

# ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

## ORDINANCE NO. 1414

AN ORDINANCE TO AMEND SECTION 5.17 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.17 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 5.17. Section 5.17 of the Ordinance No. 848 is hereby amended to read as follows:

### **Section 5.17 GATEWAY CORRIDOR DISTRICT (OVERLAY DISTRICT)**

#### **5.17.01 Intent:**

The City of La Vista has established basic site and building development criteria to be implemented within the boundaries of this overlay district *for all multi-family, industrial, and commercial building projects*. The Gateway Corridor District has been established in order to implement the policies developed in the Future Land Use Plan portion of the Comprehensive Development Plan. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, and interior street development. The purpose for regulating these issues is to provide for cohesive and properly developed entrances into the City corridor. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the City, by providing quality design and construction which will also aid in the protection of past and future investment in the corridor. (*Ordinance No. 1172, 3-20-12*)

Within the Gateway Corridor Overlay District there is a sub-area secondary overlay centered on the intersection of 96th and Giles Road (see Official Zoning map). The purpose of this secondary overlay evolves around a partnership between the City of La Vista and Metropolitan Community College which have made a significant investment in the community with the new La Vista Public Library / MCC Sarpy Center. The City's desire is that this district be the standard of quality for all *multi-family, industrial, and commercial building projects* within this *geographically defined area*. See Section 5.17.06 for special design criteria for this sub-area. (*Ordinance No. 1048, 10-2-07*)

#### **5.17.02 Purpose:**

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

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

#### **5.17.03 Geographic Area:**

For a geographically defined area of the Gateway Corridor Overlay District, see the Official Zoning Map. If a site is partially covered by said overlay district, then the entire site is to be covered by these regulations. (*Ordinance No. 1048, 10-2-07*) (*Ordinance No. 1172, 3-20-12*)

The sub-area secondary overlay -area occurs within all developments that front on the 96th Street and Giles Road corridors including:

- Giles Road Corridor – from 90th Street to 108th Street.
- 96th Street Corridor – from Harrison Street to Portal Road

If a site is partially covered by said sub-area secondary overlay district, then the entire portion of the site facing 96<sup>th</sup> and/or Giles Road is to be covered by these regulations. See Section 5.17.06 for special design criteria for this geographic area. *For a geographically defined area, see the Official Zoning Map.* (*Ordinance No. 1048, 10-2-07*)

# ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

## 5.17.04 Criteria for Application:

- 5.17.04.01 New construction and modification of existing buildings, including the structure and the surrounding property, are required to have compliance reviewed through the design review process.  
*(Ordinance No. 1201, 9-17-13)*
- 5.17.04.02 Exceptions:  
Conformance to this Building Criteria shall not apply if the project consists of one of the following:
1. Construction or modification of a single-family residence or duplex.
  2. Structural Modification which will not be visible from outside the structure.

## 5.17.05 Criteria for Appearance

- 5.17.05.01 Relationship of Buildings to Site. *(Ordinance No. 1201, 9-17-13)*  
The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
1. Site planning is encouraged to provide an interesting relationship between buildings.
  2. Building and site designs shall relate to and promote pedestrian scale.
  3. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways and adjacent properties.
  4. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings. Multi-story facades shall be divided providing pedestrian scale.
  5. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- 5.17.05.02 Relationship of Buildings and Site to Adjoining Area (Outside Of Subdivision).
1. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
  2. Attractive landscape transitions shall be designed to be compatible to adjoining properties.
  3. Harmony in texture, lines, and masses is required. Monotony shall be avoided.
- 5.17.05.03 Landscape and Site Treatment.
- Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.
1. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good site design and development. All modifications to topography shall be designed to provide varied and more natural grading practices. Consistent, even topography that provides an engineered feel is not acceptable.  
*(Ordinance No. 1201, 9-17-13)*
  2. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
  3. Landscape treatments shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
  4. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. All projects need to use a minimum of the

# ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

following listed plant varieties of the plants listed in Appendix A of the Gateway Corridor District Design Guideline Booklet.

**(Ordinance No. 1201, 9-17-13)**

- A minimum of two species listed under the deciduous tree category
  - A minimum of one species listed under the coniferous tree category
  - A minimum of one species listed under the deciduous shrubs category
  - A minimum of one species listed under the coniferous shrubs category
5. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
  6. The landscape plan shall be designed to provide natural undulating landscape forms. Avoid consistent strait line pairings. **(Ordinance No. 1201, 9-17-13)**
  7. Irrigation of all landscape elements as defined above and turf area is required. Provide specification or information showing compliance in the design submittal. **(Ordinance No. 1201, 9-17-13)**
  8. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
  9. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer.
  10. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures for the parking areas and drives within the building area shall be similar in appearance and quality level as the light fixtures identified in Appendix B of the Gateway Corridor District Design Guideline Booklet. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Wall Pack lighting and exterior lighting with visible lamps is not permitted. Lighting shall be Dark Sky compliant and limit wash onto abutting properties. Exceptions to Dark Sky compliance may be made for specific emergency lighting situations. Fixture, poles, and/or other support cut sheets are required in the design submittal for all exterior lighting fixtures to be utilized. **(Ordinance No. 1201, 9-17-13)**
  11. Storm water management shall be integrated into the design of the site and landscaping. Storm water management criteria are found in the following reference materials: **(Ordinance No. 1201, 9-17-13)**
    - Papillion Creek Watershed Partnership Storm Water Management Policies
    - Storm Water Management Regulations, Chapter 154 of the City of La Vista Municipal Code
    - City of La Vista Subdivision Regulations, 2003 edition and latest amendments.
    - Omaha Regional Storm Water Design Manual, Draft Revision of Chapter 8 dated June 2012, or latest edition.
    - Nebraska Bioretention and Rain Garden Plants Guide, 2010 or latest edition as published by the UNL Extension Office

Plant selection shall take into consideration the depth and duration of storm water ponding in water quality detention areas and shall take into consideration long term operation and maintenance requirements to remove accumulated pollutants and/or to replace amended soils. **(Ordinance No. 1201, 9-17-13)**

# ORDINANCE RECORD

No. 728—REFIELD & COMPANY INC., OMAHA

5.17.05.04

Building Design. (*Ordinance No. 1201, 9-17-13*)

1. Architectural style is not restricted; however, architectural style should be consistent throughout the subdivision. See Gateway Corridor District Design Guideline Booklet for examples of developments considered meeting this concept. **Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings and provide a comfortable pedestrian experience.**
2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
3. All buildings are to be designed from a four-sided (360 degree) structure perspective, thus requiring the same caliber of finishes and design attention on all facades of the building. Large areas of blank exterior are to be avoided and are grounds for non-compliance.
4. Building Materials: (i) The primary building material of all portions of the building shall be brick (clay or stone) with its color selected for harmony of the building with adjoining buildings within its subdivision. The La Vista staff and design review architect may allow other primary building material of good architectural character, such as integral colored split faced concrete block for industrial buildings or portions of the building not visible from public view (i.e. facades that back up to the landscape buffer between commercial and residential buildings). Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Prefinished metal is acceptable for upper levels of multi-story buildings. (ii) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways. (iii) Materials shall be of durable quality such as (PDF needs to be edited here). Any material requiring a field-applied finish shall have a long life, i.e. coatings such as "TNEMEC" or equal. Product data shall be submitted for review. (iv) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
5. Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
6. Colors shall be harmonious and shall include only compatible accents.
7. Portions of low slope roofs of less than 1/12 may be allowed. They may be either adhered or ballasted. If adhered, the membrane shall be in the lighter color ranges, such as white, to be more energy conscious and less absorptive. An SRI of 29 or greater is required.
8. Equipment Screening: Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from the elevation view and all angles associated with any public view. A section view shall be provided demonstrating appropriate screening. Mechanical screening shall match building elements and materials.
9. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Use of more energy conscious lamps, such as LEDs or similar, is encouraged.
10. If used, fencing and site furniture, including waste cans, directories, ash urns, bike racks, guard rails or railing enclosures, shall be similar to those as shown in Appendix C

# ORDINANCE RECORD

No. 728—REFFIELD & COMPANY INC., OMAHA

of the Gateway Corridor District Design Guideline Booklet. The color of the site furnishings shall blend with the colors of the rest of the building/site.

11. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening. Doors for access shall remain closed except when personnel are present. Designers may consider convenient alternate access for daily pedestrian use such as a side door with closer.
12. All landscaping shall be in compliance with the Landscaping Requirements from the City of La Vista Zoning Ordinance.
13. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
14. Exterior ladders are not allowed within the Gateway Corridor District.
15. Exterior bracing of parapets or other features shall be screened from elevation views. Screening shall match building elements and materials.
16. Drive-through locations. Transaction location at a drive through shall not be on an arterial street frontage. Exceptions may be granted due to site restraints.

## 5.17.05.05 Signs (*Ordinance No. 1201, 9-17-13*)

1. Every sign shall have good scale and proportion in its design and in its visual relationship to the buildings and surroundings.
2. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
3. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and sit to which it principally relates.
4. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
5. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
6. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.
7. Menu Boards shall be incorporated as a site element and not be post mounted. No exposed utilities or conduit is allowed. Locate signs to minimize view from public ways and they are required to be screened with landscaping or by other means.

## 5.17.05.06 Maintenance – Planning and Design Factors. (*Ordinance No. 1201, 9-17-13*)

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
2. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated into the design for protection against the elements, neglect, damage, and abuse.
3. If prefinished metal is allowed, TNEMEC coated metal, or approved equal are required.

## 5.17.06 Sub-area Secondary Overlay

### 5.17.06.01 Special Criteria For Sub-area.

The criteria found in this section are intended to be supplemental to the design standards stated in previous sections of this Article. See section 5.17.02 and 5.17.03 for purpose and geographic area of the Sub-area.

# ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

- 5.17.06.02      Landscape And Site Treatment.
1.      Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. All projects need to use a minimum of the following listed plant varieties of the plants used at the La Vista Public Library / MCC Sarpy Center. See Gateway Corridor District Design Guideline Booklet for a listing of those plant materials.
    - A. A minimum of two (2) species listed under the deciduous tree category.
    - B. A minimum of one (1) species listed under the coniferous tree category.
    - C. A minimum of one (1) species listed under the deciduous shrub category.
    - D. A minimum of one (1) species listed under the coniferous shrub category.
  2.      Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures for the parking areas and drives within the commercial building area shall be similar in appearance and quality level as the light fixtures used at the La Vista Public Library / MCC Sarpy Center. See Gateway Corridor District Design Guideline Booklet for information on the required light fixture style. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

- 5.17.06.03      Building Design.
- The primary building material of all portions of the building shall be brick (clay) with its color selected for harmony of the building with adjoining buildings within its subdivision. The La Vista staff and design review architect may allow other primary building designs (of good architectural character i.e. split faced concrete block) for portions of the building not visible from public areas (i.e. facades that back up to landscape buffer between commercial buildings and residential). Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.

## 5.17.07      Factors For Evaluation

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

- 5.17.07.01      Conformance to ordinances and the Design Guideline.
- 5.17.07.02      Logic of design.
- 5.17.07.03      Exterior space utilization.
- 5.17.07.04      Architectural character.
- 5.17.07.05      Attractiveness of material selection.
- 5.17.07.06      Harmony and compatibility.
- 5.17.07.07      Circulation-vehicular and pedestrian.
- 5.17.07.08      Maintenance aspects.
- 5.17.07.09      Pedestrian Scale (**Ordinance No. 1201, 9-17-13**)

## 5.17.09 Resubmittal Requirements

After the initial submittal, digital submissions are acceptable, with the exception of material and color samples. A final hard copy submittal in 11" x 17" format shall be required after final approval. (**Ordinance No. 1201, 9-17-13**)

## 5.17.08 Approval of Changes After Design Acceptance

It is the owner's responsibility to point out and submit any exterior modifications that occur between design acceptance and completion of

# ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

construction to assure timely issuance of a Certificate of Occupancy.  
**(Ordinance No. 1201, 9-17-13)**

- 5.17.10      Process.**
- 5.17.10.01      Pre-application Conference (Optional):  
A pre-application conference with city staff to give the applicant an opportunity to discuss plans before a great deal of time or money is expended. If a certain design is inappropriate, the applicant will know beforehand. Although this step is optional, **it is highly recommended.**  
**(Ordinance No. 1201, 9-17-13)**
- 5.17.10.02      Application for Design Review:  
The applicant needs to fill out the "Application for Design Review" and submit it along with the required submittals. A listing of required submittals is included as part of the application form. The application fee required for this submittal shall be in accordance with La Vista's Master Fee Schedule. **(Ordinance No. 1201, 9-17-13)**
- 5.17.10.03      Design Review:  
The City of La Vista staff in association with the city design review architect will review the submittal documents for compliance with the Gateway Corridor District Design Guideline Booklet.
- 5.17.10.04      Schedule of Reviews  
A completed application will take approximately three weeks to review. Incomplete applications may cause a delay. Additional reviews will be necessary for all revised submittals until a Certificate of Approval is issued.  
**(Ordinance No. 1201, 9-17-13)**
- 5.17.10.05      Certificate of Approval:  
Upon a successful review the City of La Vista will issue to the applicant a Certificate of Approval. A copy of this will need to be included with the Building Permit documents in order to receive a Building Permit.
- 5.17.10.06      Waivers:  
The applicant may request the City Administrator to waive strict conformance with Gateway Corridor District Design Guidelines for Small Projects. The City Administrator may grant the request upon written finding that the design enhances its setting and meets the overall intent and spirit of the Design Guidelines.
- 5.17.10.06      Appeals:  
In the event where the applicant, City staff and City design review architect cannot come to an agreement within 180 days of initial application submission, the applicant request a meeting with the City Administrator regarding an appeal to the City Council. **(Ordinance No. 1172, 3-20-12)**
- 5.17.10.07      Certificate of Occupancy:  
After the building permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued for the building
- 5.17.10.08      Maintenance of Design Requirements:  
The applicant needs to maintain the design requirements for the life of the project. In the event that they fail to do so the City may revoke the Occupancy Permit.
- 5.17.10.09      Fees:  
Fees may apply to each individual step as established in the Master Fee Schedule.

# ORDINANCE RECORD

No. 728—REFIELD & COMPANY INC., OMAHA

SECTION 2. Repeal of Section 5.17 as Previously Enacted. Section 5.17 of Ordinance No. 848 as previously enacted is hereby repealed.

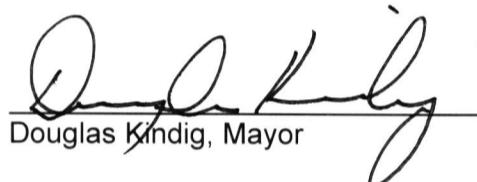
SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council 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 4. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

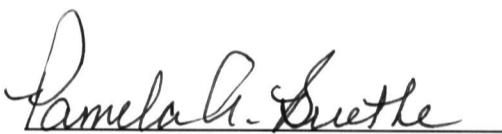
PASSED AND APPROVED THIS 2ND DAY OF MARCH 2021.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk