uses and Conditional Uses									
Accessory Uses		-							
C-1: Shopping Center Commercial									
Permitted Uses									
Permitted Conditional Uses									
C-2: General Commercial									
Permitted Uses									
Permitted Conditional Uses									
C-3: Highway Commercial / Office Park									
Permitted Uses									
Multi-family residential									
Permitted Conditional Uses									
I-1: Light Industrial									
Permitted Uses									
Permitted Conditional Uses									
Accessory Buildings									
I-2: Heavy Industrial									
Permitted Uses									
Permitted Conditional Uses									
Accessory Buildings									

¹ The Side Yard setback along the common wall shall be 0 feet and the common wall shall be along the adjoining lot line.

² Provided total area of accessory structure for single family does not exceed 700 s.f. or all structures do not exceed 45% total coverage in the R-1 District and 50% total coverage in the remaining Residential Districts.

³ For Multi-family units, the Side Yard setback shall be 10 feet if it is a max. of 3 stories, and 2 additional feet of Side Yard on each side for each additional story in excess of 3 stories.

⁴ On corner lots, existing development = Street Side Yard may conform to existing setbacks along the street. Future Development = Street Side Yard setback shall equal Front Yard setback.

⁵ 25 ft Front Yard setback required if no parking otherwise there is a 50 ft Front Yard setback.

⁶ 35 feet Front Yard setback required if no parking otherwise there is a 60 feet Front Yard setback.

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

(Ordinance No. 875, 10-15-02) (Ordinance No. 900, 2-04-03) (Ordinance No. 968, 11-15-05)

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

SECTION 16. Amendment of Section 7.15. Section 7.15 of the Ordinance No. 848 is hereby amended to read as follows:

Section 7.15 Solar Energy Conversion Systems

Solar Energy Conversion Systems (SECS) are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit and upon compliance with all requirements of this section and as elsewhere specified in this Ordinance. Building-integrated solar energy systems, as defined in this Ordinance, are not considered an accessory use and are not subject to the requirements of this Section.

7.15.01 Height and Lot Requirements: Solar Energy Conversion Systems (SECS) shall conform to the required height and lot requirements provide herein:

- 7.15.01.01 Building-Mounted SECS that are attached to a building on a lot shall comply with the height, front, side, rear yard, and max. building coverage requirements of the building to which they are attached, except as otherwise allowed in Section 7.15.01.04.
- 7.15.01.02 For a Building-Mounted SECS installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.
- 7.15.01.03 For a Building-Mounted SECS installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- 7.15.01.04 For a Building-Mounted SECS installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached, and the system shall not extend horizontally past the roof line.
- 7.15.01.05 Ground-Mounted SECS may be located only in the required rear yard as Permitted Accessory Uses. Ground-Mounted SECS may be located outside of the rear yard, but behind the front building line, with an approved Conditional Use Permit.
- 7.15.01.06 Ground-Mounted SECS shall conform to the height and lot requirements for Accessory Buildings in the zoning district in which the system is to be constructed, except that the system may not exceed 12-feet in height.
- 7.15.01.07 Ground-Mounted SECS shall only be permitted in the following districts, subject to the requirements in this Ordinance: TA, R-1, R-2, R-3, R-4, I-1, I-2, and R-M.

7.15.02 Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable City of La Vista Building Codes.

7.15.03 Permit Requirements: Before any construction or installation on any SECS system shall commence, a permit issued by the Building Department of the City of La Vista shall be obtained to document compliance with this Ordinance.

- 7.15.03.01 A permit fee shall be required, and the amount shall be established in the Master Fee Schedule.
- 7.15.03.02 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.

7.15.04 Inspection, Safety, Abandonment, and Removal: The Building Inspector and Fire Marshall reserve the right to inspect a SECS for building or fire code compliance and safety. If upon inspection the Building Inspector or Fire Marshall determine that a fire code or building code violation exists, that the system has been abandoned, or that the system otherwise poses a safety hazard to persons or property, the Building Inspector or Fire Marshall may order the owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the owner of his or her right to appeal such determination. If the owner fails to repair or remove a SECS as ordered, and any appeal rights have been exhausted, an employee or independent contractor with the City of La Vista may enter the property, remove the system and charge the owner for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the owner's expense. In addition to any other available remedies, any unpaid costs resulting from the City of La Vista's removal of a vacated abandoned or de-commissioned SECS shall constitute a lien upon the property against which the costs were charged. Legal counsel of the

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

City of La Vista shall institute appropriate action for the recovery of such cost, plus attorney's fees. A SECS shall be deemed abandoned or defective by the City of La Vista if it is out of use for a period of 12 months or more, at which time the property owner shall have six months to return the system back to service, or complete decommissioning of the SECS. Decommissioning includes the removal of the SECS, all associated equipment, footings and foundation system, and wiring. Upon removal, such property shall be returned to the same conditions that existed before the installation of the system.

7.15.05 Preexisting SECS: Section 7.15 of this Ordinance applies to Solar Energy Conversion Systems (SECS) installed and constructed after December 17, 2019. Any upgrade, modification or structural change that materially alters the size or placement of an existing SECS system shall comply with the provisions of this Ordinance.

7.15.06 Signage and/or Graphic Content: No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

7.15.07 Screening and Visibility: Placement of SECS shall be prioritized in such a way that will minimize or negate any solar glare onto nearby properties and roadways. SECS are subject to the following:

- 7.15.07.01 All SECS using a reflector to enhance solar production must minimize glare from the reflector that affects adjacent or nearby properties. Measures to minimize nuisance glare include selective placement of the system, screening on the north and south sides of the SECS, modifying the orientation of the system, reducing use of the solar reflector system, or other remedies that limit glare.
- 7.15.07.02 All SECS appurtenances, including, but not limited to, plumbing, water tanks and support equipment, shall be of a color that is complementary to the site location, and shall be screened to the extent reasonably feasible without compromising the effectiveness of the solar collectors. SECS shall comply with any applicable Design Guidelines of the appropriate district.
- 7.15.07.03 Building-mounted systems mounted on a flat roof shall require screening as to not be visible from elevation-perspective view. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way.

SECTION 17. Repeal of Sections 2.03, 2.08, 2.20, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.16, 5.19, and 7.15 as Previously Enacted. Sections 2.03, 2.08, 2.20, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.16, 5.19, and 7.15 of Ordinance No. 848 as previously enacted are hereby repealed.

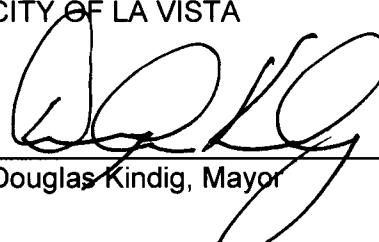
SECTION 18. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 19. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 20. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 3RD DAY OF MARCH, 2020.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC
City Clerk