

**LA VISTA CITY COUNCIL MEETING AGENDA**  
**December 7, 2021**  
**6:00 p.m.**  
**Harold “Andy” Anderson Council Chamber**  
**La Vista City Hall**  
**8116 Park View Blvd**

- **Call to Order**
- **Pledge of Allegiance**
- **Announcement of Location of Posted Open Meetings Act**
- **Service Awards: Pam Buethe – 15 Years; Dan Scarpa – 20 Years**
- **Appointments**  
**-Reappoint Larry Filbrandt – Civil Service Commission – 5 year term**

*All matters listed under item A, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

**A. CONSENT AGENDA**

1. **Approval of the Agenda as Presented**
  2. **Approval of the Minutes of the November 16, 2021 City Council Meeting**
  3. **Approval of the Minutes of the November 4, 2021 Planning Commission Meeting**
  4. **Approval of the Minutes of the November 18, 2021 Planning Commission Meeting**
  5. **Occupation Tax Report**
  6. **Request for Payment – RDG Planning & Design – Professional Services – Placemaking & LA Services – \$2,396.64**
  7. **Request for Payment – HDR – Professional Services – Project Management – Public Improvements and Other Works - \$4,520.73**
  8. **Request for Payment – Swain Construction – Construction Services – 96<sup>th</sup> & 108<sup>th</sup> Street Pavement Reconstruction & Rehabilitation – \$7,120.90**
  9. **Request for Payment – Swain Construction – Construction Services – 96<sup>th</sup> & 108<sup>th</sup> Street Pavement Reconstruction & Rehabilitation – \$174,926.09**
  10. **Request for Payment – Thompson, Dreessen & Dorner, Inc. – Professional Services – Central Park Improvements – \$11,787.91**
  11. **Request for Payment – Felsburg, Holt & Ullevig – Professional Services – 84<sup>th</sup> Street Traffic Impact Study – \$11,979.04**
  12. **Request for Payment – Olsson – Professional Services – La Vista City Centre Phase 1 Public Infrastructure – \$8,807.00**
  13. **Request for Payment – HGM Associates Inc. – Professional Services – East La Vista Sewer and Pavement Rehabilitation – Phase 2 Final Design – \$60,474.70**
  14. **Approve Manager Application – Class D Liquor License – Shakti Fuels LLC dba Dual Stop Food & Fuel and N K Corporation dba Food & Fuels R Us – Niraj R. Patel**
  15. **Resolution – Authorize Signature – Year-End Certification of City Street Superintendent**
  16. **Resolution – Authorize Signature – Finance Director – Janssen Settlement Documents**
  17. **Approval of Claims**
- **Reports from City Administrator and Department Heads**
  - **Presentation – Street Project Update**
- B. Planned Unit Development Site Plan – Lot 19 Southport West & Lots 1-3 Southport West Replat 7**
1. **Public Hearing**
  2. **Resolution – PUD Site Plan Amendment**
  3. **Resolution – Replat**
- C. Nebraska Dog Trainers, LLC – Conditional Use Permit – Lot 243A Val Vista – Animal Specialty Services**
1. **Public Hearing**
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- D. Connect Human Performance, LLC – Conditional Use Permit – Lot 1 Heimes Replat One – Indoor Recreational Facility**
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- E. Zoning Text Amendment – Zoning Clean-up**
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- F. Ordinance – Amend Section 95.18 and 95.99 – La Vista Municipal Code – Animal Excrement; Penalty**
- G. Resolution – Interlocal Cooperation Agreement Amendment – Douglas & Sarpy Mutual Aid**
- H. Resolution – Bid Award – Demolition & Site Preparation Lot 8 – Chili’s Grill and Bar (Action on this item will be taken by the Community Development Agency)**
- I. Resolution – Approve Professional Services Agreement – Central Park Pavilion & Site Improvements – Boundary & Topographic Survey**
- J. Amend Section 11.05 – La Vista Municipal Code – Ward Boundaries**
  - 1, Discussion**
  - 2. Ordinance – Amend Ward Boundaries**
- \*\* K. Resolution – Authorize to Purchase Merchandise**
  - Comments from the Floor**
  - Comments from Mayor and Council**
  - Adjournment**

**\*\*Amended December 6, 2021 4:00PM**

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CITY OF LA VISTA  
CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO PAM BUETHE OF THE LA VISTA CITY CLERKS DEPARTMENT, FOR 15 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, Pam Buethe has served the City of La Vista since November 27, 2006; and

WHEREAS, Pam Buethe's input and contributions to the City of La Vista have contributed to the success of the City;

NOW, THEREFORE BE IT RESOLVED that this Certificate of Appreciation is hereby presented to Pam Buethe on behalf of the City of La Vista for 15 years of service to the City.

DATED THIS 7TH DAY OF DECEMBER 2021.

Douglas Kindig, Mayor

Mike Crawford  
Councilmember, Ward I

Kim J. Thomas  
Councilmember, Ward I

Ronald Sheehan  
Councilmember, Ward II

Terrilyn Quick  
Councilmember, Ward II

Deb Hale  
Councilmember, Ward III

Alan W. Ronan  
Councilmember, Ward III

Kelly R. Sell  
Councilmember, Ward IV

Jim Frederick  
Councilmember, Ward IV



ATTEST:

Pamela A. Buethe, CMC  
City Clerk



CITY OF LA VISTA  
CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO DAN SCARPA OF THE LA VISTA PUBLIC WORKS DEPARTMENT, FOR 20 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

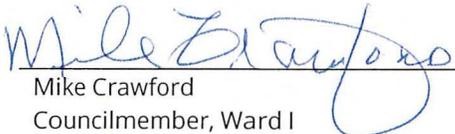
WHEREAS, Dan Scarpa has served the City of La Vista since December 3, 2001; and

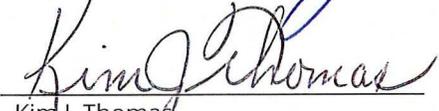
WHEREAS, Dan Scarpa's input and contributions to the City of La Vista have contributed to the success of the City;

NOW, THEREFORE BE IT RESOLVED that this Certificate of Appreciation is hereby presented to Dan Scarpa on behalf of the City of La Vista for 20 years of service to the City.

DATED THIS 3RD DAY OF DECEMBER 2021.

  
Douglas Kindig, Mayor

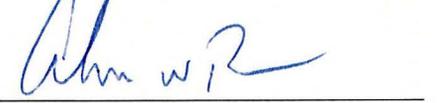
  
Mike Crawford  
Councilmember, Ward I

  
Kim J. Thomas  
Councilmember, Ward I

  
Ronald Sheehan  
Councilmember, Ward II

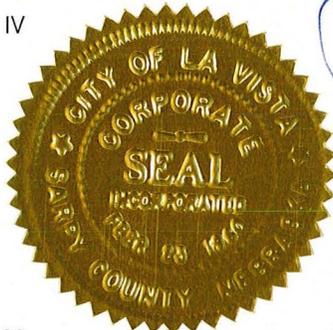
  
Terrilyn Quick  
Councilmember, Ward II

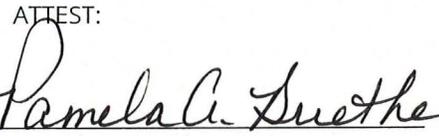
  
Deb Hale  
Councilmember, Ward III

  
Alan W. Ronan  
Councilmember, Ward III

  
Kelly R. Sell  
Councilmember, Ward IV

  
Jim Frederick  
Councilmember, Ward IV



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Pamela A. Buethe, CMC  
City Clerk

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**LA VISTA CITY COUNCIL  
MEETING  
November 16, 2021**

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on November 16, 2021. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, Chief of Police Lausten, City Clerk Buethe, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, Community Development Director Fountain, Finance Director Miserez, Deputy Director of Public Works Calentine.

A notice of the meeting was given in advance thereof by publication in the Times on November 3, 2021. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order, led the audience in the Pledge of Allegiance, and made the announcements.

**A. CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF THE MINUTES OF THE NOVEMBER 2, 2021 CITY COUNCIL MEETING**
- 3. MONTHLY FINANCIAL REPORT – SEPTEMBER 2021**
- 4. REQUEST FOR PAYMENT – HDR – PROFESSIONAL SERVICES – PROJECT MANAGEMENT – PUBLIC IMPROVEMENTS AND OTHER WORKS - \$2,876.99**
- 5. REQUEST FOR PAYMENT – DESIGN WORKSHOP, INC – PROFESSIONAL SERVICES – LA VISTA WAYFINDING – \$3,500.00**
- 6. REQUEST FOR PAYMENT – WATERS EDGE AQUATIC DESIGN – PROFESSIONAL SERVICES – OUTDOOR POOL PLANNING – \$1,206.00**
- 7. REQUEST FOR PAYMENT – ALFRED BENESCH & COMPANY – PROFESSIONAL SERVICES – 96<sup>TH</sup> TO 108<sup>TH</sup> STREET PAVEMENT REHABILITATION – \$10,677.60**
- 8. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – LA VISTA CITY CENTRE PHASE 1 PUBLIC INFRASTRUCTURE – \$8,010.25**
- 9. REQUEST FOR PAYMENT – HGM ASSOCIATES INC. – PROFESSIONAL SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION – PHASE 2 FINAL DESIGN – \$42,106.66**
- 10. REQUEST FOR PAYMENT – METALAB, LLC – PROFESSIONAL SERVICES – 84<sup>TH</sup> STREET UNDERPASS – \$6,900.00**
- 11. RESOLUTION 21-130 – CHANGE OF LOCATION – LIQUOR LICENSE – CHILI’S GRILL AND BAR**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING APPROVAL OF A REQUEST FOR A CHANGE OF LOCATION FOR THE LIQUOR LICENSE OF CHILI'S GRILL AND BAR.

WHEREAS, Chili's Grill and Bar currently holds a valid Class I Liquor License from the Nebraska Liquor Control Commission; and

WHEREAS, Chili's Grill and Bar has made a request to Nebraska Liquor Control for change of location from 7865 South 84<sup>th</sup> Street to 8373 Bartmettler Dr. Ste 105; and

WHEREAS, the Nebraska Liquor Control Commission has asked that this request be presented to the City Council for action.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista do hereby approve the request for change of location as presented by Chili's

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Grill and Bar and instructs the City Clerk to inform the Nebraska Liquor Control Commission of said approval.

## 12. APPROVAL OF CLAIMS

### 13. REQUEST FOR PAYMENT — CITY CENTRE I, LLC — CONSTRUCTION SERVICES — LOT 14 RETAINING WALL — \$105,938.28

3CMA MEMBERSHIP, services	400.00
ACTION BATTERIES, supplies	338.70
ACTIVE NETWORK LLC, services	87.37
ALFRED BENESCH & CO, services	31,693.66
AMAZON, supplies	581.45
AMERICAN HERITAGE LIFE INS, services	1,244.72
A-RELIEF, services	1,480.00
BAUER BUILT INC, maint.	1,180.00
BERENS-TATE CONSULTING, services	3,000.00
BOLD OFFICE SOLUTIONS, services	236.70
BRITE IDEAS DECORATING, services	4,268.00
CCAP AUTO LEASE LTD, services	449.00
CENTER POINT INC, books	373.92
CENTURY LINK/LUMEN, phones	302.96
CINTAS CORP, services	127.38
COSTCO VISA, supplies	4,791.73
CITY OF PAPIILLION, services	34,058.09
CONTROL MASTERS INC, bld&grnds	217.50
COX COMMUNICATIONS INC, services	170.15
CULLIGAN OF OMAHA, services	23.00
CUMMINS CENTRAL POWER LLC, bld&grnds	547.95
D & K PRODUCTS, bld&grnds	3,486.95
DATASHIELD CORP, services	20.00
DEARBORN NAT'L LIFE INS CO, services	7,085.92
DELL MARKETING LP, services	481.74
DESIGN WORKSHOP INC, services	3,856.00
DLR GROUP, services	22,109.10
DULTMEIER SALES LLC, maint.	385.00
ECHO GROUP INC, supplies	612.60
FELSBURG HOLT & ULLEVIG INC, services	9,619.14
FIKES COMMERCIAL HYGIENE LLC, supplies	48.00
FIRST STATE BANK, services	12,205.78
FIRST WIRELESS INC, services	1,002.80
FLUID MECHANICAL, refund	46.00
FNIC, services	243,489.75
FOUNTAIN, B., travel	153.44
GALE, books	50.98
GALLS LLC, apparel	428.89
GENUINE PARTS CO, maint.	1,432.39
GOODWIN TUCKER GROUP, services	192.50
GRAINGER, maint.	399.25
GREAT PLAINS COMMUNICATION, services	777.60
GUARDIAN ALLIANCE TECH, services	12.00
HAPPY TREES LLC, services	1,100.00
HARROD, RAYMOND, supplies	24.70
HEIM, JAMES A, services	3,510.00
HOBBY LOBBY, supplies	316.28
HOME DEPOT, bld&grnds	301.25
HUMANITIES NEBRASKA, services	75.00
INDUSTRIAL SALES CO, services	845.82
INGRAM LIBRARY SERVICES, books	66.25
J & A TRAFFIC PRODUCTS, maint.	825.00
K & J ELITE SPORTS TURF, services	3,800.00
KEVIN JONES, services	1,750.00
KIMBALL MIDWEST, maint.	206.40
KRIHA FLUID POWER CO, maint.	232.35

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LV COMM FOUNDATION, refund	2,500.00
LIBRARY IDEAS LLC, books	323.55
LINCOLN NAT'L LIFE INS CO, services	6,071.29
LOGAN CONTRACTORS SUPPLY, services	12.42
MEDICA INSURANCE CO, services	105,189.21
MENARDS, supplies	270.15
METRO COMM COLLEGE, services	43,517.50
MID-AMERICAN BENEFITS INC. services	16,738.25
MIDLANDS BUSINESS JOURNAL, services	75.00
MIDWEST TURF & IRRIGATION, maint.	72.01
MILLARD METAL, services	1,249.00
MOHOC INC, services	4,591.86
MUNICIPAL PIPE TOOL CO, services	2,173.07
NE DEPT OF REVENUE, taxes	78,056.00
NE CITY MANAGERS ASSOC, services	100.00
NEBRASKALAND TIRE INC, maint.	1,176.08
OCLC INC, media	164.44
OFFICE DEPOT INC, supplies	782.66
OMAHA WINNELSON, maint.	72.10
ONE CALL CONCEPTS INC, services	259.86
O'REILLY AUTO PARTS, maint.	752.20
PAPILLION LA VISTA COMM SCHOOL, services	12,175.00
PAPILLION SANITATION, bld&grnds	275.70
PAYROLL MAXX, payroll & taxes	350,690.34
PITNEY BOWES, services	429.99
PROJECT LIFESAVER INC, supplies	141.26
QUALITY AUTO REPAIR, maint.	150.00
RTG BUILDING SERVICES INC, bld&grnds	6,665.00
SCHOLASTIC LIBRARY PUBLISHING, books	109.20
SECURITY EQUIPMENT INC, services	110.00
SIGN IT, services	175.00
SOUTHERN UNIFORM, apparel	301.72
SUBURBAN NEWSPAPERS INC, services	669.15
THE COLONIAL PRESS, INC, services	150.58
THE SCHEMMER ASSOCIATES INC, services	455.00
THE WALDINGER CORP, bld&grnds	615.07
THOMPSON DREESSEN & DORNER INC, services	12,352.60
TRANS UNION RISK, services	75.00
TRI-CITY FOOD PANTRY, services	240.00
U.S. CELLULAR, phones	1,770.83
ULINE INC, supplies	487.17
UNITE PRIVATE NETWORKS LLC, services	4,400.00
UNITED HEALTHCARE CO, services	996.20
USBORNE BOOKS & MORE, books	322.77
VALUATION SERVICES, services	2,500.00
VERIZON WIRELESS, phones	380.13
WESTLAKE HARDWARE, bld&grnds	1,476.68
WOODHOUSE FORD, maint.	257.32

Councilmember Thomas made a motion to approve the consent agenda. Seconded by Councilmember Hale. Councilmember Hale reviewed the bills and stated everything was in order. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Director of Administrative Services Pokorny reported that the Interim Human Resources Director will start on November 29, 2021.

Assistant City Administrator Ramirez provided updates on the 84<sup>th</sup> Street redevelopment project.

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Communication Manager Beaumont reported on upcoming Holiday events including Santa's Sleigh Ride on November 28, 2021 and the Tree lighting on November 29, 2021.

City Engineer Dowse gave an update on the Open House for the East La Vista Sewer Project held on November 10, 2021.

## **B. ORDINANCE – RIGHT-OF-WAY – PART OF 78<sup>TH</sup> STEET WEST OF PARK VIEW BLVD**

Councilmember Thomas introduced Ordinance No. 1431 entitled: AN ORDINANCE VACATING, AND RESERVING AND RETAINING TITLE IN THE CITY TO, AND DIRECTING THE SALE AND CONVEYANCE OF, A PART OF 78<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED IN THE NW ¼ OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Frederick seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion passed.

Councilmember Sell made a motion to approve final reading and adopt Ordinance 1431. Councilmember Hale seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1431 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **C. ORDINANCE – AMEND MASTER FEE ORDINANCE**

Councilmember Thomas introduced Ordinance No. 1432 entitled: AN ORDINANCE TO AMEND ORDINANCE NO.1424, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Frederick seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion passed.

Councilmember Sell made a motion to approve final reading and adopt Ordinance 1432. Councilmember Frederick seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1432 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

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## **D. RESOLUTION – AUTHORIZE CONTRACT – CONSTRUCTION MANAGER AT RISK SERVICES – CENTRAL PARK PAVILION AND SITE IMPROVEMENT PROJECTS**

Councilmember Crawford moved to table Resolution entitled; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF THE CONSTRUCTION MANAGER AT RISK CONTRACT FOR PRECONSTRUCTION AND CONSTRUCTION SERVICES WITH JE DUNN CONSTRUCTION, OMAHA, NEBRASKA. PRECONSTRUCTION SERVICES IN AN AMOUNT NOT TO EXCEED \$15,000.00 AND CONSTRUCTION SERVICES IN AN AMOUNT NOT TO EXCEED 5.5% OF THE GUARANTEED MAXIMUM PRICE WHICH WILL BE ESTABLISHED VIA CONTRACT AMMENDMENT.

Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion passed.

## **E. RESOLUTION – AUTHORIZE REQUEST FOR PROPOSALS – EMPLOYEE ASSISTANCE PROGRAM SERVICES**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-131 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A REQUEST FOR PROPOSALS FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES.

WHEREAS, the Mayor and Council have determined that employee assistance program services are necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for the proposed services; and

WHEREAS, proposals will be due December 17, 2021 with the approval of a selected firm by the City Council on January 4, 2022, subject to the discretion of the City;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the request for proposals for employee assistance program services.

Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **F. RESOLUTION – AUTHORIZE REQUEST FOR BIDS – THOMPSON CREEK REHABILITATION – CENTRAL PARK EAST**

Councilmember Quick introduced and moved for the adoption of Resolution No. 21-132 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THOMPSON CREEK REHABILITATION – CENTRAL PARK EAST.

WHEREAS, the Mayor and Council have determined that creek channel rehabilitation, grading and storm sewer reconstruction within Central Park East is necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for the proposed project; and

WHEREAS, the schedule for awarding this contract is as follows:

Publish Notice to Contractors	November 24, 2021 and December 1, 2021
Open Bids	December 10, 2021 at 10:00am at City Hall
City Council Award Contract	December 21, 2021

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska hereby authorize the advertisement for bids for Thompson Creek Rehabilitation – Central Park East.

Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

**G. RESOLUTION – REQUEST FOR PROPOSALS – LAND USE AND MARKET ANALYSIS STUDY**

Councilmember Hale introduced and moved for the adoption of Resolution No. 21-133 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISING OF THE REQUEST FOR PROPOSALS FOR THE PREPARATION OF A LAND USE AND MARKET ANALYSIS FOR THE CITY OF LA VISTA.

WHEREAS, the Mayor and Council have determined that requesting proposals for the preparation of a land use and market analysis for the City of La Vista is necessary, and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for this project; and  
WHEREAS, Proposals will be due December 17, 2021 with the approximate contract award date of January 18, 2022;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertising of the request for proposals for the preparation of a land use and market analysis for the City of La Vista.

Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

**H. RESOLUTION – MASTER DEVELOPMENT AGREEMENT**

Councilmember Hale introduced and moved for the adoption of Resolution No. 21-134 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING PROPOSED CONSENT PURSUANT TO 2007 MASTER DEVELOPMENT AGREEMENT FOR THE HOTEL AND CONFERENCE CENTER FACILITIES IN SOUTHPORT WEST.

WHEREAS, in conjunction with Hotel and Conference Center facilities in Southport West, the City in 2007 entered a Master Development Agreement with John Q. Hammons ("JQH") and JQH affiliated entities, as amended, ("Agreement"), which Agreement was assigned in 2018 to current owner JDHQ Hotels LLC, a Delaware limited liability company.

WHEREAS, The Agreement requires City consent to certain transactions involving the Hotel and Conference Center facilities;

WHEREAS, JDHQ Hotels LLC requests City consent to certain transactions described in the proposed consent on file with the City ("Proposed Consent").

NOW THEREFORE, BE IT RESOLVED, that the Proposed Consent is approved, subject to any additions, subtractions, or modifications that the City Administrator in consultation with the City Attorney determines necessary or appropriate (the Proposed Consent as revised and satisfactory to the City Administrator shall be referred to as "Final Consent").

BE IT FURTHER RESOLVED, that the Mayor, City Administrator, or any designee of the Mayor or City Administrator shall be authorized to take all actions as he or she determines necessary or appropriate to carry out this Resolution, including without limitation executing and delivering the Final Consent on behalf of the Mayor and City Council.

# MINUTE RECORD November 16, 2021

No. 729 – REDFIELD DIRECT E2106195KV

Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM THE FLOOR

Councilmember Sheehan requested further discussion on hiring for 2 positions. Consensus of the Council was not to bring this back for a future meeting.

## COMMENTS FROM MAYOR AND COUNCIL

At 6:41 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 7TH DAY OF DECEMBER 2021.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Bueth, CMC  
City Clerk



**MEETING MINUTES**  
**CITY OF LA VISTA PLANNING COMMISSION**  
**8116 PARK VIEW BOULEVARD, LA VISTA, NE 68128**  
**P: (402) 593-6400**

**THURSDAY, NOVEMBER 4, AT 6:30 P.M.**

The City of La Vista Planning Commission held a meeting on Thursday, November 4, 2021, in the Harold “Andy” Anderson Council Chambers at La Vista City Hall, 8116 Park View Boulevard. Legal notice of the public meeting and hearing were posted, distributed, and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public. The following Planning Commission members were present and absent:

**PRESENT:** Mike Krzywicki, Gayle Malmquist, Kathleen Alexander, John Gahan, Patrick Coghlan, Harold Sargus Jason Dale, Mike Circo, and Josh Frey.

**ABSENT:** Kevin Wetuski and Kathleen Alexander.

**STAFF PRESENT:** Bruce Fountain, Community Development Director; Chris Solberg, Deputy Community Development Director; Cale Brodersen, Assistant Planner; Meghan Engberg, Permit Technician; and Pat Dowse, City Engineer.

**1. Call to Order**

The meeting was called to order by Co-Chairman Sargus at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

**2. Approval of Meeting Minutes From August 5, 2021**

**Motion:** *Malmquist* moved, seconded by *Krzywicki*, to **approve** the August 5th, 2021, minutes.

<b>RESULT:</b>	<b>Motion carried 6-0-2.</b>
<b>MOTION BY:</b>	Malmquist
<b>SECONDED BY:</b>	Krzywicki
<b>AYES:</b>	Krzywicki, Gahan, Frey, Sargus, Coghlan, and Malmquist
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	Dale and Circo
<b>ABSENT:</b>	Wetuski and Alexander

### 3. Old Business

None.

### 4. New Business

#### A. Conditional Use Permit – 14565 Portal Circle #103 – Indoor Recreational Facility – Connect Human Performance, LLC

- i. **Staff Report – Cale Brodersen, AICP:** Brodersen stated that the applicant, Connect Human Performance, LLC, is seeking a conditional use permit to operate an indoor recreation facility at 14565 Portal Circle #103. Brodersen showed the commission a map of where the facility will be located. He stated that the applicant will only be taking up one bay of the building and that the applicant is looking to operate an athletic performance training facility. The sessions are semi-private, and the facility would only have up to 8 people in at a time. Brodersen said that due the limited number of people that will be in the facility, they do not believe there will be a significant impact on surrounding business owners.

Staff recommends approval of the Conditional Use Permit for Connect Human Performance, LLC for Lot 1 Heimes Replat One, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

- ii. **Applicant Presentation:** Mike Servais spoke on behalf of the applicant. He said that they are a sports performance company and have been operational since May of 2020. Servais said that they have been subleasing space in a physical therapy clinic for the last 18 months and are only able to use the space after hours. They need more space and availability, which is what the new location would provide. Servais offered to answer any questions the commission may have.

Circo asked if there were any other businesses in the building.

Servais said that he believed there was one other business there.

Circo asked what kind of training they provided.

Servais said that it's multifactorial and based on what type of athlete they are serving. He said that half of the space will be equipped with turf so athletes can complete their warmups as well as running and sprint work. The other half of the space will be traditional rubber flooring such as what would be in a weight room area. Servais said that classes will be capped at 8 people.

- iii. **Public Hearing: Sargus Opened the Public Hearing**

**Sargus closed the Public Hearing as no members of the public came forward to speak.**

**iv. Recommendation:** Circo moved, seconded by Krzywicki, to recommend **approval** for the Conditional Use Permit for the indoor recreational facility at 14565 Portal Circle Bay #103, Connect Human Performance, LLC.

<b>RESULT:</b>	<b>Motion carried 8-0.</b>
<b>MOTION BY:</b>	Circo
<b>SECONDED BY:</b>	Krzywicki
<b>AYES:</b>	Krzywicki, Gahan, Frey, Dale Circo, Sargus, Coghlan, and Malmquist
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Wetuski and Alexander

**B. Conditional Use Permit – 10620 Chandler Road, Ste. 1 – Animal Specialty Services – Nebraska Dog Trainers, LLC**

- i. Staff Report – Cale Brodersen, AICP:** Brodersen stated Nebraska Dog Trainers, LLC, is requesting a conditional use permit to operate an animal specialty services facility. He then showed the commission a map indicating where the business is located. Brodersen said they are currently operating one on one obedience training for dogs and with this conditional use permit, they would like to have daytime boarding services for up to 5 dogs. Owners would drop their dogs off; they would have training during the day and then would be picked up at the end of the day.

Brodersen stated that they are working on getting a handicap stall put in to be in ADA compliance. He also mentioned an adjacent business owner sent in a letter with some concerns and after sharing that with the applicant, she went and spoke to the owner and the issue was resolved.

Staff recommends approval of the Conditional Use Permit for Nebraska Dog Trainers, LLC for Lot 243A Val Vista, contingent upon the installation of an ADA parking stall as noted in the staff report, as the request is consistent with La Vista’s Comprehensive Plan and Zoning Ordinance.

- ii. Applicant Presentation:** Lesley Thompson spoke on behalf of the applicant. She said that she has been operating her business since 2015. She moved to this current location in 2017 and was not aware that she needed a conditional use permit to operate. Thompson said that they have 7 full time trainers and that they specialize in obedience. They only do one on one training and never have any group sessions. They provide a 2-week program where the owner will drop the dog off, the trainer will take the dog home for 2 weeks for training and will then bring the dog back to

the owner. They are now looking into doing day training where there would be no more than 5 dogs there during the day and would then go home at night.

Thompson said that with this proposed change, she contacted the City and found out what they were doing was not a permitted use and that they would need to obtain a conditional use permit to operate their business.

Gahan asked if there was an area for the dogs to go outside and run.

Thompson said that they do not take them out to run. She said there is a grassy area to the right of their building, and they will take the dogs out there for bathroom breaks.

Gahan confirmed that the dogs are always with a trainer and leashed.

Thompson said they are.

Sargus asked what the potential issue was that the neighbor had with her business.

Thompson said the neighbor was concerned that they were going to start boarding and thought there would be a lot of dogs there staying overnight and during the weekend.

Circo asked if the neighboring property owner minded the dogs having bathroom breaks in the grassy area.

Thompson said that the person who owns the building she's in also owns the grassy area the dogs use.

Frey asked what businesses were surrounding hers.

Thompson said the owner of both buildings is in her building and he does concrete work, there is also a business next to them, and the building behind them has pumper trucks.

**iii. Public Hearing: Sargus Opened the Public Hearing**

**Sargus closed the public hearing as no members of the public came**

- iv. Recommendation:** *Krzywicki* moved, seconded by *Malmquist* to recommend **approval** of the Conditional Use Permit for Nebraska Dog Trainers, LLC for Lot 243A Val Vista, contingent on the installation of an ADA parking stall as noted in the staff report, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

<b>RESULT:</b>	<b>Motion carried 8-0.</b>
<b>MOTION BY:</b>	Krzywicki
<b>SECONDED BY:</b>	Malmquist
<b>AYES:</b>	Krzywicki, Gahan, Frey, Circo Dale, Sargus, Coghlan, and Malmquist
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Wetuski and Alexander

### **C. Technology Update and Demonstration**

Solberg issued iPads to the Planning Commission and gave a demonstration on how to operate the iPads and locate the packets for use during meetings. Paper packets will not longer be distributed to the commission in order to cut down the amount of paper and staff time required to do so.

Fountain mentioned to the commission that if there was any particular part of the packet they would like to have printed out for better visibility, to let staff know and they would provide it to them.

### **5. Comments from the Floor**

None.

### **6. Comments from the Planning Commission**

Circo asked how the groundbreaking for the Astro Theatre went.

Solberg said that City Ventures hosted the ceremony and that it turned out very well. He said that they are pretty much done with the grading, but that there is a 45–60-day surcharge time now. He said that he believes they will be starting to dig footings in about a month or so. Solberg also stated that construction of Parking Garage 2 will hopefully be starting in February.

### **7. Comments from Staff**

Brodersen said that the next planning commission meeting will be November 18<sup>th</sup>.

### **8. Adjournment**

Sargus adjourned the meeting at 7:05 p.m.

Reviewed by Planning Commission:

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date



**MEETING MINUTES**  
**CITY OF LA VISTA PLANNING COMMISSION**  
**8116 PARK VIEW BOULEVARD, LA VISTA, NE 68128**  
**P: (402) 593-6400**

**THURSDAY, NOVEMBER 18, AT 6:30 P.M.**

The City of La Vista Planning Commission held a meeting on Thursday, November 18, 2021, in the Harold “Andy” Anderson Council Chambers at La Vista City Hall, 8116 Park View Boulevard. Legal notice of the public meeting and hearing were posted, distributed, and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public. The following Planning Commission members were present and absent:

**PRESENT:** Mike Krzywicki, Gayle Malmquist, Kathleen Alexander, Kevin Wetuski, Harold Sargus, Jason Dale, Mike Circo, and Josh Frey.

**ABSENT:** Patrick Coghlan and John Gahan.

**STAFF PRESENT:** Bruce Fountain, Community Development Director; Chris Solberg, Deputy Community Development Director; Cale Brodersen, Assistant Planner; Meghan Engberg, Permit Technician; and Pat Dowse, City Engineer.

**1. Call to Order**

The meeting was called to order by Chairman Wetuski at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

**2. Approval of Meeting Minutes From November 18, 2021**

**Motion:** *Circo* moved, seconded by *Malmquist*, to **approve** the November 4th, 2021, minutes.

<b>RESULT:</b>	<b>Motion carried 6-0-2.</b>
<b>MOTION BY:</b>	Circo
<b>SECONDED BY:</b>	Malmquist
<b>AYES:</b>	Krzywicki, Dale, Circo, Frey, Sargus, and Malmquist
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	Wetuski and Alexander
<b>ABSENT:</b>	Coghlan and Gahan

### 3. Old Business

None.

### 4. New Business

#### A. Planned Unit Development & Replat – Lot 19 Southport West and Lots 1,2, and 3 Southport West Replat Seven- Southport Parkway, LLC

- i. **Staff Report – Christopher Solberg, AICP:** Solberg stated the applicant, Southport Parkway, LLC, is requesting a PUD site plan amendment to allow for a commercial development with shared parking. Solberg mentioned that this development was brought to the Commission about 2 years ago that included a similar site plan, but instead of having a multi-tenant strip mall on the far east side of the 4 lots, it will now be a single tenant building proposed as a coffee shop on that side. He said it will retain the center multi-tenant building and then a standalone building on Lot 19.

Solberg said that the request also includes the replat of the lots to move one of the lot lines as well as moving the access down further southwest along Southport Parkway to provide better traffic control to that area.

Staff recommends approval of the PUD Site Plan for a commercial development on Lot 19 Southport West and Lots 1-3 Southport West Replat 7 contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

Staff recommends approval of Southport West Replat Eight, contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the Replat request is consistent with the Comprehensive Plan and the Subdivision Regulations.

- ii. **Applicant Presentation:** Jeff Lake with Summit Development presented the site plan to the Commission showing the proposed development. He discussed the history of the site and mentioned that this had come before the Commission in 2019 with another group, but that when COVID happened, they decided to sell the property. Summit purchased the property and reached out to some of the people who had been interested in the site previously and had started to make some progress with them but wanted to make sure they went through the process before marketing the site further. Lake explained the purpose of moving the access on Southport Parkway further west due to concerns on vehicle drive-through stacking where the coffee shop will be going.

- iii. **Public Hearing: Wetuski Opened the Public Hearing**

**Wetuski closed the Public Hearing as no members of the public were present.**

- iv. **Recommendation – Planned Unit Development:** Circo moved, seconded by Frey, to recommend **approval** of the PUD Site Plan for a commercial development on Lot 19 Southport West and Lots 1-3 Southport West Replat 7 contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and Zoning Ordinance.

<b>RESULT:</b>	<b>Motion carried 8-0.</b>
<b>MOTION BY:</b>	Circo
<b>SECONDED BY:</b>	Frey
<b>AYES:</b>	Krzywicki, Frey, Dale Circo, Sargus, Wetuski Alexander, and Malmquist
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Gahan and Coghlan

- v. **Recommendation – Replat:** Sargus moved, seconded by Dale, to recommend **approval** of Southport West Replat Eight, contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the Replat request is consistent with the Comprehensive Plan and Subdivision Regulations.

<b>RESULT:</b>	<b>Motion carried 8-0.</b>
<b>MOTION BY:</b>	Sargus
<b>SECONDED BY:</b>	Dale
<b>AYES:</b>	Krzywicki, Gahan, Frey, Dale Circo, Wetuski, Alexander, and Malmquist
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Coghlan and Gahan

**B. Zoning Ordinance Amendments – Article 2: Definitions; Article 4: General Provisions; Article 5: Zoning Districts; Article 6: Conditional Use Permits; Article 7: Supplemental Regulations; and Article 9: Amendment**

- i. **Staff Report – Cale Brodersen, AICP:** Brodersen stated that this item is brought forward to the Commission by Staff and is being referred to as a zoning cleanup. He said that they are planning on a zoning rewrite and larger overhaul in fiscal year 2023. At this time, there are some changes they are looking to make due to some language that isn't consistent or clear and to make changes to some uses to bring them up to date since the Zoning Ordinance is over 20 years old. Brodersen offered

to answer any questions the Commission may have on specific changes, the background, or the rationale behind the changes.

Staff recommends approval of the proposed zoning text amendments.

**ii. Public Hearing: Wetuski Opened the Public Hearing**

**Wetuski closed the public hearing as no members of the public were present.**

**iii. Recommendation: Malmquist moved, seconded by Frey to recommend **approval** of the zoning text amendments.**

<b>RESULT:</b>	<b>Motion carried 8-0.</b>
<b>MOTION BY:</b>	Malmquist
<b>SECONDED BY:</b>	Frey
<b>AYES:</b>	Krzywicki, Gahan, Frey, Circo Dale, Wetuski, Alexander and Malmquist
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Coghlan and Frey

**5. Comments from the Floor**

None.

**6. Comments from the Planning Commission**

None.

**7. Comments from Staff**

None.

**8. Adjournment**

Wetuski adjourned the meeting at 6:49 p.m.

Reviewed by Planning Commission:

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ANNUAL OCCUPATION TAX REPORT	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	CINDY MISEREZ FINANCE DIRECTOR

**SYNOPSIS**

A report has been prepared in accordance with Nebraska Revised Statutes 18-1208 requiring an annual report on the City's collection of occupation taxes.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

N/A

**BACKGROUND**

On the effective date of September 1, 2019, LB 445 required municipalities that impose occupation taxes to provide an annual report on the collection and use of the occupation taxes within 90 days of the end of a fiscal year. The following Annual Occupation Tax Report satisfies the state law requirements.

**City of La Vista**  
**Annual Occupation Tax Report**  
**Fiscal Year Ending September 30, 2021**

<b>Occupation Tax</b>	<b>Amount</b>	<b>Fund</b>	<b>Purpose</b>	<b>Termination</b>
Liquor and Tobacco	\$39,425	General	69% to General Fund Operating Expenses & 31% distributed to Papillion-La Vista Public Schools	None
Entertainment	\$2,170	General	General Fund Operations	None
Phone Occupation Tax	\$161,210	General	General Fund Operations	None
Hotel Occupation Tax	\$787,706	General	General Fund Operations	None
Restaurants and Drinking Places Occupation Tax	\$941,694	General	General Fund Operations	None
Professional Services	\$31,385	General	General Fund Operations	None
Business Occupation Tax	\$52,013	General	General Fund Operations	None
<b>Total</b>	<b>\$2,015,603</b>			

In accordance with Neb. Rev. Statutes 18-1208 as amended by LB445 effective September 1, 2019



October 31, 2021  
 Project No: R3003.066.00  
 Invoice No: 49347

Rita Ramirez  
 Assistant City Administrator  
 City of La Vista  
 8116 Parkview Blvd  
 La Vista, NE 68128

Project R3003.066.00 LaVista, City of - Placemaking & LA Svcs

**Professional Services through October 31, 2021**

**Fee**

Billing Phase	Fee	Billed %	Earned	Prior Fee	Current Fee
Planning	237,167.50	100.00	237,167.50	237,167.50	0.00
Schematic Design	12,482.50	80.80	10,085.86	7,689.22	2,396.64
Total Fee	249,650.00		247,253.36	244,856.72	2,396.64
<b>Total Fee</b>					<b>2,396.64</b>
<b>Total this Invoice</b>					<b>\$2,396.64</b>

PO Number: 20-008351

*16. 71. 0939.003*  
*R. Ramirez*  
*11-17-21*





## Invoice

Reference Invoice Number with Payment

HDR Engineering Inc.  
Omaha, NE 68106-2973  
Phone: (402) 399-1000

HDR Invoice No. 1200390658  
Invoice Date 23-NOV-2021  
Invoice Amount Due \$4,520.73  
Payment Terms 30 NET

City of La Vista  
Rita Ramirez  
8116 Park View Blvd  
La Vista, NE 68128

Remit To PO Box 74008202  
Chicago, IL 60674-8202  
ACH/EFT Payments Bank of America ML US  
ABA# 081000032  
Account# 355004076604

RRamirez@cityoflavista.org

Project Management for Services for Public Improvements and Other Works.

Purchase Order : 20-008348

Professional Services  
From: 24-OCT-2021 To: 20-NOV-2021

Professional Services Summarization	Hours	Billing Rate	Amount
Communications Coordinator	7.00		735.00
Graphic Designer	8.50		1,025.61
Project Manager	11.00		2,760.12
	<b>26.50</b>		<b>\$4,520.73</b>
<b>Total Professional Services</b>			<b>\$4,520.73</b>

Amount Due This Invoice (USD)	\$4,520.73
-------------------------------	------------

Fee Amount	\$670,695.00
Fee Invoiced to Date	\$511,681.59
Fee Remaining	\$159,013.41

HDR Internal Reference Only	
Client Number	41331
Cost Center	10134
Project Number	10053040

05.71.0909.03  
R. Ramirez  
11-23-21

# Invoice

HDR Invoice No. 1200390658  
Invoice Date 23-NOV-2021

<b>Professional Services and Expense Detail</b>				
Project Number:	10053040	Project Description:	LaVista-Project Mgmt Svcs	
Task Number:	1.0	Task Description:	Project Management	
<b>Professional Services</b>		<b>Hours</b>	<b>Billing Rate</b>	<b>Amount</b>
Project Manager	Koenig, Christopher J	11.00	250.92	2,760.12
		<b>11.00</b>		<b>\$2,760.12</b>
		<b>Total Professional Services</b>		<b>\$2,760.12</b>
			<b>Total Task</b>	<b>\$2,760.12</b>

<b>Professional Services and Expense Detail</b>				
Project Number:	10053040	Project Description:	LaVista-Project Mgmt Svcs	
Task Number:	3.0	Task Description:	Public Outreach	
<b>Professional Services</b>		<b>Hours</b>	<b>Billing Rate</b>	<b>Amount</b>
Communications Coordinator	Veldhouse, Kristen Lynn	7.00	105.00	735.00
Graphic Designer	George, Elizabeth L	1.00	84.66	84.66
Graphic Designer	Rodriguez, Christina Anne Rolfes	6.00	119.34	716.04
Graphic Designer	Spitzley, Kelly A	1.50	149.94	224.91
		<b>15.50</b>		<b>\$1,760.61</b>
		<b>Total Professional Services</b>		<b>\$1,760.61</b>
			<b>Total Task</b>	<b>\$1,760.61</b>



# City of La Vista

## Detailed Payment

96th St - Portal to Harrison & 108th St - Giles to Harrison

**Description** 2021 - Pavement Reconstruction & Pavement Rehabilitation

**Payment Number** 7

**Pay Period** 09/24/2021 to 09/30/2021

**Prime Contractor** Swain Construction  
6002 N 89th Cir  
Omaha, NE 68134

**Payment Status** Pending

**Awarded Project Amount** \$3,740,796.57

**Authorized Amount** \$3,794,262.31

**Remarks** Revised for FY2021

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
<b>Section: 1 - Description</b>										
0010	10.0	LS	\$296,096.000	1.000	0.000	1.000	1.000	1.000	\$0.00	\$296,096.00
Mobilization										
0020	20.0	EA	\$353.000	76.000	0.000	88.000	88.000	88.000	\$0.00	\$31,064.00
Install Curb Inlet Protection										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0030	30.0	LF	\$8.620	350.000	0.000	1,134.000	1,134.000	1,134.000	\$0.00	\$9,775.08
Install Silt Fence										
0040	40.0	SY	\$13.000	6,889.000	0.000	6,889.000	6,889.000	6,889.000	\$0.00	\$89,557.00
Remove Pavement										
0050	50.0	SY	\$5.920	29,500.000	0.000	27,663.795	27,663.795	27,663.795	\$0.00	\$163,769.67
Perform 3" Cold Planning – Concrete										
0060	60.0	TON	\$104.000	3,400.000	0.000	3,161.930	3,161.930	3,161.930	\$0.00	\$328,840.72
Construct 2" Asphalt Surface Course, Type SPH (PG64-34)										
0070	70.0	TON	\$99.400	1,700.000	0.000	1,662.490	1,662.490	1,662.490	\$0.00	\$165,251.51
Construct 1" Asphalt Wedge Course, Type SPR-Fine (PG64-34)										
0080	80.0	SY	\$13.000	6,889.000	0.000	6,889.000	6,889.000	6,889.000	\$0.00	\$89,557.00
Construct 4" Aggregate Base Course										
0090	90.0	SY	\$36.250	75.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Unsuitable Subgrade Material										
0100	100.0	SY	\$9.520	6,889.000	0.000	6,889.000	6,889.000	6,889.000	\$0.00	\$65,583.28
Subgrade Preparation										
0110	110.0	TON	\$150.000	250.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Construct Fly Ash Stabilization										
0120	120.0	SY	\$75.600	6,889.000	0.000	6,734.680	6,734.680	6,734.680	\$0.00	\$509,141.81
Construct 10" Concrete Pavement (Type L65)										
0130	130.0	SY	\$95.200	6,740.000	0.000	5,784.722	5,784.722	5,784.722	\$0.00	\$550,705.53
Construct 10" Concrete Pavement Repair (Type L655)										

Detailed Payment:

96th St - Portal to Harrison & 108th St - Giles to Harrison

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Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0140	140.0	SY	\$102.000	1,625.000	0.000	1,194.450	1,194.450	1,194.450	\$0.00	\$121,833.90
Construct 10" Concrete Pavement Repair (Type L85)										
0150	150.0	EA	\$5.760	1,860.000	0.000	2,998.000	2,998.000	2,998.000	\$0.00	\$17,268.48
Install Epoxy Coated Tie Bars (Pavement Repair)										
0160	160.0	EA	\$777.000	10.000	0.000	9.000	9.000	9.000	\$0.00	\$6,993.00
Adjust Utility Valve to Grade										
0170	170.0	EA	\$1,213.000	22.000	0.000	17.000	17.000	17.000	\$0.00	\$20,621.00
Adjust Manhole to Grade										
0180	180.0	SF	\$7.690	22,055.000	0.000	20,783.235	20,783.235	20,783.235	\$0.00	\$159,823.08
Construct 6" Sidewalk Repair										
0190	190.0	SF	\$6.050	265.000	0.000	15.000	15.000	15.000	\$0.00	\$90.75
Construct Sidewalk Curb Wall										
0200	200.0	SF	\$8.470	784.000	0.000	495.250	495.250	495.250	\$0.00	\$4,194.77
Construct 6" Imprinted PCC Surface										
0210	210.0	SF	\$8.960	13,264.000	0.000	11,126.830	11,126.830	11,126.830	\$0.00	\$99,696.40
Construct 6" PCC Median Surfacing Repair										
0220	220.0	EA	\$2,118.000	3.000	0.000	3.000	3.000	3.000	\$0.00	\$6,354.00
Relocate Median Nose										
0230	230.0	EA	\$3,700.000	2.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Relocate Pull Box										
0240	240.0	EA	\$615.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Adjust Pull Box to Grade										

Detailed Payment:

96th St - Portal to Harrison & 108th St - Giles to Harrison

11/30/2021

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Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0250	250.0	EA	\$250.000	51.000	0.000	50.000	50.000	50.000	\$0.00	\$12,500.00
Clearing and Grubbing per Intersection Corner										
0260	260.0	LF	\$38.250	871.000	0.000	984.262	984.262	984.262	\$0.00	\$37,648.02
Repair Curb and Gutter										
0270	270.0	SF	\$14.200	2,657.000	0.000	1,727.000	1,727.000	1,727.000	\$0.00	\$24,523.40
Construct PCC Curb Ramp										
0280	280.0	SF	\$25.700	560.000	0.000	512.000	512.000	512.000	\$0.00	\$13,158.40
Construct Detectable Warning Panel										
0290	290.0	SF	\$58.000	240.000	0.000	61.660	61.660	61.660	\$0.00	\$3,576.28
Construct Segmental Retaining Wall										
0300	300.0	EA	\$3,194.000	57.000	0.000	58.000	58.000	58.000	\$0.00	\$185,252.00
Remove and Replace Curb Inlet Top										
0310	310.0	LF	\$3.630	3,025.000	0.000	45.000	45.000	45.000	\$0.00	\$163.35
Crack or Joint Repair – Type “A”										
0320	320.0	SY	\$216.000	225.000	0.000	213.033	213.033	213.033	\$0.00	\$46,015.13
Crack or Joint Repair – Type “B” (96 St.)										
0330	330.0	LF	\$7.190	3,500.000	0.000	138.000	138.000	138.000	\$0.00	\$992.22
Crack or Joint Repair – Type “B” (108 St.)										
0340	340.0	EA	\$203.000	60.000	0.000	33.250	33.250	33.250	\$0.00	\$6,749.75
Remove and Install New Sprinkler System Head										
0350	350.0	SY	\$2.030	1,714.000	0.000	4,926.599	4,926.599	4,926.599	\$0.00	\$10,000.99
Install Rolled Erosion Control, Type II With Seeding – Type B										

Detailed Payment:

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0360	360.0	LF	\$0.520	4,100.000	0.000	3,936.000	3,936.000	3,936.000	\$0.00	\$2,046.72
Temporary Paint Marking – 5” White										
0370	370.0	LF	\$0.520	3,460.000	0.000	3,594.000	3,594.000	3,594.000	\$0.00	\$1,868.88
Temporary Paint Marking – 5” Yellow										
0380	380.0	LF	\$2.900	648.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Install Permanent Paint Marking – 5” White Grooved (96 St. Reconstruction)										
0390	390.0	LF	\$1.740	683.000	726.000	1,171.000	1,897.000	1,897.000	\$1,263.24	\$3,300.78
Install Permanent Paint Marking – 5” White (Pavement Repair)										
0400	400.0	LF	\$3.480	104.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Install Permanent Paint Marking – 5” Yellow (Pavement Repair)										
0410	410.0	LF	\$11.600	6.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Install Permanent Paint Marking – 12” White (Pavement Repair)										
0420	420.0	LF	\$7.540	64.000	786.000	0.000	786.000	786.000	\$5,926.44	\$5,926.44
Install Permanent Paint Marking – 24” White (Pavement Repair)										
0430	430.0	LF	\$5.920	4,100.000	0.000	3,877.000	3,877.000	3,877.000	\$0.00	\$22,951.84
Install Permanent Preformed Tape Type 3, 5” White										
0440	440.0	LF	\$5.920	3,460.000	0.000	3,850.000	3,850.000	3,850.000	\$0.00	\$22,792.00
Install Permanent Preformed Tape Type 3, 5” Yellow										
0450	450.0	EA	\$406.000	2.000	0.000	2.000	2.000	2.000	\$0.00	\$812.00
Install Permanent Preformed Tape Symbol Type Directional Arrow, White (Right)										
0460	460.0	EA	\$377.000	25.000	0.000	23.000	23.000	23.000	\$0.00	\$8,671.00
Install Permanent Preformed Tape Symbol Type Directional Arrow, White (Left)										

Detailed Payment:

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0470	470.0	EA	\$348.000	2.000	0.000	2.000	2.000	2.000	\$0.00	\$696.00
Install Permanent Preformed Tape Symbol Type Directional Arrow, White (Thru)										
0480	480.0	Day	\$87.000	112.000	0.000	90.000	90.000	90.000	\$0.00	\$7,830.00
Furnish Changeable Message Sign										
0490	490.0	Day	\$58.000	305.000	2.000	398.000	400.000	400.000	\$116.00	\$23,200.00
Furnish Flashing Arrow Panel										
0500	500.0	Day	\$190.000	175.000	1.000	165.000	166.000	166.000	\$190.00	\$31,540.00
Provide Temporary Traffic Control										
0510	510.0	Day	\$341.000	290.000	0.000	17.500	17.500	17.500	\$0.00	\$5,967.50
Provide Flagger										
0520	520.0	per HR	\$64.250	60.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Rental of Skid Loader, Fully Operated										
0530	530.0	per HR	\$88.000	60.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Rental of Dump Truck, Fully Operated										
0540	540.0	LS	\$114,688.000	1.000	0.000	1.000	1.000	1.000	\$0.00	\$114,688.00
Contractor Provided Construction Surveying and Staking										
0550	550.0	EA	\$1,119.000	6.000	0.000	6.000	6.000	6.000	\$0.00	\$6,714.00
Protection of Curb Inlet										
0560	909.0	EA	\$53,465.740	1.000	0.000	1.000	1.000	1.000	\$0.00	\$53,465.74
FURNISH AND INSTALL RADAR VEHICLE DETECTION SYSTEM - APPROACH										
<b>Section Totals:</b>									\$7,495.68	\$3,389,267.42
<b>Total Payments:</b>									\$7,495.68	\$3,389,267.42

# Time Charges

Time Limit	Original Deadline	Authorized Deadline	Charges This Period	Damages This Period	Days Completed To Date	Days Remaining To Date	Damages To Date
Complete All Work by Deadline	10/30/2021	10/30/2021	N/A	\$0.00	N/A	30.0 Days	\$0.00
<b>Total Damages:</b>							<b>\$0.00</b>

# Summary

<b>Current Approved Work:</b>	\$7,495.68
<b>Current Stockpile Advancement:</b>	\$0.00
<b>Current Stockpile Recovery:</b>	\$0.00
<b>Current Retainage:</b>	\$374.78
<b>Current Retainage Released:</b>	\$0.00
<b>Current Liquidated Damages:</b>	\$0.00
<b>Current Adjustment:</b>	\$0.00
<b>Current Payment:</b>	\$7,120.90
<b>Previous Payment:</b>	\$420,836.65

<b>Approved Work To Date:</b>	\$3,389,267.42
<b>Stockpile Advancement To Date:</b>	\$0.00
<b>Stockpile Recovery To Date:</b>	\$0.00
<b>Retainage To Date:</b>	\$169,463.37
<b>Retainage Released To Date:</b>	\$0.00
<b>Liquidated Damages To Date:</b>	\$0.00
<b>Adjustments To Date:</b>	\$0.00
<b>Payments To Date:</b>	\$3,219,804.05
<b>Previous Payments To Date:</b>	\$3,212,683.15

## Funding Details

<b>Default Fund Package:</b>	\$0.00	<b>Default Fund Package To Date:</b>	\$0.00
<b>M-376(390) 96th St.:</b>	\$7,495.68	<b>M-376(390) 96th St. To Date:</b>	\$1,888,850.29
<b>M-376(391) 108th St.:</b>	\$0.00	<b>M-376(391) 108th St. To Date:</b>	\$1,500,417.13
<b>Current Payment:</b>	\$7,495.68	<b>Payments To Date:</b>	\$3,389,267.42

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Contractor Representative

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Date

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Benesch Project Manager

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Date

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City of La Vista Representative

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Date



# City of La Vista

## Detailed Payment

96th St - Portal to Harrison & 108th St - Giles to Harrison

<b>Description</b>	2021 - Pavement Reconstruction & Pavement Rehabilitation
<b>Payment Number</b>	8
<b>Pay Period</b>	10/01/2021 to 11/04/2021
<b>Prime Contractor</b>	Swain Construction 6002 N 89th Cir Omaha, NE 68134
<b>Payment Status</b>	Pending
<b>Awarded Project Amount</b>	\$3,740,796.57
<b>Authorized Amount</b>	\$3,794,262.31
<b>Remarks</b>	Revised for FY22
<b>Adjustment Remarks</b>	No LDs

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
<b>Section: 1 - Description</b>										
0010	10.0	LS	\$296,096.000	1.000	0.000	1.000	1.000	1.000	\$0.00	\$296,096.00
Mobilization										
0020	20.0	EA	\$353.000	76.000	0.000	88.000	88.000	88.000	\$0.00	\$31,064.00
Install Curb Inlet Protection										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0030	30.0	LF	\$8.620	350.000	0.000	1,134.000	1,134.000	1,134.000	\$0.00	\$9,775.08
Install Silt Fence										
0040	40.0	SY	\$13.000	6,889.000	0.000	6,889.000	6,889.000	6,889.000	\$0.00	\$89,557.00
Remove Pavement										
0050	50.0	SY	\$5.920	29,500.000	0.000	27,663.795	27,663.795	27,663.795	\$0.00	\$163,769.67
Perform 3" Cold Planning – Concrete										
0060	60.0	TON	\$104.000	3,400.000	0.000	3,161.930	3,161.930	3,161.930	\$0.00	\$328,840.72
Construct 2" Asphalt Surface Course, Type SPH (PG64-34)										
0070	70.0	TON	\$99.400	1,700.000	0.000	1,662.490	1,662.490	1,662.490	\$0.00	\$165,251.51
Construct 1" Asphalt Wedge Course, Type SPR-Fine (PG64-34)										
0080	80.0	SY	\$13.000	6,889.000	0.000	6,889.000	6,889.000	6,889.000	\$0.00	\$89,557.00
Construct 4" Aggregate Base Course										
0090	90.0	SY	\$36.250	75.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Unsuitable Subgrade Material										
0100	100.0	SY	\$9.520	6,889.000	0.000	6,889.000	6,889.000	6,889.000	\$0.00	\$65,583.28
Subgrade Preparation										
0110	110.0	TON	\$150.000	250.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Construct Fly Ash Stabilization										
0120	120.0	SY	\$75.600	6,889.000	0.000	6,734.680	6,734.680	6,734.680	\$0.00	\$509,141.81
Construct 10" Concrete Pavement (Type L65)										
0130	130.0	SY	\$95.200	6,740.000	0.000	5,784.722	5,784.722	5,784.722	\$0.00	\$550,705.53
Construct 10" Concrete Pavement Repair (Type L655)										

Detailed Payment:

96th St - Portal to Harrison & 108th St - Giles to Harrison

11/30/2021

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Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0140	140.0	SY	\$102.000	1,625.000	0.000	1,194.450	1,194.450	1,194.450	\$0.00	\$121,833.90
Construct 10" Concrete Pavement Repair (Type L85)										
0150	150.0	EA	\$5.760	1,860.000	25.000	2,998.000	3,023.000	3,023.000	\$144.00	\$17,412.48
Install Epoxy Coated Tie Bars (Pavement Repair)										
0160	160.0	EA	\$777.000	10.000	0.000	9.000	9.000	9.000	\$0.00	\$6,993.00
Adjust Utility Valve to Grade										
0170	170.0	EA	\$1,213.000	22.000	0.000	17.000	17.000	17.000	\$0.00	\$20,621.00
Adjust Manhole to Grade										
0180	180.0	SF	\$7.690	22,055.000	0.000	20,783.235	20,783.235	20,783.235	\$0.00	\$159,823.08
Construct 6" Sidewalk Repair										
0190	190.0	SF	\$6.050	265.000	0.000	15.000	15.000	15.000	\$0.00	\$90.75
Construct Sidewalk Curb Wall										
0200	200.0	SF	\$8.470	784.000	0.000	495.250	495.250	495.250	\$0.00	\$4,194.77
Construct 6" Imprinted PCC Surface										
0210	210.0	SF	\$8.960	13,264.000	0.000	11,126.830	11,126.830	11,126.830	\$0.00	\$99,696.40
Construct 6" PCC Median Surfacing Repair										
0220	220.0	EA	\$2,118.000	3.000	0.000	3.000	3.000	3.000	\$0.00	\$6,354.00
Relocate Median Nose										
0230	230.0	EA	\$3,700.000	2.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Relocate Pull Box										
0240	240.0	EA	\$615.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Adjust Pull Box to Grade										

Detailed Payment:

96th St - Portal to Harrison & 108th St - Giles to Harrison

11/30/2021

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Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0250	250.0	EA	\$250.000	51.000	0.000	50.000	50.000	50.000	\$0.00	\$12,500.00
Clearing and Grubbing per Intersection Corner										
0260	260.0	LF	\$38.250	871.000	85.000	984.262	1,069.262	1,069.262	\$3,251.25	\$40,899.27
Repair Curb and Gutter										
0270	270.0	SF	\$14.200	2,657.000	0.000	1,727.000	1,727.000	1,727.000	\$0.00	\$24,523.40
Construct PCC Curb Ramp										
0280	280.0	SF	\$25.700	560.000	0.000	512.000	512.000	512.000	\$0.00	\$13,158.40
Construct Detectable Warning Panel										
0290	290.0	SF	\$58.000	240.000	1.840	61.660	63.500	63.500	\$106.72	\$3,683.00
Construct Segmental Retaining Wall										
0300	300.0	EA	\$3,194.000	57.000	0.000	58.000	58.000	58.000	\$0.00	\$185,252.00
Remove and Replace Curb Inlet Top										
0310	310.0	LF	\$3.630	3,025.000	0.000	45.000	45.000	45.000	\$0.00	\$163.35
Crack or Joint Repair – Type “A”										
0320	320.0	SY	\$216.000	225.000	0.000	213.033	213.033	213.033	\$0.00	\$46,015.13
Crack or Joint Repair – Type “B” (96 St.)										
0330	330.0	LF	\$7.190	3,500.000	0.000	138.000	138.000	138.000	\$0.00	\$992.22
Crack or Joint Repair – Type “B” (108 St.)										
0340	340.0	EA	\$203.000	60.000	0.000	33.250	33.250	33.250	\$0.00	\$6,749.75
Remove and Install New Sprinkler System Head										
0350	350.0	SY	\$2.030	1,714.000	25.000	4,926.599	4,951.599	4,951.599	\$50.75	\$10,051.74
Install Rolled Erosion Control, Type II With Seeding – Type B										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0360	360.0	LF	\$0.520	4,100.000	0.000	3,936.000	3,936.000	3,936.000	\$0.00	\$2,046.72
Temporary Paint Marking – 5” White										
0370	370.0	LF	\$0.520	3,460.000	0.000	3,594.000	3,594.000	3,594.000	\$0.00	\$1,868.88
Temporary Paint Marking – 5” Yellow										
0380	380.0	LF	\$2.900	648.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Install Permanent Paint Marking – 5” White Grooved (96 St. Reconstruction)										
0390	390.0	LF	\$1.740	683.000	0.000	1,897.000	1,897.000	1,897.000	\$0.00	\$3,300.78
Install Permanent Paint Marking – 5” White (Pavement Repair)										
0400	400.0	LF	\$3.480	104.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Install Permanent Paint Marking – 5” Yellow (Pavement Repair)										
0410	410.0	LF	\$11.600	6.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Install Permanent Paint Marking – 12” White (Pavement Repair)										
0420	420.0	LF	\$7.540	64.000	0.000	786.000	786.000	786.000	\$0.00	\$5,926.44
Install Permanent Paint Marking – 24” White (Pavement Repair)										
0430	430.0	LF	\$5.920	4,100.000	0.000	3,877.000	3,877.000	3,877.000	\$0.00	\$22,951.84
Install Permanent Preformed Tape Type 3, 5” White										
0440	440.0	LF	\$5.920	3,460.000	0.000	3,850.000	3,850.000	3,850.000	\$0.00	\$22,792.00
Install Permanent Preformed Tape Type 3, 5” Yellow										
0450	450.0	EA	\$406.000	2.000	0.000	2.000	2.000	2.000	\$0.00	\$812.00
Install Permanent Preformed Tape Symbol Type Directional Arrow, White (Right)										
0460	460.0	EA	\$377.000	25.000	0.000	23.000	23.000	23.000	\$0.00	\$8,671.00
Install Permanent Preformed Tape Symbol Type Directional Arrow, White (Left)										

Detailed Payment:

11/30/2021

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0470	470.0	EA	\$348.000	2.000	0.000	2.000	2.000	2.000	\$0.00	\$696.00
Install Permanent Preformed Tape Symbol Type Directional Arrow, White (Thru)										
0480	480.0	Day	\$87.000	112.000	0.000	90.000	90.000	90.000	\$0.00	\$7,830.00
Furnish Changeable Message Sign										
0490	490.0	Day	\$58.000	305.000	10.000	400.000	410.000	410.000	\$580.00	\$23,780.00
Furnish Flashing Arrow Panel										
0500	500.0	Day	\$190.000	175.000	7.000	166.000	173.000	173.000	\$1,330.00	\$32,870.00
Provide Temporary Traffic Control										
0510	510.0	Day	\$341.000	290.000	0.000	17.500	17.500	17.500	\$0.00	\$5,967.50
Provide Flagger										
0520	520.0	per HR	\$64.250	60.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Rental of Skid Loader, Fully Operated										
0530	530.0	per HR	\$88.000	60.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
Rental of Dump Truck, Fully Operated										
0540	540.0	LS	\$114,688.000	1.000	0.000	1.000	1.000	1.000	\$0.00	\$114,688.00
Contractor Provided Construction Surveying and Staking										
0550	550.0	EA	\$1,119.000	6.000	0.000	6.000	6.000	6.000	\$0.00	\$6,714.00
Protection of Curb Inlet										
0560	909.0	EA	\$53,465.740	1.000	0.000	1.000	1.000	1.000	\$0.00	\$53,465.74
FURNISH AND INSTALL RADAR VEHICLE DETECTION SYSTEM - APPROACH										
<b>Section Totals:</b>									\$5,462.72	\$3,394,730.14
<b>Total Payments:</b>									\$5,462.72	\$3,394,730.14

# Time Charges

Time Limit	Original Deadline	Authorized Deadline	Charges This Period	Damages This Period	Days Completed To Date	Days Remaining To Date	Damages To Date
Complete All Work by Deadline	10/30/2021	10/30/2021	N/A	\$5,000.00	N/A	-5.0 Days	\$5,000.00
						<b>Total Damages:</b>	\$5,000.00

# Summary

<b>Current Approved Work:</b>	\$5,462.72
<b>Current Stockpile Advancement:</b>	\$0.00
<b>Current Stockpile Recovery:</b>	\$0.00
<b>Current Retainage:</b>	-\$169,463.37
<b>Current Retainage Released:</b>	\$0.00
<b>Current Liquidated Damages:</b>	\$5,000.00
<b>Current Adjustment:</b>	\$5,000.00
<b>Current Payment:</b>	\$174,926.09
<b>Previous Payment:</b>	\$7,120.90

<b>Approved Work To Date:</b>	\$3,394,730.14
<b>Stockpile Advancement To Date:</b>	\$0.00
<b>Stockpile Recovery To Date:</b>	\$0.00
<b>Retainage To Date:</b>	\$0.00
<b>Retainage Released To Date:</b>	\$0.00
<b>Liquidated Damages To Date:</b>	\$5,000.00
<b>Adjustments To Date:</b>	\$5,000.00
<b>Payments To Date:</b>	\$3,394,730.14
<b>Previous Payments To Date:</b>	\$3,219,804.05

## Funding Details

<b>Default Fund Package:</b>	\$0.00	<b>Default Fund Package To Date:</b>	\$0.00
<b>M-376(390) 96th St.:</b>	\$106.72	<b>M-376(390) 96th St. To Date:</b>	\$1,888,957.01
<b>M-376(391) 108th St.:</b>	\$5,356.00	<b>M-376(391) 108th St. To Date:</b>	\$1,505,773.13
<b>Current Payment:</b>	\$5,462.72	<b>Payments To Date:</b>	\$3,394,730.14

\_\_\_\_\_  
Contractor Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Benesch Project Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
City of La Vista Representative

\_\_\_\_\_  
Date



Thompson, Dreessen & Dorner, Inc.  
Consulting Engineers & Land Surveyors

Please remit to:  
TD2 Nebraska Office  
10836 Old Mill Road; Omaha, NE 68154  
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office  
5000 S. Minnesota Ave., Ste. 300; Sioux Falls, SD 57108  
Office: 605/951-0886

CITY OF LA VISTA  
PAT DOWSE  
9900 PORTAL ROAD  
LA VISTA, NE 68128

Invoice number 147422  
Date 11/29/2021  
Project 0171-422 CENTRAL PARK  
IMPROVEMENTS

Professional Services from October 1, 2021 through November 07, 2021

Description	Contract Amount	Prior Billed	Remaining	Current Billed
<b>Task 1 - Topographic Survey</b>	3,500.00	3,500.00	0.00	0.00
<b>Task 2 thru 4-Design Work except Task 2.4</b>	39,500.00	25,722.70	3,950.00	9,827.30
<i>Fee maximum not to be exceeded due to extra work until an amendment is approved at a future date.</i>				
<b>Reimbursables</b>	20,000.00	12,900.92	6,458.47	640.61
<i>Subconsultant Services - Felsburg Holt Ullevig</i>				
<b>Additional Services</b>	0.00	4,960.00	-6,280.00	1,320.00
<b>Total</b>	<b>63,000.00</b>	<b>47,083.62</b>	<b>4,128.47</b>	<b>11,787.91</b>

Invoice total 11,787.91

**Aging Summary**

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
147422	11/29/2021	11,787.91	11,787.91				
	<b>Total</b>	<b>11,787.91</b>	<b>11,787.91</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

*Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.*

**OK to Pay**  
**PMD 11/29/21**  
**16.71.0917.000-PARK20002**



**Please Remit to:**  
Dept 1539, PO Box 30106  
Salt Lake City, UT 84130-0106  
phone: 303.721.1440  
email: accounting@fhueng.com

## INVOICE

Mr. Patrick Dowse, PE  
City Engineer  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

November 23, 2021  
Project No: 115453-18  
Invoice No: 32031

Project 115453-18 84th St Traffic Study  
**Professional Services for the Period: October 1, 2021 to October 31, 2021**

### Professional Personnel

	Hours	Rate	Amount	
Principal I				
Meisinger, Mark	15.25	220.00	3,355.00	
Engineer V				
Andersen, David	1.00	175.00	175.00	
Denney, Adam	1.00	175.00	175.00	
Engineer I				
Gwiazdowski, Kornel	64.00	105.00	6,720.00	
Graphic Design IV				
Topoleski, Zachary	7.50	135.00	1,012.50	
Graphic Design I				
Mayer, Molly	5.75	90.00	517.50	
Labor	94.50		11,955.00	
<b>Total Labor</b>				<b>11,955.00</b>

### Reimbursable Expenses

Mileage			5.04	
<b>Total Reimbursables</b>			<b>5.04</b>	<b>5.04</b>

### In-House Units

Color Printing	100.0 Prints @ 0.19		19.00	
<b>Total In-House</b>			<b>19.00</b>	<b>19.00</b>

### Contract Limits

	Current	Prior	To-Date
Total Billings	11,979.04	9,619.14	21,598.18
Contract Maximum			28,050.00
Remaining Contract			6,451.82

**TOTAL AMOUNT DUE \$11,979.04**

### Billed-To-Date Summary

	Current	Prior	Total
Labor	11,955.00	5,445.00	17,400.00
Expense	5.04	4,171.12	4,176.16
In-House	19.00	3.02	22.02
<b>Totals</b>	<b>11,979.04</b>	<b>9,619.14</b>	<b>21,598.18</b>

**OK to Pay  
PMD11/29/21  
16.53.0314**

<b>Invoice</b>
----------------

# olsson

601 P St Suite 200  
 PO Box 84608  
 Lincoln, NE 68501-4608  
 Tel 402.474.6311, Fax 402.474.5063

November 16, 2021  
 Invoice No: 403715

Pat Dowse  
 City Engineer  
 City of La Vista NE  
 8116 Park View Blvd  
 La Vista, NE 68128-2198

<b>Invoice Total</b>	<b>\$2,807.00</b>
----------------------	-------------------

Olsson Project # B16-05460 La Vista NE City Centre Phase 1 Public Infrastructure  
 Professional services rendered October 10, 2021 through November 6, 2021 for work completed in accordance with agreement dated October 7, 2016 and Amendment #1 dated July 7, 2017, Amendment #2 dated July 21, 2017, Amendment #3 dated November 21, 2017, Amendment #4 dated May 17, 2018, and Amendment #5 dated October 24, 2018.

NTP: 12.06.16  
 PO: 20-008346

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Phase 300 Project Management (Including Amendments 2, 3, 5 & 7)

**Labor**

	Hours	Rate	Amount
Team/Technical Leader			
Egelhoff, Anthony	.50	185.00	92.50
Administrative			
Nelson, Rebecca	.50	73.00	36.50
Totals	1.00		129.00
<b>Total Labor</b>			<b>129.00</b>
		<b>Total this Phase</b>	<b>\$129.00</b>

---

Phase 402 SWPPP Inspections (Including Amendment 5, 7, 11)

**Fee**

Number of Mo Insp Fees	1.00		
Fee Each		800.00	
Subtotal		800.00	
		<b>Subtotal</b>	<b>800.00</b>
		<b>Total this Phase</b>	<b>\$800.00</b>

Phase 403 Astro Theater Amd 11

**Labor**

	Hours	Rate	Amount	
Technician				
Belling, James	1.00	60.00	60.00	
Carey, Douglas	2.25	60.00	135.00	
Cernik, Stephanie	2.50	60.00	150.00	
Hurt, Joshua	2.50	60.00	150.00	
Loghry, Cody	1.00	60.00	60.00	
Snyder, Sue	3.25	60.00	195.00	
Wilkins, Daniel	5.25	60.00	315.00	
Project Manager				
Carey, Douglas	4.25	115.00	488.75	
Totals	22.00		1,553.75	
<b>Total Labor</b>				<b>1,553.75</b>

**Unit Billing**

Field Vehicle 1424	15.0 Miles @ 0.75	11.25	
Field Vehicle 1207	12.0 Miles @ 0.75	9.00	
Field Vehicle 1336	15.0 Miles @ 0.75	11.25	
Field Vehicle 1434	17.0 Miles @ 0.75	12.75	
Atterberg Limit			
10/16/2021	1 Test @ \$80/Test	80.00	
P-200 Sieve Test			
10/16/2021	1 Test @ \$40/Test	40.00	
Standard Proctor			
10/16/2021	1 Test @ \$160/Test	160.00	
<b>Total Units</b>		<b>324.25</b>	<b>324.25</b>
<b>Total this Phase</b>			<b>\$1,878.00</b>

**Billing Limits**

	Current	Prior	To-Date	
Total Billings	2,807.00	1,179,577.42	1,182,384.42	
Limit			1,215,505.92	
Balance Remaining			33,121.50	
<b>AMOUNT DUE THIS INVOICE</b>			<b>\$2,807.00</b>	

**Outstanding Invoices**

Number	Date	Balance
401687	10/22/2021	8,010.25
<b>Total</b>		<b>8,010.25</b>

Email Invoices to: pdowse@cityoflavista.org

Authorized By: Anthony Egelhoff

OK to Pay  
PMD 11/10/21



5022 S 114th Street  
Suite 200  
Omaha, NE 68137  
(712) 323-0530

**City of LaVista**  
Attn: Mr. Patrick Dowse, P.E.  
9900 Portal Road  
LaVista, NE 68128

## INVOICE

Invoice Number: 702619-12  
Date: November 22, 2021  
Client Code: 7220  
P.O. Number: 20-008340

**Progress billing for engineering services for the East LaVista Sewer and Pavement Rehabilitation - Phase 2 Final Design, per agreement dated June 4, 2019 & Amendments..**

**HGM - Survey & Design**  
**Through: November 15, 2021**

	Hours	Rate	Current Period	Billed To Date
<b>001: Phase I Investigation (LS \$53,340)</b>				
		<b>90% Complete</b>		<b>\$48,006.00</b>
<b>002: Trekk (\$90,420) (Hrly)</b>				<b>\$89,172.71</b>
<b>003: Thiele Geotech (\$18,675) (Hrly)</b>				<b>\$18,675.00</b>
<b>004: Emspace &amp; Lovgren (\$9,775) (Hrly)</b>				
Emspace + Lovgren			\$1,675.00	
			<b>\$1,675.00</b>	<b>\$11,809.67</b>
<b>005: Amendment 1 HGM (LS \$923)</b>				
		<b>100% Complete</b>		<b>\$923.00</b>
<b>006: Amendment 1 TREKK (\$4,000) (Hrly)</b>				<b>\$4,000.00</b>
<b>007: Phase 2 Final Design (Hrly)</b>				
Design Engineer	152.00	87.82	\$13,348.64	
Design Engineer	41.00	125.80	\$5,157.80	
Engineer Tech	4.50	55.80	\$251.10	
Engineer Technician II	4.50	102.83	\$462.74	
Engineer Technician III	3.00	103.85	\$311.55	
Senior Project Engineer	58.00	194.49	\$11,280.42	
			<b>\$30,812.25</b>	<b>\$115,325.31</b>
<b>008: Phase 2 Final Design TREKK (Hrly)</b>				
TREKK Design Group, LLC			\$27,987.45	
			<b>\$27,987.45</b>	<b>\$27,987.45</b>

Total Amount Billed	\$315,899.14
Less Previous Invoices	\$255,424.44
<b>Invoice Total</b>	<b>\$60,474.70</b>

**Outstanding Invoices**

Invoice		0 - 30	31 - 60	61-90	Over 90	Balance
702619-11	10/26/2021	\$42,106.66				\$42,106.66
		\$42,106.66				\$42,106.66

OK to Pay  
PMD 11/10/21



**LA VISTA POLICE DEPARTMENT  
INTER-DEPARTMENT MEMO**

---

**TO: Pam Buethe, City Clerk**

**FROM: Chief Robert S. Lausten**

**DATE: November 24, 2021**

**RE: LOCAL BACKGROUND- MANAGER  
DUAL STOP**

**CC:**

---

The police department reviewed the Nebraska Liquor Control Commission documents completed by the applicant and conducted a check of local records relating to the Manager Application for Niraj Patel. Carter has no criminal record in Sarpy County.

As with all Nebraska Retail Liquor Licenses, I am asking that the applicant strictly conform to Nebraska Liquor Control Commission rules and regulations under (Sec 53-131.01) Nebraska Liquor Control Act.



**Pete Ricketts**  
Governor

**STATE OF NEBRASKA**  
**NEBRASKA LIQUOR CONTROL COMMISSION**

**Hobert B. Rupe**  
*Executive Director*  
301 Centennial Mall South  
P.O. Box 95046  
Lincoln, Nebraska, 68509-5046  
Phone (402) 471-2571  
Fax (402) 471-2814 or (402) 471-2374  
TRS USER 800-833-7352 (TTY)  
Web Address <https://www.lcc.nebraska.gov>

Today's Date: \_\_\_\_\_

From: \_\_\_\_\_

To: \_\_\_\_\_

**I have attached a copy of a new corporate manager application submitted to the Nebraska Liquor Control Commission. Please complete the following information below to indicate your recommendation.**

Licensee Name: \_\_\_\_\_

Trade Name (DBA): \_\_\_\_\_

License Number: \_\_\_\_\_

Manager Name: \_\_\_\_\_

Due Date: \_\_\_\_\_

APPROVED

NO LOCAL RECOMMENDATION

DENIED

COMMENTS: (YOU MAY ATTACH MINUTES AND/OR ADDITIONAL NOTES)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Clerk's Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Kim Lowe**  
*Commissioner*

**Bruce Bailey**  
*Chairman*

**Harry Hoch**  
*Commissioner*

110675

**MANAGER APPLICATION  
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.nebraska.gov

Office Use	BR
<b>RECEIVED</b>	
NOV 09 2021	
NEBRASKA LIQUOR CONTROL COMMISSION	

**FORM MUST BE COMPLETELY FILLED OUT IN ORDER FOR APPLICATION TO BE PROCESSED**

**MANAGER MUST:**

- Complete all sections of the application. Be sure it is signed by a **member or corporate officer**, corporate officer or member must be an individual on file with the Liquor Control Commission
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: US birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the State of Nebraska, include a copy of voter card or print document from Secretary of State website with application

Spouse who **will not** participate in the business, spouse must:

- Complete the Spousal Affidavit of Non Participation Insert (must be notarized). The non-participating spouse completes the top half; the manager completes the bottom half. **Be sure to complete both halves of this form.**
- Need not answer question #1 of the application

Spouse who **will** participate in the business, the spouse must:

- NA
- Sign the application
  - Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
  - Provide a copy of one of the following: birth certificate, naturalization papers or current US passport (even if you have provided this before)
  - Be a registered voter in the state of Nebraska, include a copy of voter card with application
  - Spousal Affidavit of Non Participation Insert **not** required



0400  
0019

**MANAGER APPLICATION  
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.nebraska.gov



**MUST BE:**

- ✓ Include copy of US birth certificate, naturalization paper or current US passport
- ✓ Nebraska resident. Include copy of voter registration card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information. read form carefully to avoid delays in processing, this form **MUST** be included with your application
- ✓ 21 years of age or older

**Corporation/LLC information**

Name of Corporation/LLC: Shakti Fuels, LLC

**Premise information**

Liquor License Number: 110675 Class Type D (if new application leave blank)

Premise Trade Name/DBA: Dual Stop Food & Fuel

Premise Street Address: 8307 Park View Blvd.

City: La Vista County: Sarpy Zip Code: 68128

Premise Phone Number: 402-331-4145

Premise Email address: maulinpatel93@gmail.com

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information [here](#).



**SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER**

(Faxed signatures are acceptable)

**Manager's information must be completed below PLEASE PRINT CLEARLY**

Last Name: Niraj Patel First Name: Patel Niraj MI: R  
 Home Address: 10708 M Street  
 City: Omaha County: Douglas Zip Code: 68128  
 Home Phone Number: 712-490-8054  
 Driver's License Number & State: [REDACTED]  
 Social Security Number: [REDACTED]  
 Date Of Birth: [REDACTED] Place Of Birth: Ahmedabad, India  
 Email address: 6912harrison@gmail.com

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

YES  NO

**Spouse's information**

Spouses Last Name: Patel First Name: Jignasu MI:   
 Social Security Number: [REDACTED]  
 Driver's License Number & State: [REDACTED]  
 Date Of Birth: [REDACTED] Place Of Birth: Ahmedabad, India

**APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS**

APPLICANT			SPOUSE		
CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Omaha, NE	2016	Present	Omaha, NE	2016	Present
Sioux City, IA	2003	2016	Sioux City, IA	2003	2016

**MANAGER'S LAST TWO EMPLOYERS**

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2016	present	Lucky Charm Hospitality	Maulin Patel	712-490-1210
2010	2015	Shakti Petroleum	Mihir Patel	

**1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.**

**Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.**

Has anyone who is a party to this application, or their spouse, **EVER** been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, **include traffic violations**. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES       NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Niraj Patel	2/19/2002	Sioux City, NE	DUI	Plea of no contest, fines paid, file since purged
Niraj Patel	8/17/2010	Council Bluffs, IA	Fail to display Resigatration	finest paid
Niraj Patel	12/6/2006	Harrison Co., IA	Speeding	Fines Paid
Niraj Patel	9/20/2007	Harrison Co., IA	Speeding	Fines Paid
Niraj Patel	2/14/2006	Woodbury Co., IA	Speeding	Fines Paid
Niraj Patel	11/21/2001	Woodbury Co., IA	Simple Assault	Fines Paid

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES       NO

**IF YES**, list the name of the premise(s):

NK Corporation, d/b/a Food & Fuels R Us, Nebraska License #119766

3. Do you, as a manager, qualify under Nebraska Liquor Control Act ([§53-131.01](#)) and do you intend to supervise, in person, the management of the business?

YES       NO

4. List the alcohol related training and/or experience (when and where) of the person making application.

\*NLCC Training Certificate Issued: 6/3/2019 Name on Certificate: Niraj R. Patel

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Niraj R. Patel	06/2019	RBST State Alcohol Training

\*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:

5. Have you enclosed form 147 regarding fingerprints?

YES       NO

**PERSONAL OATH AND CONSENT OF INVESTIGATION**

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has **NO** interest directly or indirectly, a spousal affidavit of non-participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

**Applicant Notification and Record Challenge:** Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Niraj Patel  
Signature of Manager Applicant

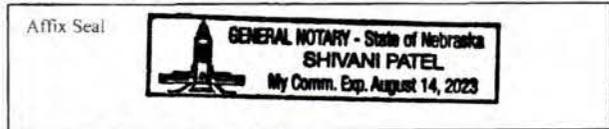
J. Patel  
Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska  
County of Douglas The foregoing instrument was acknowledged before me this

October 12<sup>th</sup>, 2021 by Niraj Patel  
date NAME OF PERSON BEING ACKNOWLEDGED

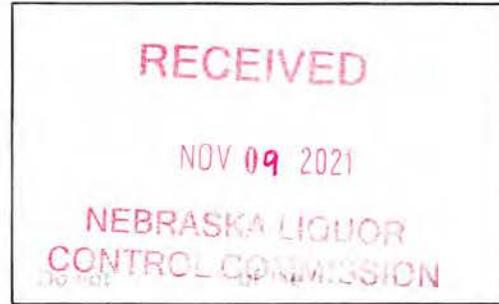
Shivani Patel  
Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

**PRIVACY ACT STATEMENT/  
SUBMISSION OF FINGERPRINTS /  
PAYMENT OF FEES TO NSP-CID**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.nebraska.gov



**THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:**  
**DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:**

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of **\$45.25 per person** **MUST** be made **DIRECTLY** to the Nebraska State Patrol;  
It is recommended to make payment through the **NSP PayPort** online system at [www.ne.gov/go/nsp](http://www.ne.gov/go/nsp)  
Or a check made payable to **NSP** can be mailed directly to the following address:  
**\*\*\*Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License\*\*\***

The Nebraska State Patrol – CID Division  
3800 NW 12<sup>th</sup> Street  
Lincoln, NE 68521

- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID  
*Applicant(s) will not have cards to include with license application.*
- Fingerprints taken at local law enforcement offices may be released to the applicants;  
*Fingerprint cards should be submitted with the application.*

*Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.*

\*\*\*\*Please Submit this form with your completed application to the Liquor Control Commission\*\*\*\*

Trade Name Dual Stop Food & Fuel

Name of Person Being Fingerprinted: Niraj Patel

Date of Birth:                      Last 4 SSN:                     

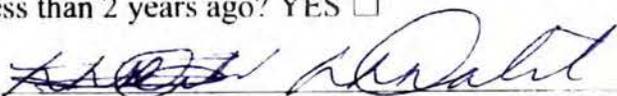
Date fingerprints were taken: October 2021

Location where fingerprints were taken: Nebraska

How was payment made to NSP?

NSP PAYPORT  CASH  CHECK SENT TO NSP CK #                     

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

  
SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED



[Back to Lookup](#) / [Registrant Detail](#)

# Niraj Rasiklal Patel

Political Party  
**Republican**

Precinct  
**05-24**

## Election Details

10/12/2021 Ralston and Westside Elections

### Absentee Ballot

Absentee Ballot exists for this election, but we require more information to display it.

#### Date of Birth

Month  Day  Year

## Polling Location

### Mockingbird Hills Community Center

📍 10242 Mockingbird Drive Omaha, NE 68127



## Ballot Styles

153

**SPOUSAL AFFIDAVIT OF  
NON PARTICIPATION INSERT**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.nebraska.gov



I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will not have any interest, directly or indirectly in the operation of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices, represent myself as the owner or **in any way participate in the day to day operations of this business in any capacity.** The penalty guideline for violation of this affidavit is cancellation of the liquor license.

I acknowledge that I am the applicant of the non-participating spouse of the individual signing below. I understand that my spouse and I are responsible for compliance with the conditions set out above. If, it is determined that my spouse has violated (§53-125(13)) the commission may cancel or revoke the liquor license.

J. Patel  
Signature of **NON-PARTICIPATING SPOUSE**  
Jignasu Patel  
Print Name

Niraj Patel  
Signature of **APPLICANT**  
Niraj Patel  
Print Name

State of Nebraska, County of Douglas

State of Nebraska, County of Douglas

The foregoing instrument was acknowledged before me  
this October 12<sup>th</sup> 2021 (date)

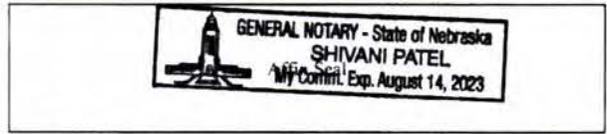
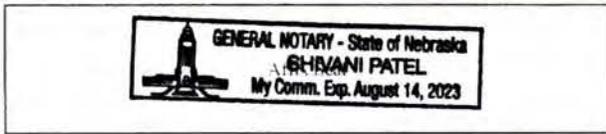
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this October 12<sup>th</sup> 2021 (date)

by Jignasu Patel  
**Name of person acknowledged  
(Individual signing document)**

by Niraj Patel  
**Name of person acknowledged  
(Individual signing document)**

Shivani Patel  
Notary Public Signature

Shivani Patel  
Notary Public Signature



In compliance with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

***Certificate of Achievement***

- for those who serve or sell alcohol in Nebraska

***NIRAJ R PATEL***

*holds a*

State Alcohol certificate

Permit # RB-0113275

Permit Expires: 06-03-2022 Amount Paid: \$



**Responsible Beverage Service Training**  
**N E B R A S K A**



---

General	Credential	Number	Earned	Expires
Niraj R Patel 4305 46th st Sioux city IA 51108	STATE ALCOHOL	RB-0113275	06-03-2019	06-03-2022



**LA VISTA POLICE DEPARTMENT  
INTER-DEPARTMENT MEMO**

---

**TO: Pam Buethe, City Clerk**

**FROM: Chief Robert S. Lausten**

**DATE: November 24, 2021**

**RE: LOCAL BACKGROUND- MANAGER  
FOOD & FUELS R US**

**CC:**

---

The police department reviewed the Nebraska Liquor Control Commission documents completed by the applicant and conducted a check of local records relating to the Manager Application for Niraj Patel. Carter has no criminal record in Sarpy County.

As with all Nebraska Retail Liquor Licenses, I am asking that the applicant strictly conform to Nebraska Liquor Control Commission rules and regulations under (Sec 53-131.01) Nebraska Liquor Control Act.



**Pete Ricketts**  
Governor

**STATE OF NEBRASKA**  
**NEBRASKA LIQUOR CONTROL COMMISSION**

**Hobert B. Rupe**  
*Executive Director*  
301 Centennial Mall South  
P.O. Box 95046  
Lincoln, Nebraska, 68509-5046  
Phone (402) 471-2571  
Fax (402) 471-2814 or (402) 471-2374  
TRS USER 800-833-7352 (TTY)  
Web Address <https://www.lcc.nebraska.gov>

Today's Date: \_\_\_\_\_

From: \_\_\_\_\_

To: \_\_\_\_\_

**I have attached a copy of a new corporate manager application submitted to the Nebraska Liquor Control Commission. Please complete the following information below to indicate your recommendation.**

Licensee Name: \_\_\_\_\_

Trade Name (DBA): \_\_\_\_\_

License Number: \_\_\_\_\_

Manager Name: \_\_\_\_\_

Due Date: \_\_\_\_\_

APPROVED

NO LOCAL RECOMMENDATION

DENIED

COMMENTS: (YOU MAY ATTACH MINUTES AND/OR ADDITIONAL NOTES)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Clerk's Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Kim Lowe**  
*Commissioner*

**Bruce Bailey**  
*Chairman*

**Harry Hoch**  
*Commissioner*

**MANAGER APPLICATION  
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.nebraska.gov

119766

Office Use

RECEIVED

NOV 09 2021

NEBRASKA LIQUOR  
CONTROL COMMISSION

**FORM MUST BE COMPLETELY FILLED OUT IN ORDER FOR APPLICATION TO BE PROCESSED**

**MANAGER MUST:**

- ✓ Complete all sections of the application. Be sure it is signed by a **member or corporate officer**, corporate officer or member must be an individual on file with the Liquor Control Commission
- ✓ Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- ✓ Provide a copy of one of the following: US birth certificate, naturalization papers or current US passport (even if you have provided this before)
- ✓ Be a registered voter in the State of Nebraska, include a copy of voter card or print document from Secretary of State website with application

Spouse who **will not** participate in the business, spouse must:

- ✓ Complete the Spousal Affidavit of Non Participation Insert (must be notarized). The non-participating spouse completes the top half; the manager completes the bottom half. **Be sure to complete both halves of this form.**
- Need not answer question #1 of the application

Spouse who **will** participate in the business, the spouse must:

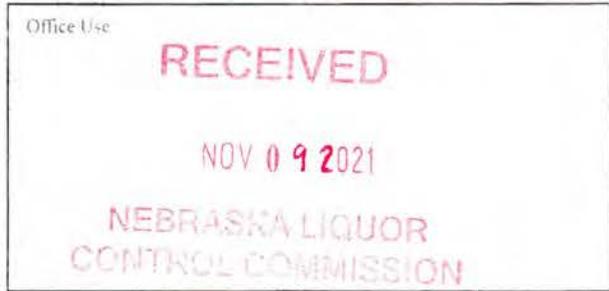
- NA ✓ Sign the application
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the state of Nebraska, include a copy of voter card with application
- Spousal Affidavit of Non Participation Insert **not** required



0400  
0019

**MANAGER APPLICATION  
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.nebraska.gov



**MUST BE:**

- ✓ Include copy of US birth certificate, naturalization paper or current US passport
- ✓ Nebraska resident. Include copy of voter registration card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application
- ✓ 21 years of age or older

**Corporation/LLC information**

Name of Corporation/LLC: NK Corporation

**Premise information**

Liquor License Number: 119766 Class Type D (if new application leave blank)

Premise Trade Name/DBA: Food & Fuels R Us

Premise Street Address: 6912 South 110th Street

City: La Vista County: Sarpy Zip Code: 68128

Premise Phone Number: 402-597-6800

Premise Email address: maulinpatel93@gmail.com

**The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information [here](#).**



**SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER**

(Faxed signatures are acceptable)

**Manager's information must be completed below PLEASE PRINT CLEARLY**

Last Name: Niraj Patel First Name: Patel Niraj MI: R  
 Home Address: 10708 M Street  
 City: Omaha County: Douglas Zip Code: 68128  
 Home Phone Number: 712-490-8054  
 Driver's License Number & State: [REDACTED]  
 Social Security Number: [REDACTED]  
 Date Of Birth: [REDACTED] Place Of Birth: Ahmedabad, India  
 Email address: 6912harrison@gmail.com

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

YES  NO

**Spouse's information**

Spouses Last Name: Patel First Name: Jignasu MI:   
 Social Security Number: [REDACTED]  
 Driver's License Number & State: [REDACTED]  
 Date Of Birth: [REDACTED] Place Of Birth: Ahmedabad, India

**APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS**

APPLICANT			SPOUSE		
CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Omaha, NE	2016	Present	Omaha, NE	2016	Present
Sioux City, IA	2003	2016	Sioux City, IA	2003	2016

**MANAGER'S LAST TWO EMPLOYERS**

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2016	present	Lucky Charm Hospitality	Maulin Patel	712-490-1210
2010	2015	Shakti Petroleum	Mihir Patel	

**1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.**

**Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.**

Has anyone who is a party to this application, or their spouse, **EVER** been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, **include traffic violations**. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES       NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Niraj Patel	2/19/2002	Sioux City, NE	DUI	Plea of no contest, fines paid, file since purged
Niraj Patel	8/17/2010	Council Bluffs, IA	Fail to display Resigatration	finest paid
Niraj Patel	12/6/2006	Harrison Co., IA	Speeding	Fines Paid
Niraj Patel	9/20/2007	Harrison Co., IA	Speeding	Fines Paid
Niraj Patel	2/14/2006	Woodbury Co., IA	Speeding	Fines Paid
Niraj Patel	11/21/2001	Woodbury Co., IA	Simple Assault	Fines Paid

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES       NO

**IF YES**, list the name of the premise(s):

NK Corporation, d/b/a Food & Fuels R Us, Nebraska License #119766

3. Do you, as a manager, qualify under Nebraska Liquor Control Act ([§53-131.01](#)) and do you intend to supervise, in person, the management of the business?

YES       NO

4. List the alcohol related training and/or experience (when and where) of the person making application.

\*NLCC Training Certificate Issued: 6/3/2019 Name on Certificate: Niraj R. Patel

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Niraj R. Patel	06/2019	RBST State Alcohol Training

\*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:

5. Have you enclosed form 147 regarding fingerprints?

YES       NO

**PERSONAL OATH AND CONSENT OF INVESTIGATION**

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has **NO** interest directly or indirectly, a spousal affidavit of non-participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

**Applicant Notification and Record Challenge:** Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

*[Signature]*  
Signature of Manager Applicant

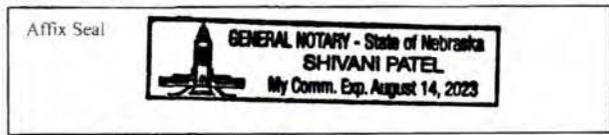
*[Signature]*  
Signature of Spouse

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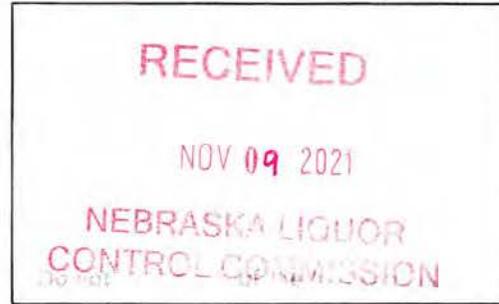
*[Signature]*  
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PAYMENT OF FEES TO NSP-CID**

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\*\*\*\*Please Submit this form with your completed application to the Liquor Control Commission\*\*\*\*

Trade Name Dual Stop Food & Fuel

Name of Person Being Fingerprinted: Niraj Patel

Date of Birth:                      Last 4 SSN:                     

Date fingerprints were taken: October 2021

Location where fingerprints were taken: Nebraska

How was payment made to NSP?

NSP PAYPORT  CASH  CHECK SENT TO NSP CK #                     

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

A handwritten signature in black ink, appearing to read "Niraj Patel", written over a horizontal line.

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED



[Back to Lookup](#) / [Registrant Detail](#)

# Niraj Rasiklal Patel

Political Party  
**Republican**

Precinct  
**05-24**

## Election Details

10/12/2021 Ralston and Westside Elections

### Absentee Ballot

Absentee Ballot exists for this election, but we require more information to display it.

#### Date of Birth

Month  Day  Year

## Polling Location

### Mockingbird Hills Community Center

📍 10242 Mockingbird Drive Omaha, NE 68127



## Ballot Styles

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NON PARTICIPATION INSERT**

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J. Patel  
Signature of **NON-PARTICIPATING SPOUSE**  
Jignasu Patel  
Print Name

Niraj Patel  
Signature of **APPLICANT**  
Niraj Patel  
Print Name

State of Nebraska, County of Douglas

State of Nebraska, County of Douglas

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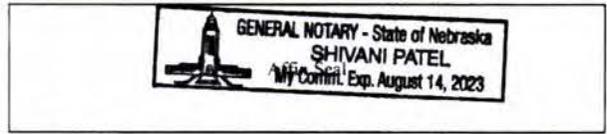
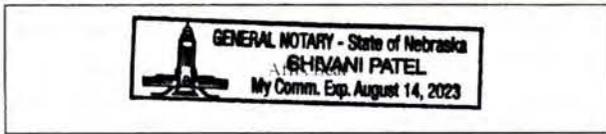
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by Jignasu Patel  
**Name of person acknowledged  
(Individual signing document)**

by Niraj Patel  
**Name of person acknowledged  
(Individual signing document)**

Shivani Patel  
Notary Public Signature

Shivani Patel  
Notary Public Signature



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- for those who serve or sell alcohol in Nebraska

***NIRAJ R PATEL***

*holds a*

State Alcohol certificate

Permit # RB-0113275

Permit Expires: 06-03-2022 Amount Paid: \$



**Responsible Beverage Service Training**  
**N E B R A S K A**



---

General	Credential	Number	Earned	Expires
Niraj R Patel 4305 46th st Sioux city IA 51108	STATE ALCOHOL	RB-0113275	06-03-2019	06-03-2022

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE SIGNATURE – YEAR-END CERTIFICATION - CITY STREET SUPERINTENDENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor to sign the Year-End Certification of the City Street Superintendent.

**FISCAL IMPACT**

Certification is required to receive an incentive payment for Calendar Year 2021.

**RECOMMENDATION**

Approval.

**BACKGROUND**

State Statute requires cities to certify they have an appointed Street Superintendent in order to receive annual incentive payments. The City of La Vista appoints the Director of Public Works who is also the Street Superintendent.

The Nebraska Department of Transportation requires that the City Council passes a resolution authorizing the Mayor to sign the Year-End Certification of City Street Superintendent.

Do not recreate, revise, or copy this form. Revisions, recreations, and copies will not be accepted. Failure to complete and return the necessary documents per instructions will result in your municipality not receiving an Incentive Payment for Calendar Year 2021. Documents include the original Signing Resolution, Year-End Certification(s), and a copy of documentation of the appointment(s) of the City Street Superintendent(s). These must be received at the NDOT by December 31, 2021.

**RESOLUTION**  
**SIGNING OF THE**  
**YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT**  
**2021**

Resolution No. \_\_\_\_\_

**Whereas:** State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

**Whereas:** The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31<sup>st</sup> of each year) the appointment of the City Street Superintendent(s) to the NDOT using the Year-End Certification of City Street Superintendent form; and

**Whereas:** The NDOT requires that each certification shall also include a copy of the documentation of the city street superintendent's appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable), and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

**Whereas:** The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

**Be it resolved** that the Mayor  Village Board Chairperson  of \_\_\_\_\_  
(Check one box) (Print Name of Municipality)  
is hereby authorized to sign the attached Year-End Certification of City Street Superintendent completed form(s).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, Nebraska.  
Date Month

City Council/Village Board Members

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City Council/Village Board Member \_\_\_\_\_  
Moved the adoption of said resolution  
Member \_\_\_\_\_ Seconded the Motion  
Roll Call \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent  
Resolution adopted, signed, and billed as adopted.

Attest:

\_\_\_\_\_  
(Signature of Clerk)

Do not recreate or revise this document. Revisions and recreations will not be accepted. Copying this form is acceptable; see (3) below. Failure to complete and return the necessary documents per instructions will result in your municipality not receiving an Incentive Payment for Calendar Year 2021. Documents include the original Signing Resolution, Year-End Certification(s), and a copy of documentation of the appointment(s) of the City Street Superintendent(s). These must be received at the NDOT by December 31, 2021.

Year-End Certification of City Street Superintendent
For Determining Incentive Payment

January 1, 2021 to December 31, 2021

(1)(a) Certification of the municipality of La Vista that: Joseph Soucie Jr. was the appointed City Street Superintendent from January, 2021 to December 31, 2021.

(b) the above listed individual is not [ ] or is a Licensed City Street Superintendent, License Number S- 1046 Class A.

(c) the above listed individual is not [ ] or is a Licensed Engineer in Nebraska, License Number E- [ ]

(d) the superintending services of the above listed individual were provided by: (Check one box)

- [X] Employment with this Municipality
[ ] Contract (consultant) with this Municipality
[ ] Contract (interlocal agreement) between this Municipality and the following listed Municipality(ies) and/or County(ies)

(e) the above listed individual assisted in the following: Reference Neb. Rev. Stat. §39-2512

- 1. Developing and annually updating a long-range plan based on needs and coordinated with adjacent local governmental units,
2. Developing an annual program for design, construction, and maintenance,
3. Developing an annual budget based on programmed projects and activities,
4. Submitting such plans, programs, and budgets to the local governing body for approval; and
5. Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets,

- OR -

(2) From [ ] 2021 to [ ] 2021 this municipality did not have an appointed City Street Superintendent.

Signature of Mayor [ ] Village Board Chairperson [ ]

(3) If your municipality had a licensed superintendent for a portion of the year; had two or more successive licensed superintendents; and/or did not have an appointed street superintendent for any portion(s) of the calendar year, complete a separate Year-End Certification form for EACH appointed city street superintendent AND for any period without an appointed city street superintendent. Copy this form as needed to account for these separate periods.

(4) The payment amount will be computed based on (a) your most recent Federal Census as certified by the Tax Commissioner; (b) the number of full calendar months served by the appointed superintendent who is licensed or exempted from licensure under the Superintendents Act; (c) class of license, A or B; and (d) if the appointed City Street Superintendent assisted with the required duties in (1)(e) above. Reference Neb. Rev. Stat. §§39-2302 and 39-2511 through 39-2515.

(5) Failure to return the Year-End Certification(s), Signing Resolution, and a copy of documentation of the appointment(s) of the superintendent(s) per the instructions will result in your municipality not receiving an Incentive Payment.



Return the completed original resolution and certification(s), and a copy of the documentation of appointment(s) by December 31, 2021 to:

Highway Local Liaison Coordinator
Boards-Liaison Services Section
Local Assistance Division
Nebraska Department of Transportation
PO Box 94759
Lincoln NE 68509-4759

# MINUTE RECORD

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1310556LD

## LA VISTA CITY COUNCIL ORGANIZATIONAL MEETING December 1, 2020

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:30 p.m. on December 1, 2020. Present in the Council Chambers were Councilmembers: Thomas, Crawford, Quick, Hale, and Sell. Present via Zoom were Councilmembers: Frederick and Sheehan. Also in attendance were, City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Chief of Police Lausten, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, City Engineer Dowse, and Community Development Director Fountain.

A notice of the meeting was given in advance thereof by publication in the Times on November 25, 2020. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Governor Pete Ricketts issued Executive Order No. 20-34 – Coronavirus – Public Meetings Requirement Limited Waiver for Alternative Participation for Elected Officials. Such order allowed virtual meeting participation by elected officials that have been ordered to quarantine or isolate by the local public health agency due to exposure to COVID-19, in conformance with guidance from the Nebraska Department of Health and Human Services. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

All votes of Councilmembers Frederick and Sheehan at the meeting were by roll call vote using Zoom videoconference.

### II. CITY CLERK'S REPORT OF ELECTION RESULTS

City Clerk Buethe read the results of the General Election held on Tuesday, November 3, 2020 as certified by the Sarpy County Election Commissioner for the City of La Vista are as follows:

For the office of Mayor, Douglas Kindig received 6,328 votes and Klaus Lindner received 1,324 votes. For the office of City Council Ward I Mike Crawford received 1,368 votes. For the office of City Council Ward II Ron Sheehan received 851 votes and Nicolas Crawford received 666 votes. For the office of City Council Ward III Deb Hale received 1,443 votes. For the office of City Council Ward IV Jim Frederick received 1,317 votes and Kevin Wetuski received 854.

### III. ADMINISTRATION OF OATH OF OFFICE TO DOUGLAS KINDIG - MAYOR

City Attorney McKeon administered the Oath of Office to Mayor Kindig

### IV. ADMINISTRATION OF OATH TO COUNCILMEMBERS MIKE CRAWFORD – WARD I RON SHEEHAN – WARD II DEB HALE – WARD III JIM FREDERICK – WARD IV

Mayor Kindig Administered the Oath of Office to Councilmembers: Crawford, Sheehan, Hale, and Frederick.

### V. ELECTION OF COUNCIL PRESIDENT

Mayor Kindig called for nominations for Council President. Councilmember Sell nominated Councilmember Thomas. Councilmember Crawford seconded that nomination. Mayor Kindig asked for any further nominations. Councilmember Hale made a motion to cease nominations. Seconded by Councilmember Sheehan. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

Councilmember Crawford made a motion to cast a unanimous ballot for Councilmember Thomas for Council President. Seconded by Councilmember Sell. Councilmembers

# MINUTE RECORD

December 1, 2020

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1310556LD

Organizational Meeting

voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

**VI. APPOINTMENTS BY MAYOR KINDIG**  
**CITY ADMINISTRATOR – BRENDA GUNN**  
**CITY CLERK – PAM BUETHE**  
**FINANCE DIRECTOR – CINDY MISEREZ**  
**PUBLIC WORKS DIRECTOR – JOE SOUCIE**  
**CHIEF OF POLICE – BOB LAUSTEN**  
**CITY ATTORNEY – TOM MCKEON (FITZGERALD, SCHORR,**  
**BARTMETTLER AND BRENNAN, PC, LLO)**  
**CITY ENGINEER – PAT DOWSE**

Councilmember Sell made a motion to approve the appointments by Mayor Kindig. Seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

**VII. RESOLUTION – APPROVAL OF BLANKET BOND – APPOINTED OFFICIALS**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 20-121: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING BLANKET BOND IN PLACE OF INDIVIDUAL OFFICIAL BONDS.

WHEREAS, Nebraska Statutes (“Statutes”) and the City of La Vista Municipal Code (“Code”) require that certain City officials give bonds in favor of the City for certain amounts and subject to certain conditions, including the faithful performance of official duties; the premiums of which shall be paid by the City and have been included in the budget of the City adopted for fiscal years 2020-2021 and 2021-2022; and

WHEREAS, the Statutes and Code specify requirements of bonds when bonds are required; and

WHEREAS, Section 11-104(2) of the Statutes, as enacted by LB 347 (2007) permits a blanket bond in place of individual bonds; and

WHEREAS, a blanket bond, number 69372735, issued by Western Surety Company as surety, (“Bond”) is on file and has been presented by the City Clerk at this meeting for approval by the Mayor and City Council in place of individual bonds pursuant to Section 11-104(2) of the Statutes for such City officials other than the City Treasurer; and

WHEREAS, by undertakings and additional indemnity rider, the Bond is in joint and several form, payable to the City of La Vista, and in such amount(s) as have been fixed by Statutes or the City Council; and

WHEREAS, the Bond has been executed by the principals and the surety and the required oaths have been endorsed thereon; and

WHEREAS, the corporate surety of the Bond is legally authorized to transact business in the State of Nebraska; and

WHEREAS, the Bond obligates the principals and surety named therein for the faithful performance of the duties of the offices and positions held by such principals; and

WHEREAS, all applicable legal requirements with respect to said Bond have been satisfied.

NOW, THEREFORE, BE IT RESOLVED, that, the Mayor and City Council have reviewed the penalty amounts set forth in the Bond and hereby set, fix and approve said amounts as the required penalties pursuant to Neb. Rev. Stat. Section 11-104(1) and any other applicable law.

# MINUTE RECORD

December 1, 2020

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1310556LD

Organizational Meeting

BE IT FURTHER RESOLVED, that, the recitals above are hereby adopted and approved and shall be and constitute findings and determinations of the Mayor and City Council for purposes of this Resolution; the penalty amounts set forth in the Bond are hereby adopted and approved; and the Mayor and City Council find and determine that the Bond submitted at this meeting satisfies all requirements of applicable law.

BE IT FURTHER RESOLVED, that said Bond, and the surety named therein, are hereby approved, and the Mayor is hereby authorized to endorse approval of the City Council and surety in writing on the Bond or by attachment incorporating or incorporated into said Bond by reference, which shall be and constitute endorsement of approval upon said Bond.

BE IT FURTHER RESOLVED, that the City shall pay the premiums for said Bond, except for any premium that is voluntarily paid by any other person.

BE IT FURTHER RESOLVED, that the Mayor and/or City Clerk are authorized to take any other action that is necessary or appropriate to carry out the actions approved herein.

Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

## **VIII. RESOLUTION – APPROVAL OF INDIVIDUAL BOND – TREASURER**

Councilmember Sell introduced and moved for the adoption of Resolution No. 20-122: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING OFFICIAL BOND OF CITY TREASURER.

WHEREAS, Section 16-318 of the Nebraska Revised Statutes, as amended, and Section 31.21 of the City of La Vista Municipal Code (“Code”) require that the City Treasurer give a bond in favor of the City in the amount of not less than \$25,000.00 and subject to certain conditions, including the faithful performance of official duties; the premiums of which shall be paid by the City and have been included in the budget of the City adopted for fiscal years 2020-2021 and 2021-2022; and

WHEREAS, the Statutes and Code specify requirements of bonds when bonds are required; and

WHEREAS, a bond, number 71652885, issued by Western Surety Company as surety (“Bond”) has been issued and has been executed by the City Treasurer as principal and by said surety and has been submitted to the City Clerk; and

WHEREAS, the Bond has been presented by the City Clerk at this meeting for approval by the Mayor and City Council; and

WHEREAS, the submitted Bond is in joint and several form, payable to the City of La Vista, and in such amount(s) as have been fixed by Statutes or the City Council; and

WHEREAS, the Bond has been executed by the principal and the surety and the required oaths have been endorsed thereon; and

WHEREAS, the corporate surety of the Bond is legally authorized to transact business in the State of Nebraska; and

WHEREAS, the Bond obligates the principal and surety named therein for the faithful performance of the duties of the office and position held by the City Treasurer; and

WHEREAS, all applicable legal requirements with respect to said Bond have been satisfied.

NOW, THEREFORE, BE IT RESOLVED, that, the Mayor and City Council have reviewed the penalty amounts set forth in the Bond and hereby set, fix

# MINUTE RECORD

December 1, 2020

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1310556LD

Organizational Meeting

and approve said amount as the required penalty pursuant to Neb. Rev. Stat. Section 16-318 and any other applicable law.

BE IT FURTHER RESOLVED, that, the recitals above are hereby adopted and approved and shall be and constitute findings and determinations of the Mayor and City Council for purposes of this Resolution; the penalty amounts set forth in the Bond are hereby adopted and approved; and the Mayor and City Council find and determine that the Bond for the City Treasurer submitted at this meeting satisfies all requirements of applicable law.

BE IT FURTHER RESOLVED, that said Bond, and the surety named therein, are hereby approved, and the Mayor is hereby authorized to endorse approval of the City Council and surety in writing on the Bond or by attachment incorporating or incorporated into said Bond by reference, which shall be and constitute endorsement of approval upon said Bond.

BE IT FURTHER RESOLVED, that the City shall pay the premiums for said Bond (except for any premium that is voluntarily paid by any other person), including all renewal premiums necessary, if any, to continue said bond in effect during the term of office of the Treasurer.

BE IT FURTHER RESOLVED, that the Mayor and/or City Clerk are authorized to take any other action that is necessary or appropriate to carry out the actions approved herein.

Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Frederick. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

## IX. COMMENTS FROM THE FLOOR

There were no comments from the floor.

## X. COMMENTS FROM THE MAYOR AND COUNCIL

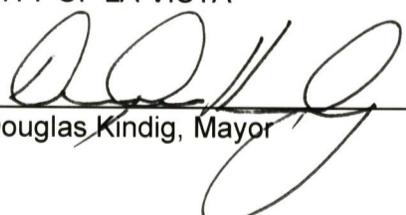
Councilmember Sheehan commented on Santa's Sleigh Ride and the Tree Lighting.

There was Council consensus to hold the next City Council meeting in person in the Council Chambers.

At 6:46 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

PASSED AND APPROVED THIS 15TH DAY OF DECEMBER, 2020.

CITY OF LA VISTA

  
\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

  
\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE SIGNATURE – FINANCE DIRECTOR JANSSEN SETTLEMENT DOCUMENTS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

**SYNOPSIS**

A resolution has been prepared authorizing the Finance Director to sign Participation Agreements and other documents for the Janssen opioid settlement.

**FISCAL IMPACT**

The annual disbursement to the City of La Vista will be approximately \$5,000 for the first 9 years and \$4,000 for the last 9 years of the 18-year total settlement period.

**RECOMMENDATION**

Approval.

**BACKGROUND**

On July 21, 2021 the Plaintiffs’ Executive Committee (including the Nebraska State Attorney General) in the federal opioid litigation announced the terms for the global settlement agreement with opioid manufacturer Johnson & Johnson and the “Big Three” drug distributors AmerisourceBergen, Cardinal Health, and McKesson. The Distributors will pay a maximum of \$21 billion over 18 years, while J&J will pay a maximum of \$5 billion over no more than nine years, with approximately \$22.8 billion in settlement proceeds payable to the states and local subdivisions. Nebraska’s allocation is approximately \$82 million, and La Vista’s allocation is approximately \$105,939 over the 18-year period.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE FINANCE DIRECTOR TO SIGN PARTICIPATION AGREEMENTS AND OTHER DOCUMENTS FOR THE JANSSEN OPIOID SETTLEMENT.

WHEREAS, The State of Nebraska Attorney General requires that the governing body authorize the individual (position) who is authorized to sign documents related to the Janssen Opioid Settlement on behalf of the City of La Vista; and

WHEREAS, The City Council has determined that joining in the Janssen Opioid settlement is necessary; and

WHEREAS, On July 21, 2021 the Plaintiffs' Executive Committee (including the Nebraska State Attorney General) in the federal opioid litigation announced the terms for the global settlement agreement with opioid manufacturer Johnson & Johnson and the "Big Three" drug distributors AmerisourceBergen, Cardinal Health, and McKesson. The Distributors will pay a maximum of \$21 billion over 18 years, while J&J will pay a maximum of \$5 billion over no more than nine years, with approximately \$22.8 billion in settlement proceeds payable to the states and local subdivisions. Nebraska's allocation is approximately \$82 million, and La Vista's allocation is approximately \$105,939 over the 18-year period; and

WHEREAS, The annual disbursement to the City will be approximately \$5,000 for the first 9 years and \$4,000 for the last 9 year of the 18-year total settlement period.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of La Vista, Nebraska is hereby authorized the Finance Director to sign participation agreements and other documents for the Janssen Opioid settlement.

PASSED AND APPROVED THIS 7TH DAY OF DECEMBER 2021.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

**Settlement Participation Form**

Governmental Entity: La Vista city	State: NE
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Distributor Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement.
7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.



8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including but not limited to all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
  
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
  
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.
  
11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.



I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**Settlement Participation Form**

Governmental Entity: La Vista city	State: NE
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Janssen Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.



8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.
  
9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.
  
10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.



I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
1685(E)	11/17/2021	US BANK NATIONAL ASSOCIATION	6,577.58	N
1688(E)	11/17/2021	ACTIVE NETWORK LLC	42.25	N
1689(E)	11/17/2021	BLACK HILLS ENERGY	1,832.77	N
1690(E)	11/17/2021	ESSENTIAL SCREENS	212.50	N
1691(A)	11/17/2021	ABM INDUSTRIES, INC	7,665.18	N
1692(A)	11/17/2021	SHI INTERNATIONAL CORP.	79,880.00	N
135957	11/17/2021	ALFRED BENESCH & COMPANY	10,677.60	N
135958	11/17/2021	CITY CENTRE 1, LLC	105,938.28	N
135959	11/17/2021	DESIGN WORKSHOP INC	3,500.00	N
135960	11/17/2021	HDR ENGINEERING INC	2,876.99	N
135961	11/17/2021	HGM ASSOCIATES, INC.	42,106.66	N
135962	11/17/2021	METALAB, LLC	6,900.00	N
135963	11/17/2021	OMAHA PUBLIC POWER DISTRICT	20,405.00	N
135964	11/17/2021	WATER'S EDGE AQUATIC DESIGN	1,206.00	N
135965	11/17/2021	OLSSON, INC.	8,010.25	N
1694(E)	11/23/2021	FIRST BANKCARD	6,646.17	N
135966	11/29/2021	HUNDEN STRATEGIC PARTNERS	2,500.00	N
1698(E)	11/30/2021	ACCESS BANK	35.00	N
1699(E)	11/30/2021	ACTIVE NETWORK LLC	81.41	N
1700(E)	11/30/2021	CCAP AUTO LEASE LTD	391.12	N
1701(E)	11/30/2021	CENTURY LINK/LUMEN	834.22	N
1702(E)	11/30/2021	CENTURY LINK/LUMEN	73.04	N
1703(E)	11/30/2021	FH BLACK & COMPANY INCORPORATED	4,945.00	N
1704(E)	11/30/2021	GREATAMERICA FINANCIAL SERVICES	1,127.00	N
1705(E)	11/30/2021	METROPOLITAN UTILITIES DISTRICT	9,014.41	N
1706(E)	11/30/2021	MID-AMERICAN BENEFITS INC	8,274.66	N
1707(E)	11/30/2021	NE DEPT OF REVENUE-SALES TAX	120.59	N
1708(E)	11/30/2021	OMAHA PUBLIC POWER DISTRICT	41,837.17	N
1709(E)	11/30/2021	PAYROLL MAXX	350,214.28	N
1710(E)	11/30/2021	PITNEY BOWES-EFT POSTAGE	1,376.00	N
1711(E)	11/30/2021	TOSHIBA FINANCIAL SERVICES	265.40	N
135967	12/01/2021	VIVERE APARTMENTS	1,578.67	N
1712(A)	12/07/2021	CITY OF OMAHA	33.07	N
1713(A)	12/07/2021	CITY OF PAPILLION - MFO	233,475.00	N
1714(A)	12/07/2021	STRATEGIC GOVERNMENT RESOURCES INC	900.00	N
135968	12/07/2021	911 CUSTOM LLC	315.00	N
135969	12/07/2021	ALLEN, JASON	577.40	N
135970	12/07/2021	AMAZON CAPITAL SERVICES, INC.	701.13	N
135971	12/07/2021	AMERICAN LIBRARY ASSOCIATION	298.00	N
135972	12/07/2021	ASCAP	372.59	N
135973	12/07/2021	ASSOCIATED FIRE PROTECTION	760.00	N
135974	12/07/2021	AT&T MOBILITY LLC	97.34	N
135975	12/07/2021	BACON LETTUCE CREATIVE	735.00	N
135976	12/07/2021	BARCAL, ROSE	49.06	N
135977	12/07/2021	BAUER BUILT INC	3,829.00	N
135978	12/07/2021	BIBLIOTHECA LLC	1.39	N
135979	12/07/2021	BISHOP BUSINESS EQUIPMENT COMPANY	1,616.07	N

## COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
135980	12/07/2021	BOOT BARN	139.24	N
135981	12/07/2021	BRITE IDEAS DECORATING	578.31	N
135982	12/07/2021	CAPSTONE	791.12	N
135983	12/07/2021	CENTER POINT, INC.	45.54	N
135984	12/07/2021	CINTAS CORPORATION NO. 2	447.22	N
135985	12/07/2021	CITY OF PAPILLION	9,564.90	N
135986	12/07/2021	COMP CHOICE INC	205.00	N
135987	12/07/2021	CONTROL MASTERS INCORPORATED	2,035.54	N
135988	12/07/2021	COX COMMUNICATIONS, INC.	147.03	N
135989	12/07/2021	CULLIGAN OF OMAHA	52.25	N
135990	12/07/2021	CUMMINS CENTRAL POWER LLC	2,145.14	N
135991	12/07/2021	D & K PRODUCTS	1,092.50	N
135992	12/07/2021	DATASHIELD CORPORATION	120.00	N
135993	12/07/2021	DELL MARKETING L.P.	3,943.32	N
135994	12/07/2021	DEMCO INCORPORATED	221.67	N
135995	12/07/2021	DULTMEIER SALES LLC	159.79	N
135996	12/07/2021	EBSCO INFORMATION SERVICES	1,650.08	N
135997	12/07/2021	ECHO GROUP INCORPORATED	918.90	N
135998	12/07/2021	EDGEWEAR SCREEN PRINTING	280.00	N
135999	12/07/2021	FELSBURG HOLT & ULLEVIG INC	875.00	N
136000	12/07/2021	FITZGERALD SCHORR BARMETTLER	26,338.40	N
136001	12/07/2021	GALE	125.20	N
136002	12/07/2021	GENERAL FIRE & SAFETY EQUIP CO	218.00	N
136003	12/07/2021	GRAINGER	40.53	N
136004	12/07/2021	GROSS BELGIANS INC	3,600.00	N
136005	12/07/2021	HANEY SHOE STORE	300.00	N
136006	12/07/2021	HOBBY LOBBY STORES INC	502.79	N
136007	12/07/2021	HOME DEPOT CREDIT SERVICES	213.40	N
136008	12/07/2021	HURST, JEAN	49.06	N
136009	12/07/2021	HY-VEE INC	99.31	N
136010	12/07/2021	INGRAM LIBRARY SERVICES	2,300.79	N
136011	12/07/2021	INTERNATIONAL CODE COUNCIL	195.35	N
136012	12/07/2021	JOSE VARGAS	200.00	N
136013	12/07/2021	KANOPY, INC.	166.00	N
136014	12/07/2021	KIESLER POLICE SUPPLY	35.00	N
136015	12/07/2021	KRIHA FLUID POWER CO INC	132.98	N
136016	12/07/2021	LABRIE, DONALD P	150.00	N
136017	12/07/2021	LARSEN SUPPLY COMPANY	646.64	N
136018	12/07/2021	LEADS ONLINE LLC	2,933.44	N
136019	12/07/2021	LERNER PUBLISHING GROUP	765.62	N
136020	12/07/2021	LIBRARY IDEAS LLC	932.40	N
136021	12/07/2021	LOWE'S CREDIT SERVICES	389.76	N
136022	12/07/2021	MARCO INCORPORATED	132.75	N
136023	12/07/2021	MENARDS-RALSTON-CORPORATE	1,034.51	N
136024	12/07/2021	MIDWEST TAPE	292.19	N
136025	12/07/2021	MIDWEST TURF & IRRIGATION	84.54	N
136026	12/07/2021	MIRACLE RECREATION EQUIPMENT	652.82	N

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
136027	12/07/2021	MSC INDUSTRIAL SUPPLY CO	250.68	N
136028	12/07/2021	NE DEPT OF TRANSPORTATION	75.00	N
136029	12/07/2021	NEBRASKA TURFGRASS ASSOCIATION	2,155.00	N
136030	12/07/2021	NEBRASKALAND TIRE, INC.	588.04	N
136031	12/07/2021	OFFICE DEPOT INC	323.47	N
136032	12/07/2021	OMAHA TACTICAL LLC	200.00	N
136033	12/07/2021	ON YOUR MARKS INC	1,119.23	N
136034	12/07/2021	PAPILLION SANITATION	993.62	N
136035	12/07/2021	PER MAR SECURITY SERVICES	133.68	N
136036	12/07/2021	QUALITY AUTO REPAIR & TOWING, INC.	200.00	N
136037	12/07/2021	READY MIXED CONCRETE COMPANY	4,855.30	N
136038	12/07/2021	RED EQUIPMENT LLC	404.15	N
136039	12/07/2021	REGAL AWARDS INC.	207.36	N
136040	12/07/2021	ROTELLA'S ITALIAN BAKERY	50.75	N
136041	12/07/2021	ROURKE EDUCATIONAL MEDIA	77.00	N
136042	12/07/2021	SARPY COUNTY FISCAL ADMINSTRTRN	15,102.96	N
136043	12/07/2021	SECURITY EQUIPMENT INC.	2,455.00	N
136044	12/07/2021	SOUTHERN UNIFORM & EQUIPMENT LLC	17.21	N
136045	12/07/2021	TED'S MOWER SALES & SERVICE INC	142.00	N
136046	12/07/2021	THE COLONIAL PRESS, INC	192.81	N
136047	12/07/2021	THE PENWORTHY COMPANY	422.38	N
136048	12/07/2021	THE SCHEMMER ASSOCIATES INC	185.00	N
136049	12/07/2021	THE WALDINGER CORPORATION	2,072.88	N
136050	12/07/2021	THOMPSON DREESSEN & DORNER, INC.	2,250.00	N
136051	12/07/2021	TRACTOR SUPPLY CREDIT PLAN	45.94	N
136052	12/07/2021	TRAFFIC AND PARKING CONTROL CO, INC	794.00	N
136053	12/07/2021	TRUCK CENTER COMPANIES	2,870.11	N
136054	12/07/2021	UNITE PRIVATE NETWORKS LLC	4,400.00	N
136055	12/07/2021	USBORNE BOOKS & MORE ED. SVCS.	12.99	N
136056	12/07/2021	UTILITY EQUIPMENT COMPANY	224.68	N
136057	12/07/2021	VERIZON CONNECT NWF, INC.	631.41	N
136058	12/07/2021	WALMART COMMUNITY BRC	611.84	N
136059	12/07/2021	WEMHOFF, ASHLEY	49.06	N
136060	12/07/2021	WESTLAKE HARDWARE INC NE-022	1,851.30	N
136061	12/07/2021	WOODHOUSE FORD-BLAIR	1,135.72	N
136062	12/07/2021	WOODHOUSE LINCLN-MERCURY	376.36	N
130	CHECKS PRINTED	TOTAL CLAIM AMOUNT:	\$1,086,326.21	0

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR PUD SITE PLAN AND REPLAT. LOT 19 SOUTHPORT WEST AND LOTS 1-3 SOUTHPORT WEST REPLAT 7	◆ RESOLUTION (2) ORDINANCE RECEIVE/FILE	CHRISTOPHER SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and resolutions prepared to approve a PUD Site Plan Amendment and Replat to allow for the construction of a multi-tenant commercial strip center and two stand-alone restaurants, located on approximately 3.29 acres in Southport West.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval, subject to completion of all requirements and conditions specified in the Planning Division Recommendation Report included with this agenda item.

**BACKGROUND**

A public hearing has been scheduled to consider an application submitted by Summit Development for a PUD Site Plan Amendment and Replat to allow for the construction of one multi-tenant commercial strip center and two stand-alone restaurants on approximately 3.29 acres platted as Lot 19 Southport West and Lots 1-3 Southport West Replat Seven. The site is located northwest of the intersection of Giles Road and Southport Parkway, south of the Embassy Suites hotel.

The original PUD Site Plan for this property was approved on December 21, 2004, and amended on October 15, 2019. The property lies within the Gateway Corridor Overlay District as well as Southport West and is subject to the building design review process. The applicant has submitted the building design for staff review, which is ongoing. Design review must be completed prior to the issuance of a building permit, along with completion of other specified requirements and conditions.

A detailed staff report is attached.

The Planning Commission held a public hearing on November 18, 2021, and voted unanimously to recommend approval of the PUD Site Plan Amendment for a commercial development contingent on the satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance. The Planning Commission also voted unanimously to recommend the approval of Southport West Replat Eight as the request is consistent with the Comprehensive Plan and Subdivision Regulations.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN AMENDMENT FOR LOT 19, SOUTHPORT WEST, AND LOTS 1-3 SOUTHPORT WEST REPLAT SEVEN, LOCATED IN THE SW 1/4 OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above-described property have applied for approval of a PUD Site Plan Amendment for Lot 19 Southport West, and Lots 1-3 Southport West Replat Seven; and

WHEREAS, the Deputy Community Development Director and the City Engineer have reviewed the PUD Site Plan Amendment; and

WHEREAS, the La Vista Planning Commission held a public hearing on November 18, 2021, and voted unanimously to recommend approval of the PUD Site Plan Amendment; and

WHEREAS, the PUD Site Plan Amendment request is consistent with the Comprehensive Plan and the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the PUD Site Plan Amendment presented at this meeting for Lot 19 Southport West, and Lots 1-3 Southport West Replat Seven, located in the Southwest ¼ of Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located north of Southport Parkway between Giles Road and S. 125th Street, be, and hereby is, approved, subject to completion of all requirements and conditions specified in the Planning Division Recommendation Report included with this agenda item to the satisfaction of the City Administrator, City Engineer, or her or his designee.

PASSED AND APPROVED THIS 7TH DAY OF DECEMBER, 2021.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOT 19 SOUTHPORT WEST AND LOTS 1-3 SOUTHPORT WEST REPLAT SEVEN, TO BE REPLATTED AS LOTS 1-4 SOUTHPORT WEST REPLAT EIGHT, A SUBDIVISION LOCATED IN THE SW 1/4 OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above-described property applied for approval of a replat for Lot 19 Southport West and Lots 1-3 Southport West Replat Seven, to be replatted as Lots 1-4 Southport West Replat Eight; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on November 18, 2021, the La Vista Planning Commission held a meeting and reviewed the replat and recommended approval.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lot 19 Southport West and Lots 1-3 Southport West Replat Seven, to be replatted as Lots 1-4 Southport West Replat Eight, a subdivision located in the Southwest ¼ of Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located north of Southport Parkway between Giles Road and S. 125th Street, be, and hereby is, approved.

PASSED AND APPROVED THIS 7TH DAY OF DECEMBER 2021.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk



**CITY OF LA VISTA  
PLANNING DIVISION  
RECOMMENDATION REPORT**

CASE NUMBERS: PPUD21-0001;

FOR HEARING OF: DECEMBER 7, 2021  
REPORT PREPARED ON: NOVEMBER 22, 2021

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Southport Parkway, LLC  
21008 Cumberland Drive, Ste 106  
Elkhorn, NE 68022

**B. PROPERTY OWNER:**

Southport Parkway, LLC  
21008 Cumberland Drive, Ste 106  
Elkhorn, NE 68022

**C. LOCATION:** Northwest of the intersection of Giles Road and Southport Parkway.

**D. LEGAL DESCRIPTION:** Lot 19 Southport West, together with Lots 1-3 Southport West Replat Seven.

**E. REQUESTED ACTION(S):** PUD Site Plan amendment and Replat to allow for commercial development with shared parking.

**F. EXISTING ZONING AND LAND USE:** C-3 Highway Commercial/Office Park District, Gateway Corridor District (Overlay District), and Southport West PUD District (Overlay District); the properties are currently vacant.

**G. PURPOSE OF REQUEST:** Authorize a PUD Site Plan amendment with allowances for setbacks and shared parking along with a Replat to allow for commercial development.

**H. SIZE OF SITE:** Approximately 2.47 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The existing site is vacant ground. The property slopes gradually downward to the southeast;

**IV. REVIEW COMMENTS:**

- A. The design of the buildings and the overall site will be reviewed through the City's Architectural Design Review process, and must be substantially complete prior issuance of any building permits.
- B. All primary structures in the PUD Site Plan are depicted to meet the setbacks of the underlying C-3 Highway Commercial / Office Park Zoning District. However, due to site constraints, the dumpster enclosure in the northwest corner of the proposed Lot 2 lies closer to the side lot line (8.24') than the 15-foot setback allowed within the C-3 District.
- C. Applicant has been made aware that developments on this property will require FAA approval prior to the issuance of a building permit due to proximity of the Millard Airport.
- D. The development will be required to meet the requirements for a Post Construction Storm Water Management Plan as per City regulations.

**V. STAFF RECOMMENDATION – PLANNED UNIT DEVELOPMENT SITE PLAN AMENDMENT:**

Approval of the PUD Site Plan for commercial development on Lot 19 Southport West and Lots 1-3 Southport West Replat 7 contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VI. PLANNING COMMISSION RECOMMENDATION – PLANNED UNIT DEVELOPMENT SITE PLAN AMENDMENT:**

The Planning Commission held a public hearing on November 18, 2021, and recommended approval of the Planned Unit Development Site Plan for Lot 19 Southport West and Lots 1-3 Southport West Replat 7 contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VII. STAFF RECOMMENDATION – SOUTHPORT WEST REPLAT EIGHT:**

Approval of Southport West Replat Eight, contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the Replat request is consistent with the Comprehensive Plan and the Subdivision Regulations.

**VIII. PLANNING COMMISSION RECOMMENDATION – SOUTHPORT WEST REPLAT EIGHT:**

The Planning Commission held a meeting on November 18, 2021, and recommended approval of Southport West Replat Eight, contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the Replat request is consistent with the Comprehensive Plan and the Subdivision Regulations.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Commercial	C-3 PUD Highway Commercial / Office Park District with a Planned Unit Development Overlay (Overlay District) and a Gateway Corridor Overlay (Overlay District);	Embassy Suites
East	Commercial	C-3 PUD Highway Commercial / Office Park District with a Gateway Corridor Overlay (Overlay District);	Pinnacle Bank
South	Industrial	C-3 PUD Highway Commercial / Office Park District with a Planned Unit Development Overlay (Overlay District) and a Gateway Corridor Overlay (Overlay District);	Vacant
West	Commercial	C-3 PUD Highway Commercial / Office Park District with a Planned Unit Development Overlay (Overlay District) and a Gateway Corridor Overlay (Overlay District);	Cabela's

**C. RELEVANT CASE HISTORY:**

1. The PUD Plan and Ordinance for Southport West was originally approved on December 21, 2004.
2. The PUD Ordinance for Southport West was last amended on February 16, 2016.
3. Southport West Replat Seven was approved on December 10, 2019.
4. A PUD Site Plan amendment for the properties involved was approved by City Council on October 15, 2019. Changes to the overall layout and interest of prospective commercial tenants warranted this application to amend the plan.

**D. APPLICABLE REGULATIONS:**

1. Section 5.12 of the Zoning Regulations – C-3 Highway Commercial / Office Park District.

2. Section 5.15 of the Zoning Regulations – PUD Planned Unit Development District (Overlay District).
3. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District).

### **III. ANALYSIS**

#### **A. COMPREHENSIVE PLAN:**

1. The Future Land Use Map of the Comprehensive Plan designates the area for commercial uses.

#### **B. OTHER PLANS: N/A.**

#### **C. TRAFFIC AND ACCESS:**

1. Access to the property will be provided from a right-in/right-out off of Southport Parkway as well as connections through the access drive adjacent to the Embassy Suites parking lot.
2. Applicant has provided a traffic impact study in relation to the development of this project. The study, dated June 2021, finds that traffic is generally anticipated to operate with acceptable delay. However, several turning movements at the intersection of Southport Parkway and Giles Road are anticipated to approach or exceed capacity in short-term future conditions, with or without this project.
3. The traffic study recommends the addition of a westbound right-turn lane be constructed at the relocated access break for the Site Drive & onto Southport Parkway. This is depicted further west along Southport Parkway in the PUD Plan Set than the last PUD Plan Set approved in 2019.
4. Applicant should install all access and signage improvements as recommended in the Traffic Impact Study.

#### **D. UTILITIES:**

1. The property has access to sanitary sewer, water, gas, power, and communication utilities.

#### **E. PARKING REQUIREMENTS:**

1. The PUD ordinance for Southport West requires a ratio of 4.5 stalls per 1,000 square feet of leasable gross floor area. The gross floor area proposed within the development requires 94 stalls. The parking count depicted within the PUD Site Plan set is 154 stalls, exceeding the minimum requirement by 60 stalls.

#### **F. LANDSCAPING:**

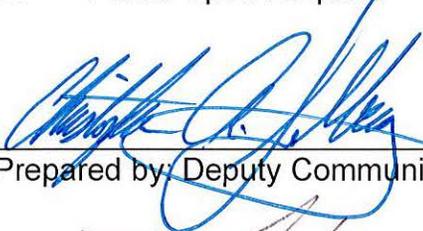
1. The landscaping for any developments on this site will need to comply with the requirements of the Zoning Ordinance and of the Southport West Design Guidelines. The design review process for the PUD Site Plan map set needs to be substantially complete prior to City Council review.

**IX. ATTACHMENTS TO REPORT:**

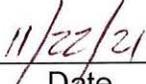
- A. Vicinity Map
- B. Review Letters
- C. Draft PUD Site Plan map set
- D. Draft Preliminary and Final Plat map set
- E. Traffic Impact Study

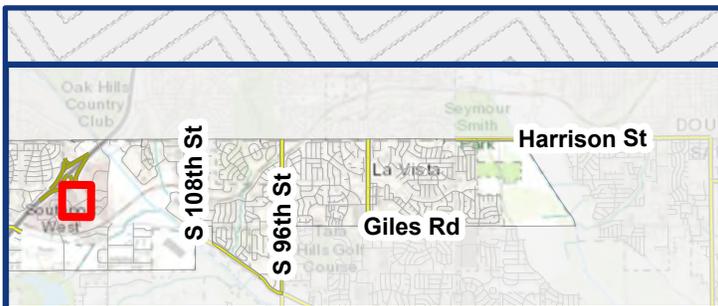
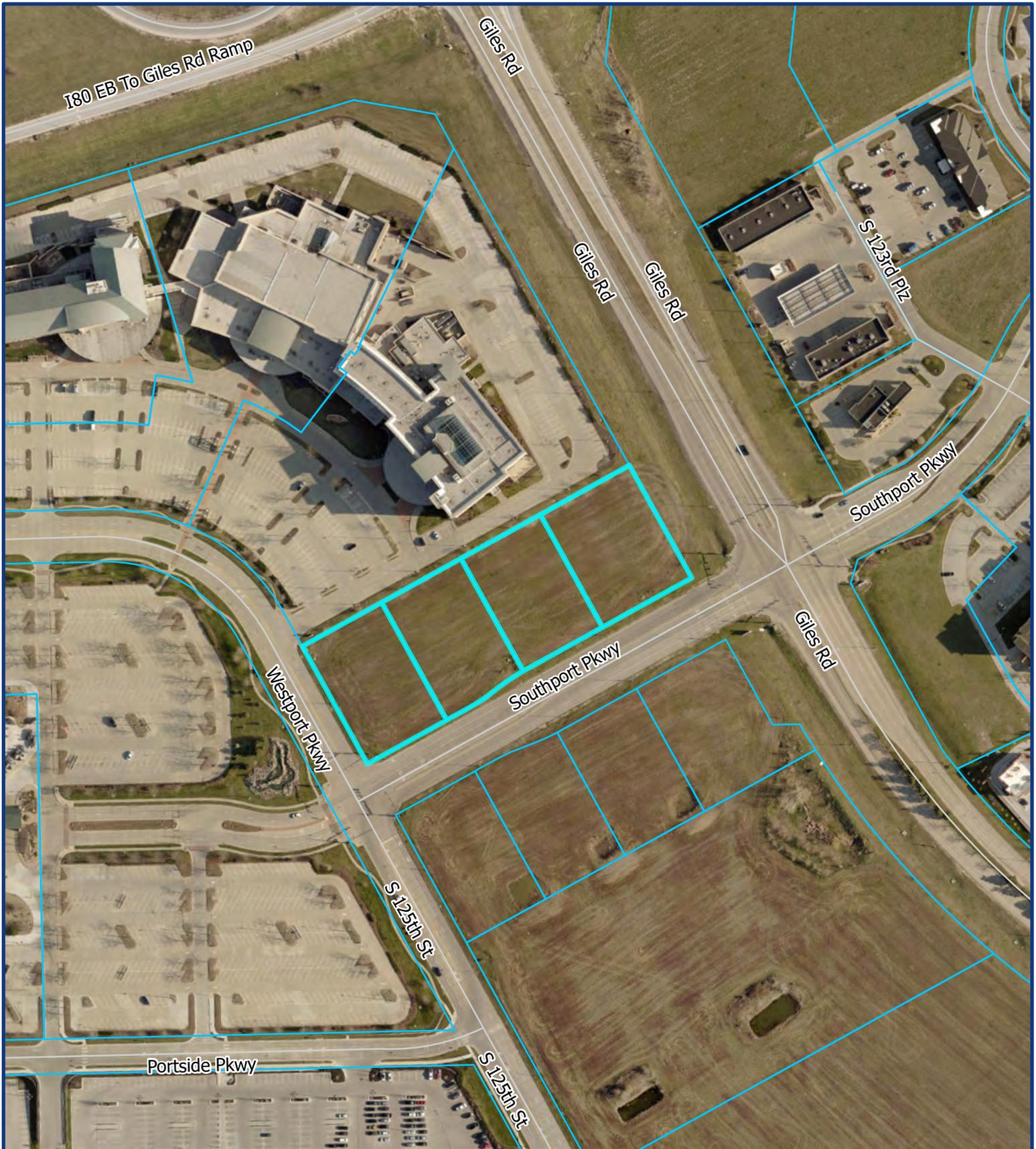
**X. COPIES OF REPORT SENT TO:**

- A. Willie Douglas, Summit Development
- B. Jeff Lake, Summit Development
- C. Eric Williams, Olsson Associates
- D. Public Upon Request

  
\_\_\_\_\_  
Prepared by Deputy Community Development Director

  
\_\_\_\_\_  
Community Development Director

  
\_\_\_\_\_  
Date



# Southport Parkway Shops

11/9/2021



**Southport Parkway Shops**

**PUD Site Plan**

**Staff Review Letters**



May 20, 2021

Eric Williams  
Olsson Associates  
2111 N 67<sup>th</sup> Street, STE 200  
Omaha, NE 68106

RE: Planned Unit Development Amendment – Initial Review Letter  
Lots 1, 2, and 3 Southport West Replat 7 and Lot 19 Southport West

Mr. Williams,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

General Comments

1. Please submit a schedule of construction, per the requirements of Section 5.15.04.01. If project phasing is planned, a phasing plan and schedule needs to be included. Since there are individual lots that might be conveyed separately, there needs to be information on the phasing of construction so that common area elements such as drives, storm water facilities, utilities or other common area shared items can be addressed for maintenance. If appurtenances are not all built with the first phase/first lot, then financial guarantees to assure completion will be needed as part of PUD approval. Public improvement assurances will need to be consistent with Section 5.15.04 of the La Vista Zoning Ordinance.

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
402.331.4343 P  
402.331.4375 F

**Community Development**  
8116 Park View Blvd.  
402.593.6400 P  
402.593.6445 F

**Library**  
9110 Giles Rd.  
402.537.3900 P  
402.537.3902 F

**Police**  
7701 S. 96th St.  
402.331.1582 P  
402.331.7210 F

**Public Works**  
9900 Portal Rd.  
402.331.8927 P  
402.331.1051 F

**Recreation**  
8116 Park View Blvd.  
402.331.3455 P  
402.331.0299 F

2. Per Section 5.15.04.06, we need you to provide evidence of meeting and coordination with the adjacent hotel property owner.
3. You will need to obtain approval by the FAA for this development prior to issuance of building permits due to the proximity of this development to the Millard Airport.
4. Please review any private, protective covenants recorded against the property to ensure that this development will be compliant.
5. As per Section 5.15.04.05, the application to amend the PUD needs to be signed by at least 51% of the initial PUD property owners. Provision of signed letters of support would be acceptable.
6. Per Section 5.15.04.14, the PUD will need to include provisions regarding ownership and maintenance of common areas consistent with this section of the Zoning Regulations. A common area maintenance agreement will be required.

#### Traffic and Access

1. Per Section 5.15.04.03, an updated traffic study will be required for this project. Please submit a traffic study that addresses the following items of interest: the current and future level of service of the adjacent public intersections, the internal circulation of the development, the right-in, right-out access on Southport Parkway and its proximity to Giles Road, and the strong concerns that traffic entering into the development and stacking in any of the proposed drive-throughs will overflow onto the adjacent public right-of-way.
2. Please update the parking requirements listed in the Site Information Table on page C2.1 to be consistent with the requirements listed in Section 7.06 of the Zoning Ordinance for each of the proposed uses in the development. The requirement for restaurants with drive throughs is one (1) space per 150 square feet of gross floor area plus five (5) stacking spaces for drive through window. Parking numbers will be reevaluated once the parking requirements are updated.

#### Landscaping Sheet

1. Confirm all landscaping/berm requirements are being met per current PUD, unless otherwise noted within a proposed PUD amendment.

2. The landscaping plan is currently under review by the City's Design Review Architect. A separate design review letter will be forwarded once the initial review has been completed.

#### Sheet C2.1

1. The setbacks for the proposed center identification sign do not meet the requirements set forth within Section 7.01.05(2)F of the zoning ordinance. The required setbacks along streets designated as collector or arterial shall be twenty (20) feet.
2. The patio canopy on the southeast side of the building on proposed Lot 1 extends into the building setback. How many feet does this extend into the setback? Canopies may project 2 feet into the required setback, per Section 4.13.01 of the Zoning Ordinance.
3. Per Section 5.15.05.03.4, if common open spaces are contemplated, the percentage of common space provided will need to be identified within the PUD.

#### Sheet C3.1

1. Grading work will require a grading permit. Please reach out to La Vista's Chief Building Official, Jeff Sinnett, at (402) 593-6400 for information on how to obtain your grading permit prior to the start of any grading.
2. As there are drainage capacity limitations at the culvert crossing near and under the rail road southeast of Giles road, all catchment drains that drain into said basin should be held to a no-net increase of the predevelopment flows until the drainage culverts at the railroad is up-sized to account for post-developed conditions for a 100-year return frequency.

Please submit 2 full size revised copies of the PUD plans and related documents (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed.

If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,



Cale Brodersen  
Assistant Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6405

cc:

Willie Douglas, Southport Parkway, LLC  
Bruce Fountain, Community Development Director - City of La Vista  
Christopher Solberg, Deputy Community Development Director - City of La Vista  
Pat Dowse, City Engineer - City of La Vista



October 26, 2021

Eric Williams  
Olsson Associates  
2111 N 67<sup>th</sup> Street, STE 200  
Omaha, NE 68106

RE: Planned Unit Development Amendment – Second Review Letter  
Lots 1, 2, and 3 Southport West Replat 7 and Lot 19 Southport West

Mr. Williams,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

General Comments

1. Several items noted in the Initial Review Letter have not yet been received and will need to be submitted prior to the City's publishing for a public hearing before the Planning Commission. These items are:
  - a. A schedule of construction, per the requirements of Section 5.15.04.01. If project phasing is planned, a phasing plan and schedule needs to be included. Since there are individual lots that might be conveyed separately, there needs to be information on the phasing of construction so that common area elements such as drives, storm water facilities, utilities or other common area shared items can be addressed for maintenance. If appurtenances are not all built with the first phase/first lot, then financial guarantees to assure completion will be needed as part of PUD approval. Public improvement assurances will need to be consistent with Section 5.15.04 of the La Vista Zoning Ordinance.
  - b. Evidence of meeting and coordination with the adjacent hotel property owner, per Section 5.15.04.06.

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
402.331.4343 P  
402.331.4375 F

**Community Development**  
8116 Park View Blvd.  
402.593.6400 P  
402.593.6445 F

**Library**  
9110 Giles Rd.  
402.537.3900 P  
402.537.3902 F

**Police**  
7701 S. 96th St.  
402.331.1582 P  
402.331.7210 F

**Public Works**  
9900 Portal Rd.  
402.331.8927 P  
402.331.1051 F

**Recreation**  
8116 Park View Blvd.  
402.331.3455 P  
402.331.0299 F

- c. Signed letters of support by at least 51% of the initial PUD property owners in order to amend the PUD, per Section 5.15.04.05; and
  - d. A common area maintenance agreement, per Section 5.15.04.14, that includes provisions regarding ownership and maintenance of common areas consistent with this section of the Zoning Regulations.
2. The revised landscaping plan is currently under review by the City's Design Review Architect. A separate design review letter will be forwarded once the follow-up review has been completed.
  3. Please update the ownership name to the current property owner in note 6 on Sheet C3.1 pertaining to the maintenance obligation for water quality facilities.

Please submit the items requested above by this Friday, October 29<sup>th</sup> at 12:00pm in order for your application to be placed on the November 18<sup>th</sup>, 2021 Planning Commission meeting agenda. If additional time is needed to prepare the resubmittal, the next Planning Commission meeting date is December 2, 2021. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,

A handwritten signature in blue ink that reads "Cale Brodersen" followed by a long horizontal flourish.

Cale Brodersen, AICP  
Assistant Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6405

cc:

Willie Douglas, Southport Parkway, LLC  
Bruce Fountain, Community Development Director – City of La Vista  
Christopher Solberg, Deputy Community Development Director – City of La Vista  
Pat Dowse, City Engineer – City of La Vista



October 29, 2021

Eric Williams  
Olsson Associates  
2111 N 67<sup>th</sup> Street, STE 200  
Omaha, NE 68106

RE: Planned Unit Development Amendment – Third Review Letter  
Lots 1, 2, and 3 Southport West Replat 7 and Lot 19 Southport West

Mr. Williams,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

General Comments

1. The executed consent letters provided to demonstrate consent from property owners within the Southport West Planned Unit Development area display a previous version of the PUD application site plan. The current development proposal has differences substantial enough to warrant an updated consent letter to ensure that the owners fully understand this specific proposal. We will need an updated consent letter from 51% of the landowners within the PUD area prior to City Council review. For a December 7<sup>th</sup>, 2021 City Council review date, we would need these letters by 9:00 a.m. November 19<sup>th</sup> (our deadline for newspaper legal ad publication requests). One of these consent letters must be from Atrium-JDHQ to provide evidence of coordination with the adjacent hotel owners.
2. Please provide an updated PUD plan set to include the following additional changes:
  - a. Please add the phasing map into the most current PUD plan set.
  - b. Please add the setback dimension from the northernmost corner of the dumpster enclosure on proposed Lot 2 to the property line.

**City Hall**  
8116 Park View Blvd.  
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402.331.4343 P  
402.331.4375 F

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402.593.6400 P  
402.593.6445 F

**Library**  
9110 Giles Rd.  
402.537.3900 P  
402.537.3902 F

**Police**  
7701 S. 96th St.  
402.331.1582 P  
402.331.7210 F

**Public Works**  
9900 Portal Rd.  
402.331.8927 P  
402.331.1051 F

**Recreation**  
8116 Park View Blvd.  
402.331.3455 P  
402.331.0299 F

- c. With the relocation of the access along Southport Parkway and the subsequent relocation of the sidewalk, several trees depicted in the landscaping plan on proposed Lot 2 appear to conflict with the location of the sidewalk. We recommend moving these trees east in some arrangement, as noted in the attached redlined landscaping plan.
3. The revised landscaping plan is currently under review by the City's Design Review Architect. A separate design review letter will be forwarded once the follow-up review has been completed. Final approval of the landscaping plan will be required prior to City Council review.

We will publish the legal ad for your application to be reviewed by the Planning Commission on November 18<sup>th</sup>, 2021 at La Vista City Hall (8116 Park View Blvd, La Vista, NE 68128) at 6:30pm. For this item to move forward at this November 18<sup>th</sup> Planning Commission meeting, please submit a revised PUD plan set to incorporate the changes mentioned in Comment #2 by close-of-business Monday, November 8<sup>th</sup> for packet preparation. Assuming that deadline is met, please have a representative in attendance at the November 18<sup>th</sup> Planning Commission meeting to introduce your request and answer any questions that the Planning Commission might have. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,



Cale Brodersen, AICP  
Assistant Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6405

cc:

Willie Douglas, Southport Parkway, LLC  
Bruce Fountain, Community Development Director – City of La Vista  
Christopher Solberg, Deputy Community Development Director – City of La Vista  
Pat Dowse, City Engineer – City of La Vista

Enclosure



**Southport Parkway Shops**

**PUD Site Plan**

**Map Set**



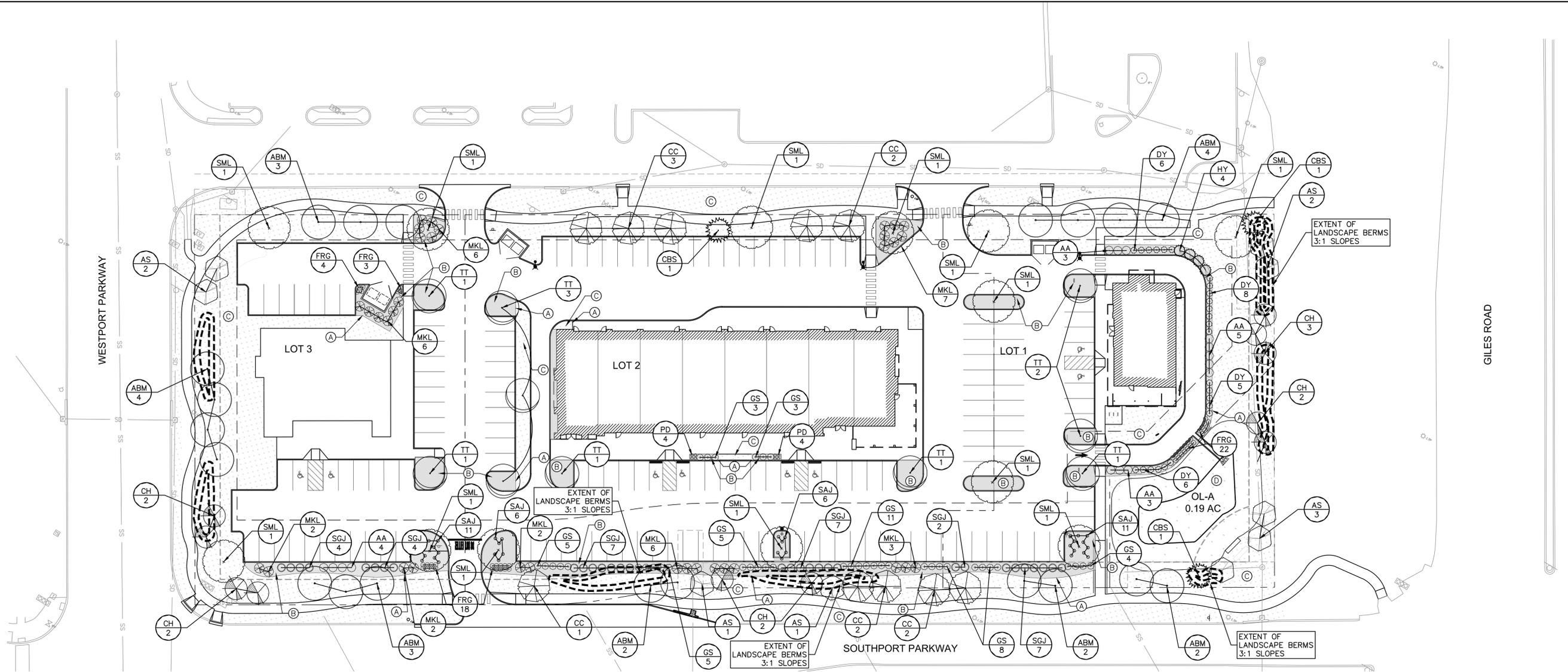








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 DATE: Nov 08, 2021 3:59pm XREFS: C\_P\BLK\_02102442 C\_P\BASE\_02102442 C\_P\SC\_02102442 C\_P\BNDY\_02102442 USER: kondreesen



AREA CALCULATIONS/PARKING STATISTICS

	LOT 1	LOT 2	LOT 3	TOTAL
PARKING LOT AREA	12,377	44,402	19,031	75,810
PARKING LOT LANDSCAPE	2,067	3,484	1,943	7,494
	13.5%	7.8%	10.2%	9.9%

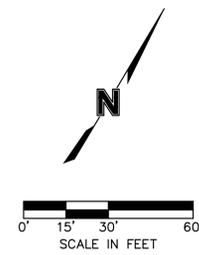
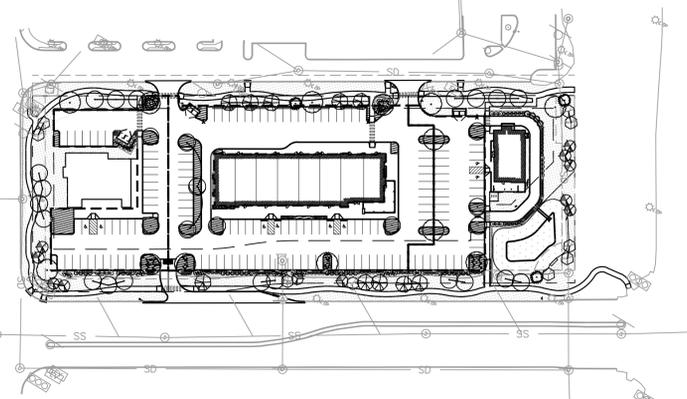
PLANT SCHEDULE

	QTY.	BOTANICAL NAME	COMMON NAME	PLANTING METHOD	SIZE @ PLANTING	SPACING	MATURE SPREAD	MATURE HEIGHT
<b>OVERSTORY DECIDUOUS TREES</b>								
SML	15	GLEDITSIA TRIACANTHOS INERMIS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	B&B	BB/30"	2' CAL.	AS SHOWN	35' 50'
CSO	3	QUERCUS 'CRIMSCHMIDT'	CRIMSON SPIRE OAK	B&B	BB/36"	3' CAL.	AS SHOWN	15' 40'
ABM	20	ACER RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	B&B	BB/36"	3' CAL.	AS SHOWN	50' 35'
TT	10	TILIA TOMENTOSA	SILVER LINDEN	B&B	BB/30"	2' CAL.	AS SHOWN	30' 50'
<b>CONIFEROUS TREES</b>								
CBS	3	PICEA PUNGENS 'GLAUC'	COLORADO BLUE SPRUCE	B&B	BB/30"	6' HT.	AS SHOWN	15' 25'
<b>UNDERSTORY/ORNAMENTAL</b>								
AS	9	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE'	AUTUMN BRILLIANCE SERVICEBERRY	B&B	BB/20"	6' CLUMP	AS SHOWN	15' 20'
CC	10	CERCIS CANADENSIS	EASTERN REDBUD	B&B	BB/20"	1.5' CAL	AS SHOWN	20' 25'
CH	11	CRATAEGUS CRUSGALINERMIS	COCKSPUR HAWTHORNE	B&B	BB/20"	1.5' CAL	AS SHOWN	20' 25'
<b>DECIDUOUS SHRUBS</b>								
AA	15	ARONIA ARBUTIFOLIA 'BRILLIANTISSIMA'	RED CHOKEBERRY	CONT.	3 GAL	24"	AS SHOWN	3' 7'
MKL	41	SYRINGA MEYERI	MISS KIM LILAC	CONT.	3 GAL	18"	AS SHOWN	5' 5'
<b>EVERGREEN SHRUBS</b>								
DY	25	TAXUS MEDIA DENSIFORMIS	DENSE YEWE	CONT.	#3	24"	AS SHOWN	6' 3'
HY	4	TAXUS MEDIA 'HICKS'	HICKS YEWE	CONT.	#3	24"	AS SHOWN	6' 10'
SGJ	31	JUNIPERUS X PFITZERIANA 'SEA GREEN'	SEA GREEN JUNIPER	CONT.	#3	24"	AS SHOWN	6' 5'
<b>GRASSES AND PERENNIALS</b>								
PD	22	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPS EED	CONT.	#1	12"	AS SHOWN	2' 2.5'
FRG	47	CALAMAGROSIS X ACUTIFLORA	FEATHER REED GRASS	CONT.	#1	12"	AS SHOWN	3.5' 2'
SAJ	34	SEDUM 'AUTUMN JOY'	AUTUMN JOY SEDUM	CONT.	#1	12"	AS SHOWN	2' 2'

NOTE: TRANSFORMERS TO BE SCREENED BY ONE OF THE GRASSES IN THE LIST ABOUT.

LANDSCAPE KEY NOTES	
(A)	CULTIVATED LANDSCAPE EDGING
(B)	HARDWOOD MULCH
(C)	INSTALL TURF-TYPE FESCUE SOD - TURF IRRIGATION*
(D)	BASIN SEEDING MIX
(E)	INSTALL TURF-TYPE FESCUE SEED - TURF IRRIGATION*

\*ALL TURF AND LANDSCAPE AREAS TO BE IRRIGATED



REV. NO.	DATE	REVISIONS DESCRIPTION

Know what's below.  
 Call before you dig.  
CALL 811 SEVENTY-TWO HOURS PRIOR TO DIGGING, GRADING OR EXCAVATING FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

**Southport West Replat Eight**  
**Staff Review Letters**



May 20, 2021

Eric Williams  
Olsson Associates  
2111 N 67<sup>th</sup> Street, STE 200  
Omaha, NE 68106

RE: Southport Parkway Replat – Initial Review Letter  
Lots 1, 2, and 3 Southport West Replat 7 and Lot 19 Southport West

Mr. Williams,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Subdivision Regulations, the City has the following comments:

1. Please include phasing lines on the preliminary plat if the development will be constructed in phases, per Section 3.03.02 of La Vista's Subdivision Regulations.
2. The location of the right-in, right-out access point along Southport Parkway is of great concern given the unknown internal circulation of the proposed development, which may cause overflow congestion on the adjacent public roadway system. Due to the proximity of intersection of Giles Road and multiple protected movement phases from the signal, spillback onto the public roadway system may be highly problematic. This access should be shifted west to near the lot lines of Lot 3 and Lot 2, or the access on Southport Parkway should be eliminated altogether.

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
402.331.4343 P  
402.331.4375 F

**Community Development**  
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402.593.6400 P  
402.593.6445 F

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402.331.7210 F

**Public Works**  
9900 Portal Rd.  
402.331.8927 P  
402.331.1051 F

**Recreation**  
8116 Park View Blvd.  
402.331.3455 P  
402.331.0299 F

3. Please confirm that the subdivision naming convention is acceptable as the parcels are a replat of an existing subdivision, per Section 3.03.04.
4. The storm water conveyed through the lots to the water quality basin will likely require easements.
5. The existing utility easements will need to be released prior to construction of Lot 2.
6. Please submit an erosion control plan, per Section 3.03.16.
7. An updated traffic impact analysis will need to be submitted and reviewed per Section 3.03.19.
8. Regarding Section 3.03.30.2 and Section 3.03.20.4, the storm drainage plan and Post Construction Stormwater Management Plan (PCSMP) will need to include provisions for a no-net increase in stormwater runoff for the 2, 10 , and 100 year storms due to downstream conveyance capacities.
9. In relation to Section 3.05.09, the bearings represented on the Final Plat are not consistent in terms of direction as to closing the loop using the bearings. Confirm this is acceptable per surveying standards.
10. Provide a lending institution tile block on the final plat, if applicable, per Section 3.05.18.
11. Provide costs and financial data of all public improvements, per Section 3.05.24.
12. Per Section 3.05, the City of La Vista does not require a City Engineer title block and said title block should be deleted from the Final Plat.

Please resubmit 2 paper copies of the Preliminary and Final Plats (including electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,

A handwritten signature in blue ink that reads "Cale Brodersen". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Cale Brodersen  
Assistant Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6405

cc:

Willie Douglas, Southport Parkway, LLC  
Bruce Fountain, Community Development Director - City of La Vista  
Christopher Solberg, Deputy Community Development Director - City of La Vista  
Pat Dowse, City Engineer - City of La Vista



October 29, 2021

Eric Williams  
Olsson Associates  
2111 N 67<sup>th</sup> Street, STE 200  
Omaha, NE 68106

RE: Southport Parkway Replat – Second Review Letter  
Lots 1, 2, and 3 Southport West Replat 7 and Lot 19 Southport West

Mr. Williams,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Subdivision Regulations, the City has the following comments:

1. Please address the following items noted in the Initial Review Letter:
  - a. Include the phasing lines on the preliminary plat, per Section 3.03.02 of La Vista's Subdivision Regulations.
  - b. Submit an erosion control plan, per Section 3.03.16.
  - c. Provide costs and financial data of all public improvements, per Section 3.05.24.
  - d. Provide a lending institution title block on the final plat, if applicable, per Section 3.05.18. Please specify if there are no lenders that would constitute the need for the lending institution title block.
  - e. In relation to Section 3.05.09, the bearings represented on the Final Plat are not consistent in terms of direction as to closing the loop using the bearings. Please confirm this is acceptable per surveying standards.

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
402.331.4343 P  
402.331.4375 F

**Community  
Development**  
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402.593.6400 P  
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**Police**  
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**Public Works**  
9900 Portal Rd.  
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402.331.1051 F

**Recreation**  
8116 Park View Blvd.  
402.331.3455 P  
402.331.0299 F

- f. The storm water conveyed through the lots to the water quality basin will likely require easements. Please include any necessary easements in the Final Plat.
2. On the title block for the Site Plan and Grading Plan in the Preliminary Plat Submittal, please change the verbiage "PUD Plans" to "Preliminary Plat Submittal" to match the cover page.

Please resubmit 2 paper copies of the Preliminary and Final Plats (including electronic copies) to the City for further review by Monday, November 8<sup>th</sup> for this application to be considered for the November 18<sup>th</sup>, 2021 Planning Commission meeting agenda. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,



Cale Brodersen, AICP  
Assistant Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6405

cc:

Willie Douglas, Southport Parkway, LLC  
Bruce Fountain, Community Development Director - City of La Vista  
Christopher Solberg, Deputy Community Development Director - City of La Vista  
Pat Dowse, City Engineer - City of La Vista

**Southport West Replat Eight**  
**Map Set**

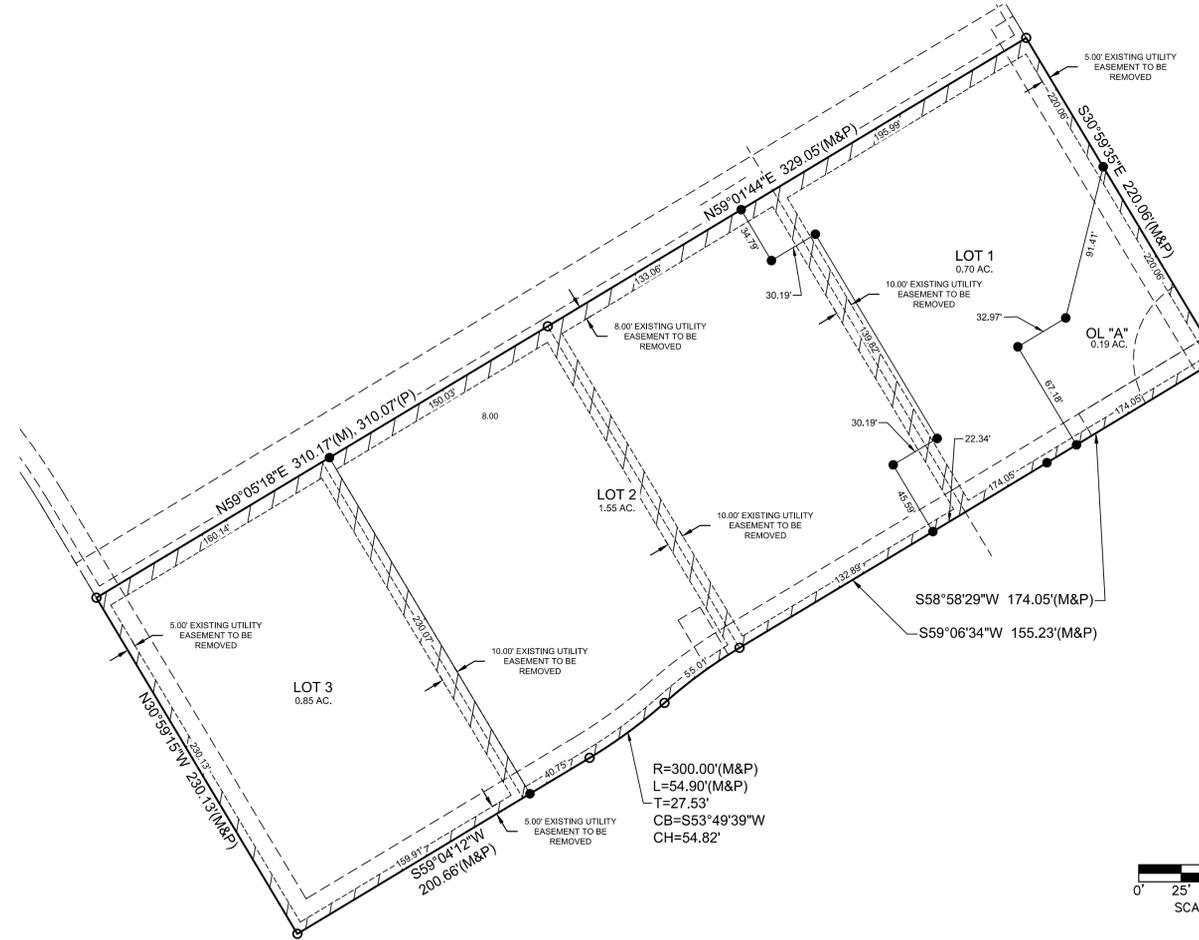
# SOUTHPORT WEST REPLAT EIGHT

## LOTS 1 THRU 3 AND OUTLOT A

A TRACT OF LAND BEING A REPLAT OF LOT 19, SOUTHPORT WEST AND LOTS 1 THRU 3, SOUTHPORT WEST REPLAT SEVEN, BOTH PLATTED AND RECORDED SUBDIVISIONS IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

ALSO LOCATED IN:  
NW 1/4 SE 1/4 18-14-12

SHEET INDEX	
C1.1	PRELIMINARY PLAT
C2.1	EROSION CONTROL PLAN
C3.1	PRELIMINARY SITE PLAN
C4.1	PRELIMINARY GRADING PLAN



**LEGEND**

- FOUND 5/8" REBAR (UNLESS OTHERWISE NOTED)
- SET 5/8" REBAR W/CAP L.S. 607
- (M) MEASURED DISTANCE
- (P) PLATTED DISTANCE
- BOUNDARY LINE
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- ===== EXISTING EASEMENT (TO BE VACATED)

EXISTING ZONING		
LOTS 1, 2, 3, 19	ZONING	DESC.
	C-3	COMMERCIAL

PROPOSED ZONING		
LOTS 1 THRU 3 & OUTLOT A	ZONING	DESC.
	C-3	COMMERCIAL

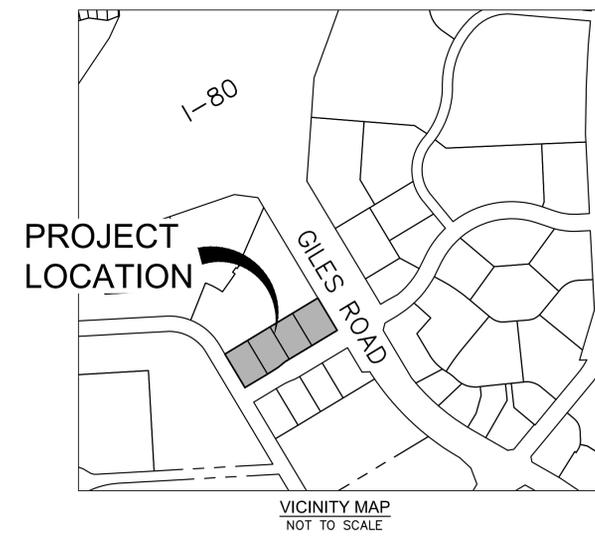
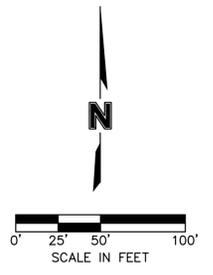
**DEVELOPER**  
WILLIE DOUGLAS  
SOUTHPORT PARKWAY, LLC  
21008 CUMBERLAND DRIVE  
SUITE 106  
ELKHORN, NE 68022

**SURVEYOR**  
TERRY ROTHANZL  
OLSSON  
2111 S. 67TH STREET,  
SUITE 200  
OMAHA, NE 68106

**ENGINEER**  
ERIC WILLIAMS  
OLSSON  
2111 S. 67TH STREET,  
SUITE 200  
OMAHA, NE 68106

**SURVEY CERTIFICATION**  
TERRY ROTHANZL, L.S.

CITY OF LA VISTA PLAT APPROVAL



2111 South 67th Street, Suite 200  
Omaha, NE 68106  
TEL 402.341.1116  
www.olsson.com

REV. NO.	DATE	REVISIONS DESCRIPTION

PRELIMINARY PLAT  
PRELIMINARY PLAT SUBMITTAL  
SOUTHPORT WEST REPLAT EIGHT  
LOTS 1, 2, 3, OUTLOT A

LA VISTA, NEBRASKA

2021

drawn by: \_\_\_\_\_  
checked by: \_\_\_\_\_  
approved by: \_\_\_\_\_  
QA/QC by: \_\_\_\_\_  
project no.: 021-02442  
drawing no.: \_\_\_\_\_  
date: 05/03/21

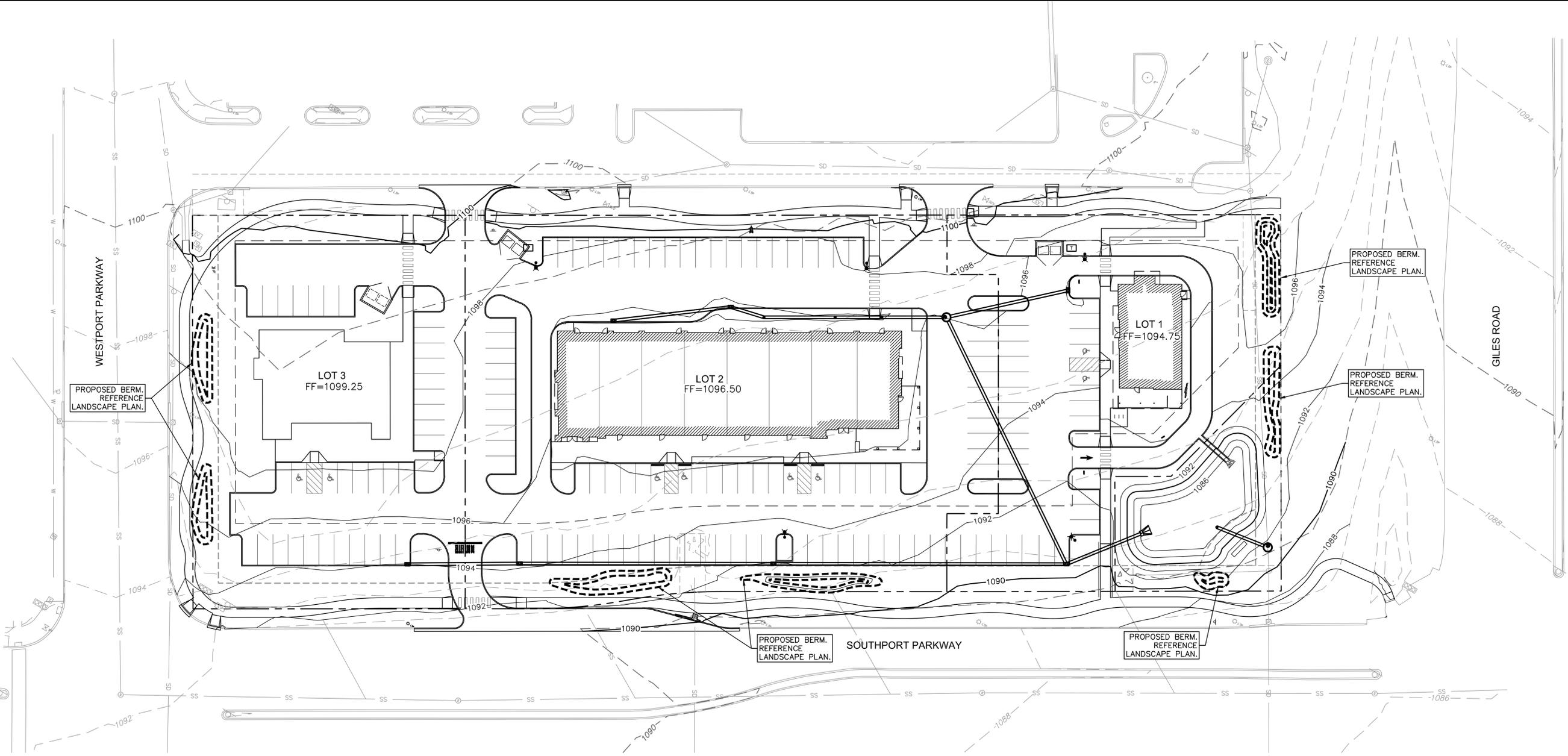
SHEET  
C1.1

DWG: \\cscad.esconline.com\mfe-nst\projects-direct\2021\02001-02500\021-02442\40-Design\AutoCAD\Preliminary Plans\Sheets\NCV\C\_PLT\_02102442.dwg  
 DATE: Nov 08, 2021 4:06pm XREFS: C\_FTBK\_PLAT\_02102442 USER: kondreesen





DWG: \\sco.ed.enrconsulting.com\info\est\projects\direct\2021\02001-02500\021-02442\40-Design\AutoCAD\Pre\liminary\Plans\Sheets\CNCV\C\_C\_RRD01\_02102442.dwg  
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 USER: kondressen

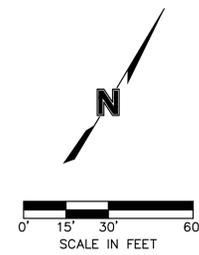


GRADING INFORMATION TABLE		
AREA	CONTOURS REPRESENT	CONTRACTOR TO GRADE TO
STREETS/INTERNAL DRIVES	FINISHED GROUND (TOP OF SLAB)	SUBGRADE (REF. SITE PLANS FOR PAVEMENT THICKNESS)
PARKING LOT PAVED AREAS	FINISHED GROUND (TOP OF SLAB)	SUBGRADE (REF. SITE PLANS FOR PAVEMENT THICKNESS)
BUILDING AREAS	FINISHED GROUND (FINISHED FLOOR ELEV.)	SUBGRADE (REF. ARCHITECTURAL PLANS FOR FLOOR SLAB AND SUBBASE THICKNESS)
ALL OTHER NON-PAVED/NON-BUILDING AREAS	FINISHED GROUND	6" BELOW CONTOURS (FOR TOPSOIL)*

\* NOTE: AFTER COMPLETION AND APPROVAL OF MASS GRADING BY ENGINEER, ENTIRE SITE SHALL RECEIVE 6" MIN. OF TOPSOIL FOR FINAL SEEDING AND STABILIZATION.

- NOTES:**
- CONTOURS REPRESENT TOP OF SLAB ELEVATION IN PAVED AREAS AND FINISHED GRADE ELEVATION IN NON-PAVED AREAS, UNLESS OTHERWISE NOTED.
  - CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM ALL BUILDING AND GARAGE PAD AREAS AND PAVEMENTS.
  - REFERENCE THE GRADING INFORMATION TABLE FOR CONTOUR INFORMATION.
  - REFERENCE THE FILL PLACEMENT / COMPACTION REQUIREMENTS TABLE FOR MINIMUM SUBGRADE PREPARATION REQUIREMENTS FOR VARIOUS AREAS OF THE PROJECT.
  - CONTOURS ARE SHOWN AT 2' INTERVALS FOR BOTH EXISTING AND PROPOSED.
  - DEVELOPMENT ON PRIVATE LOTS CREATING MORE THAN 5,000 SQUARE FEET OF IMPERVIOUS SURFACE FOR THE PURPOSE OF VEHICULAR TRAVEL AND PARKING SHALL PROVIDE ON-SITE STORM WATER MANAGEMENT FACILITIES FOR WATER QUALITY AS REQUIRED BY SECTION 154.19 OF THE LA VISTA MUNICIPAL CODE AND SHALL BE DESIGNED IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THE OMAHA REGIONAL STORM WATER DESIGN MANUAL, SUCH WATER QUALITY FACILITIES SHALL BE MAINTAINED BY SOUTHPORT PARKWAY LLC. MANAGEMENT OF THE 2-YEAR STORM RUNOFF PEAK FLOWS WILL BE PROVIDED BY THE CITY OWNED FACILITIES.

- LEGEND**
- XXXX--- EXISTING MAJOR CONTOUR
  - - - - -XXXX- - - EXISTING MINOR CONTOUR
  - XXXX--- PROPOSED MAJOR CONTOUR
  - - - - -XXXX- - - PROPOSED MINOR CONTOUR
  - PROPOSED BERM



**811** Know what's below. Call before you dig.  
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**olsson**

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Omaha, NE 68106  
TEL 402.341.1116  
www.olson.com

**LA VISTA, NEBRASKA**

REV. NO.	DATE	REVISIONS DESCRIPTION

GRADING PLAN  
PRELIMINARY PLAT SUBMITTAL

SOUTHPORT WEST REPLAT EIGHT  
LOTS 1, 2, 3, OUTLOT A

2021

SHEET  
C4.1

REVISIONS



**Southport Parkway Shops  
Traffic Impact Study Update  
(w/o Appendix)**

# Technical Memorandum

---

Date: June 8, 2021  
To: Pat Dowse, PE  
From: Dan Bellizzi, PE, PTOE  
RE: Southport North Lots – Traffic Study Update  
Project #: 021-02442

---

## INTRODUCTION and OBJECTIVE

This memorandum documents the traffic impacts of a site plan update located in the northeast quadrant of Southport Parkway and Westport Parkway in La Vista, Nebraska. This memorandum is intended to provide an update to the analysis of the roadway network based on the updated site plan for this property. The proposed site plan is shown in **Figure 1**. All figures are included at the end of the memorandum.

A previous traffic study was completed by Olsson in August 2019 (Olsson 2019) for the proposed area of development (previously Brixmor North development). This memorandum will utilize traffic volumes and recommendations from the Olsson 2019 study as a baseline. The Olsson 2019 study is included in the **Appendix** at the end of this memorandum. An analysis of the updated 2022 plus site conditions in the morning peak hour (AM) and evening peak hour (PM) was completed in this memorandum. In addition, site traffic circulation was examined for the proposed site layout to determine the viability of the proposed site, including proposed access points. Specific recommendations are included at the end of the report to help mitigate traffic impacts.

## UPDATED ANALYSIS

The trip generation and opening day capacity analysis were reevaluated based on the updated site plan provided by the client. The number of anticipated site trips and results of the capacity analysis using new site trips were compared to the evaluations performed in the Olsson 2019 study.

## Trip Generation and Distribution

Trip generation is generally determined using rates found in the Institute of Transportation Engineers (ITE) *Trip Generation Manual (10th Edition)*. Common Land Use Codes (LUC) are published with rates that can be applied to values related to the size of the proposed site to estimate the anticipated entering and exiting trips.

Based on the updated site plan, the same land uses – with revised building footprints – evaluated in the Olsson 2019 study are expected to be developed. Proposed site trips were determined based on ITE trip generation rates used in the Olsson 2019 study. The updated trip generation is shown in **Table 1**. The updated site plan is anticipated to have a decrease of 437 daily (10 percent), 25 AM peak hour (6 percent), and 27 PM peak hour (9 percent) site trips compared to the trip generation in the Olsson 2019 study.

**Table 1. Updated trip generation for Southport North Lots**

				Daily Trip Generation									
ITE 10th Ed Code/Page	Land Use	Size		Trip Gen. Avg. Rate/Eq.	Daily Trips	Trip Distribution		Total Daily Trips					
						Enter	Exit	Enter	Exit				
934/201	Fast-Food Restaurant with Drive-Through Window	3,000	SF	470.95	1,413	50%	50%	706	706				
932/96	High-Turnover (Sit-Down) Restaurant	4,264	SF	112.18	478	50%	50%	239	239				
820/138	Shopping Center	9,018	SF	37.75	340	50%	50%	170	170				
937/231	Coffee/Donut Shop with Drive-Through Window	2,314	SF	820.38	1,898	50%	50%	949	949				
Total					4,130			2,065	2,065				

				AM Peak Hour Trips										
ITE 10th Ed Code/Page	Land Use	Size		Trip Gen. Avg. Rate/Eq.	AM Peak Trips	Trip Distribution		Total AM Trips		Pass-by Reduction	Pass-by Trips		Primary Trips	
					Trips	Enter	Exit	Enter	Exit		Enter	Exit	Enter	Exit
934/202	Fast-Food Restaurant with Drive-Through Window	3,000	SF	40.19	121	51%	49%	61	59	49%	30	30	32	30
820/139	High-Turnover (Sit-Down) Restaurant	4,264	SF	9.94	42	55%	45%	23	19	0%	0	0	23	19
820/139	Shopping Center	9,018	SF	0.94	8	62%	38%	5	3	0%	0	0	5	3
937/232	Coffee/Donut Shop with Drive-Through Window	2,314	SF	88.99	206	51%	49%	105	101	0%	0	0	105	101
Total					377			195	182		30	30	166	153

				PM Peak Hour Trips										
ITE 10th Ed Code/Page	Land Use	Size		Trip Gen. Avg. Rate/Eq.	PM Peak Trips	Trip Distribution		Total PM Trips		Pass-by Reduction	Pass-by Trips		Primary Trips	
					Peak Trips	Enter	Exit	Enter	Exit		Enter	Exit	Enter	Exit
934/203	Fast-Food Restaurant with Drive-Through Window	3,000	SF	32.67	98	52%	48%	51	47	50%	25	25	26	23
820/140	High-Turnover (Sit-Down) Restaurant	4,264	SF	9.97	43	62%	38%	26	16	43%	9	9	17	7
820/140	Shopping Center	9,018	SF	3.81	34	48%	52%	16	18	34%	6	6	11	12
937/233	Coffee/Donut Shop with Drive-Through Window	2,314	SF	43.38	100	50%	50%	50	50	0%	0	0	50	50
					275			144	131		39	39	105	92

The primary and pass-by trip distributions used in the Olsson 2019 study are shown in **Figure 2** and **Figure 3**, respectively. The updated primary, pass-by, and combined trips are shown in **Figure 4-6**. The updated site trips were applied to 2022 background volumes using the trip distribution from the Olsson 2019 study to develop the 2022 plus site volume scenario. The updated 2022 plus site traffic volumes are shown in **Figure 7**.

## 2022 Plus Site Capacity Analysis

Capacity analyses were performed at the study intersections in 2022 plus Site conditions. Analyses were conducted using Synchro, Version 11.0 which is based on the Highway Capacity Manual (HCM), 6<sup>th</sup> Edition delay methodologies. For simplicity, the amount of control delay is equated to a grade or Level of Service (LOS) based on thresholds of driver acceptance. The amount of delay is assigned a letter grade A through F, LOS A representing little or no delay and LOS F representing very high delay. **Table 2** shows the delays associated with each LOS grade for signalized and unsignalized intersections.

**Table 2. Intersection LOS Criteria**

Level-of-Service	Average Control Delay (seconds)	
	Signalized	Unsignalized
<b>A</b>	≤ 10	≤ 10
<b>B</b>	> 10-20	> 10-15
<b>C</b>	> 20-35	> 15-25
<b>D</b>	> 35-55	> 25-35
<b>E</b>	> 55-80	> 35-50
<b>F</b>	> 80	> 50
Highway Capacity Manual (HCM, 6 <sup>th</sup> Edition)		

Results of the capacity analysis indicate all turning movements are anticipated to operate at similar levels of service reported in the Olsson 2019 study. The 95<sup>th</sup> percentile queue lengths for individual turning movements at study intersections are anticipated to be contained within existing turn bay lengths.

The 2022 plus Site capacity analysis summary is illustrated in **Figure 8**. Detailed results can be found in the **Appendix**.

## Site Access and Circulation

Site access and circulation of site traffic was re-analyzed to determine potential impacts on the roadway network.

The proposed site drive along Southport Parkway aligns with the east drive aisle in the site and is located approximately 300 feet west of the Giles Road west curb line. Consistent with guidance from the City of La Vista and the Olsson 2019 study, a westbound right-turn lane at the drive location was considered for analysis purposes.

To increase on site storage for the proposed coffee shop, an alternative access location was considered. Access could be designed to align with the site's west drive aisle (approximately 175 feet east of the Westport Parkway east curb line). At this location, the access would be located within the existing storage lanes for the dual westbound left-turn lanes on Southport Parkway, which is not a preferred condition. Vehicles exiting the site would have to cross multiple westbound lanes to access the westbound left-turn lanes at the intersection of Westport Parkway and Southport Parkway. Additionally, an access at this location would be within the functional area of the intersection of Westport Parkway and Southport Parkway. The functional area represents the influence of storage and vehicular queuing at an intersection. Maintaining access at the east drive location, as proposed, provides for improved spacing of the access from the intersection with Westport Parkway.

Based on the location of the proposed site drive along Southport Parkway, there are concerns that traffic may use this drive for access to the adjacent hotel property. In addition, there are concerns delivery trucks using this access may need to wait for exiting vehicles to have adequate space to make a wide turn into the site, potentially stacking vehicles onto Southport Parkway. Consistent with the Olsson 2019 study, signage should be provided directing hotel traffic and delivery trucks to use the access along Westport Parkway.

The updated site plan proposes two land uses that include drive-throughs. The available stacking for the proposed coffee shop on the east side of the property is 10 vehicles. Storage is available on site for approximately nine additional vehicles to stack from the drive-through entrances south toward the access point before impacting the deceleration length for the westbound right-turn lane on Southport Parkway. Additional storage is available for queued vehicles in the drive aisle adjacent to the west side of the building.

The available stacking for the fast-food restaurant (center building) shown in the site plan is eight vehicles in a dedicated storage lane. The 24-foot drive aisle on the north side of the building should be one-way westbound to avoid conflicts with circulation and drive-through access. Do Not Enter (MUTCD sign R5-1) signs and pavement marking arrow symbols should be installed to guide site traffic. **Figure 9** shows a concept of these signage and pavement marking improvements.

## SUMMARY

This study documents the comparison of site-generated traffic and capacity analysis for the updated land uses for the development located on the northeast quadrant of Southport Parkway and Westport Parkway in La Vista, Nebraska. In addition, site circulation was explored to determine impacts on the roadway network.

Based on the updated site plan, there is anticipated to be a 5 to 10 percent decrease in daily and peak hour site trips compared to the trips analyzed in the Olsson 2019 traffic study. The effects of the difference in site-generated trips are anticipated to be minimal at study intersections, with minor decreases in delay and queuing compared to those reported in the Olsson 2019 study.

Based on the current site plan, the drive aisle on the north side of the central building should be one-way westbound to avoid conflicts with circulation and drive-through access. Do Not Enter (MUTCD sign R5-1) signs and arrow pavement markings should be installed to guide site traffic.

In addition, this study maintains the recommendations included in the Olsson 2019 study, including:

- As traffic volumes increase along Giles Road and developments in the area build out, signal timings in the area should be considered for modification to improve traffic operations through the Giles Road corridor. There are no recommended signal timing modifications at study intersections currently.
- Providing a “One Way” sign (MUTCD R6-1) in the median along Southport Parkway with the construction of the Southport Parkway site drive.
- Installing westbound right-turn lane at the proposed site drive on Southport Parkway.
- Installing signage prior to the site drive directing hotel and delivery traffic to use Westport Parkway to reduce potential congestion at the Southport Parkway site drive.



LEGEND



Signalized Intersection

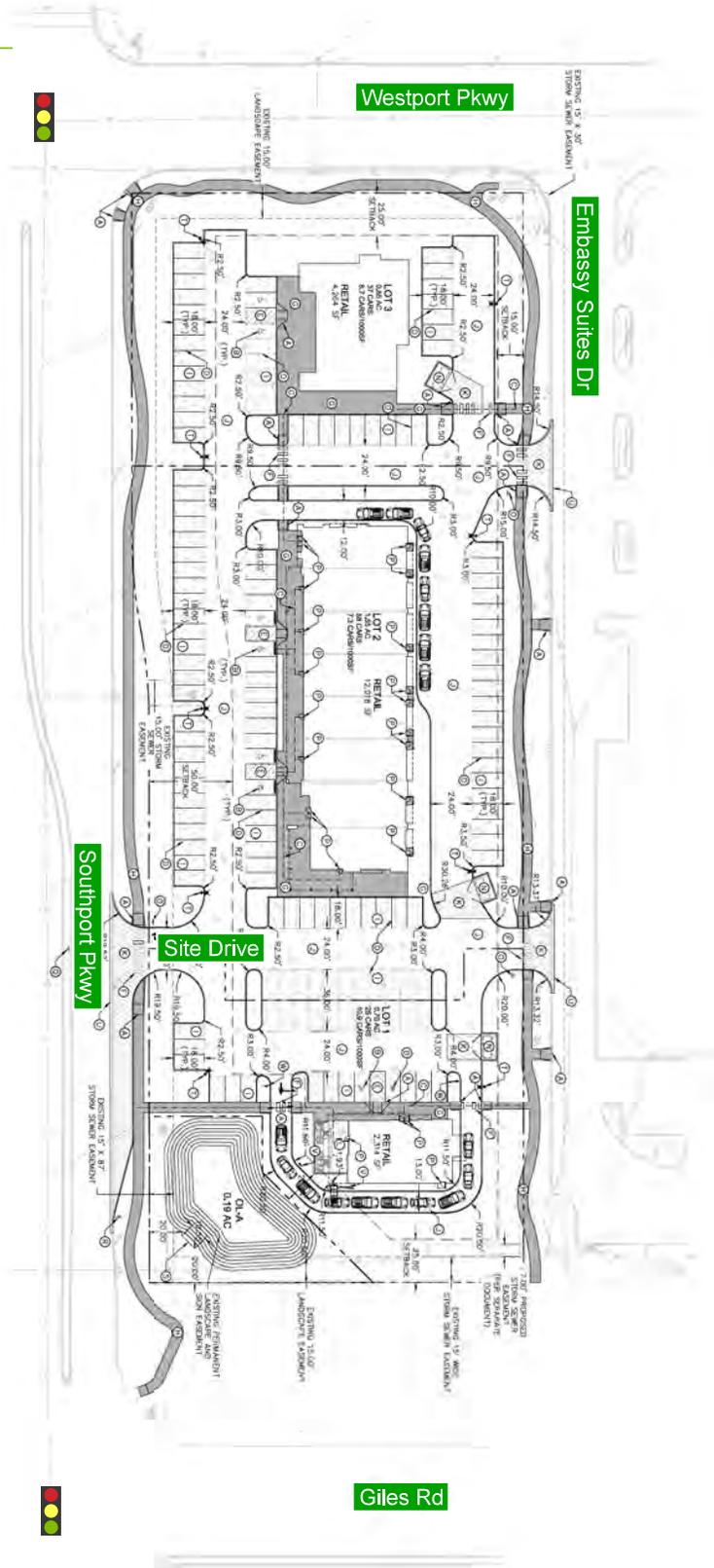


Figure 1. Proposed site plan for Southport North Lots

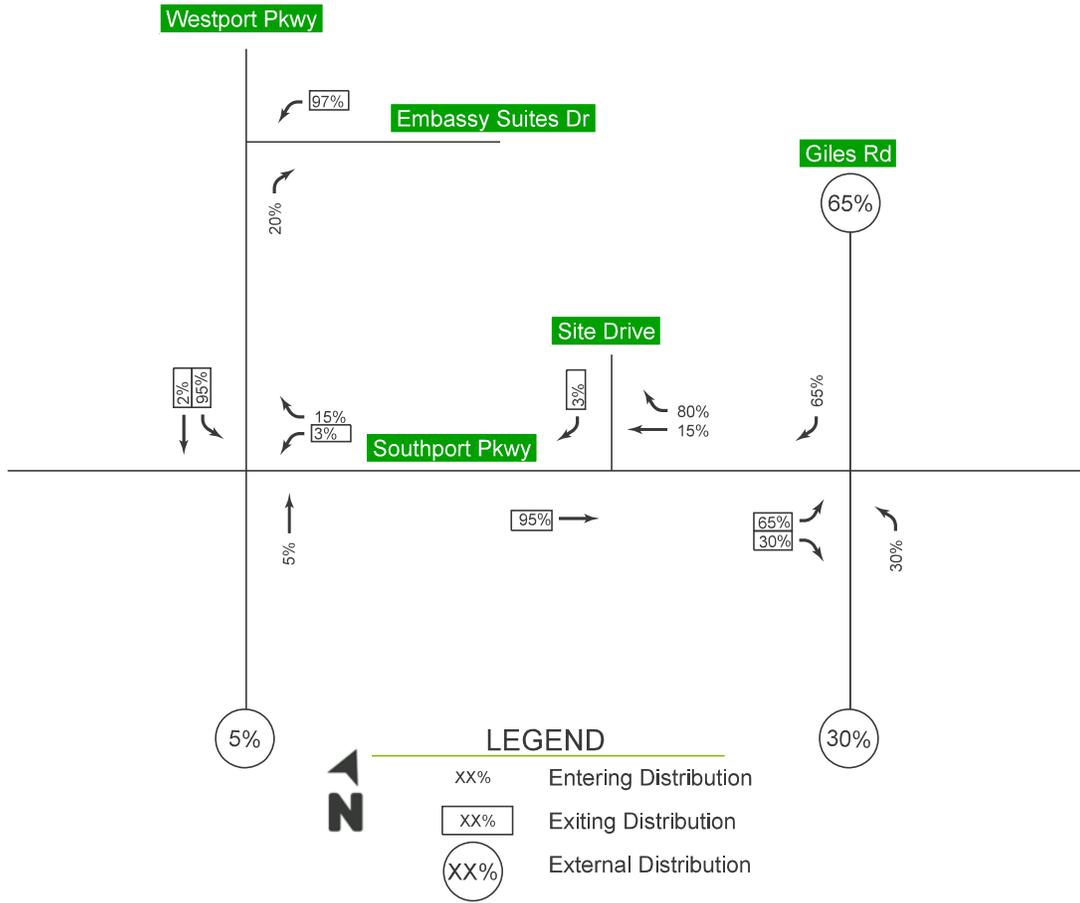


Figure 2. Primary trip distribution

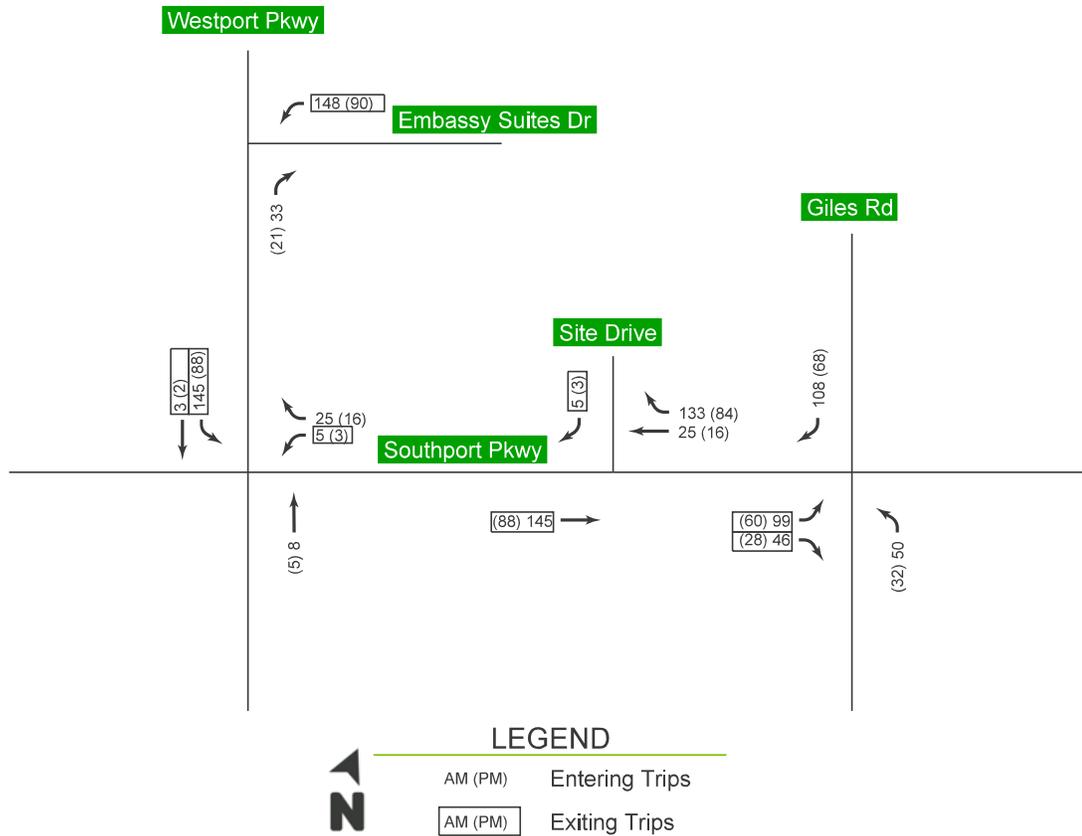


Figure 3. Pass-by trip distribution

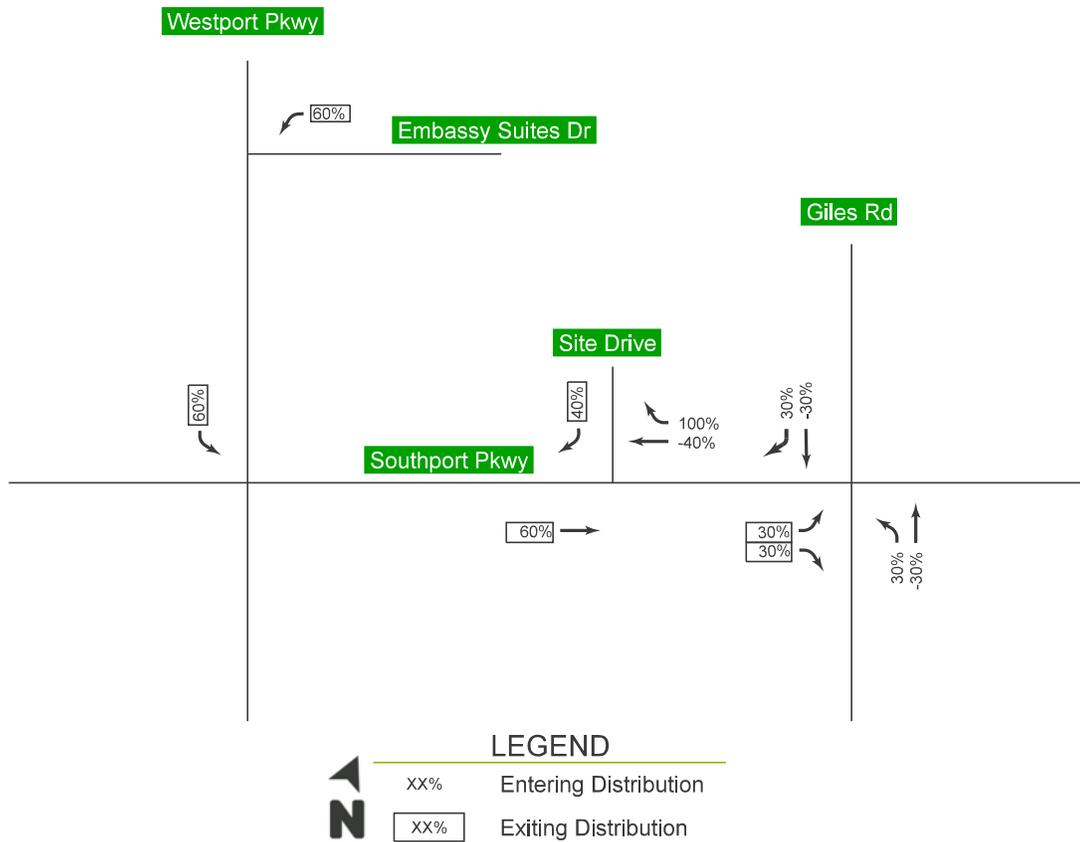


Figure 4. Primary site trips

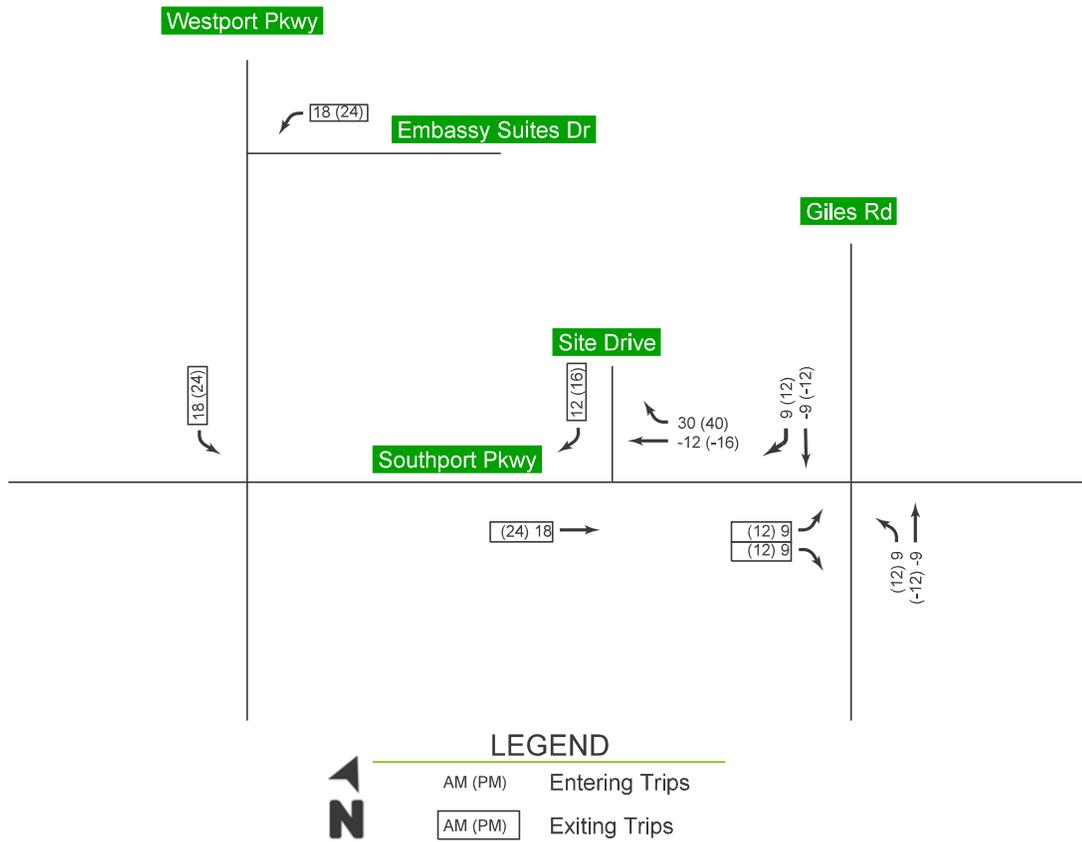


Figure 5. Pass-by site trips

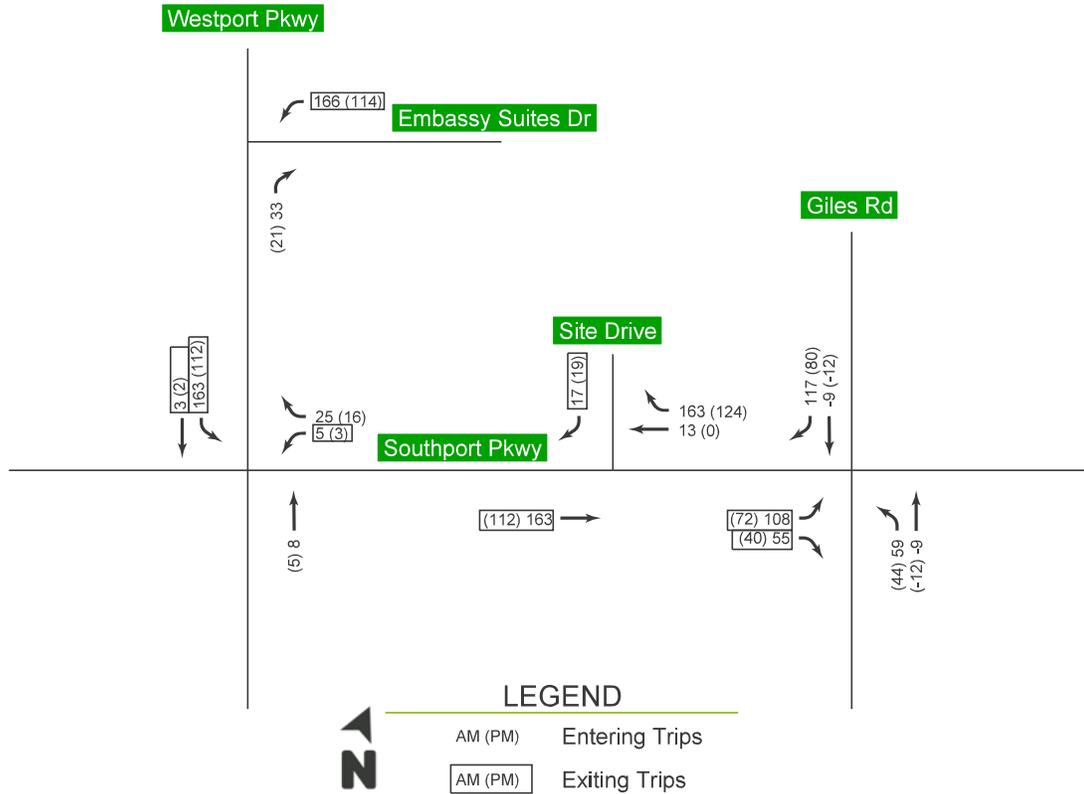
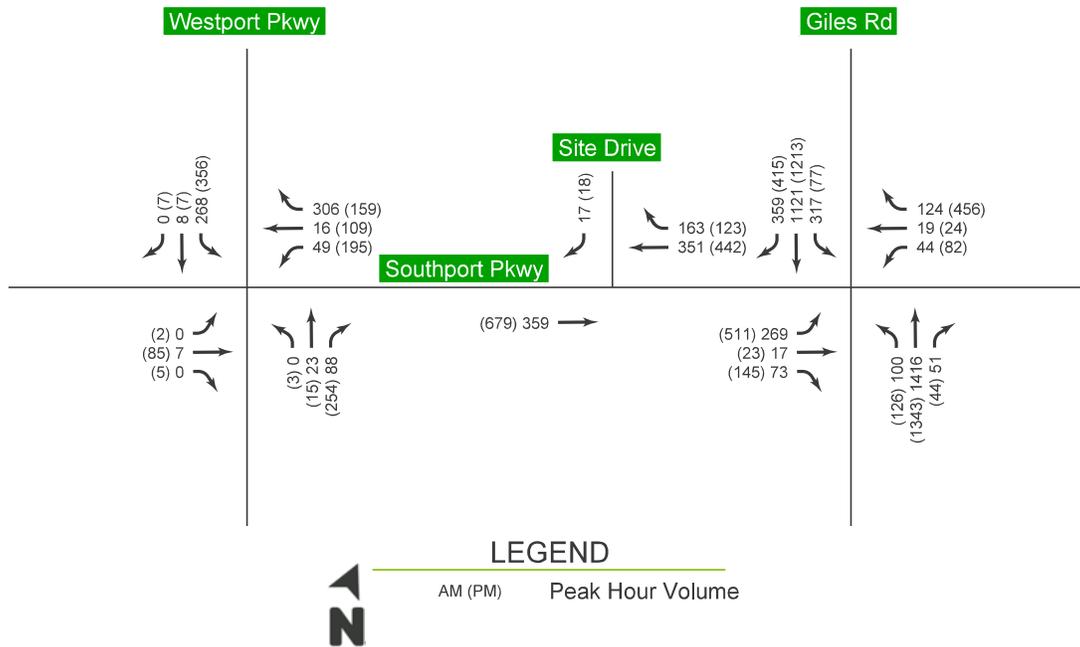


Figure 6. Combined site trips



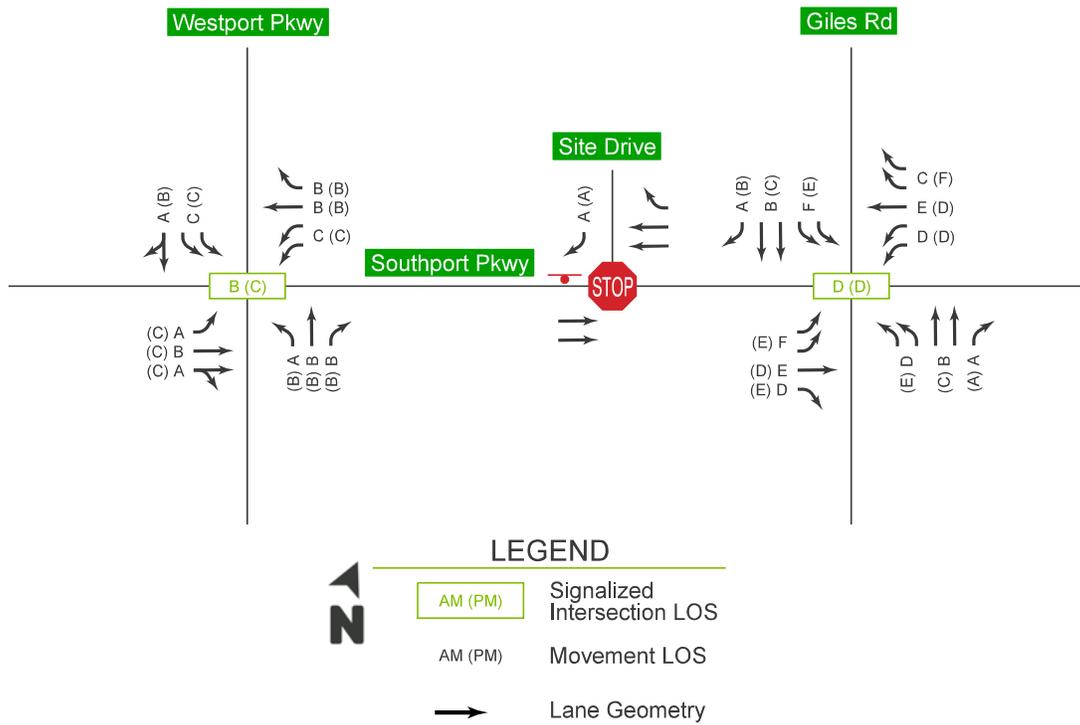


Figure 8. 2022 plus site capacity analysis

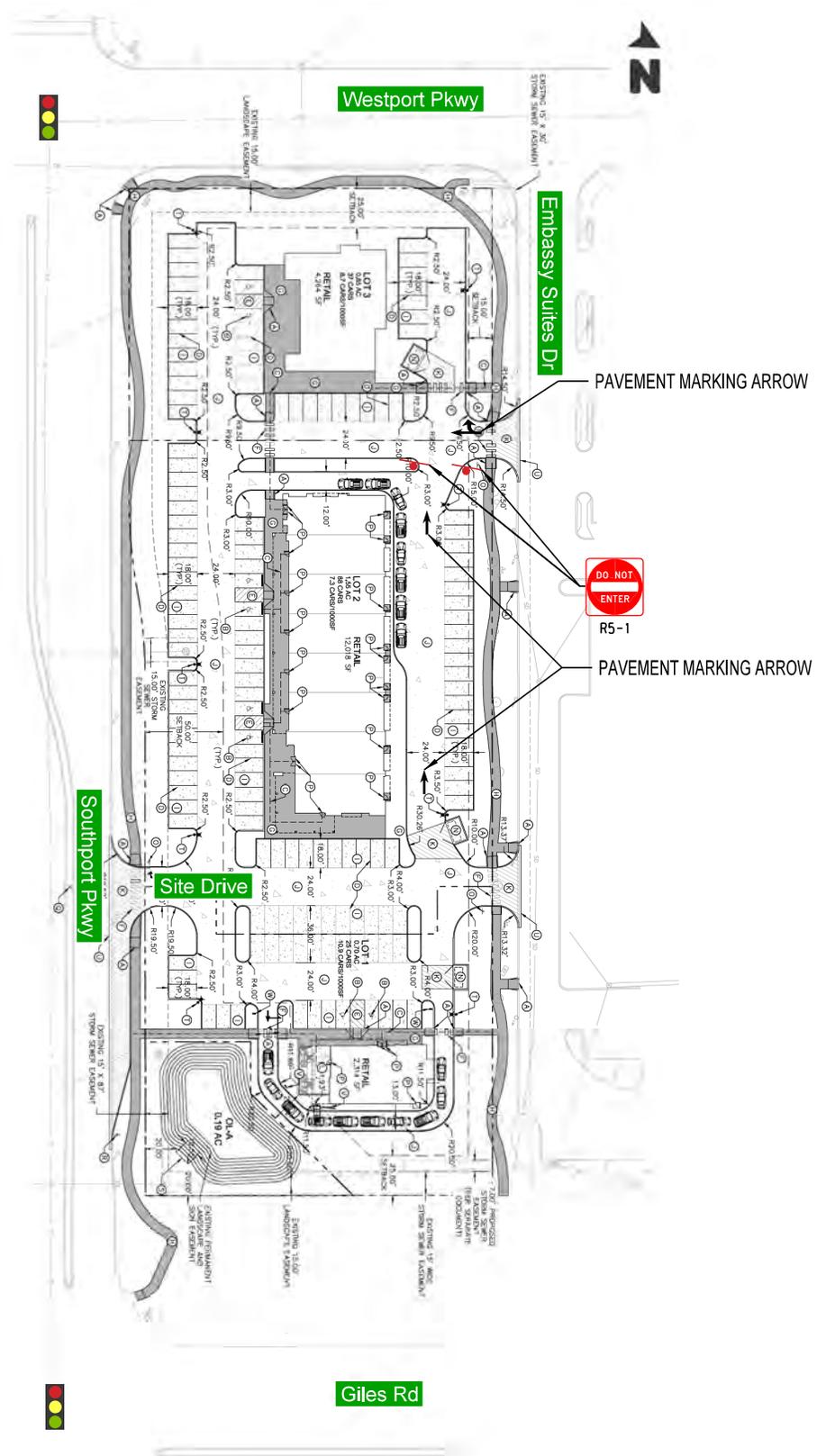


Figure 9. Site circulation conceptual improvements



June 22, 2021

RE: Southport North Lots – Traffic Study Update – Review  
FHU Project No. 15-453-17

Mr. Pat Dowse, PE  
City Engineer  
City of La Vista  
9900 Portal Road  
La Vista, NE 68128

Dear Mr. Dowse:

We have completed our review of the Southport North Lots – Traffic Study Update prepared by Olsson dated June 8, 2021. As part of the review, we also considered previous traffic studies completed in the study area including, the Olsson, Brixmor North Traffic Impact Study from August 2019, the Olsson Southport West Traffic Impact Study from October 2019, the FHU Giles Road Traffic Memo from July 2016, and the Olsson Costco Traffic Impact Study from December 2015. Westport Parkway bounds the development site to the west, Giles Road to the east, Southport Parkway to the South, and Embassy Suites Drive to the North.

Based upon our review of the information provided, we offer the following comments:

1. In general, we concur with the analysis scenarios as developed by Olsson for this study for the 2019 Existing, 2022 Background, and 2022 Opening Day/Plus Site analysis years. The Brixmor North Traffic Impact Study was used to develop the traffic volumes for this project.
2. Page 6 / Figure 1 & Page 14 / Figure 9: The north arrow on these figures is inaccurate.  
*Please have the applicant show the correct north heading or reorientate the site plan so north is up on the page.*
3. Page 2 / Table 1: We concur with the AM and PM peak hour site generated trips for the proposed development based on the ITE Trip Generation Manual, 10<sup>th</sup> Edition. Pass-by trip assumptions are acceptable for this site use and location.
4. General: With the RIRO Access proposed at Site Drive onto Southport Parkway, was a U-turning movement considered in the outside westbound left-turn lane to go back eastbound on Southport Parkway to Giles Road? This movement seems like it would be a logical, shortest path for vehicles exiting the site as opposed to utilizing Embassy Suites Drive to exit.  
*Please have the applicant evaluate the feasibility of a westbound to eastbound U-turn movement at the intersection of Westport Parkway with Southport Parkway. If a U-turn is considered, traffic operations should be evaluated and vehicle turning templates should be ran to determine if the U-turn movement is feasible or if improvements to the SE corner of Westport Parkway with Southport Parkway are needed to accommodate the movement. If the movement is not desired, then no U-turn signage should be posted.*
5. Page 4 / Paragraph 3 & Page 8 / Figure 3: At the Site Drive (RIRO access), with only 17 vehicle-trips in the AM and 18 vehicle-trips in the PM, is the right-out justified at this location and a right-in only needed? See example east of Giles Road on Southport Parkway. With the right-in only option, the access point could be shifted further west away from the Giles Road

intersection. A shift west would deter cut through traffic to the Embassy Suites and provide additional on-site staking for the proposed coffee shop. Additionally, limiting the access to right-in only will eliminate the concern of exiting traffic crossing multiple lanes of traffic on Southport Parkway to access the dual westbound left-turn lanes.

*Please have the applicant evaluate the need for the right-out onto Southport Parkway and the location of a potential right-in only access.*

6. General: With 166 primary-vehicle-trips in the AM and 114 primary-vehicle-trips in the PM exiting the site via Embassy Suites Drive, why was the intersection of Westport Parkway with Embassy Suites Drive not evaluated as part of this study? This also does not take into account traffic leaving the Embassy Suites via this access, particularly during the AM peak hour.

*Please have the applicant complete an analysis of the Westport Parkway with Embassy Suites Drive intersection to determine if there are any operational or safety concerns.*

7. General: We concur with the on-site circulation recommendations in the study.
8. The study should be sealed and signed by a professional engineer licensed in the state of Nebraska.

If you have any questions regarding this review of the traffic study or if you would like to meet to discuss it in further detail, please give me a call.

Sincerely,

**FELSBURG HOLT & ULLEVIG**



Adam Denney, PE, PTOE  
Transportation Engineer

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
NEBRASKA DOG TRAINERS, LLC CONDITIONAL USE PERMIT LOT 243A VAL VISTA ANIMAL SPECIALTY SERVICES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN, AICP ASSISTANT PLANNER

**SYNOPSIS**

A public hearing has been scheduled and resolution prepared for Council to consider an application for a Conditional Use Permit by Nebraska Dog Trainers, LLC to operate an indoor dog training facility, or animal specialty services facility, in an industrial building located at 10620 Chandler Road, STE 1.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled and resolution prepared to consider an application submitted by Nebraska Dog Trainers, LLC for a Conditional Use Permit to operate an indoor dog training facility on Lot 243A Val Vista, generally located north of Chandler Road and east of S. 108<sup>th</sup> Street in La Vista.

Nebraska Dog Trainers offers private one-on-one dog obedience training lessons, and with an approved CUP, they intend to offer daytime boarding and training services for up to 5 dogs. Owners would drop off their dogs in the morning, they would be trained during the day, and then owners would pick their dogs back up in the afternoon. The tenant bay located at 10620 Chandler Road is 1,800 square feet. A detailed staff report is attached.

The Planning Commission held a public hearing on November 4, 2021 and unanimously voted to recommend approval of the Conditional Use Permit, contingent upon the installation of an ADA parking stall as noted in this staff report, as the request is consistent with La Vista’s Comprehensive Plan and Zoning Ordinance.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR NEBRASKA DOG TRAINERS, LLC FOR AN ANIMAL SPECIALTY SERVICES FACILITY ON LOT 243A VAL VISTA IN LA VISTA, NEBRASKA.

WHEREAS, Nebraska Dog Trainers, LLC has applied for approval of a Conditional Use Permit for the operation of an indoor dog training facility on Lot 243A Val Vista, generally located north of Chandler Road and east of S. 108<sup>th</sup> Street; and

WHEREAS, the La Vista Planning Commission reviewed the application on November 4, 2021 and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of the Conditional Use Permit for such purposes.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Nebraska Dog Trainers, LLC to allow for the operation of an indoor dog training facility (animal specialty services facility) on Lot 243A Val Vista.

PASSED AND APPROVED THIS 7TH DAY OF DECEMBER 2021.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk



**CITY OF LA VISTA  
PLANNING DIVISION  
RECOMMENDATION REPORT**

---

CASE NUMBERS: PCUP21-0004; FOR HEARING OF: DECEMBER 7, 2021  
REPORT PREPARED ON: NOVEMBER 23, 2021

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Nebraska Dog Trainers  
Attn: Lesley Thompson  
10630 Chandler Rd, STE 1  
La Vista, NE 68128

**B. PROPERTY OWNER:**

TMT, LLC  
Attn: Steve Morrow  
1610 Main Street  
Bellevue, NE 68005

**C. LOCATION:** 10620 Chandler Road, STE 1; Located north of Chandler Road and east of S 108<sup>th</sup> Street.

**D. LEGAL DESCRIPTION:** Lot 243A Val Vista.

**E. REQUESTED ACTION(S):** Approval of a Conditional Use Permit to allow for the operation of a dog training and daytime boarding facility (Animal Specialty Services facility) in bay 1 of the industrial building located at 10620 Chandler Road.

**F. EXISTING ZONING AND LAND USE:** I-1 Light Industrial.

**G. PURPOSE OF REQUEST:** To operate an indoor dog training facility offering private obedience lessons and day training/kenneling services for up to 5 dogs at a time, out of the 1,800 square foot tenant bay.

**H. SIZE OF SITE:** 89,734 square feet (2.06 acres).

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The property slopes downward gradually to the south and to the west.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Industrial; Medium-Density Residential	I-2 Heavy Industrial; R-1 Single-Family Residential	US Cold Storage Building; Cimarron Woods Neighborhood
East	Industrial	I-1 Light Industrial	Proven Products Industrial Building
South	Industrial	I-1 Light Industrial	Midland Scientific Industrial Building; Vacant Lot
West	Industrial	I-1 Light Industrial	Armor Storage

**C. RELEVANT CASE HISTORY:**

1. Nebraska Dog Trainers has been operating at their location at 10620 Chandler Road for several years. The applicant and property owner had the understanding that zoning approval was only necessary for facilities offering boarding and kenneling services, and not for training facilities. The applicant approached the Community Development Department earlier this year inquiring about what approvals would be necessary to allow them to begin offering daytime boarding and training services for up to 5 dogs. At the time of the inquiry, when the City became aware of their operation, the applicant was notified that their use is currently nonconforming, and that a Conditional Use Permit is required for both the current operation and the use expansion to include daytime boarding. This application was submitted quickly thereafter.

**D. APPLICABLE REGULATIONS:**

1. Section 5.14 of the Zoning Regulations – I-1 Light Industrial.
2. Article 6 of the Zoning Regulations – Conditional Use Permits.
3. Section 7.08 of the Zoning Regulations – Schedule of Minimum Off-Street Parking Requirements
4. Section 7.08 of the Zoning Regulations – Off-Street Parking: Parking for Individuals with Disabilities.

### III. ANALYSIS

**A. COMPREHENSIVE PLAN:** The Comprehensive Plan Future Land Use Map designates this property for industrial use. This proposal is consistent with the comprehensive plan.

**B. OTHER PLANS:** N/A.

**C. TRAFFIC AND ACCESS:**

1. The property currently has dual-driveway access off Chandler Road.

**D. UTILITIES:**

1. The property has access to all necessary utilities.

**E. PARKING REQUIREMENTS:**

1. Per the La Vista Zoning Ordinance Section 7.06, the minimum number of provided off-street parking stalls for animal specialty services land uses shall be one (1) space per 300 square feet of gross floor area. For this 1,800 square foot facility, this requirement equates to a minimum of 6 stalls. Nebraska Dog Trainers will have 6 dedicated parking stalls to comply with Section 7.06 of the La Vista Zoning Ordinance. The locations for these designated parking stalls are displayed on the Site Plan included as Exhibit "B" of the Conditional Use Permit attached to this staff report.
2. If the provided off-street parking becomes insufficient, the applicant and/or property owner will be required to stripe additional parking stalls in the paved area in front of and/or behind the building.
3. No on-street parking will be allowed on Chandler Road.

### IV. REVIEW COMMENTS:

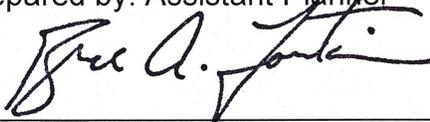
**A.** As Nebraska Dog Trainers offers obedience training classes using a private (one-on-one) model, in addition to their limited capacity for daytime boarding/training (up to 5 dogs at a time), the impact of this use on surrounding businesses is expected to be minimal.

**B.** Section 2.e. and 2.f. of the draft Conditional Use Permit attached to this report prohibit the construction of outdoor kennels or dog runs and the overnight boarding of dogs. If the applicant seeks to incorporate either of these components into their operation, they must first apply for and receive City approval of an amendment to this Conditional Use Permit.

- V. **STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:**  
Staff recommends approval of the Conditional Use Permit for Nebraska Dog Trainers, LLC for Lot 243A Val Vista, contingent upon the installation of an ADA parking stall as noted in this staff report, as the request is consistent with La Vista’s Comprehensive Plan and Zoning Ordinance.
- VI. **PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:**  
The La Vista Planning Commission held a public hearing on November 4, 2021 and voted unanimously to recommend approval of the Conditional Use Permit for Nebraska Dog Trainers, LLC for Lot 243A Val Vista, contingent upon the installation of an ADA parking stall as noted in this staff report, as the request is consistent with La Vista’s Comprehensive Plan and Zoning Ordinance.
- VII. **ATTACHMENTS TO REPORT:**  
A. Vicinity Map  
B. Review Letter  
C. Draft Conditional Use Permit  
    a. Operating Statement  
    b. Site Plan
- VIII. **COPIES OF REPORT SENT TO:**  
A. Lesley Thompson, Nebraska Dog Trainers, LLC  
B. Steve Morrow, TMT, LLC  
C. Public Upon Request



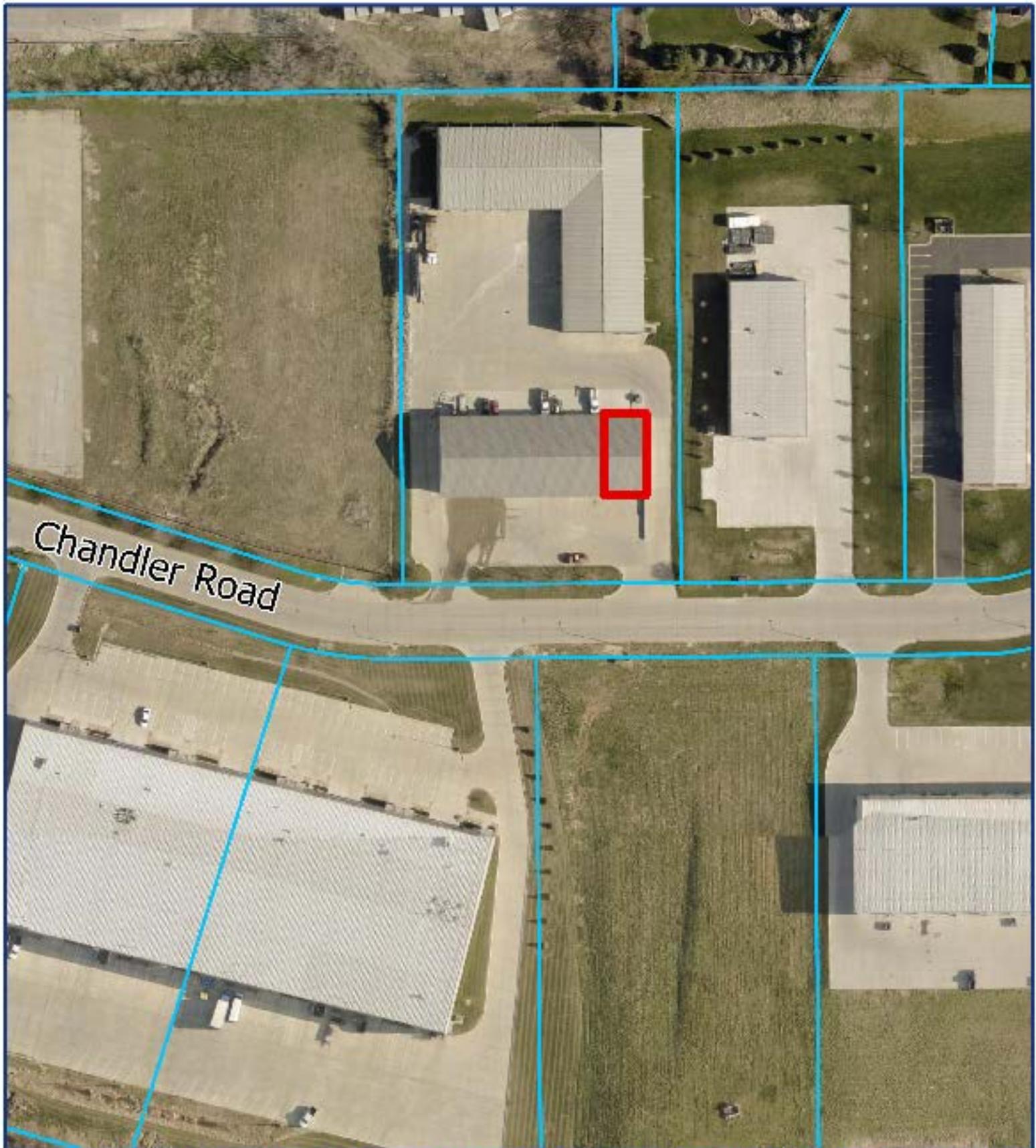
Prepared by: Assistant Planner



Community Development Director

11/29/21

Date



**Vicinity Map: Nebraska Dog Trainers, LLC; Conditional Use Permit**



**Legend**

-  La Vista Parcels
-  Nebraska Dog Trainers Tenant Bay





September 28, 2021

Nebraska Dog Trainers  
Attn: Lesley Thompson  
1620 Chandler Road, STE 1  
La Vista, NE 68128

RE: Animal Specialty Services Conditional Use Permit – Initial Review

Ms. Lesley Thompson,

Thank you for your submittal of the above referenced Conditional Use Permit (CUP) application. Staff have reviewed the initial submittal and have provided the following initial comments:

1. Please confirm that the ADA parking stall requirements will be met for your facility, per Section 7.08 of the Zoning Ordinance. Section 7.08 is attached for your reference.
2. Parking will be limited to off-street at all times. If existing parking is determined to be insufficient at any time, striping of additional stalls may be required for a portion of the paved area in front of or behind the building to provide for additional parking capacity.
3. Please note that conditions will be included in the Conditional Use Permit that will prohibit the construction and use of outdoor kennels and runs, which remains consistent with your operating statement as submitted. The Conditional Use Permit will also prohibit overnight boarding of dogs.

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
402.331.4343 P  
402.331.4375 F

**Community  
Development**  
8116 Park View Blvd.  
402.593.6400 P  
402.593.6445 F

**Library**  
9110 Giles Rd.  
402.537.3900 P  
402.537.3902 F

**Police**  
7701 S. 96th St.  
402.331.1582 P  
402.331.7210 F

**Public Works**  
9900 Portal Rd.  
402.331.8927 P  
402.331.1051 F

**Recreation**  
8116 Park View Blvd.  
402.331.3455 P  
402.331.0299 F

If later you decide that you would like to be able to board dogs overnight, you may apply for an amendment to the Conditional Use Permit.

4. Staff will create a draft of the Conditional Use Permit to be shared with you in the near future.

Please provide a response to item 1 of this letter as soon as possible. Your application is slated to be reviewed by the Planning Commission during their meeting on November 4, 2021 at 6:30pm in the Council Chambers at La Vista City Hall (8116 Park View Blvd, La Vista, NE 68128). Please be in attendance to present your request and answer any questions that the Planning Commission might have. After Planning Commission review, your application will be reviewed by La Vista City Council on December 7, 2021. If you have any questions regarding these comments, please feel free to contact me at any time.

Sincerely,



Cale Brodersen, AICP  
Assistant Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6400

CC: Christopher Solberg, Deputy Community Development Director  
Bruce Fountain, Community Development Director

Enclosure.

# City of La Vista Conditional Use Permit

## Conditional Use Permit for Animal Specialty Services

This Conditional Use Permit issued this 7<sup>th</sup> day of December 2021, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Nebraska Dog Trainers, LLC (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate a dog training and daytime boarding facility (animal specialty services facility) upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 243A Val Vista, located in the SE ¼ Section 16, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 10620 Chandler Road, STE 1.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a dog training and daytime boarding facility; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the Owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the Owner to use the area designated on Exhibit “B” hereto for a dog training and daytime boarding facility, said use hereinafter being referred to as “Permitted Use” or “Use”.

### Conditions of Permit

The conditions to which the granting of this permit is subject are:

1. Breach of any terms hereof shall cause permit to automatically expire and terminate without any further action required of the City.
2. In respect to the Permitted Use:
  - a. The use shall be limited to the type of operation as described in the Owner’s Operational Statement (Exhibit “A”) and in the City staff report presented with the Council agenda item to consider this permit. Any proposed change in the Permitted Use or operational characteristics including, but not limited to, the hours of operation or additional or different activities or intensity of activities on the property, shall require such reviews, amendments to the Conditional Use Permit, and approvals as the Planning Department in its sole discretion determines necessary or appropriate.
  - b. A site plan showing the property boundaries of the tract of land, proposed structures, parking, access points, and drives is attached to the permit as Exhibit “B”.
  - c. Hours of operation for said animal specialty services facility will be Monday through Friday from 9:00 a.m. – 7:00 p.m., and Saturday and Sunday 9:00 a.m. – 5:00 p.m.
  - d. Off-street parking shall be provided for the Permitted Use and the number of parking spaces shall be adequate to accommodate the patrons and guests of the Permitted Use without negatively impacting or limiting the number of parking spaces for other existing or future tenants or surrounding businesses, or negatively impacting traffic or traffic flows on, in or around the Property or streets. The locations

- of parking stalls allocated for Nebraska Dog Trainers are identified on the site plan attached as Exhibit "B". Additional off-street parking on the property will be required if deemed necessary by the Planning Department, and the Owner at its cost shall be solely responsible for obtaining use of or constructing any such additional off-street parking. The requirements, location and other specifications of any additional off-street parking shall be subject to Planning Department or City Engineer approval. On-street parking on Chandler Road in connection with the Permitted Use shall be prohibited.
- e. Outdoor kennels and dog runs at this property shall be prohibited.
  - f. Overnight boarding of dogs shall be prohibited, in accordance with the Operating Statement attached as Exhibit "A".
  - g. The applicant shall instruct dog owners to keep dogs on leashes until they are inside the building. No dogs shall be allowed off leash in the parking or drive aisle areas.
  - h. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility, except appropriately screened trash receptacles and those approved in writing by the City.
  - i. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
  - j. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local laws, rules, or regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
  - k. Owner hereby indemnifies the City and all officials, officers, employees, and agents of the City ("Indemnified Parties") against, and holds the Indemnified Parties harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner, or Owner's agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
3. The Owner's right to maintain the use as approved pursuant to these provisions shall be based on the following:
    - a. An annual inspection to determine compliance with the conditions of approval; or more frequent inspection upon any complaint to the City. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval or this permit.
    - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the Owner has fully complied with the terms of approval.
    - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at Owner's expense within twelve (12) months of cessation of the conditional use.
  4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
    - a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
    - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
    - c. Owner's breach of any other terms hereof.
  5. In the event of the Owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the Owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the Owner or any third party to exercise said option) cause the same to be

removed at Owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the Owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

6. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

### **Miscellaneous**

The conditions and terms of this permit shall be binding upon Owner, his successors and assigns.

1. Delay of City to terminate this permit on account of breach of Owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the Owner as follows:

**Contact Name and Address:** Nebraska Dog Trainers, LLC  
Attn: Lesley Thompson  
10620 Chandler Road, STE  
1 La Vista, NE 68128

4. The City staff report presented with the Council agenda item to consider this permit, and all recitals and Exhibits of this permit, shall be incorporated into this permit by reference.

**Effective Date:**

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By \_\_\_\_\_  
Douglas Kindig, Mayor

Attest:

\_\_\_\_\_  
Pamela A. Buethe  
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:  
By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

\_\_\_\_\_  
Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [\_\_\_\_\_], personally known by me to be the Owner of Nebraska Dog Trainers, LLC, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

\_\_\_\_\_  
Notary Public



# Nebraska Dog Trainers

NEBRASKADOGTRAINERS.COM | 402.913.0251

## Operating Statement

We are Nebraska Dog Trainers, and we offer private obedience training lessons for clients in our dog training facility. Dog owners bring their dogs to our facility and spend one on one time with a dog trainer. We never have more than one owner, the dog being trained and the trainer at a time during lessons. The sessions are 45 minutes long and facility is open for private lessons from 9 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 5 p.m. on Saturdays and Sundays.

When the conditional use permit is approved, we intend to have 5 indoor kennels in order to provide day and train services. This would consist of owners dropping their dogs off in the morning and picking them up later on in the day, afternoon and up to the early evening hours, no later than 6 p.m. There will be no outside kennel or dog runs and no more than 5 dogs, day-boarding at any given time. This service will only be available Monday through Friday.

We have 7 employees, but there wouldn't be more than 2 employees at the facility at given time, unless we are having a meeting or employee training session. The training space is 1800 square ft. There are three designated parking spots in front of the facility for clients and three parking spaces in the back for employees, and there is ample parking for more if needed. Most dog waste is disposed of with a toilet inside the facility. We do have a few poop bags that will be kept in the Papillion Sanitation trash container inside the facility.

Nebraska Dog Trainers Site Plan



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONNECT HUMAN PERFORMANCE, LLC CONDITIONAL USE PERMIT LOT 1 HEIMES REPLAT ONE INDOOR RECREATIONAL FACILITY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN, AICP ASSISTANT PLANNER

**SYNOPSIS**

A public hearing has been scheduled and resolution prepared for Council to consider an application for a Conditional Use Permit by Connect Human Performance, LLC to operate an indoor athletic training gym, or indoor recreational facility, in an industrial flex building located at 14565 Portal Circle.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled and resolution prepared to consider an application submitted by Connect Human Performance, LLC for a Conditional Use Permit to operate an athletic training and coaching gym on Lot 1 Heimes Replat One, generally located south of Portal Circle and west of S. 145<sup>th</sup> Street in La Vista’s extraterritorial jurisdiction (ETJ).

The proposed training gym will offer semi-private training lessons for up to 8 individuals at a time and will be operated out of a 3,600 square foot industrial tenant bay. The owner intends to provide training for athletes of all types, and the space will include a turf area and an area for strength training equipment. A detailed staff report is attached.

The Planning Commission held a public hearing on November 4, 2021 and unanimously voted to recommend approval of the Conditional Use Permit, as the request is consistent with La Vista’s Comprehensive Plan and Zoning Ordinance.

**RESOLUTION NO. 21. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR CONNECT HUMAN PERFORMANCE, LLC FOR AN INDOOR RECREATIONAL FACILITY ON LOT 1 HEIMES REPLAT ONE.

WHEREAS, Connect Human Performance, LLC has applied for approval of a Conditional Use Permit for the operation of an indoor recreational facility on Lot 1 Heimes Replat One, generally located south of Portal Circle and west of S. 145<sup>th</sup> Street; and

WHEREAS, the La Vista Planning Commission reviewed the application on November 4, 2021 and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of the Conditional Use Permit for such purposes.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Connect Human Performance, LLC to allow for the operation of an indoor recreational facility on Lot 1 Heimes Replat One.

PASSED AND APPROVED THIS 7<sup>TH</sup> DAY OF DECEMBER 2021.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk



**CITY OF LA VISTA  
PLANNING DIVISION  
RECOMMENDATION REPORT**

CASE NUMBERS: PCUP21-0005;

FOR HEARING OF: DECEMBER 7, 2021  
REPORT PREPARED ON: NOVEMBER 23, 2020

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Connect Human Performance, LLC  
Attn: Mike Servais  
5820 Poppleton Ave  
Omaha, NE 68106

**B. PROPERTY OWNER:**

Knacck Properties, LLC  
Attn: Kurt Mackie  
3333 S. 61<sup>st</sup> Ave  
Omaha, NE 68106

**C. LOCATION:** 14565 Portal Circle, #103; Located south of Portal Circle, west of S. 145<sup>th</sup> Street.

**D. LEGAL DESCRIPTION:** Lot 1 Heimes Replat One.

**E. REQUESTED ACTION(S):** Approval of a Conditional Use Permit to allow for the operation of an Indoor Recreational Facility in bay 103 of the industrial-flex building located at 14565 Portal Circle.

**F. EXISTING ZONING AND LAND USE:** I-2 Heavy Industrial.

**G. PURPOSE OF REQUEST:** To operate an indoor sports performance gym for semi-private training lessons out of the 3,600 square foot tenant bay.

**H. SIZE OF SITE:** 239,070 square feet (5.49 acres).

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The property slopes downward slightly to the north and to the east.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Industrial	I-2 Heavy Industrial	MCL Construction building
East	Industrial	I-1 Light Industrial; GWC Gateway Corridor Overlay District	Hotsy Equipment Company; vacant lot
South	Industrial	I-2 Heavy Industrial	Vacant lot
West	Parks, Recreation, and Open Space (Sarpy County)	AG Agriculture (Sarpy County)	Chalco Hills Recreation Area

**C. RELEVANT CASE HISTORY:**

1. N/A

**D. APPLICABLE REGULATIONS:**

1. Section 5.14 of the Zoning Regulations – I-2 Heavy Industrial.
2. Article 6 of the Zoning Regulations – Conditional Use Permits.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:** The Comprehensive Plan Future Land Use Map designates this property for industrial use. This proposal is consistent with the comprehensive plan.

**B. OTHER PLANS:** N/A.

**C. TRAFFIC AND ACCESS:**

1. The property currently has driveway access off Portal Circle.

**D. UTILITIES:**

1. The property has access to all necessary utilities.

**E. PARKING REQUIREMENTS:**

1. Per the La Vista Zoning Ordinance Section 7.06, the minimum number of provided off-street parking stalls for health clubs shall be one (1) space per 200 square feet of gross floor area, plus one space for each employee on peak shift. For this 3,600 square foot facility, this requirement equates to a minimum of 19 stalls. Connect Human

Performance will have 19 dedicated parking stalls to comply with Section 7.06 of the La Vista Zoning Ordinance. The locations for these designated parking stalls are displayed on the Parking Site Plan provided by the property owner, and included as Exhibit "C" of the Conditional Use Permit attached to this staff report.

2. The industrial flex building located at 14565 Portal Circle was constructed with 117 parking stalls, which includes 32 surplus stalls beyond the 85 required per the minimum standards of the La Vista Zoning Ordinance for the current and planned building users. The 32 surplus stalls are available for use by each of the building tenants.
3. If the provided off-street parking becomes insufficient and the overflow stalls are regularly at capacity, the applicant and/or property owner will be required to stripe additional parking stalls on the large paved lot south of the building.
4. No on-street parking will be allowed on Portal Circle.

**IV. REVIEW COMMENTS:**

- A. A Certificate of Occupancy must be granted by the Chief Building Official and the Fire Marshal prior to occupation and use of the facility.
- B. As Connect Human Performance utilizes a private and semi-private training model with class offerings being limited to 8 individuals at a time, the impact of this use on surrounding businesses is expected to be minimal.

**V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:**

Staff recommends approval of the Conditional Use Permit for Connect Human Performance, LLC for Lot 1 Heimes Replat One, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

**VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:**

The La Vista Planning Commission held a public hearing on November 4, 2021 and voted unanimously to recommend approval of the Conditional Use Permit for Connect Human Performance, LLC for Lot 1 Heimes Replat One, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

**VII. ATTACHMENTS TO REPORT:**

- A. Vicinity Map
- B. Review Letter
- C. Draft Conditional Use Permit
  - a. Operating Statement
  - b. Site Plan
  - c. Parking Site Plan

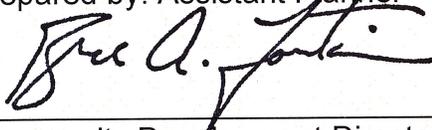
**VIII. COPIES OF REPORT SENT TO:**

- A. Mike Servais, Connect Human Performance, LLC
- B. Kurt Mackie, Knacck Properties, LLC
- C. Public Upon Request



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Prepared by: Assistant Planner

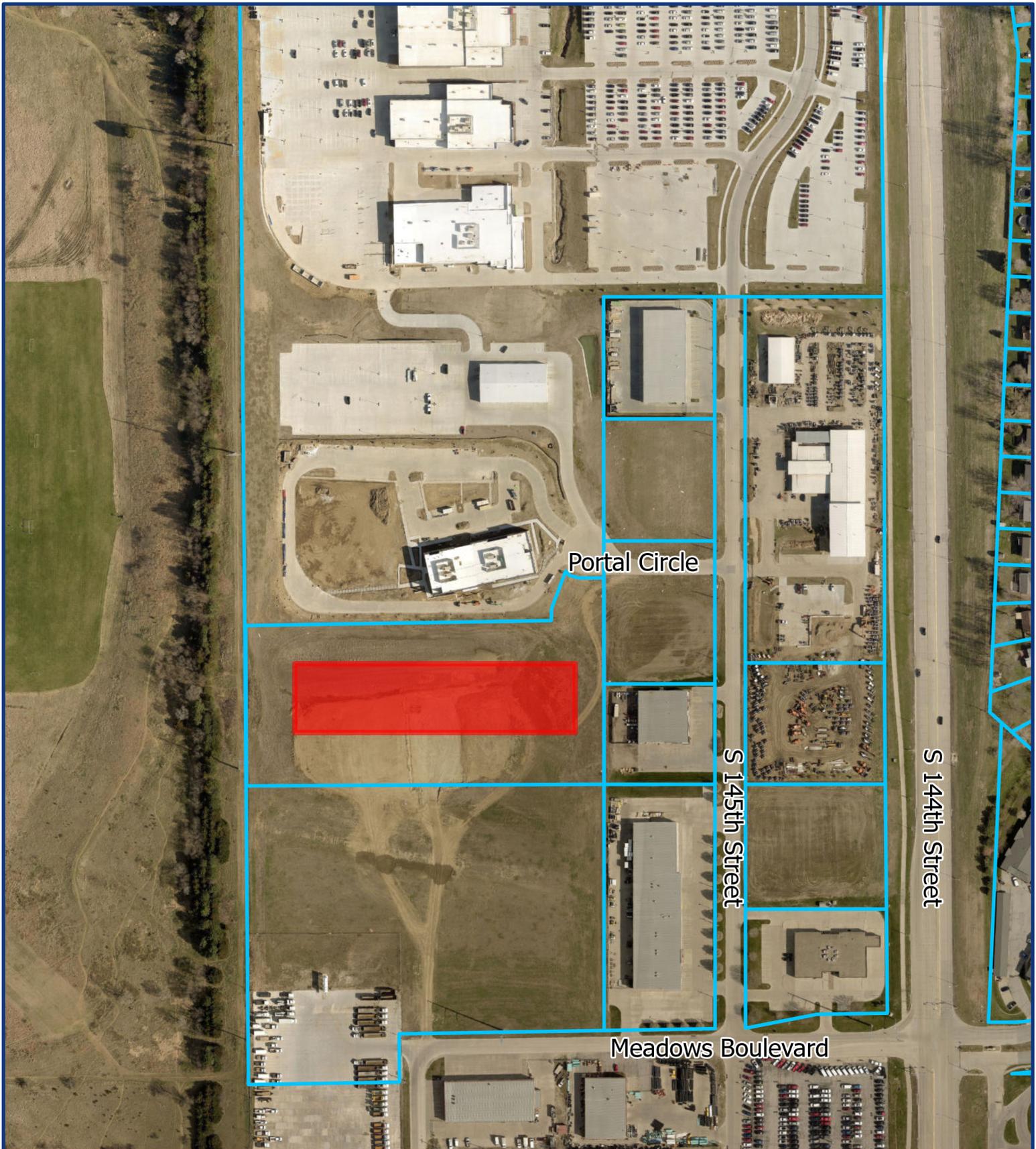


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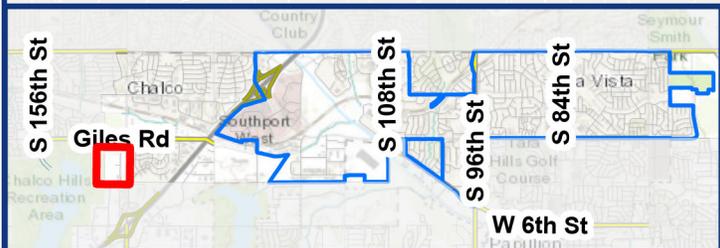
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Community Development Director

Date



**Vicinity Map: Connect Human Performance Conditional Use Permit**



**Legend**

- La Vista Parcels
- Approximate Building Location





October 5, 2021

Connect Human Performance  
Attn: Mike Servais  
5820 Poppleton Ave  
Omaha, NE 68106

RE: Indoor Recreational Facility Conditional Use Permit – Initial Review

Mr. Servais,

Thank you for your submittal of the above referenced Conditional Use Permit (CUP) application. Staff have reviewed the initial submittal and have provided the following initial comments:

1. Please update the operating statement that you submitted to include details on the square footage of your space to be used by each activity (space for turf, equipment, lobby, restrooms, etc.)
2. Please submit an interior floor plan that depicts the space, showing demising walls, restrooms, turf area, location of equipment, location of doors, etc., to be used by the Fire Marshal for review of conformance with the life safety codes.
3. Please also include in the operating statement the number of parking stalls on this lot that will be dedicated for use by your business. Per the La Vista Zoning Ordinance Section 7.06, this type of facility in a 3,600 square foot space should have 18 parking stalls plus one stall per employee during peak shift.
4. Please utilize the attached site plan and denote where the parking stalls are that are dedicated for your business (these do not need to be signed, dedicated parking stalls at this time).

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
402.331.4343 P  
402.331.4375 F

**Community Development**  
8116 Park View Blvd.  
402.593.6400 P  
402.593.6445 F

**Library**  
9110 Giles Rd.  
402.537.3900 P  
402.537.3902 F

**Police**  
7701 S. 96th St.  
402.331.1582 P  
402.331.7210 F

**Public Works**  
9900 Portal Rd.  
402.331.8927 P  
402.331.1051 F

**Recreation**  
8116 Park View Blvd.  
402.331.3455 P  
402.331.0299 F

5. Please provide the distance (in feet) from the entrance to your business to the nearest ADA parking stall. Please confirm that there is an accessible path from this stall to your business entrance.
6. Parking shall be limited to off-street parking at all times. A condition will be included in the Conditional Use Permit that if parking is determined to be insufficient at any time, striping of additional stalls may be required for a portion of the paved area on the west or south sides of the building to provide for additional parking capacity.
7. Building permits are required for the interior improvements to the space (construction of walls and restrooms). Please ensure that those are obtained prior to construction activities.
8. The Fire Marshal and Chief Building Official must authorize and issue a Certificate of Occupancy for your space before you may occupy it and have customers or employees in the facility.
9. Staff will create a draft of the Conditional Use Permit to be shared with you in the near future.

Please provide a response to items 1-5 of this letter as soon as possible. If you are able to satisfactorily address these items by next Thursday, October 14<sup>th</sup>, your application can be reviewed by the Planning Commission during their meeting on November 4, 2021 at 6:30pm in the Council Chambers at La Vista City Hall (8116 Park View Blvd, La Vista, NE 68128). Please be in attendance to present your request and answer any questions that the Planning Commission might have. After Planning Commission review, your application could be reviewed by La Vista City Council on December 7, 2021. If you have any questions regarding these comments, please feel free to contact me at any time.

Sincerely,



Cale Brodersen, AICP  
Assistant Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6400

CC: Christopher Solberg, Deputy Community Development Director  
Bruce Fountain, Community Development Director

# City of La Vista Conditional Use Permit

## Conditional Use Permit for Indoor Recreational Facility

This Conditional Use Permit issued this 7<sup>th</sup> day of December 2021, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Connect Human Performance, LLC (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate an indoor recreational facility upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 1 Heimes Replat One, located in the NE ¼ Section 23, Township 14 North, Range 11 East of the 6th P.M. Sarpy County, Nebraska, located at 14565 Portal Circle, STE 103.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a indoor recreational facility; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the Owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the Owner to use the area designated on Exhibit “B” hereto for an indoor recreational facility, said use hereinafter being referred to as “Permitted Use” or “Use”.

### Conditions of Permit

The conditions to which the granting of this permit is subject are:

1. Breach of any terms hereof shall cause permit to automatically expire and terminate without any further action required of the City.
2. In respect to the Permitted Use:
  - a. The use shall be limited to the type of operation as described in the Owner’s Operational Statement (Exhibit “A”) and in the City staff report presented with the Council agenda item to consider this permit. Any proposed change in the Permitted Use or operational characteristics including, but not limited to, the hours of operation or additional or different activities or intensity of activities on the property, shall require such reviews, amendments to the Conditional Use Permit, and approvals as the Planning Department in its sole discretion determines necessary or appropriate.
  - b. A site plan showing the property boundaries of the tract of land, proposed structures, parking, access points, and drives is attached to the permit as Exhibit “B”.
  - c. Hours of operation for said indoor recreational facility will be Monday through Friday from 3:00 p.m. – 8:00 p.m. during the academic year, and Monday through Friday 10:00 a.m. – 6:00 p.m. during the summer months.
  - d. Off-street parking shall be provided for the Permitted Use and the number of parking spaces shall be adequate to accommodate the patrons and guests of the Permitted Use without negatively impacting or limiting the number of parking spaces for other existing or future tenants or surrounding businesses, or negatively impacting traffic or traffic flows on, in or around the Property or streets. The location of

- parking stalls allocated for Connect Human Performance are outlined in red on the parking plan attached as Exhibit "C". Additional off-street parking on the property will be required if deemed necessary by the Planning Department, and the Owner at its cost shall be solely responsible for obtaining use of or constructing any such additional off-street parking. The requirements, location and other specifications of any additional off-street parking shall be subject to Planning Department or City Engineer approval. The Planning Department or City Engineer may require that additional parking stalls be striped in the potential overflow parking area located on the south side of the property if the Permitted Use requires additional off-street parking. On-street parking on Portal Circle, South 145<sup>th</sup> Street, or otherwise in connection with the Permitted Use shall be prohibited.
- e. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the indoor recreational facility, except appropriately screened trash receptacles and those approved in writing by the City.
  - f. There shall not be any games, tournaments, or other events that draw a larger spectator crowd than typical training or camp activities.
  - g. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
  - h. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local laws, rules, or regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
  - i. Owner hereby indemnifies the City and all officials, officers, employees, and agents of the City ("Indemnified Parties") against, and holds the Indemnified Parties harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner, or Owner's agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
3. The Owner's right to maintain the use as approved pursuant to these provisions shall be based on the following:
    - a. An annual inspection to determine compliance with the conditions of approval; or more frequent inspection upon any complaint to the City. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval or this permit.
    - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the Owner has fully complied with the terms of approval.
    - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at Owner's expense within twelve (12) months of cessation of the conditional use.
  4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
    - a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
    - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
    - c. Owner's breach of any other terms hereof.
  5. In the event of the Owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the Owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the Owner or any third party to exercise said option) cause the same to be

removed at Owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the Owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

6. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

### **Miscellaneous**

The conditions and terms of this permit shall be binding upon Owner, his successors and assigns.

1. Delay of City to terminate this permit on account of breach of Owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the Owner as follows:

**Contact Name and Address:** Connect Human Performance, LLC  
Attn: Mike Servais  
5820 Poppleton Ave  
Omaha, NE 68106

4. The City staff report presented with the Council agenda item to consider this permit, and all recitals and Exhibits of this permit, shall be incorporated into this permit by reference.

**Effective Date:**

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By \_\_\_\_\_  
Douglas Kindig, Mayor

Attest:

\_\_\_\_\_  
Pamela A. Buethe  
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:  
By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

\_\_\_\_\_  
Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [\_\_\_\_\_], personally known by me to be the Owner of Connect Human Performance, LLC, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

\_\_\_\_\_  
Notary Public

## Operating Statement

To Whom It May Concern,

My name is Mike Servais and I am the Owner/Head Performance Coach of Connect Human Performance, LLC (CHP). Founded in May 2020, CHP is a sports performance company that is dedicated to helping athletes optimize their performance and bridge the gap between performance coaches, medical professionals and sport coaches. At CHP, we serve athletes at all points of their career with our clientele ranging from middle school age all the way up to the professional ranks. While we work with all types of athletes, we specialize in training rotational sport athletes such as baseball, softball and golf. Our services include private training, semi-private training, online coaching and consulting for organizations. I am writing you to obtain a Conditional Use Permit for 14565 Portal Circle Suite #3.

Over the course of this past year, CHP has been subleasing space from a local physical therapy clinic and operating part-time during evening hours. However, we have now grown to the point where we need more space and one that is our own to best serve our customers. This 3,600 sq ft space will enable us to offer more availability, solidify our culture and continue to grow as a business in a full-time capacity. To optimize logistics and ensure a quality customer experience, the space will be broken down into distinct areas. A 500 sq ft lobby will be located in the northwest corner of the space and will feature two ADA-compliant restrooms. Approximately 1,200 sq ft (12'x100') strip of artificial turf will go on the east side of the space. In the southwest corner, 300 sq ft will be dedicated to medicine ball training and will feature an 8'x12' wood wall covered in ½" rubber matting. The remaining 1,000 sq ft will feature equipment such as power racks, barbells and specialty bars, dumbbell racks and functional trainers.

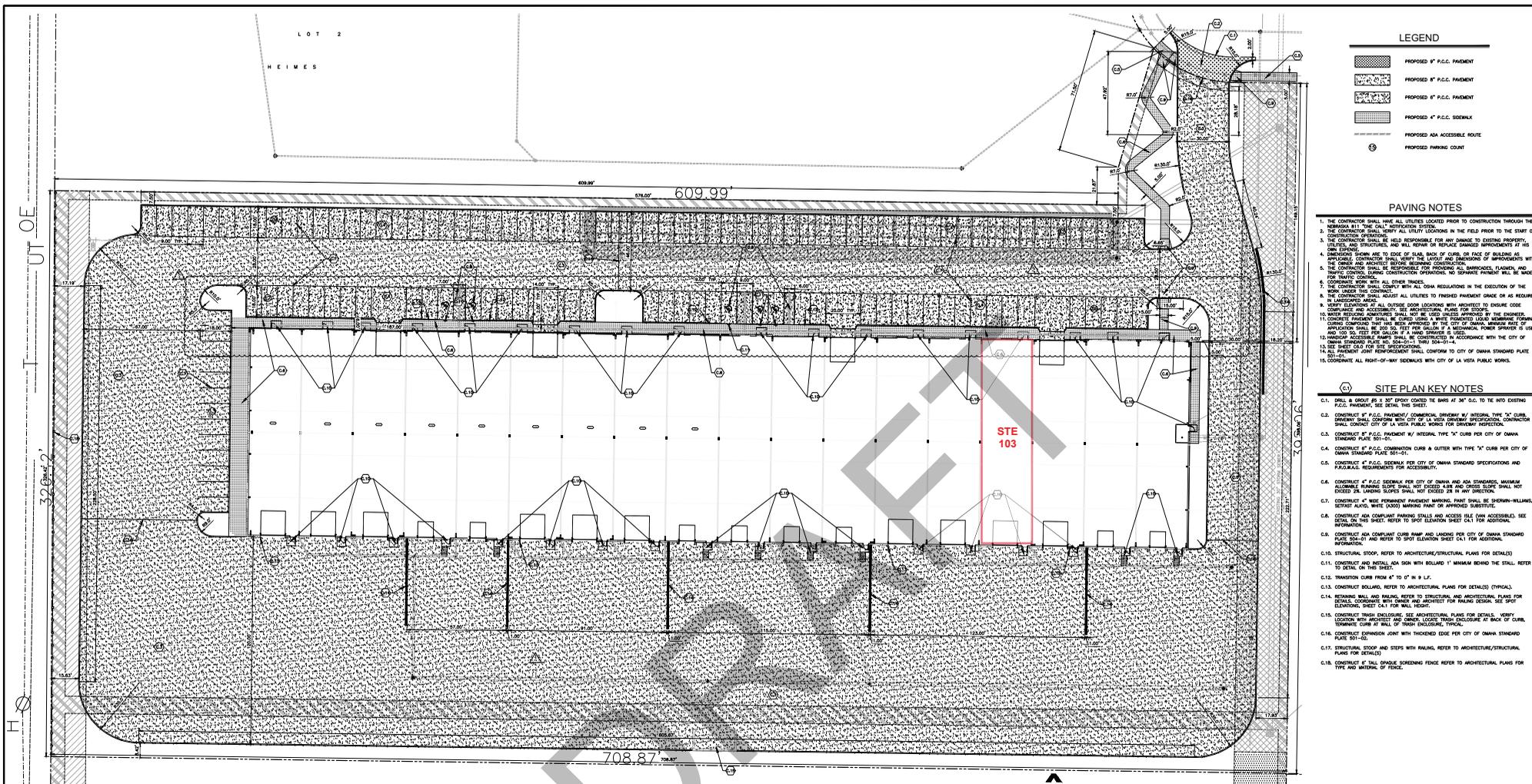
Currently, I am the only employee and will be the only employee for the remainder of the year. Our peak hours of operation will be weekdays from 3-8pm during the academic year. During the summer months, those hours will shift to 10am-6pm. The majority of our in-person training will be conducted in a semi-private model with a limit of 8 athletes per training session. These sessions last 60-75 minutes and they will be offered every hour during operating hours. To accommodate daily foot traffic and to abide by the La Vista Zoning Ordinance Section 7.06, there will be 19 parking spaces available for use by my business (18 for customers and 1 for myself) among the total 120 shared parking stalls located in front of the building.

I appreciate your time and I look forward to being a part of the La Vista community.

Regards,

Mike Servais, CSCS, USAW-L1, TPI-F2  
Connect Human Performance, LLC  
(402) 253-4522

<https://www.connecthumanperformance.com/>

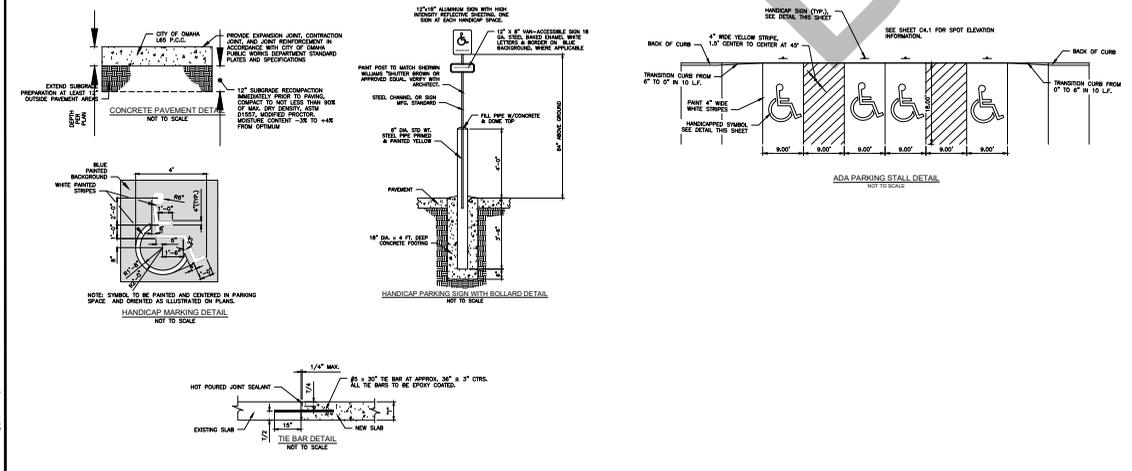


**LEGEND**

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- PAVING NOTES**
1. THE CONTRACTOR SHALL HAVE ALL UTILITIES LOCATED PRIOR TO CONSTRUCTION THROUGH THE NEBRASKA UTILITY LOCATION SYSTEM (NULS) SYSTEMS IN THE FIELD PRIOR TO THE START OF CONSTRUCTION OPERATIONS.
  2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING PROPERTY, UTILITIES AND STRUCTURES, AND WILL REPAIR OR REPLACE DAMAGED IMPROVEMENTS AT HIS OWNERS RISK.
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  - C4. CONSTRUCT 8\"/>
  - C5. CONSTRUCT 8\"/>
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  - C7. CONSTRUCT 8\"/>
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  - C9. CONSTRUCT ADA COMPLIANT CURBS AND RAMPING PER CITY OF OMAHA STANDARD PLATE C4.1 FOR ADDITIONAL INFORMATION.
  - C10. STRUCTURAL STOPS, REFER TO ARCHITECTURE/STRUCTURAL PLANS FOR DETAILS.
  - C11. CONSTRUCT ADA COMPLIANT BOLLARDS WITH BOLLARD 1\"/>
  - C12. TRANSITION CURB FROM 6\"/>
  - C13. TRANSITION CURB BOLLARD, REFER TO ARCHITECTURAL PLANS FOR DETAILS (TYPICAL).
  - C14. RETAINING WALL AND RAILING, REFER TO STRUCTURAL AND ARCHITECTURAL PLANS FOR DETAILS. COORDINATE WITH OWNER AND ARCHITECT FOR RAILING DESIGN. SEE SPOT ELEVATIONS, SHEET C4.1 FOR WALL HEIGHT.
  - C15. CONSTRUCT TRASH ENCLOSURE, SEE ARCHITECTURAL PLANS FOR DETAILS. VERIFY LOCATION WITH ARCHITECT AND OWNER. LOCATE TRASH ENCLOSURE AT BACK OF CURB. TERMINATE CURB AT WALL OF TRASH ENCLOSURE, TYPICAL.
  - C16. CONSTRUCT CONCRETE JOINT WITH THICKENED EDGE PER CITY OF OMAHA STANDARD PLATE C4.1 FOR ADDITIONAL INFORMATION.
  - C17. STRUCTURAL STOPS AND STEPS WITH RAILING, REFER TO ARCHITECTURE/STRUCTURAL PLANS FOR DETAILS.
  - C18. CONSTRUCT 8\"/>



**PORTAL FLEX BUILDING**  
OMAHA, NEBRASKA

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**ROBERT W. ENGEL AND ASSOCIATES, ARCHITECTS**  
2443 South 156th Circle  
Omaha, NE 68130-2612  
(402) 330-8287 Fax: (402) 330-8331  
email: RWEArchitects@RWEArchitects.com

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No.	Date	Description
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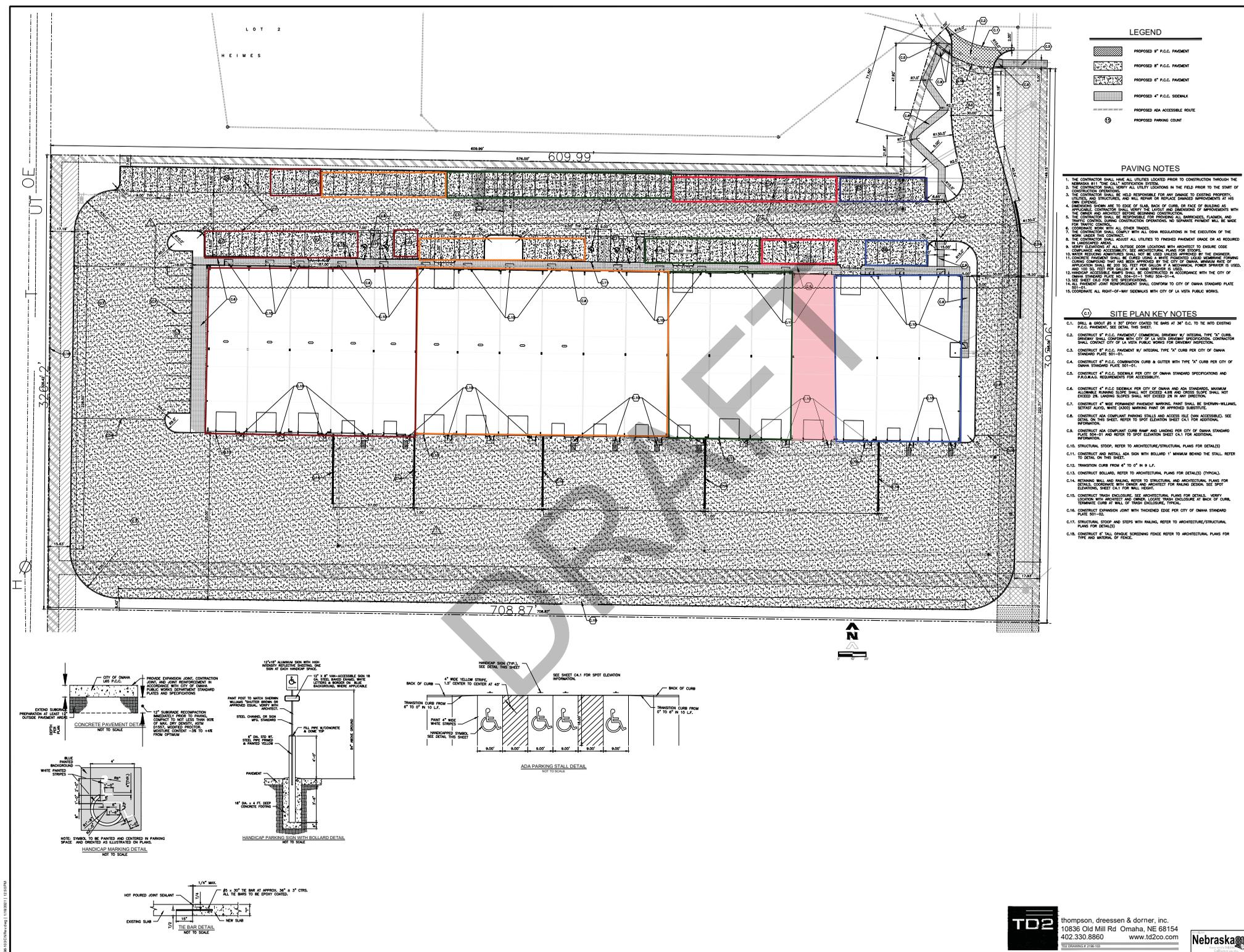
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Project Number: 0720  
Drawn by: FL  
Checked by: JMK  
Sheet Name: Site Plan and Details

thompson, dreessen & dornier, inc.  
10836 Old Mill Rd Omaha, NE 68154  
402.330.8860 www.td2co.com

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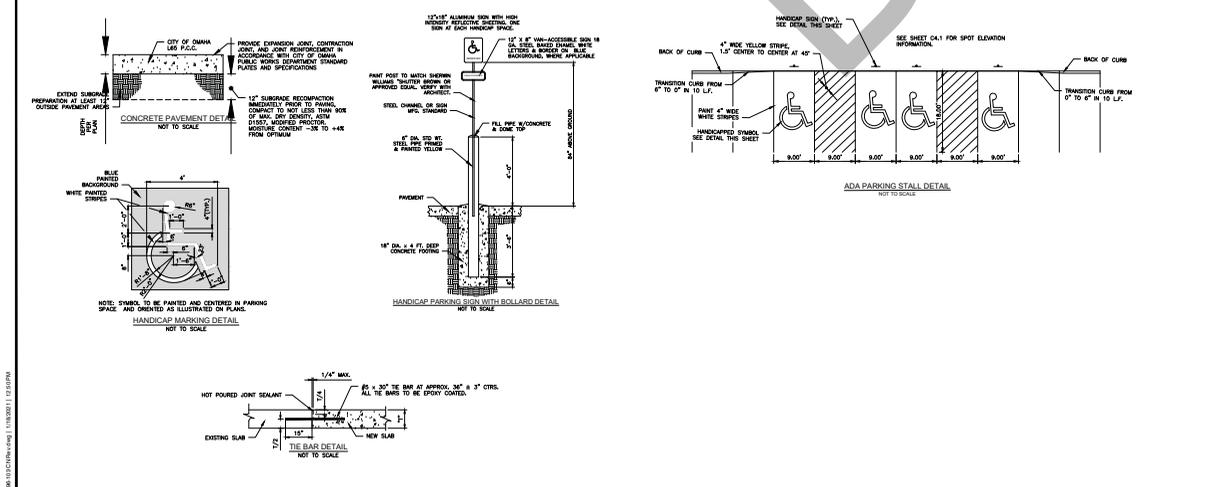


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PORTAL FLEX BUILDING  
OMAHA, NEBRASKA

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**RE**

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Omaha, NE 68130-2612  
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thompson, dressen & dornier, inc.  
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C4.0

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENTS – ARTICLE 2: DEFINITIONS ARTICLE 4: GENERAL PROVISIONS ARTICLE 5: ZONING DISTRICTS ARTICLE 6: CONDITIONAL USE PERMITS ARTICLE 7: SUPPLEMENTAL REGULATIONS ARTICLE 9: AMENDMENT	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CALE BRODERSEN, AICP ASSISTANT PLANNER

**SYNOPSIS**

A public hearing has been scheduled and ordinance prepared to authorize a series of zoning text amendments being referred to as a “zoning clean-up” to provide clarification, address inconsistencies, and modernize portions of La Vista’s Zoning Ordinance. Changes are proposed to the following articles of the ordinance: Article 2: Definitions. Article 4: General Provisions, Article 5: Zoning Districts, Article 6: Conditional Use Permits, Article 7: Supplemental Regulations, and Article 9: Amendment.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

Staff is proposing a series of zoning text amendments to provide clarification, address inconsistencies, and modernize portions of La Vista’s zoning ordinance. La Vista’s current zoning ordinance was adopted in 2001 and is over 20 years old. Considering the rapid evolution of land use practices, development patterns, technology, and community preferences, an update to the zoning ordinance is warranted. Community Development staff has been maintaining a list of potential zoning text amendments as they have been uncovered over the past year, and this zoning clean up is a proposal to address these short-term needs and concerns until such time that a larger zoning ordinance overhaul or rewrite can occur. Staff is planning for a zoning rewrite that is currently scheduled in the City’s Capital Improvements Program (CIP) to begin in fiscal year 2023.

The zoning text amendments proposed in this “clean up” are summarized as follows:

- Add “micro distillery” to the microbrewery uses in La Vista’s industrial districts in addition to an associated definition.
- Remove the “automotive rental” use from the I-1 Light Industrial Zoning District. This use would still be present in the I-2 Heavy Industrial Zoning District where it fits in better with the character of the district.

- Make the animal specialty services use title in the industrial and commercial districts match (except where there are limitations on outdoor runs and overnight boarding) for consistency.
- Change the allowance for the number of people that can work at a home occupation from the current “residents + 1 employee” to “residents +1 person” (whether a partner, employee or volunteer) to close a loophole that would allow many individuals to work out of a home. This provides more clarity to the current intended requirement.
- Reorganize regulations for Home Occupations by moving requirements out of the definitions section and into Section 7.10 to make the requirements easier to find and communicate to applicants.
- Change the per-unit lot size requirement for multi-family housing in the R-3 zoning district from 2,250 sq ft per unit to 3,000 sq ft per unit for the first 4 units, then 1,500 square feet per each additional unit. This establishes consistency between our zoning regulations and the City of Papillion’s, and reduces the required lot size for multi-family developments with a greater number of units.
- Introduce some permitted and permitted conditional commercial land uses to La Vista’s C-3 Highway Commercial and Office Park District, that are consistent with the intent of the district, such as” aquarium or planetarium, amusement/commercial indoor, drug store, specialty food store, nightclub, and mixed-use commercial (office units over storefronts).
- Replace “Building Inspector” at various points in the text with “Chief Building Official”.
- Replace “City Planner” at various points in the text with “Community Development Director” or “Community Development Department” depending on applicability.
- Introduce the data center use into the I-2 Heavy Industrial Zoning District, in addition to the associated definition, to provide clarification on the use type. This use is currently permitted under the Business Services use.
- Add definitions to Article 2 for terms such as “Heavy Construction Contractors” (facilities permitted in I-2), “Specialty Food Stores” (permitted in C-3), “Artist Studio Space” (proposed to be permitted in I-1), “Fast Casual Restaurant” (permitted in C-3), etc. to provide clarity.
- Add verbiage to Section 6.04 to clarify that the start of construction equates to the commencement of a land use when pertaining to the expiration date of conditional use permits, to conform with standard language included in La Vista’s draft conditional use permits.
- Add verbiage to Section 5.15.04 to allow for administrative extensions of the expiration date for planned unit development site plans for up to 12 months for extreme circumstances, specifically pertaining to the start of construction.
- Make pre-application meetings for design review projects required as opposed to optional. Currently, staff always encourage pre-application meetings as they result in a more efficient and less cumbersome design review process and overall improved experience for both applicants and staff.
- Introduce setback exemptions for center identification signs in the MU-CC district to be consistent with building setbacks (except that center identification signs still cannot be placed within the sight triangle). These changes will now coincide with earlier changes to monument signs.
- Allow for crushed rock parking areas within the TA zone for outdoor recreational uses, until such time that properties would be rezoned. Recreational facilities in the TA zone would still be required to provide paved parking stalls and walkways in both number and design to comply with ADA requirements.
- Pertaining to La Vista’s landscaping requirements, specify the minimum size required at installation for shrubs and ornamental grasses.
- Introduce an artist studio space use in the I-1 Light Industrial Zoning District.
- Introduce a “smoke shop and tobacco store” use within the C-1 Zoning District with an associated definition and land use standards that establish physical buffer requirements between any smoke shop and tobacco store/liquor store and any school, daycare facility, park, church, or other smoke shop and tobacco store/liquor store.
- Change the definition of “Lot” to be consistent with our zoning ordinance and subdivision regulations.
- Clarify the signage allowance for coffee kiosks with only drive-thru access.

A redlined version of the proposed changes is attached.

The Planning Commission held a public hearing on November 18, 2021 and voted unanimously to recommend approval of the proposed amendments.

K:\APPS\City Hall\CNLRPT (Blue Letters)\21file\21 CD Zoning Clean Up 12.07.2021.Docx

**Proposed Zoning Text Amendments  
Red-lined Version**

CITY OF LA VISTA  
SARPY COUNTY, NEBRASKA

ZONING ORDINANCE

ORDINANCE NO. 848

ADOPTED BY THE CITY OF LA VISTA, NEBRASKA  
NOVEMBER 20, 2001

REPRINTED WITH APPROVED REVISIONS

DECEMBER 7, 2021

Deleted: MARCH 2

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**Deleted:** City Planner

**Deleted:** Building Inspector

## ARTICLE 1: TITLE AND PURPOSE

**Section 1.01 Title** This Ordinance may be known and may be cited and referred to as the Zoning Ordinance of the City of La Vista, Nebraska.

**Section 1.02 Purposes** This ordinance has been made in accordance with a comprehensive plan and to promote the health, safety, and general welfare of the community; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to protect property against blight and depreciation; and to secure economy in governmental expenditures.

## ARTICLE 2: DEFINITIONS

**Section 2.01 Rules** For the purpose of this ordinance the following rules shall apply:

- 2.02.01 Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
- 2.02.02 The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.
- 2.02.03 The word "shall" is mandatory.
- 2.02.04 The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
- 2.02.05 The word "commission" shall refer to the Planning Commission of La Vista, Nebraska.
- 2.02.06 Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.

### **Section 2.02 – Definitions: A**

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

**ABUT, ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley.

**ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Regulation.

**ACCESSORY BUILDING** (see Building, accessory)

**ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.

**ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

**ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

**ADULT BOOKSTORE** shall mean any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions is

conducted as a principal use of the premises, if such services are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." (**Ordinance No. 1083, 2-17-09**)

**ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADULT DAY CARE SERVICES** shall mean non-resident day care, regulated as required by the State of Nebraska, for four or more unrelated adults. (**Ordinance No. 1328, 9-18-18**)

**ADULT ENTERTAINMENT ESTABLISHMENT** shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, adult internet industries, and adult massage parlor / health club. (**Ordinance No. 1083, 2-17-09**)

**ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

**ADULT INTERNET INDUSTRIES** shall mean any business within an enclosed building or outdoors that is producing materials for distribution on the Internet, including live video streaming, tape delayed video broadcasts, live simulcasting, still photographs, audio broadcasts, animated video or hard copy, wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." Said uses are intended for viewing by other parties while on-line and for a specified charge. (**Ordinance No. 891, 2-04-03**); (**Ordinance No. 1083, 2-17-09**)

**ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean a massage parlor or health club, which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADULT MINI-MOTION PICTURE THEATER** shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

**ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT NOVELTY BUSINESS** shall mean a business which has as a principal activity of the sale of devices which simulate human genitals or devices which are designed for sexual stimulation.

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

**ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.

**AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

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

**AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

**ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.

**ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.

**AMENDMENT** shall mean a change in the wording, context, or substance of this Regulation, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

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

**AMUSEMENT, COMMERCIAL INDOOR** shall mean a building or a part of a building containing uses that provide commercial amusement indoors, not including uses defined in Adult Establishment, including, but not limited to movie theaters, bowling alleys, billiards halls, skating rinks, video arcades, rock climbing gyms, dance halls, indoor miniature golf courses, and go-kart tracks.

**ANIMAL HOSPITAL** (see Hospital, animal)

**ANIMAL SPECIALTY SERVICES** shall refer to establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services. Does not include veterinary services, but may include overnight boarding of animals, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry. (Ordinance No. 1251, 6-16-15)

**ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna.)

**ANTIQUÉ STORE** shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, belonging to the past, at least 30 years old. (Ordinance No. 1083, 2-17-09)

**APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together. (Also, see Dwelling Unit)

**APPAREL SHOP** shall mean retail stores where clothing is sold, such as department stores, shoe stores, and dress, hosiery, and millinery shops. (Ordinance No. 1083, 2-17-09)

**APPLIANCE STORE** shall refer to retail shops selling equipment used for domestic functions. A store may include heavy appliances such as refrigerators, washers, dryers, ovens, dishwashers, or other similar domestic equipment. The store may also include smaller appliances such as televisions, computers, radios, microwaves, and other similar domestic equipment. (Ordinance No. 1083, 2-17-09)

**APPEARANCE** shall mean the outward aspect visible to the public.

**APPROPRIATE** shall mean the sympathetic, or fitting, to the context of the site and the whole community.

**APPURTENANCES** shall mean the visible, functional objects accessory to and part of buildings.

**ARCHITECTURAL CANOPY SIGN** (see Sign, architectural canopy)

**ARCHITECTURAL CHARACTER** (see Architectural Concept)

**ARCHITECTURAL CONCEPT** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development. (Ordinance No. 1083, 2-17-09)

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

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

**MASS** shall pertain to the volume or bulk of a building or structure.

**TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

**ARCHITECTURAL STYLE** shall mean the characteristic form and detail, as of buildings of a particular historic period.

**ART GALLERY** shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries. (Ordinance No. 1083, 2-17-09)

**ARTIST LIVE-WORK SPACE** shall mean dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

**ARTIST STUDIO SPACE** shall mean a space for the creation, manufacture, or assemblage of visual art, including two- or three-dimensional works of fine art or craft for the purpose of sale, display, commission, or collection, not including uses defined in Adult Entertainment Establishment and not including a dwelling unit.

**ASSISTED LIVING FACILITIES** shall mean a type of long-term care facility for elderly or disabled people needing assistance with daily activities such as eating, bathing, dressing, laundry, housekeeping, and medicating. These facilities typically have a central cafeteria and nursing staff on call.

**ATTACHED** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from a permanent foundation or structural change in such structure in order to relocate it to another site. (Ordinance No. 1083, 2-17-09)

**AUCTION SALES** shall mean a building or structure or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes motor vehicle wholesale

sales, including trailers, trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Ordinance No. 891, 2-04-03)

**AUTOMATED TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution. (Ordinance No. 1083, 2-17-09)

**AUTOMOBILE SALES** shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales) (Ordinance No. 891, 2-04-03)

**AUTOMOTIVE REPAIR SERVICES** shall refer to any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; major painting services; collision services; and tire service and sales. (Ordinance No. 1053, 1-15-08)

**AUTOMOTIVE SERVICES** shall refer to any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; and minor painting. (Ordinance No. 1053, 1-15-08)

#### **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, unplatted 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 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.

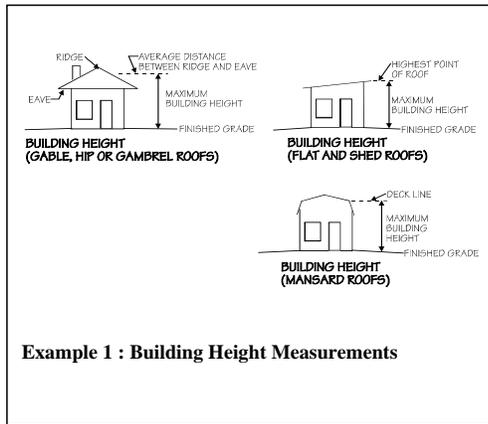
**BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening)

**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)



**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. (*Ordinance No. 1389, 3-3-2020*)

**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. (*Ordinance No. 1389, 3-3-2020*)

**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 2.04 - Definitions: C**

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

**CAR WASH** shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.

**CARPORT** shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

**CELLAR** shall mean a building space having more than one-half (1/2) of its height below the average adjoining grade lines.

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

**CHANGEABLE COPY** shall refer to a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without, altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance. (*Ordinance No. 1083, 2-17-09*)

**CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainway.

**CHARITABLE ORGANIZATION or CLUB** shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals. (*Ordinance No. 1083, 2-17-09*)

**CHILD CARE CENTER** shall mean an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for thirteen (13) or more children under age 13, at any one

time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

**CHILD CARE HOME** shall mean an operation in the provider's place of residence which serves at least four (4), but not more than eight (8) children at any one time, from families other than that of the provider. A Family Child Care Home I provider may be approved to serve no more than two (2) additional school-age children during non-school hours. A Family Child Care Home II operation may be either in the provider's own place of residence or a site other than the residence, serving twelve (12) or fewer children at any one time. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.

**CITY** shall mean the City of La Vista.

**CODE** shall mean the Municipal Code of the City of La Vista.

**COFFEE KIOSK** shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window or walk-up window. (Ordinance No. 1053, 1-15-08).

**COLLEGE AND UNIVERSITY** shall mean an educational institution offering advanced instruction in any academic field beyond the secondary level, including trade schools or business colleges. (Ordinance No. 1168, 3-6-12)

**COMMISSION** shall mean the La Vista Planning Commission.

**COMMERCIAL MESSAGE** shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. (Ordinance No. 1083, 2-17-09)

**COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a Planned Development or condominium development.

**COMMUNICATION SERVICES** shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or wireless communication towers. Typical uses include television studios, communication service centers, internet service offices, or film and sound recording facilities. (Ordinance No. 1083, 2-17-09)

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

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

**COMPREHENSIVE PLAN** shall mean the Comprehensive Plan of La Vista, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 19-903, R.R.S. 1943, as the same may, from time-to-time, be amended.

**CONCRETE BATCH PLANT** shall mean an industrial facility used for the production of concrete, used in building or construction, and includes facilities for the administration or management of the business. (Ordinance No. 1329, 9-18-18)

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

**CONDITIONAL USE PERMIT** shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon, or required by said permit.

**CONDOMINIUM** shall mean a structure or structures proposed for construction comprising a project in which an undivided interest in the land is coupled with the right to the exclusive occupancy of a designated residential space and/or spaces and accompanying facilities.

**CONGREGATE HOUSING** shall mean a residential facility for four or more persons fifty-five (55) years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. (Also see Housing for the elderly)

**CONSERVATION** shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

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

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

**CONSTRUCTION** shall mean on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping. (Ordinance No. 1083, 2-17-09)

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

**CONTINUING CARE RETIREMENT COMMUNITY** shall offer services and housing packages that allow access to senior independent living, assisted living, and nursing care facilities. Seniors who are independent may live in a single-family home, apartment or condominium within the Continuing Care Retirement Community. When members of the community begin to need help with activities of daily living (e.g. bathing, dressing, eating, etc.), they may be transferred to an assisted living or nursing care facility on the same site.

**CONVENIENCE STORE** shall mean a one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. Fuel sales shall be limited to automobiles, pick-up trucks, boats, recreational vehicles, motorcycles, and small motorized equipment. (Ordinance No. 1083, 2-17-09)

#### **Section 2.05 - Definitions: D**

**DATA CENTER** shall mean a centralized repository for the storage, management, processing, conversion, and dissemination of data and information which may also house equipment that supports communications network infrastructure without actually being part of the physical network. A data center may house equipment that includes, but is not limited to, computers, servers, data storage devices, and related equipment. A data center may include, but shall not be limited to, accessory uses that include offices for data center staff and accessory structures that include water storage tanks, cooling towers, network systems, fuel storage tanks, guardhouses and security offices, storage, chillers, electrical transformers, and engine generators. Typical uses include data processing centers and server farms.

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

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

**DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required. *Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into separate lots; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area. (Ordinance No. 1083, 2-17-09)*

**DOG KENNEL** (See Kennel)

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

**DRAINAGE** shall mean the removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding. *(Ordinance No. 1083, 2-17-09)*

**DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.

**DUPLEX** shall mean the same as "Dwelling, Two (2) Family".

**DWELLING** Any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.

**DWELLING, MOBILE HOME** Any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or rollers, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.

Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers recommendations.

Permanent Foundation: Base on which building rests to be constructed from either poured concrete or laid masonry block or brick placed on a footing located below ground level to a point below the frost line. *(Ordinance No. 1083, 2-17-09)*

**DWELLING, MULTIPLE FAMILY** shall mean a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family. *(Ordinance No. 1083, 2-17-09)*

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

- The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single story construction;
- The home shall have no less than an eighteen (18) foot exterior width;
- The roof shall be pitched with a minimum vertical rise of two and one-half (2 1/2) inches for each twelve (12) inches of horizontal run;
- The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
- The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;

- The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed;
- The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and
- Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick *placed on a footing located below ground level to a point below the frost line. (Ordinance No. 1083, 2-17-09)*

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**DWELLING, TWO (2) FAMILY** shall mean a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate kitchen and toilet facilities for each family.

**DWELLING UNIT** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities.

**Section 2.06 - Definitions: E**

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

**EDUCATIONAL FACILITY** shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition. *(Ordinance No. 1083, 2-17-09)*

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

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

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

**ENTERTAINMENT VENUE** shall mean any activity that includes, but is not limited to, a theatrical performance, live music performance, live or “virtual” disc jockey, or live or “virtual” master of ceremonies, held indoors or outdoors to which members of the public are invited with or without charge. *(Ordinance No. 1219, 7-15-14)*

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

**EVENT CENTER** shall mean all buildings and associated parking facilities which are kept, used, maintained, advertised, held out, leased out, or otherwise made available to private groups and/or the general public for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, secondhand merchandise sales and the like, and may include a banquet hall, private club or fraternal organization, but not including uses defined in Adult Establishment. *(Ordinance No. 955, 7-19-05)*

**EXERCISE, FITNESS and TANNING SPA** shall mean an establishment that provides exercise facilities for the purposes of running, jogging, aerobics, weight lifting, court sports, and/or swimming, as well as locker

rooms, showers, massage rooms, tanning beds, hot tubs, saunas or other related accessory uses; however, excluding any uses defined as “adult entertainment establishments”. (Ordinance No. 1083, 2-17-09)

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

**EXTRATERRITORIAL JURISDICTION** shall mean the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers.

#### **Section 2.07 - Definitions: F**

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

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

**FAMILY** shall mean a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; (2) up to four unrelated people and any related children; and (3) a group care home.

*Family does not include any society, club, fraternity, sorority, association, lodge, organization, 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)*

**FARM** an area containing at least twenty (20) acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain; storing of such products; and/or raising farm animals. The term farming includes the operating of such area for two or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals. (Ordinance No. 1083, 2-17-09)

**FEEDLOT** shall mean a lot, yard, corral or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

**FENCE, OPEN** shall mean a fence, including gates, which has fifty percent (50%) or more of the surface area in open spaces which affords direct views through the fence. (Ordinance No. 1083, 2-17-09)

**FENCE, SEASONAL** shall mean a temporary fence constructed of plastic or wood lathe erected and maintained from October through April to prevent snow drifting. (Ordinance No. 871, 10-15-02)

**FENCE, SOLID** shall mean any fence which does not qualify as an open fence.

**FESTIVAL** shall mean the sale of ethnic specialty, regional, and gourmet foods, art and crafts, live musical entertainment, in an outdoor setting. (Ordinance No. 1083, 2-17-09)

**FLAG** shall mean any fabric containing distinctive colors, patterns, or symbols, used as a symbol of a national, state, or local governmental entity that is attached to a pole structure on one vertical side only; a flag shall not bear any non-governmental logo or represent any commercial interest or use. (Ordinance No. 1334, 11-20-18)

**FLOOD** (see Section 5.18.25 of this Ordinance)

**FLOOD PLAIN** (see Section 5.18.25 of this Ordinance)

**FLOODWAY** (see Section 5.18.25 of this Ordinance)

**FLOOR AREA** whenever the term "floor area" is used in this Regulation as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

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

**FOOD SALES (LIMITED)** shall mean food sales establishments occupying 10,000 square feet or less of space.

**FOOD SALES (GENERAL)** shall mean food sales establishments occupying more than 10,000 square feet of space. Typically a supermarket.

**FRONTAGE** shall mean that portion of a parcel of property which abuts a dedicated public street or highway.

#### **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*)

**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. (*Ordinance No. 1389, 3-3-2020*)

**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 2.09 - Definitions: H**

**HARD SURFACED** shall mean any surface used for movement of vehicular and / or pedestrians which is properly designed with permeable pavement, bricks, interlocking concrete pavers, asphalt or concrete. (*Ordinance No. 1083, 2-17-09*)

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

**HAZARDOUS WASTE / MATERIALS** shall mean waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material. (Ordinance No. 1083, 2-17-09)

**HEALTH CLUB** shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, recreational clubs, reducing salons, and weight control establishments. (Ordinance No. 1083, 2-17-09)

**HEAVY CONSTRUCTION CONTRACTORS** shall mean contractors primarily engaged in heavy construction other than building, such as highways, streets, bridges, sewers, railroads, irrigation projects, flood control, and special trade contractors primarily engaged in activities of a type that are clearly specialized to such heavy construction and are not normally performed on buildings or building-related projects.

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

**HOME OCCUPATION** shall mean an “in-home” or “home-based” business, industry, or service (not including uses defined as Adult Entertainment Establishment) operating from within a residential dwelling, or within an accessory structure in a residential zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property. Home Occupations shall satisfy the standards set forth in Section 7.10 of the City’s Zoning Ordinance.

**Home Occupation I (Major):** shall mean Home Occupations that include on-site sales or services and/or one part-time or full-time employee that does not reside on the premises. All Home Occupation I uses are required to have a Home Occupation License.

**Home Occupation II (Minor):** shall mean a Home Occupation that is not a Home Occupation I, including the following (a) a Home Occupation in which the sole activity is maintenance and use of an office in the home for telecommuting and/or deriving other income or sales; and (b) home-based craftmaking or cooking, which does not involve on-site sales. (Ordinance No. 879, 11-19-02). Occupations defined as Home Occupation II are exempt from a conditional use permit and Home Occupation License. All Home Occupation I uses are required to have a Home Occupation License. (Ordinance No. 879, 11-19-02)

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**HOME OCCUPATION LICENSE** shall mean a license provided to the owner/operator of a home occupation, as described in Section 7.10 of the City’s Zoning Ordinance.

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**HOME OCCUPATION PERMIT** (see Home Occupation License) (Ordinance No. 879, 11-19-02)

**HOME OCCUPATION TAX** (see Home Occupation License) (Ordinance No. 879, 11-19-02)

**HOSPITAL, ANIMAL** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use. (Ordinance No. 871, 10-15-02)

**HOTEL** shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. (Ordinance No. 1083, 2-17-09)

**HOUSE TRAILER** (see Dwelling, Mobile Home)

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

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Application fee in accordance with Master Fee Schedule. (Ordinance No. 879, 11-19-02)¶  
¶  
For major Home Occupations requiring a Conditional Use Permit, a minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. A “no objections” signature form shall be provided by the City and said residents shall sign next to their respective address. (Ordinance No. 879, 11-19-02)¶  
¶  
A Conditional Use Permit is required for Home Occupation I uses, except Child Care Homes. (Ordinance No. 879, 11-19-02)

**Section 2.10 - Definitions: I**

**INCIDENTAL** shall mean a use, which is subordinate to the main use of a premise.

**INDOOR RECREATIONAL FACILITY** shall refer to use of a facility for purposes of recreation. The use shall be completely enclosed within a building with the exception of retractable roofs. Examples include, but are not limited to sports courts, gymnastics, kart racing, batting cages, practice fields, and miniature golf. (Ordinance No. 1083, 2-17-09)

**INDUSTRIAL CONDOMINIUM** shall mean a structure or structures proposed for construction comprising a project in which an undivided interest in the land is coupled with the right to the exclusive occupancy of a designated industrial or manufacturing space and/or spaces and accompanying facilities. (Ordinance No. 1245, 4-21-15)

**INDUSTRY** shall mean the manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

**INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

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

**INTENT AND PURPOSE** shall mean that the Commission and Council by the adoption of this Ordinance have made a finding that the health, safety, and welfare of the community will be served by the creation of the zoning districts and by the regulations prescribed therein.

#### **Section 2.11 – Definitions: J**

**JUICE BAR** (See Adult Establishment)

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

#### **Section 2.12 - Definitions: K**

**KENNEL** shall mean an establishment where three (3) or more dogs, cats, or other household pets, or non-farm/non-domestic or any combination of five (5) or more thereof, at least four (4) months of age are boarded as a business. (Ordinance No. 1083, 2-17-09)

#### **Section 2.13 - Definitions: L**

**LABORATORY** shall mean a facility used for testing and analyzing medical and dental samples from off-site locations. Testing laboratories shall refer to soil and geotechnical research and analysis. Laboratories do not include human or animal research / testing facilities. (Ordinance No. 1083, 2-17-09)

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

**LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.

**LAUNDRY SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises. (Ordinance No. 1083, 2-17-09)

**LOADING AREA** shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress. (Ordinance No. 1083, 2-17-09)

**LOGIC OF DESIGN** shall mean accepted principles and criteria of validity in the solution of the problem of design.

**LOT** shall mean a parcel or tract of real property with a separate and distinct number or other identifying designation shown on a plat which has been created in conformance with this ordinance and the La Vista Subdivision Regulations, assigned, and recorded in the Office of the Sarpy County Register of Deeds. Each individual lot is subject to the provisions of a particular base zoning district, and shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development. All lots must have public access via directly abutting a public street or right-of-way or maintaining a dedicated public access easement(s) if the lot is abutting a private road or drive.

**LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.

**LOT, CORNER** shall mean a lot located at the intersection of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

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

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

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

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

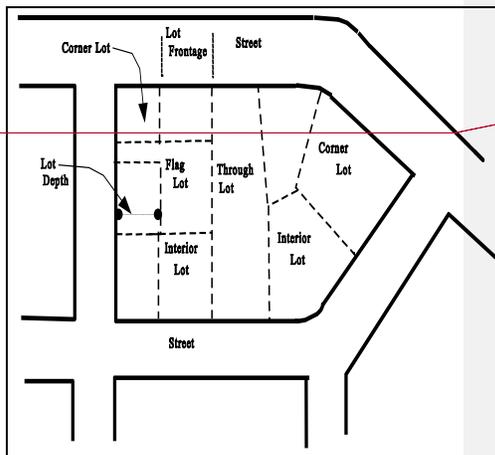
**LOT, INTERIOR** shall mean a lot other than a corner lot.

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

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

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

**LOT LINE, SIDE** shall mean any lot line that is not a front lot line or rear lot line. (Ordinance No. 1083, 2-17-09)



**Deleted:** mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Register of Deeds and abutting at least one (1) public street or right-of-way, two (2) easements with dedicated public access, or one (1) private road. (Ordinance No. 1083, 2-17-09)

**LOT, THROUGH** shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.

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

**LOT WIDTH** shall mean the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**Section 2.14 - Definitions: M**

**MAIL ORDER SERVICES** shall mean an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale. (Ordinance No. 1083, 2-17-09)

**MANUFACTURED HOME** A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development. (Ordinance No. 1083, 2-17-09)

**MANUFACTURED HOME PARK** shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.

**MANUFACTURED HOME SUBDIVISION** shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

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

**MANUFACTURING, ARTISAN (LIMITED)** shall mean the manufacture and production of commercial goods by a manual worker or craftsman, such as jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food products. Artisan Manufacturing and Production does not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property.

**MANUFACTURING, LIGHT** shall mean an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials. (Ordinance No. 1053, 1-15-08)

**MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the La Vista City Council.

**MASTER FEE SCHEDULE** shall mean a fee schedule maintained by the City of La Vista and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.

**MECHANICAL EQUIPMENT** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**MEDICAL / DENTAL OFFICES / CLINICS** shall mean a building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only. (Ordinance No. 1083, 2-17-09)

**MEETING HALL** shall mean a building designed for public assembly. (Ordinance No. 1083, 2-17-09)

**MICROBREWERY** shall mean an establishment that produces and distributes beer, ale, or other fermented malt beverages. By definition, these establishments produce less than 20,000 barrels per year with 75 percent or more of its beer sold off-site. (Ordinance No. 1292, 9-6-16)

**MICRODISTILLERY** shall mean an establishment that produces up to 10,000 proof gallons of distilled alcohol such as whiskey, rum, gin, vodka, and other spirits. Such business shall have a valid Nebraska Micro Distillery License and be licensed by the US Department of Treasury – Alcohol and Tobacco Tax and Trade Bureau (TTB) as a DSP.

**MINI-STORAGE OR MINI-WAREHOUSE** (See Self-Service Storage Facility)

**MISCELLANEOUS REPAIR SERVICES** shall include electrical repair shops; watch, clock and jewelry repair shops; and re-upholstery and furniture repair. (See also Standard Industrial Classification (SIC) Major Group 76, published by the U.S. Department of Labor) (Ordinance No. 1053, 1-15-08)

**MISCELLANEOUS STRUCTURES** shall mean structures, other than buildings, visible from public ways. Examples are: memorials, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities. (Ordinance No. 1083, 2-17-09)

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

**MOBILE HOME** (See Dwelling, Mobile Home)

**MOBILE HOME PARK** (See Manufactured Home Park)

**MOBILE HOME SUBDIVISION** (See Manufactured Home Subdivision)

**MORTUARY** shall mean an establishment in which the deceased are prepared for burial or cremation. The facility may include funeral services and spaces for informal gatherings or display of funeral equipment. This classification excludes cemeteries. (Ordinance No. 1083, 2-17-09)

**MOTEL** (See Hotel)

**MOTOR VEHICLE** shall mean every self-propelled vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs. (Ordinance No. 891, 2-04-03)

#### **Section 2.15 - Definitions: N**

**NEWSSTAND** shall mean a temporary structure manned by a vendor, whom sells newspapers, magazines and other periodicals. (Ordinance No. 1083, 2-17-09)

**NON-CONFORMING STRUCTURE** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations. (Ordinance No. 1083, 2-17-09)

**NON-CONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulations.

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

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

**NURSING CARE AND REHABILITATION FACILITIES** shall mean a type of care facility for persons with chronic illness or disability, particularly older people who have mobility and eating problems. These facilities are licensed by the State of Nebraska and offer 24-hour room and board and health care services, including basic and skilled nursing care, rehabilitation, hospice, and a full range of other therapies, treatments, and programs.

#### **Section 2.16 - Definitions: O**

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

**OFFICE PARK** shall mean a development which contains two or more separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on a coordinated basis. (Ordinance No. 1083, 2-17-09)

**OPEN AIR FARMERS' MARKET** shall mean a site where outdoor stalls, booths, tables and/or the like are used by one or more vendors for the display and/or sale of locally produced fruits, vegetables, plants, flowers, plant products, and/or animal products such as eggs, milk, butter, cheese and honey. A farmers' market shall not include the display and/or sale of animals.

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

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

**OUTLOT** shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued on any private structures.

**OUTDOOR STORAGE** shall mean the storage of any material for a period greater than 72 hours not in an enclosed building, including items for sale, lease, processing, and repair (including motor vehicles). (Ordinance No. 1083, 2-17-09)

**OVERLAY DISTRICT** shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The underlying zoning district designation does not change. (Ordinance No. 1083, 2-17-09)

**OWNER** shall mean one (1) or more persons, including corporations, who have title to the property, building or structure in question.

**Section 2.17 - Definitions: P**

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

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

**PARKING AREA or VEHICULAR USE AREA** shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas. *(Ordinance No. 1083, 2-17-09)*

**PARKING SPACE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine (9) feet *wide* by eighteen (18) feet *long*, plus such additional area as is necessary to afford adequate ingress and egress. *(Ordinance No. 1083, 2-17-09)*

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

**PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

**PERMITTED USE** shall mean any land use allowed without condition within a zoning district.

**PERSONAL SERVICES** shall mean establishments or places of business primarily engaged in the provision of services of a personal nature, not including uses defined in Adult Entertainment Establishment. Typical uses include nail salons; day spas; massage spas; and sensory-deprivation tank spas. *(Ordinance No. 1369, 10-1-19)*

**PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include La Vista, Nebraska.

**PET HEALTH SERVICE** *(see Hospital, Animal)* *(Ordinance No. 871, 10-15-02)*

**PET SHOP** shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry.

**PINBALL or VIDEO GAMES BUSINESS** *(See Amusement Arcade)* *(Ordinance No. 1083, 2-17-09)*

**PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan. *(Ordinance No. 891, 2-04-03)*

**PLANNING COMMISSION** shall mean the Planning Commission of La Vista, Nebraska.

**PLANT MATERIALS** shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

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

**POSTAL STATION** shall mean a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease. *(Ordinance No. 1083, 2-17-09)*

**PREMISES** shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract *(See also, Parcel)* *(Ordinance No. 1083, 2-17-09)*

**PRESCHOOL** shall mean a school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards. (Ordinance No. 1083, 2-17-09)

**PRINCIPAL BUILDING** shall mean a building within which the main or primary use of the lot or premises is located. (See also Use, Principal) (Ordinance No. 1083, 2-17-09)

**PUBLIC FACILITIES** shall mean any building held, used, or controlled exclusively for public purposes by any department or branch of federal, state, county, or city government. A building belonging to or used by the public for the transaction of public or quasi-public business. Public services may be rendered from such facilities. (Ordinance No. 1083, 2-17-09)

**PUBLIC SERVICES** shall mean services provided by a public agency within a government facility for purposes of public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities. (Ordinance No. 1083, 2-17-09)

**Section 2.18 – Definitions: Q**

**Section 2.19 - Definitions: R**

**RECREATIONAL ESTABLISHMENT** (see Recreational Facility) (Ordinance No. 891, 2-04-03)

**RECREATIONAL FACILITY** shall mean public or private facilities for the use of passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean race tracks, wildlife conservation areas (used for public viewing), and theme parks. (Ordinance No. 891, 2-04-03)

**RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

**RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one (1) or more families.

**RESERVATION CENTER** shall mean a travel agency; or other such agency involved in selling and arranging transportation, tours, trips, and accommodations for tourists. (Ordinance No. 1083, 2-17-09)

**RESTAURANT, SIT DOWN** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building, in which the restaurant offers table service as opposed to patrons ordering at a counter.

**RESTAURANT, FAST CASUAL** shall mean an establishment whose principal business is the sale of food and/or beverages that offers the ease and convenience of fast food, but with a more inviting sit-down atmosphere. The menu typically consists of better-quality ingredients than can be found at most fast food establishments, but customers still typically order off of a menu board or select their ingredients while moving through an order line.

**RESTAURANT, FAST FOOD** shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, drive-thru, or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers. (Ordinance No. 1083, 2-17-09)

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**RETAIL TRADE** shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

**REZONING** shall mean an amendment to or change to the *Official Zoning District Map. (Ordinance No. 1083, 2-17-09)*

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

**ROAD, PRIVATE** shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties.

**ROAD, PUBLIC** shall mean all public right-of-way reserved or dedicated for *utilities and vehicular and pedestrian* traffic. *(Ordinance No. 1083, 2-17-09)*

**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)*

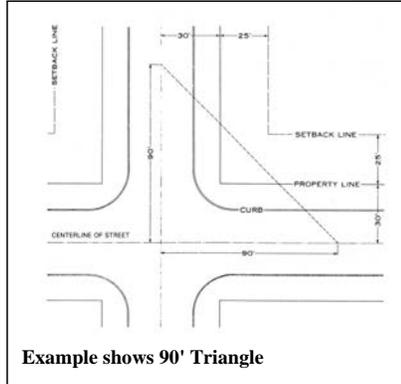
**SETBACK, REAR YARD OR SIDE YARD** shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, *offset* by the perpendicular distance prescribed for the yard in the district. *(Ordinance No. 1083, 2-17-09)*

**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.

**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, BLADE** shall mean a type of projecting sign that is perpendicular to the building, meant to gain visibility for large buildings, or to direct traffic within a pedestrian-oriented development.

**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)



**Sign, Canopy**

**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, 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, Monument  
Sign, Electronic Message  
Sign, Flashing**

**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 a sign affixed to or made part of 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, 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, district, or development, 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.

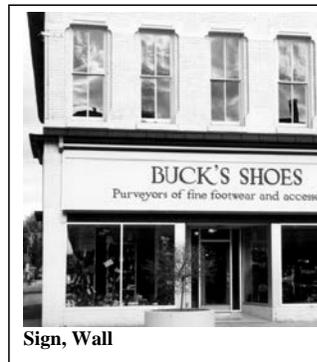
**SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of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

**SMOKE SHOP AND TOBACCO STORE** each shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, use or marketing of tobacco products, tobacco paraphernalia, electronic nicotine delivery systems, alternative nicotine products, or cannabidiol (CBD) products, or the sale, inhalation, ingestion, absorption, or other means of consumption or use of any such products, provided each such activity occurring on the premises is legally permissible under all applicable federal and State of Nebraska laws, rules, and regulations in existence on January 1, 2022; and provided, further, that any grocery store, supermarket, convenience store, or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a "smoke shop" or "tobacco store".

**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)



Sign, Subdivision



Sign, Wall

**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. *(Ordinance No. 1389, 3-3-2020)*

**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)*

**SPECIALTY FOOD STORE** shall mean a retail establishment that sells only specialized types or classes of staple foods and accessory foods including but not limited to bakeries, donut shops, ice cream stores, produce markets, meat markets, imported food stores, or boutique or health food grocery stores.

**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, zoerasty; 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, County, 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*)

**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 2.21 - Definitions: T**

**TANNING SPA or SALON** shall mean any business that uses artificial lighting *or other* systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment. (*Ordinance No. 1083, 2-17-09*)

**TAVERN AND COCKTAIL LOUNGE** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (*Ordinance No. 1083, 2-17-09*)

**TELECOMMUNICATIONS FACILITY** shall mean any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment, towers or similar structures supporting such equipment, and equipment buildings. (*Ordinance No. 1083, 2-17-09*)

**TELEPHONE EXCHANGE** shall mean a building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless communication towers. (*Ordinance No. 1083, 2-17-09*)

**TEMPORARY USE** shall mean a use intended for limited duration, *not to exceed six (6) months*, to be located in a zoning district not permitting such use. (*Ordinance No. 1083, 2-17-09*)

**THEATER** shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service.

**TOBACCO PRODUCT** shall mean any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted,

sniffed, or ingested by any other means. For the purposes of this chapter, the term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

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**TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna)

**TOWNHOUSE** shall mean a one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

**TRANSPORTATION SERVICES** shall mean establishments providing services incidental to transportation, such as forwarding, packing, crating, or other means of preparing goods for shipping. (See also Standard Industrial Classification (SIC) Industry Group 473 and description 4783, published by the U.S. Department of Labor.) (Ordinance No. 1053, 1-15-08)

**TUTORING AND EXAM PREPARATION SERVICES** shall mean services and programs providing private instruction for students (children or adults) seeking supplemental, special, or remedial instruction with coursework, exam preparation, or enhancement of their regular educational program. The primary service provided is educational, and not child care. (Ordinance No. 1341, 2-5-19)

#### **Section 2.22 - Definitions: U**

**USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Principal Building)

**UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

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

**UTILITY SERVICE** shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

#### **Section 2.23 - Definitions: V**

**VARIANCE** shall mean a relief granted by the Board of Adjustment from or variation of the provisions of this Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning. (Ordinance No. 1083, 2-17-09)

**VETERINARY SERVICES** shall mean a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not also provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis. Such clinics may or may not also provide general grooming practices for such animals. (Ordinance No. 871, 10-15-02)

#### **Section 2.24 – Definitions: W**

**WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.

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

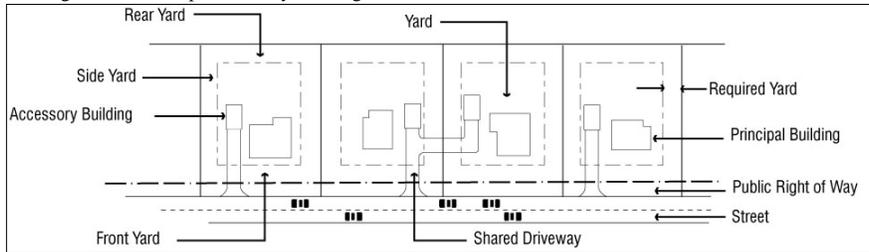
**WIND ENERGY SYSTEM or WIND ENERGY CONVERSION SYSTEM (WECS)** shall mean a wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use or resale for off-site use. (Ordinance No. 1083, 2-17-09)

**WIRELESS COMMUNICATIONS TOWER** shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), of either lattice or monopole construction. (Ordinance No. 1083, 2-17-09)

**Section 2.25 – Definitions: X**

**Section 2.26 - Definitions: Y**

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



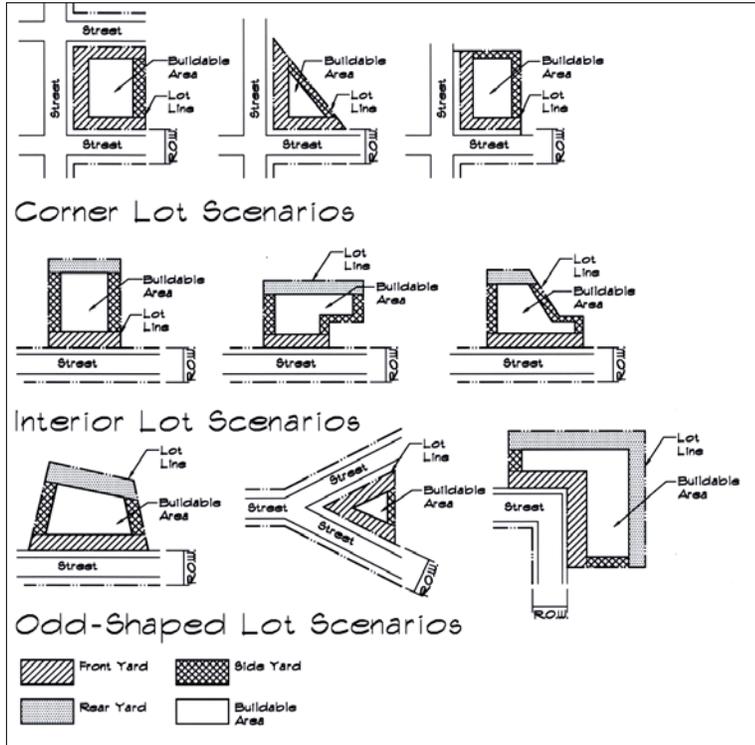
**YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or *right-of-way line*, and extending the full width of the lot. (Ordinance No. 1083, 2-17-09)

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

**YARD, SIDE** shall mean a space extending from the front yard or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

**Section 2.27 - Definitions: Z**

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



Example of possible Lot Configurations and Yard Requirement

### **ARTICLE 3: DISTRICTS AND OFFICIAL MAP**

**Section 3.01 Districts.** In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the City and the area within two-mile of the corporate boundaries, the City is hereby divided into districts.

**Section 3.02 Provision for Official Zoning Map.**

3.02.01 The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. 848 of the City of La Vista, Nebraska", together with the date of the adoption of this Ordinance.

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

3.02.02 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted November 20, 2001 Ordinance No. 848 of the City of La Vista, Nebraska."

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

## ARTICLE 4: GENERAL PROVISIONS

**Section 4.01 Planning Commission Recommendations.** Pursuant to Section §19-901 et. seq., (Nebraska Reissue Revised Statutes, 1943), it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

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

**Section 4.02 District Regulations, Restrictions, Boundary Creation.** No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the City at least one (1) time ten (10) days prior to such hearing.

**Section 4.03 Jurisdiction.** The provisions of this Ordinance shall apply within the corporate limits of the City of La Vista, Nebraska, and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of two (2) miles, as established on the map entitled "The Official Zoning Map of the City of La Vista, Nebraska", and as may be amended by subsequent annexation.

**Section 4.04 Provisions of Ordinance Declared to be Minimum Requirements.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance require a lower height of building or lesser size of yards, courts or other spaces, or require a lower height of building or lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other ordinance, the provisions of this Ordinance shall govern. Wherever the provisions of any other ordinance requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or a lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such ordinance shall govern.

**Section 4.05 Zoning Affects Every Building and Use.** No building or land shall hereafter be reused and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use.

### **Section 4.06 Lot.**

- 4.06.01 Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one (1) principal building on a lot unless otherwise provided.
- 4.06.02 More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if approved by the City. (*Ordinance No. 892, 2-04-03*)
- 4.06.02.01 Institutional buildings
  - 4.06.02.02 Public or semi-public buildings
  - 4.06.02.03 Multiple-family dwellings
  - 4.06.02.04 Commercial or industrial buildings
  - 4.06.02.05 Home for the aged
  - 4.06.02.06 Agricultural buildings

**Section 4.07 Reductions in Lot Area Prohibited.** No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

**Section 4.08 Obstructions to Vision at Street Intersections Prohibited.** A corner lot, within the area formed by the center line of streets at a distance of sixty (60) feet from their intersections, there shall be no obstruction to vision between a height of two and one-half (2 1/2) feet and a height of 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. At the intersection of major or *other* arterial streets, the 60-foot distance shall be increased to 90 feet for each arterial leg of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. *City has right to increase this distance based upon subdivision design and speed limits along major or other arterials. (Ordinance No. 893, 2-04-03)*

**Section 4.09 Yard Requirements.**

- 4.09.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
- 4.09.02 All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 4.09.03 The City may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that 1) More than thirty (30) percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and 2) A minority of such structures have observed or conformed to an average setback line.

**Section 4.10 Through Lots.**

- 4.10.01 Through Lots shall follow the following criteria:
  - 4.10.01.01 Where a Through Lot abuts a major thoroughfare, such as 84<sup>th</sup> Street, Giles Road, Harrison Street, etc., and access is made from the other frontage street and access along said thoroughfare is restricted, the Rear Yard setback for fences and screening devices shall be zero (0) feet. The Rear Yard setback for accessory buildings shall follow the prescribed setback within the zoning district.
  - 4.10.01.02 Where a Through Lot is part of a triple frontage lot and abuts a major thoroughfare, the Rear Yard shall meet the standards of 4.10.01.01, while the other two frontages shall be treated as a Corner Lot with a Front Yard setback and a Street Side Yard setback.
  - 4.10.01.03 Where a Through Lot occurs, other than along a major thoroughfare, the following shall apply:
    - 1. Where all principal structures in the development face the same frontage, then the Rear Yard setback for fences and screening shall be zero (0) feet and all accessory buildings shall meet the prescribed setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot.
    - 2. Where principal structures face different directions along both frontages, the Rear Yard setback for fences and screening shall be the same as any prescribed Rear Yard setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot. All accessory buildings in this condition, shall comply with the minimum Rear Yard setbacks rather than the reduced setback allowed for accessory buildings.

**Section 4.11 Drainage.** No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the City or their designated agent with data indicating that such changes will not be a detriment to the neighboring lands.

**Section 4.12 Permitted Obstructions in Required Yards.** The following shall not be considered to be obstructions when located in the required yards:

- 4.12.01 *All Yards:* Steps and accessibility ramps used for wheelchair and other assisting devices which are four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; recreational and laundry-drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.
- 4.12.02 *Front Yards:* Bay windows projecting three (3) feet or less into the yard are permitted.

- 4.12.03 *Rear and Side Yards*: Open off-street parking spaces or outside elements of central air conditioning systems.
- 4.12.04 *Double Frontage Lots*: The required front yard shall be provided on each street, unless otherwise provided.
- 4.12.05 *Building Groupings*: For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one (1) building occupying one (1) lot.

**Section 4.13 Projections from Buildings**

- 4.13.01 Cornices, eaves, canopies, belt courses, sills, ornamental features, and other similar architectural features may project not more than two (2) feet into any required yard or into any required open space, provided that such required yard or open space meets the current minimum yard standards.
- 4.13.02 As a part of single and two family residences, open uncovered porches or decks no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than thirty (30) inches above grade of the lot on the side of the structure where such porch or deck is located, may extend: (*Ordinance No. 894, 2-04-03*)
  - 4.13.02.01 Three (3) feet into any side yard that otherwise meets minimum side yard requirements provided that the other side yard also meets such minimum side yard requirements and remains free of encroaching structures of any kind; and that said new encroachment meets all separation requirements between structures as determined in the City's Building Code, except gated fences providing access to the rear yard.
  - 4.13.02.02 Eight (8) feet into a front yard provided that the front yard otherwise meets minimum front yard requirements and provided further 1) That in no event may such porch or deck cover more than 96 square feet of the required front yard or extend beyond the side walls of the building structure, and 2) Front decks or porches shall not be higher than thirty (30) inches above ground and no higher than the first floor, except that on homes with front entryways at first floor level but driveway cuts and garage floors at basement level, there may be constructed a veranda-type uncovered deck or porch extending from the front deck or porch over the garage door or doors, which extended area shall be at the same elevation and shall have bracing as required by the Chief Building Official, and 3) Covered porches, built of materials of the same or similar nature as the roof of the principal structure may be allowed with eaves not to exceed twelve (12) inches.
  - 4.13.02.03 Safety railings shall be installed as per the City's Building Code and as approved by the Chief Building Official.
  - 4.13.02.04 One-half (1/2) of the distance into the required rear yard, but in no event closer than *fifteen (15) feet* to any property line. (*Ordinance No. 894, 2-04-03*)
- 4.13.03 Provided further, that no railing or other shall be placed around such deck or porch in a rear yard or side yard and no such barrier which interferes appreciably more than twenty-five (25) percent with the passage of light or air shall be constructed within the required front yard or within five (5) feet of any side yard or *fifteen (15) feet of any* rear yard lot line. Any such deck or porch when located on a lot at the intersection of two (2) streets or a street and an alley, shall comply with the provisions designed to ensure proper sight distances as set forth in this Ordinance for fences and hedges. Any side yard on a corner lot when such yard is twenty (20) feet or more in width, may be considered as a front yard for purposes of determining permitted encroachments as provided herein. (*Ordinance No. 894, 2-04-03*)
- 4.13.04 Vertical supports shall meet the City's Building Code.

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**Section 4.14 Accessory Building and Uses.**

- 4.14.01 No accessory building shall be constructed upon a lot for more than six (6) months prior to beginning construction of the principal building. No accessory building shall be used for more than six (6) months unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.
- 4.14.02 No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure.
- 4.14.03 No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- 4.14.04 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building as provided in the local building code.
- 4.14.05 Garages and outbuildings in Residential Districts for storage uses and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials

customarily used in residential construction. The sidewalls of said building shall not exceed ten (10) feet in height.

4.14.06 Regulation of accessory uses shall be as follows:

- 4.14.06.01 Except as herein provided, no accessory building shall project beyond a required yard line along any street.
- 4.14.06.02 Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than fifteen (15) feet from street lines.

**Section 4.15 Permitted Modifications of Height Regulations.**

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

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Church Spires	Radio and Television
Conveyors	Towers less than 125 feet in height
Cooling Towers	Silos
Elevator Bulkheads	Smoke Stacks
Fire Towers	Stage Towers or Scenery Lots
Water Towers and Standpipes	Tanks
Air-Pollution Prevention Devices	

4.15.02 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding seventy-five (75) feet when each required yard line is increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.

4.15.03 Flag pole height, as measured from the ground, shall not exceed the height of its accompanying building by more than 25% of the building's height as constructed. The maximum height allowed for a flag pole shall be 50' or 25% above the accompanying building's height, whichever is the lesser value.

**Section 4.16 Occupancy of Basements and Cellars.** No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

**Section 4.17 Non-Conforming, General Intent.** It is the intent of this ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

**Section 4.18 Nonconforming Lots of Record.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; that such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous ordinance would have prohibited creation of such lot. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

**Section 4.19 Nonconforming Structures.**

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

4.19.02 ***Enlargement, Repair, Alterations:*** Any such structure described in Section 4.19.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase

the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by or as specified in the Residential District. All enlargements shall meet all existing required setbacks unless provided elsewhere in this Ordinance.

- 4.19.03 **Damage or Destruction:** In the event that any structure described in Section 4.19.01 is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.19, shall not have a side yard of less than five (5) feet. When a structure is damaged to the extent of less than fifty percent (50%) of its structural value, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and may be extended six (6) months upon an approved building Permit extension request.
- 4.19.04 **Moving:** No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

#### **Section 4.20 Nonconforming Uses.**

- 4.20.01 **Nonconforming Uses of Land:** Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- 4.20.01.01 No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
- 4.20.01.02 No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
- 4.20.01.03 If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- 4.20.02 **Nonconforming Uses of Structures:** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
- 4.20.02.01 No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
- 4.20.02.02 Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;
- 4.20.02.03 If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Planning Commission and City Council, after each has completed a Public Hearing as per State Statute, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission and/or City Council may require appropriate conditions and safeguard in accord with the provisions of this ordinance;
- 4.20.02.04 Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;

- 4.20.02.05 When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
- 4.20.02.06 Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

**Section 4.21 Repairs and Maintenance.**

- 4.21.01 On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this ordinance shall not be increased.
- 4.21.02 Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Section 4.22 Uses under Special Use Permit not Nonconforming Uses.** Any use for which a special permit is issued as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

**Section 4.23 Fees.** All fees for any zoning or subdivision related action shall be required prior to the issuance or investigation of any said permit request. Fees shall be a part of the Master Fee Schedule adopted by the City Council by separate Ordinance.

**ARTICLE 5: ZONING DISTRICTS**

5.01	Districts; Uses	
5.02	Districts; Boundaries	
5.03	District Boundaries; Interpretation	
5.04	Districts; Classification of Districts upon Annexation and Conformance with Land Use Plan	
5.05	District (TA);	Transitional Agricultural
5.06	District (R-1);	Single-Family Residential
5.07	District (R-2);	Two-Family Residential
5.08	District (R-3);	High Density Residential
5.09	District (R-4);	Condominium Residential
5.10	District (C-1);	Shopping Center District
5.11	District (C-2);	General Commercial
5.12	District (C-3);	Highway Commercial / Office Park District
5.13	District (I-1);	Light Industrial
5.14	District (I-2);	Heavy Industrial
5.15	District (PUD-1);	Planned Unit Development
5.16	District (R-M);	Mobile Home Residential
5.17	District (GWAY);	Gateway Corridor (overlay)
5.18	District (FF/FW);	Flood Plain (overlay)
5.19	District (MU-CC);	Mixed Use – City Centre

**Section 5.01 Districts; Use.** For the purpose of this Ordinance, the Municipality is hereby divided into fifteen (15) districts, designated as follows:

(TA)	Transitional Agricultural
(R-1)	Single-Family Residential
(R-2)	Two-Family Residential
(R-3)	High Density Residential
(R-4)	Condominium Residential
(C-1)	General Commercial District
(C-2)	Shopping Center Commercial
(C-3)	Highway Commercial / Office Park District
(I-1)	Light Industrial
(I-2)	Heavy Industrial
(PUD-1)	Planned Unit Development
(R-M)	Mobile Home Residential
(GWAY)	Gateway Corridor Overlay
(FF/FW)	Flood Plain (overlay)
(MU-CC)	Mixed Use – City Centre

**Section 5.02 Districts; Boundaries.** The boundaries of the districts are hereby established as shown on the maps entitled "Official Zoning Map of the City of La Vista, Nebraska." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor, and attested by the City Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this Ordinance. Such changes shall be promptly indicated on the Zoning District Map with the Ordinance number, nature of change, and date of change noted on the map. (Ref. §19-904 RS Neb.)

**Section 5.03 Rules for Interpretation of District Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 5.03.01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- 5.03.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 5.03.03 Boundaries indicated as approximately following City limits shall be construed as following such City limits;
- 5.03.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 5.03.05 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as

approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

- 5.03.06 Boundaries indicated as parallel to or extensions of features indicated in subsections 5.03.01-5.03.05 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 5.03.07 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 5.03.01-5.03.06 above, the Board of Zoning Adjustment shall interpret the district boundaries;
- 5.03.08 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

**Section 5.04 Classification of Districts upon Annexation and Conformance with the Land Use Plan.** Areas annexed into the corporate limits of La Vista shall be zoned to conform to the Land Use Plan.

**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 ~~Indoor and outdoor private recreation areas and facilities including country clubs, golf courses (but not miniature golf), soccer fields, tennis courts, basketball 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. (*Ordinance No. 1389, 3-3-2020*)

Deleted: P  
Deleted: indoor and outdoor

**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 No. 1389, 3-3-2020*)

**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 5.06 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. (*Ordinance No. 1389, 3-3-2020*)

**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. (*Ordinance No. 1389, 3-3-2020*)

**5.06.05 Height and Lot Requirements:**

Uses	5.06.05.01	The height and minimum lot requirements shall be as follows:					
	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Single-family Dwelling (existing development) <sup>2</sup>	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development) <sup>3</sup>	7,000	70'	30'	10'	30'	35'	40%
<i>Other Permitted Uses</i>	8,000	75'	25'	25'	25'	35'	25%
Other Conditional Uses	8,000	75'	25'	25'	25'	45'	25%
Publicly owned and operated facilities <sup>5</sup>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

<sup>1</sup> 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%

<sup>2</sup> 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.

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

<sup>4</sup> 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.

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

**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 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.07.02.08 *Group Care Home (Ordinance No. 1118, 4-6-10)*

**5.07.03 Permitted Conditional Uses:**

- 5.07.03.01 Bed and Breakfasts.
  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.
- 5.07.03.02 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.07.03.03 *Nursing care and rehabilitation facilities, or assisted living facilities (Ordinance No. 1118, 4-6-10)*
- 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. *(Ordinance No. 1389, 3-3-2020)*

**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. **(Ordinance No. 1389, 3-3-2020)**

**5.07.05 Height and Lot Requirements:**

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

<sup>1</sup> 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%.

<sup>2</sup> 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.

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

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

<sup>5</sup> 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)

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

**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. (Ordinance No. 1389, 3-3-2020)

**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. (Ordinance No. 1389, 3-3-2020)

**5.08.05 Height and Lot Requirements:**

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	3,000 per unit for the first four, then 1,500 per each additional unit	100'	30'	( <sup>1</sup> )	30'	45' <sup>11</sup>	40%
Other Permitted Uses	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%

Deleted: 2,250

Publicly owned and operated facilities <sup>6</sup>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>2</sup>

- <sup>1</sup> 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.
- <sup>2</sup> 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%
- <sup>3</sup> 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.
- <sup>4</sup> 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.
- <sup>5</sup> 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.
- <sup>6</sup> Publicly owned and operated facilities are exempt from the requirements of this subsection 5.08.05. (*Ordinance No. 1371, 10-15-19*)

**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. (*Ordinance No. 1389, 3-3-2020*)

**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. (*Ordinance No. 1389, 3-3-2020*)

**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 <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	<del>3,000 per unit</del> <i>for the first four, then 1,500 per each additional unit</i>	100'	30'	(1)	30'	45' <sup>1</sup>	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 <sup>6</sup>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	8'	10'	17'	10% <sup>2</sup>

<sup>1</sup> 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.

<sup>2</sup> 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%

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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)**

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

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**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 *in conformance with Section 5.10.07.*
  - 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; *Sit-Down, Fast Casual, and Fast Food.*

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- 38. Second hand stores.
- ~~39. Shoe store.~~
- 40. Smoke shop and tobacco store in conformance with Section 5.10.07.
- 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. Public overhead and underground local distribution utilities.
- 51. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
- 52. *Adult Day Care Services (Ordinance No. 1328, 9-18-18)*
- 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)*

**5.10.03 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 ~~Microbreweries 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.*

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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.*

**(Ordinance No. 954, 7-5-05)**

5.10.03.22 *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.*
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.*

**(Ordinance No. 955, 7-19-05)**

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. **(Ordinance No. 1389, 3-3-2020)**

**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' <sup>1</sup>	10'	25'	45'	60%
Permitted Conditional Uses	-	150'	25' <sup>1</sup>	10'	25'	45'	60%

<sup>1</sup> 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.

5.10.07.04 Zoning and land use standards for smoke shops, tobacco stores, and liquor stores shall be as follows:

- The grouping of age sensitive uses (such as smoke shops, tobacco stores, and liquor stores) shall be discouraged, and such uses shall be compatible with surrounding uses.
- Smoke shops, tobacco stores, and liquor stores shall not be located within three hundred (300) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility or any other facility where children regularly gather or are present, or any park, church, religious institution, hospital, or other similar facility or uses.
- Smoke shops, tobacco stores, and liquor stores shall not be located within one thousand (1,000) feet, measured from property line to property line, from another smoke shop, tobacco store, or liquor store in the same zoning district.

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**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.
- 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 in conformance with Section 5.11.07.03.
  - 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, Sit-Down, Fast Casual, and Fast Food.
  - 39. Second hand stores.
  - 40. Shoe store.
  - 41. Sporting goods.

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- 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 Microbreweries 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.
- 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)*

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**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 (*Ordinance No. 1389, 3-3-2020*)

**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' <sup>1</sup>	15'	15'	45'	60%
Permitted Conditional Uses	10,000	-	25' <sup>1</sup>	15'	15'	45'	60%

<sup>1</sup>. 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.
- 5.11.07.03 Zoning and land use standards for liquor stores shall be as follows:
  - Liquor stores shall not be located within three hundred (300) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility or any other facility where children regularly gather or are present, or any park, church, religious institution, hospital, or other similar facility or uses.
  - Liquor stores shall not be located within one thousand (1,000) feet, measured from property line to property line, from another liquor store in the same zoning district.

**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 that serve as a regional draw, with new-to-market commercial businesses and office tenants, creating a distinctively unique commercial district. 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.

**5.12.02 Permitted Uses:**

- 5.12.02.01 General office use types, including: medical/dental offices, architectural, engineering, and consulting services, 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, aquarium, or planetarium.
- 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. Travel agencies and reservation centers.
  - 8. Restaurants: Sit-Down, Fast Casual, and Fast Food,
  - 9. Amusement, Commercial Indoor, not including uses defined in Adult Establishment.
  - 10. Office Park developments.
  - 11. Drug Store.
  - 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)**
  - 21. Specialty Food Store.
- 5.12.02.05 Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)
- 5.12.02.06 Mixed Use, Commercial (Office Units over Storefronts)

**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 Microbreweries 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, nightclub, 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.

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- 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 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)

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**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.
- 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. (Ordinance No. 1389, 3-3-2020)

**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 <sup>1</sup>	15'	15'	90' <sup>2</sup>	60%
Permitted Conditional Uses	10,000	-	25 <sup>1</sup>	15'	15'	90' <sup>2</sup>	60%

<sup>1</sup> 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.  
<sup>2</sup> 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 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 and microdistilleries without on-site sales *(Ordinance No. 1292, 9-6-16)*
- 5.13.02.17 Artist Studio Space

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

- 5.13.03.01 Animal specialty services with or without overnight boarding of animals and outdoor exercise areas
- 5.13.03.02 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 and microdistilleries with on-site sales *(Ordinance No. 1292, 9-6-16)*
- 5.13.03.19 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. *(Ordinance No. 1389, 3-3-2020)*

**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. *(Ordinance No. 1389, 3-3-2020)*

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**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) <sup>2</sup>	Lot Width <sup>2</sup>	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100	35 <sup>1</sup>	30'	25'	45'	65%
Permitted Conditional Uses	10,000	100	35 <sup>1</sup>	30'	25'	45'	65%
Accessory Buildings	-	-	70'	10'	10'	25'	20%

<sup>1</sup> 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.

<sup>2</sup> 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 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 Data Center
- 5.14.02.05 Facilities for building construction contractors
- 5.14.02.06 Landscape and horticultural services
- 5.14.02.07 Medical and dental laboratories
- 5.14.02.08 Miscellaneous repair services, not including automotive
- 5.14.02.09 Printing, publishing, and allied industries
- 5.14.02.10 Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste
- 5.14.02.11 General warehousing
- 5.14.02.12 Testing laboratories
- 5.14.02.13 Facilities for heavy construction contractors
- 5.14.02.14 Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic equipment and components
- 5.14.02.15 Manufacture of light sheet metal products including heating and ventilation equipment.
- 5.14.02.16 Manufacturing of food and kindred products, limited to bakery items, dairy products, sugar and confectionary products, and beverages
- 5.14.02.17 Manufacturing stone, clay, glass and concrete products
- 5.14.02.18 Millwork; veneer, plywood and structural wood products manufacturing-
- 5.14.02.19 Publicly owned and operated facilities. *(Ordinance No. 950, 3-1-05)*
- 5.14.02.20 Special and vocational educational and training facilities. *(Ordinance No. 950, 3-1-05)*
- 5.14.02.21 Transportation services
- 5.14.02.22 Trucking and courier services, except air
- 5.14.02.23 Veterinary Services, including livestock
- 5.14.02.24 Wholesale trade of goods
- 5.14.02.25 Microbreweries and microdistilleries without on-site sales *(Ordinance No. 1292, 9-6-16)*

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

- 5.14.03.01 Automotive rental / leasing and other heavy equipment rental
- 5.14.03.02 Manufacturing of food and kindred products, except bakery items, dairy products, sugar and confectionary products, and beverages
- 5.14.03.03 Lumber and other building materials dealer
- 5.14.03.04 Outdoor storage or display of merchandise
- 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 Temporary Batch plant for concrete, asphalt, or paving material, not to exceed 24 months of operations
- 5.14.03.09 Cabinetry millwork
- 5.14.03.10 Recycling center for computers, televisions and household items
- 5.14.03.11 Storage of bulk petroleum products
- 5.14.03.12 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)*

- 5.14.03.13 Gasoline service stations
- 5.14.03.14 Automotive repair services
- 5.14.03.15 Sale of recreational vehicles, including boats and jet skis
- 5.14.03.16 Indoor recreational facility (*Ordinance No. 918, 10-6-03*)
- 5.14.03.17 Self-service storage facility (*Ordinance No. 1069, 8-19-08*)
- 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.
  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 **and microdistilleries** 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. (**Ordinance No. 1389, 3-3-2020**)

**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. (**Ordinance No. 1389, 3-3-2020**)

**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) <sup>2</sup>	Lot Width <sup>2</sup>	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100	35 <sup>1</sup>	30'	25'	45'	75%
Permitted Conditional Uses	10,000	100	35 <sup>1</sup>	30'	25'	45'	75%
Accessory Buildings	-	-	70'	10'	10'	25'	20%

<sup>1</sup> 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.

<sup>2</sup> 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 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 5.15 PUD PLANNED UNIT DEVELOPMENT DISTRICT (Overlay District)**

**5.15.01 Intent:** The intent of the PUD District is to encourage creative design in buildings, open space, and their inter-relationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

The PUD District is an overlay zone. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met. A specific PUD site plan shall be submitted by each applicant for "PUD" zoning in accordance with the provisions and conditions that follow.

**5.15.02 Recommendation, findings of fact and development sizes**

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

- 5.15.02.01 Said planned unit development shall be in general conformity with the provisions of the La Vista Comprehensive Plan.
- 5.15.02.02 Said planned unit development shall not have a substantially adverse effect on the development of the neighboring area.
- 5.15.02.03 The minimum size allowed for a PUD District shall be 3 acres.
- 5.15.02.04 Permitted uses, lot sizes, height limits, bulk, density, parking, and setback requirements may be varied so as to promote an efficient and creative PUD District.

**5.15.03 Use regulations.**

All uses in the underlying zoning district may be permitted or conditionally permitted, unless certain uses are limited by City Council. Additionally, other uses (outside the underlying zoning district) may be allowed by City Council to promote mixed-use development.

**5.15.04 Standards and conditions for development.**

A planned unit development shall be consistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, and public facilities.

~~5.15.04.01~~ The applicant shall submit a schedule of construction. The proposed construction shall begin within a period of twelve (12) months following the approval of the application by the City Council. Upon request, the Community Development Department may grant an additional twelve (12) month extension for the start of construction provided:

~~5.15.04.01.1~~ The character (including uses, parking conditions, traffic, and others) of the area in which the development as approved has not changed significantly;

~~5.15.04.01.2~~ The applicant has made some effort to follow through with said construction or there were circumstances that slowed the applicants' progress; and

~~5.15.04.01.3~~ If the administrative extension of the second twelve (12) month period has lapsed without the construction of such development; or, if staff deems the character of the area has changed within the initial twelve (12) month period, the applicant shall be required to reapply to both the Planning Commission and City Council for further approval(s).

- 5.15.04.02 A minimum of fifty (50) percent of the total planned construction shown on the final plan shall be completed within a period of five (5) years following such approval or the PUD plan shall expire. The period of time established for the completion of the development may be modified from time to time by the City Council upon review and recommendation by the Planning Commission upon the showing of good cause by the developer.
- 5.15.04.03 The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
- 5.15.04.04 The site shall be accessible from public roads and/or private roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.

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- 5.15.04.05 The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
- 5.15.04.06 The entire tract or parcel of land to be occupied by the planned unit development shall be held in single ownership or control, or if there are two (2) or more owners, the application for such planned unit development shall be filed jointly by all owners.
- 5.15.04.07 The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways shall be landscaped or left as common open space.
- 5.15.04.08 Adequate parking shall be provided for each building and use as per the regulations of the underlying zoning district. Planned Unit Development (PUD) plans may reduce the minimum parking requirements, in Section 7.06, if parking is shared by more than one land use or business.
- 5.15.04.09 PUD Districts shall abide by Section 7.17 (Landscaping Requirements) of this ordinance to ensure suitable screening between developments is maintained.
- 5.15.04.10 Except for the MU-CC district, all residential, commercial, and industrial buildings shall set back not less than twenty-five (25) feet from the right-of-way of any street and ten (10) feet from any district boundary lines that do not abut a street right-of-way. *PUD's within the MU-CC district shall abide by the setbacks of that district.* Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning Commission and City Council for the protection of health, safety, and general welfare.
- 5.15.04.11 Except for the MU-CC district, building coverage shall not exceed the following percentages of the net developable area of each individual parcel of the total development for each type of planned unit development:  
Residential, forty (40) percent maximum.  
Commercial, sixty (60) percent maximum. *(Ordinance No. 882, 11-19-02)*  
Industrial, sixty-five (65) percent maximum. *(Ordinance No. 882, 11-19-02)*  
*Uses within the MU-CC District, no requirement.*
- 5.15.04.12 Except for the MU-CC district, a minimum of thirty (30) percent of the net area of that part of a planned unit development reserved for residential use shall be provided for open space as defined by these regulations under Section 5.15.04.16 below. Common open space for the leisure and recreation shall be maintained, through a homeowner's association or other approved entity. *(Ordinance No. 950, 3-1-05)* Open space as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, or accessory structures, except recreational structures. Common open space as defined under this zoning district shall mean open space which is accessible and available to all occupants or their guests.
- 5.15.04.13 The PUD District shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community.
- 5.15.04.14 No single family residential lot shall have direct access onto an arterial street.
- 5.15.04.15 All commercial areas must have access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets, unless the access is shared among more than one lot or building.
- 5.15.04.16 Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be required which provides pedestrian access between each building or use in the planned unit development.
- 5.15.04.17 When a developer intends to design a new concept development, the Planning Commission and City Council may grant lesser front, side, and rear yard setbacks, including zero (0) lot line setbacks.
- 5.15.04.18 Architectural design and style are not restricted; however architectural style should be consistent throughout the PUD District. 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.

- 5.15.04.19 Building 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.
- 5.15.04.20 All building within the PUD District shall use harmonious colors and shall use only compatible accents.
- 5.15.04.21 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.
- 5.15.04.22 Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be directed downward and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas (i.e. Dark Sky compliant.)
- 5.15.04.23 Developments within the MU-CC District are exempt from Sections 5.15.04.17 through 5.15.04.21 of this ordinance.

**5.15.05 Application for approval of PUD plan.**

- 5.15.05.01 An application for a PUD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
- 5.15.05.02 The applicant shall prepare the PUD plan for review and approval by the planning commission. Said PUD plan shall include a site plan showing:
  - 1. Contours at intervals of two (2) feet or spot elevations on a one hundred (100) foot grid shall be required on flat land;
  - 2. Location, size, height, and use of all proposed structures in conformance with the yard requirements;
  - 3. All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
  - 4. All pedestrian sidewalks and walkways for internal circulation among buildings within the PUD as well as existing and proposed perimeter sidewalks.
  - 5. All streets adjoining subject property and the width of the existing right-of-way;
  - 6. Areas set aside for public and private open space with the type of recreational facilities planned for each;
  - 7. Designation of individual parcels if the proposed development is to be set up in separate construction phases;
  - 8. Designation of individual lots if such lots are proposed to be sold to individual owners;
  - 9. Location of required screening;
  - 10. Location of natural features such as ponds, tree clusters, and drainageways;
  - 11. Existing development on adjacent properties within two hundred (200) feet.
- 5.15.05.03 The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when said items are applicable:
  - 1. Net area in square feet or acres. (*Note:* Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, designate net area by parcel as well as total net area.)
  - 2. Density of dwelling units per acre of the total dwelling units for the entire plan.
  - 3. Building coverage of the net area of the planned unit development by individual parcel or total development.
  - 4. The percentage of the development plan provided for common open space as defined by this regulation.
  - 5. If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
  - 6. Required number of off-street parking spaces.
  - 7. Gross floor area proposed for commercial buildings.

- 5.15.05.04 A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
- 5.15.05.05 The full legal description of the parcels of the property or properties shall be included in the planned unit development.
- 5.15.05.06 A vicinity map, shall be included, showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed planned unit development.
- 5.15.05.07 A rendering or drawing of the general characteristics of the proposed buildings shall be submitted.
- 5.15.05.08 When a planned unit development includes provisions for common space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.
- 5.15.05.09 Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.
- 5.15.05.10 The Planning Commission shall hold a Public Hearing on the PUD after the PUD has been reviewed by City of La Vista staff after giving notice as required by Statute for hearings.
- 5.15.05.11 Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the PUD plan complies with those regulations, together with its recommendations in respect to the action to be taken on the PUD.
- 5.15.05.12 The City Council may or may not approve the PUD plan.
- 5.15.05.13 Substantial or significant changes in the PUD shall only be made after rehearing and re-approval.
- 5.15.05.14 After approval of a plan by the City Council, the applicant may apply for a building permit. The building permit shall include the same information as the plan.
- 5.15.05.15 The Community Development Department shall review the building permit for compliance with the approved plan.
- 5.15.05.16 In the event that the building permit submitted contains substantial changes from the approved development plan, the applicant shall resubmit the original plan. This development plan shall be modified in the same manner prescribed in this division as for original approval.

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**5.15.06 Enforcement**

The approved PUD site plan is binding and shall be a restriction on development which runs with the land. Any unauthorized deviation therefrom shall be punishable and enforceable as a violation of this title.

**5.15.09 Amendments.**

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

**5.15.11 Fees.**

For the following applications the indicated fee shall be paid to the City:

- 1. PUD; as set in the Master Fee Schedule.

The fee does not include any Preliminary and Final Plat Fees required by the City of La Vista. (*Ordinance No. 882, 11-19-02*)

**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.
- 5.16.03.06 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

**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. (*Ordinance No. 1389, 3-3-2020*)

**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.
- 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 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)*

**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.

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.  
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.
  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 following listed plant varieties of the plants listed in Appendix A of the Gateway Corridor District Design Guideline Booklet.
    - 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.
  7. Irrigation of all landscape elements as defined above and turf area is required. Provide specification or information showing compliance in the design submittal.
  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.

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:
  - 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.

#### 5.17.05.04

##### Building Design.

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 prefinished or integral color for long life with minimal maintenance. Any material requiring a field-applied finish shall have 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 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.

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.

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.
  
- 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

**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.

**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 construction to assure timely issuance of a Certificate of Occupancy.

**5.17.10 Process.**

- 5.17.10.01 **Pre-application Conference:**  
A pre-application conference with city staff to give the applicant an opportunity to discuss plans before a great deal of time or money is expended. If a certain design is inappropriate, the applicant will know beforehand. This step is required unless determined unnecessary and waived by the Community Development Director or their designee.
- 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.
- 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.
- 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.
- 5.17.10.07 **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*)
- 5.17.10.08 **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
- 5.17.10.09 **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.
- 5.17.10.10 **Fees:**  
Fees may apply to each individual step as established in the Master Fee Schedule.

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**Section 5.18 FF/FW Flood Plain Districts (Overlay District)**

**5.18.01 STATUTORY AUTHORIZATION**

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety and general welfare. The Legislature, in Sections 31-1001 to 31-1022, R.R.S. 1943 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city or village with zoning jurisdiction over the flood-prone area. Therefore, the City Council of the City of LaVista, Nebraska, ordains as follows:

**5.18.02 FINDINGS OF FACT**

**5.18.02.01 Flood Losses Resulting From Periodic Inundation**

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

**5.18.02.02 General Causes of Flood Losses**

Flood Losses are caused by: (1) The cumulative effect of obstruction in floodplains causing increases in flood heights and velocities, and (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise protected from flood damages.

**5.18.02.03 Methods Used to Analyze Flood Hazards**

These regulations use a reasonable method of analyzing flood hazards which consist of a series of interrelated steps:

1. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for these regulations is representative of large floods which are reasonable characteristic of what can be expected to occur on the particular streams subject to these regulations. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year, as delineated in the official Flood Insurance Study and illustrative materials dated May 3, 2010, and as may be amended.
2. Calculations of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and over-bank areas to convey the base flood.
3. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any water surface increase along the floodway profile.
5. Delineation of floodway fringe, i.e. that area outside the floodway encroachment lines, but which still is subject to inundation by the base flood.

**5.18.03 STATEMENT OF PURPOSE**

It is the purpose of these regulations to promote the public health, safety, and general welfare and to minimize those losses described in Section 5.18.02.01 by applying the provisions of these regulations for the following purposes.

- 5.18.03.01 Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- 5.18.03.02 Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- 5.18.03.03 Protect individuals from buying lands which are not suitable for intended purposes because of flood hazards.
- 5.18.03.04 Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance.

**5.18.04 LANDS TO WHICH THESE REGULATIONS APPLY**

This ordinance shall apply to all lands within the jurisdiction of the City of LaVista, Nebraska that are subject to a 1% or greater chance of flooding in any given year, now or in the future, as identified as numbered and unnumbered A Zones (including AE, AO and AH Zones) on the effective Flood Insurance Rate Map (effective FIRM) dated May 3, 2010, or best available data as determined by more recent hydrologic and hydraulic studies completed or approved by the City or other government agency. Requirements established in Section 5.18.16 of this ordinance shall apply to the Zoning Districts FW and FF based on the most restrictive information available. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 5.18.17, 5.18.18, and 5.18.19.

**5.18.05 ENFORCEMENT OFFICER**

The Chief Building Official is hereby designated as the Enforcement Officer for the City of La Vista, Nebraska, under these regulations.

**5.18.06 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map, the Flood Insurance Rate Map or Floodway Map, or on the Digital Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the flood fringe overlay district boundary on the land. The location of the floodway overlay district boundary may be based on a map completed or approved by the City or other government agency, provided the boundary is not less restrictive than that shown on the effective FIRM. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment and to submit his own technical evidence, if he so desires.

The boundaries of the FF/FW Flood Plain Districts (Overlay District) shall be determined by scaling distances on the official zoning map, the Flood Insurance Rate Map, or the Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Chief Building Official shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his/her case to the Board of Adjustment and to submit his/her own technical evidence, if he/she so desires.

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**5.18.07 COMPLIANCE**

No development located within identified special flood hazard areas of the community shall be located, extended, converted or structurally altered without full compliance with the terms of these regulations and other applicable regulations.

**5.18.08 ABROGATION AND GREATER RESTRICTIONS**

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where these regulations impose greater restrictions, the provisions of these regulations shall prevail. All other ordinances inconsistent with these regulations are hereby repealed to the extent of the inconsistency only.

**5.18.09 INTERPRETATION**

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

**5.18.10 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas outside the boundaries of the FF/FW Flood Plain Districts or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of La Vista, Nebraska, of any officer or employee thereof for any flood damages that may result from reliance on these regulations or any administrative decision lawfully made thereunder.

**5.18.11 SEVERABILITY**

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

**5.18.12 APPLICATION FOR APPEAL**

Where a request for a permit to develop is denied by the Chief Building Official, the applicant may apply for such permit or variance directly to the Board of Adjustment. The Board of Adjustment may grant or deny such request in accordance with the provisions of the Zoning Ordinance governing the Board of Adjustment.

**5.18.13 PERMITS REQUIRED**

No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined by these regulations.

**5.18.14 ADMINISTRATION**

The Chief Building Official is hereby appointed to administer and implement the provisions of these regulations. The duties of the Chief Building Official shall include, but not be limited to the following:

- 5.18.14.01 Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of these regulations have been satisfied.
- 5.18.14.02 Review applications for proposed development to assure that all necessary floodplain permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
- 5.18.14.03 Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.

- 5.18.14.04 Notify adjacent communities, the Papio-Missouri River NRD, the U.S. Army Corps of Engineers, Sarpy County, and the Nebraska Department of Natural Resources, Flood Plain Management Section, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- 5.18.14.05 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- 5.18.14.06 Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
- 5.18.14.07 Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.
- 5.18.14.08 When flood-proofing is utilized for a particular structure, the Chief Building Official shall be presented certification from a registered professional engineer or architect.
- 5.18.14.09 Facilitate the approval of new Flood Insurance Rate Maps or best available data as necessary.
- 5.18.14.10 Maintain records of all floodplain development permits and or building permits within the floodway or flood fringe overlay district to ensure that structures are not substantial improvements.
- 5.18.14.11 Filling of the floodway fringe associated with new development within the Papillion Creek System shall be limited to 25% of the floodway fringe in the floodplain development application project area, unless approved mitigation measures are implemented. The remaining 75% of floodway fringe within the project area shall be designated as a restricted fill zone. For redevelopment, these provisions may be modified or waived in whole or in part by the local jurisdiction.

**5.18.15 APPLICATION FOR A PERMIT**

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

- 5.18.15.01 Identify and describe the development to be covered by the floodplain development permit.
- 5.18.15.02 Describe the land on which the proposed development is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
- 5.18.15.03 Indicate the use or occupancy for which the proposed development is intended.
- 5.18.15.04 Be accompanied by plans and specifications for proposed construction, including but not limited to the following information: 1) existing (natural) grades, 2) proposed grades as a result of proposed development, 3) the proposed lowest floor elevation and any higher floor elevations, including attached garage, of any proposed structures, 4) the lowest and highest adjacent grades next to any proposed structures, 5) the most restrictive base flood elevation nearest the proposed development.
- 5.18.15.05 Be signed by the permittee or his authorized agent who may be required to submit documentation to indicate such authority.
- 5.18.15.06 Comments from the Papio-Missouri River Natural Resources District shall accompany each application for a flood plain development permit.
- 5.18.15.07 Give such other information as may be reasonably required by the Chief Building Official.

**5.18.16 ESTABLISHMENT OF ZONING DISTRICTS**

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

**5.18.17 STANDARDS FOR FLOODPLAIN DEVELOPMENT**

- 5.18.17.01 No permit for development shall be granted for new construction, substantial improvements and other development, including the placement of manufactured homes within all numbered and unnumbered A Zones (including AE, AO, and AH Zones) unless the conditions of this section are satisfied.
- 5.18.17.02 All areas identified as unnumbered A Zones on the effective FIRM or best available data are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of these regulations. If Flood Insurance Study data is not available, the City of La Vista shall utilize any base flood elevation or floodway data currently available from Federal, state or other sources.
- 5.18.17.03 Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard area unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the effective FIRM or best available data.
- 5.18.17.04 New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
1. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamics and hydrostatic loads, including the effects of buoyancy.
  2. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
  3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  4. All electrical equipment and sanitary facilities, including circuits, installed electric appliances, toilets, sinks, drains, in new developments and substantial improvements shall be located so as to not be subject to flooding or shall be floodproofed to prevent damage resulting from flood levels exceeding the base flood elevation by one foot. Backflow valves should be installed on all septic lines leading from the structure.
  5. The storage of material and equipment shall be regulated as follows:
    - (a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
    - (b) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that:
  - (a) All such proposals are consistent with the need to minimize flood damage;
  - (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located, elevated and constructed to minimize or eliminate flood damage;
  - (c) Adequate drainage is provided so as to reduce exposure to flood hazards; and
  - (d) Proposals for development of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposal the base flood elevation.

**5.18.18 FLOOD FRINGE OVERLAY DISTRICT (INCLUDING AO AND AH ZONES)**

**5.18.18.01 Permitted Uses**

Any use permitted in Section 5.18.19 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.18.17 are met.

**5.18.18.02 Standards for the Flood Fringe Overlay District**

1. Require that new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the highest base flood elevation available, now or in the future.
2. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation available, now or in the future, or, together with attendant utility and sanitary facilities, to be flood-proofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Chief Building Official as set forth in Section 5.18.14.07.
3. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage. The area below lowest floor subject to flooding shall be a maximum of four (4) feet in height measured from the bottom of the floor joists, unless used for parking of vehicles. Areas other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. All electrical equipment and sanitary facilities, including circuits, installed electric appliances, toilets, sinks, drains, in new developments and substantial improvements shall be located so as to not be subject to flooding or shall be floodproofed to prevent damage resulting from flood levels exceeding the highest base flood elevation available, now or in the future, by one foot. Backflow valves should be installed on all septic lines leading from the structure.
5. Within AH Zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

6. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
  - (a) Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations. Manufactured homes less than fifty (50) feet long require one (1) additional tie per side.
  - (b) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points. Manufactured homes less than fifty (50) feet long require four (4) additional ties per side.
  - (c) All components of the anchoring system be capable of carrying a force of forty-eight hundred (4800) pounds.
  - (d) Any additions to manufactured homes be similarly anchored.
  
7. All manufactured homes to be placed or substantially improved within special flood hazard areas on the FIRM on sites outside of a manufactured home park or subdivision, or in a new manufactured home park or subdivision, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.18.18.02 (5) above.
  
8. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (i) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or (ii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.
  
9. Located within the areas of special flood hazard established in Section 5.18.04 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:
  - (a) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified).
  - (b) All new construction and substantial improvements of non-residential structures shall (i) have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the Chief Building Official as set forth in Section 5.18.14.07.
  - (c) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

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**5.18.19 FLOODWAY OVERLAY DISTRICT**

**5.18.19.01 Permitted Uses**

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. The following are permitted uses for the Floodway District:

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

**5.18.19.02 Standards for the Floodway Overlay District**

The uses enumerated in 5.18.19.01 above shall only be permitted if certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of Sections 5.18.17 and 5.18.18. In Zone A unnumbered, obtain, review and reasonably utilize any flood elevation and floodway data available through Federal, State or other sources or Section 5.18.17.04 (6)(d) of this ordinance, in meeting the standards of this section.

**5.18.20 VARIANCE PROCEDURES**

- 5.18.20.01 The Board of Adjustment as established by the City of La Vista, Nebraska, shall hear and decide appeals and requests for variances from the requirements of these regulations.
- 5.18.20.02 The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Chief Building Official in the enforcement or administration of these regulations.
- 5.18.20.03 Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court of Sarpy County as provided in Section 19-912, R.R.S. Nebraska 1943.
- 5.18.20.04 In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of these regulations, and:
1. The danger that materials may be swept onto other lands to the injury of others;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. The importance of the services provided by the proposed facility to the community;
  5. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  6. The compatibility of the proposed use with existing and anticipated development;

7. The relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water systems, and streets and bridges.

**5.18.21 CONDITIONS FOR VARIANCES**

- 5.18.21.01 Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size if contiguous to or surrounded by lots with existing structures constructed below the base flood level, providing the requirements of Sections 5.18.21.02 through 5.18.21.05 below have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.
- 5.18.21.02 Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.
- 5.18.21.03 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 5.18.21.04 Variances shall only be issued upon:
1. A showing of good and sufficient cause;
  2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 5.18.21.05 Any applicant to whom a variance is granted shall be given a written notice from the ~~Chief Building Official~~ that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one-hundred dollars (\$100) of insurance coverage, and that such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by these regulations.

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**5.18.22 NONCONFORMING USE**

- 5.18.22.01 A structure or the use of a structure or premises which was lawful before the passage or amendment of flood plain regulations, but which is not in conformity with the provisions of these regulations may be continued subject to the following conditions:
1. No such structure of use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
  2. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance.
  3. Uses or adjuncts thereof, which are or become nuisances, shall not be entitled to continue as nonconforming uses.

5.18.22.02 If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of these regulations. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations.

**5.18.23 PENALTIES FOR VIOLATION**

Violation of the provisions of these regulations or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than five hundred dollars (\$500), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

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

**5.18.24 AMENDMENTS**

The regulations, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action shall be taken until after a public hearing in relation thereto, at which interested parties and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of La Vista, Nebraska. At least ten (10) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Flood Plain Management Act.

**5.18.25 DEFINITIONS**

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

**“Appeal”** – A request for a review of the Chief Building Official’s interpretation of any provision of this ordinance or a request for a variance.

**“Area of Shallow Flooding”** – A designated AO or AH Zone on a Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**“Area of Special Flood Hazard”** – The land in the flood plain within a community subject to one percent (1%) or greater chance of flooding in any given year.

**“Base Flood”** – The flood having one percent (1%) chance of being equaled or exceeded in any given year.

**“Basement”** – Any area of the building having its floor subgrade (below ground level) on all sides.

**“Best Available Data”** – means any hydrologic and hydraulic studies which result in a base flood elevation, now or in the future, that is higher than that shown on the Effective FIRM or Effective FIS. Such study must be completed or approved by the Village/City/County or other government agency.

**“Development”** – Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**“Existing Construction”** (for the purpose of determining rates) – Structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRM’s effective before that date. “Existing Construction” may also be referred to as “existing structures.”

**“Existing Manufactured Home Park or Subdivision”** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

**“Expansion to an Existing Manufactured Home Park or Subdivision”** – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and wither final site grading or the pouring of concrete pads.)

**“Flood or Flooding”** – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland waters; or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

**“Flood Fringe”** – That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every one-hundred (100) years, i.e. that has a one percent (1%) chance of flood occurrence in any one year.

**“Flood Insurance Rate Map (FIRM)” of “Effective FIRM”** – An official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

**“Flood Insurance Study (FIS)” or “Effective FIS”** – The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

**“Floodplain”** – Any land area susceptible to being inundated by water from any source (see definition of “flooding”.)

**“Floodway” or “Regulatory Floodway”** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**“Freeboard”** – A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

**“Highest Adjacent Grade”** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**“Lowest Floor”** – The lowest floor of the lowest enclosed area (including basement.) An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**“Manufactured Home”** – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

**“Manufactured Home Park or Subdivision”** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"New Construction"** – For floodplain management purposes, "new construction" means structures for which the "start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**"New Manufactured Home Park or Subdivision"** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**"Overlay District"** – A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

**"Principally Above Ground"** – At least fifty-one percent (51%) of the actual cash value of the structure is above ground.

**"Recreational Vehicle"** – A vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Special Flood Hazard Area"** – The land in the floodplain within a community subject to one percent (1%) or greater chance of flooding in any given year.

**"Start of Construction"** (for other than new construction or substantial improvements under the coastal Barrier Resources Act, Pub. L. 97-348) – Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one-hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

**"Structure"** – A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

**"Substantial Damage"** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**"Substantial Improvement"** – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**"Variances"** – A grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**"Violation"** – A failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

**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
<b>Residential:</b>	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	P
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
<b>Public and Civic:</b>	
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
<b>Commercial:</b>	
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	P

Establishment.	
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 in Adult Establishment.	C
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) (hand tools only: e.g., jewelry or ceramics)	C
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**Other:**

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

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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. (*Ordinance No. 1389, 3-3-2020*)

**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.

LOT AND AREA REQUIREMENTS ZONING DISTRICT	MINIMUM LOT AREA		MIN. YARD SETBACK			MAXIMUM HEIGHT		MAX. LOT COVERAGE PERCENT OF LOT AREA
	LOT AREA	LOT WIDTH (feet)	FRONT (feet)	SIDE (feet)	REAR (feet)	IN STORIES	IN FEET	
<b>TA: Transitional Agricultural</b>								
Residential dwellings	20 acres	660	75	25	25	2 ½	35	-
Other Permitted Uses	20 acres	660	75	25	25	3	45	-
Permitted Conditional Uses	20 acres	660	75	25	25	3	45	-
Accessory Uses	-	-	100	25	10	1 ½	17	-
<b>R-1: Single-Family Residential</b>								
Single-family detached (existing) <sup>1</sup>	5,000 s.f.	60	30	5	30	2 ½	35	35%
Single-family detached (future) <sup>2</sup>	7,000 s.f.	70	30	10	30	2 ½	35	40%
Other Permitted Uses and Conditional Uses	8,000 s.f.	75	25	25	25	3	45	25%
Accessory Uses	-	-	50	5	5	1 ½	17	10% <sup>2</sup>
<b>R-2: Two-Family Density Residential</b>								
Single-family detached (existing) <sup>4</sup>	5,000 s.f.	50'	30	5	30	2 ½	35	35%
Single-family, dwelling (future) <sup>4</sup>	7,000 s.f.	70	30	10	30	2 ½	35	40%
Two-family dwelling <sup>4</sup>	10,000 s.f.	100	30	10	30	2 ½	35	40%
Single-family, attached <sup>4</sup>	4,500 s.f. / du	50 per unit	30	10 <sup>1</sup>	30	2 ½	35	40% per unit
Townhouses/Condominiums	2,500 s.f. / du	25 per unit	30	10	30	2 ½	35	40%
Other Permitted Uses and Conditional Uses	8,000 s.f.	75	30	10	30	3	45	30%
Accessory Uses	-	-	50	5	5	1 ½	17	10% <sup>2</sup>
<b>R-3 High Density Residential</b>								
Single-family, detached <sup>4</sup>	7,000 s.f.	70	30	10	30	2 ½	35	40%
Single family, attached <sup>4</sup>	4,500 s.f./du	50 per unit	30	10 <sup>1</sup>	30	2 ½	35	40% per unit
Two-family dwelling <sup>4</sup>	10,000 s.f.	75	30	10	30	2 ½	35	40%
Townhouses	2,500 s.f.	25 per unit	30	( <sup>1</sup> )	30	2 ½	35	40%
Multi-family dwellings	<del>See Section 5.8.05</del> 100	100	30	( <sup>2</sup> )	30	3	45	40%
Other Permitted Uses and Conditional Uses	8,500 s.f.	75	30	10	30	3	45	30%
Accessory Uses	-	-	50	5	5	1 ½	17	10% <sup>2</sup>
<b>R-4: Condominium Residential</b>								
Single-family, detached <sup>4</sup>	7,000 s.f.	70	30	10	30	2 ½	35	40%
Single-family, attached <sup>4</sup>	4,500 s.f. / du	50 per unit	30	10 <sup>1</sup>	30	2 ½	35	40% per unit
Two-family dwelling <sup>4</sup>	10,000 s.f.	75	30	10	30	2 ½	35	40%
Condominiums	2,500 s.f.	25 per unit	30	( <sup>1</sup> )	30	2 ½	35	40%
Multi-family dwellings	<del>See Section 5.09.05</del> 100	100	30	10	30	3	45	40%
Other Permitted Uses and Conditional Uses	8,500 s.f.	75	30	( <sup>2</sup> )	30	3	45	30%
Accessory Uses	-	-	50	8	10	1 ½	17	10% <sup>2</sup>
<b>C-1: Shopping Center Commercial</b>								
Permitted Uses	-	150	25 <sup>5</sup>	10	25	3	45	60%
Permitted Conditional Uses	-	150	25 <sup>5</sup>	10	25	3	45	60%
<b>C-2: General Commercial</b>								
Permitted Uses	10,000 s.f.	-	25 <sup>5</sup>	15	15	3	45	60%
Permitted Conditional Uses	10,000 s.f.	-	25 <sup>5</sup>	15	15	3	45	60%
<b>C-3: Highway Commercial / Office Park</b>								
Permitted Uses	10,000 s.f.	-	25 <sup>5</sup>	15	15	3	45	60%
Multi-family residential	10,000 s.f.	-	25 <sup>5</sup>	15	15	3	45	60%
Permitted Conditional Uses	10,000 s.f.	-	25 <sup>5</sup>	15	15	3	45	60%
<b>I-1: Light Industrial</b>								
Permitted Uses	10,000 s.f.	-	35 <sup>6</sup>	30	25	3	45	65%
Permitted Conditional Uses	10,000 s.f.	-	35 <sup>6</sup>	30	25	3	45	65%
Accessory Buildings	-	-	70	10	10	-	25	20%
<b>I-2: Heavy Industrial</b>								
Permitted Uses	10,000 s.f.	-	35 <sup>6</sup>	30	25	3	45	75%
Permitted Conditional Uses	10,000 s.f.	-	35 <sup>6</sup>	30	25	3	45	75%
Accessory Buildings	-	-	70	10	10	-	25	20%

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<sup>1</sup> The Side Yard setback along the common wall shall be 0 feet and the common wall shall be along the adjoining lot line

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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

<sup>5</sup> 25 ft Front Yard setback required if no parking otherwise there is a 50 ft Front Yard setback

<sup>6</sup> 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)**

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## ARTICLE 6: CONDITIONAL USE PERMITS

**Section 6.01 General Provisions.** The City Council may, by conditional use permit after a Public Hearing and referral to and recommendation from the Planning Commission, authorize and permit conditional uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

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

**Section 6.02 Application for Conditional Use Permits.** A request for a conditional use permit or modification of a conditional use permit may be initiated by a property owner or his or her authorized agent by filing an application with the City upon forms prescribed for the purpose. The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted. The application shall be accompanied with a non-refundable fee.

**Section 6.03 Public Hearing.** Before issuance of any conditional use permit, the Council will consider the application for the conditional use permit together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of La Vista, one time at least ten (10) days prior to such hearing.

**Section 6.04 Decisions.** A majority vote of the Council shall be necessary to grant a conditional use permit. No order of the Council granting a conditional use permit, which has not been acted upon by the applicant, meaning that the use has been commenced or construction has been initiated, shall be valid for a period longer than twelve (12) months from the date of such order. Unless the following is completed:

- 6.04.01 City staff has granted an additional twelve (12) month administrative extension provided:
- 6.04.01.01 The character (including uses, parking conditions, traffic, and others) of the area in which the use(s) were approved has not changed significantly,
  - 6.04.01.02 The applicant has made some effort to follow through with said permit or there were circumstances that slowed the applicants' progress.
  - 6.04.01.03 If the administrative extension of the second twelve (12) month period has lapsed without establishment of said conditionally permitted use; or, if staff deems the character of the area has changed within the initial twelve (12) month period, the applicant shall be required to reapply to both the Planning Commission and City Council for further approval(s).

**Section 6.05 Standards.** No conditional use permit shall be granted unless that Planning Commission or City Council has found:

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

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6.05.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

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## ARTICLE 7: SUPPLEMENTAL REGULATIONS

### Section 7.01 Sign Regulations

#### 7.01.01 Purpose

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

#### 7.01.02 Applicability

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

#### 7.01.03 Definitions and Interpretation

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

#### 7.01.04 Computations

1. *Computation of Area of Individual Signs*

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

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

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

3. *Computation of Height*

The height of a sign shall be computed as the distance from the grade at the base of the sign, or from the grade immediately below the sign in the case of Wall Signs, at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

7.01.05 Permitted Signs and Limitations

1. **Ground Monument**

- A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
- B. All ground monument signs shall be located on the same lot as the advertised use.
- C. Signs shall contain only the name or trademark of the business, building or complex which it identifies.
- D. With the exception of change panels permitted for gas stations to advertise gasoline prices, no change panels, advertising or names of individual tenants will be allowed.
- E. Setbacks for all ground monument signs are ten (10) feet, no setbacks are required in the MU-CC District.
- F. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monuments		
	Max. Size	Max. Height	Max. Number
TA	32 square feet	10 feet	One (1) per lot frontage
R-1	32 square feet	10 feet	One (1) per lot frontage
R-2	32 square feet	10 feet	One (1) per lot frontage
R-3	32 square feet	10 feet	One (1) per lot frontage
R-4	32 square feet	10 feet	One (1) per lot frontage
C-1	32 square feet	10 feet	One (1) per lot frontage
C-2	32 square feet	10 feet	One (1) per lot frontage
C-3	50 square feet	10 feet	Two (2) per lot frontage
MU-CC	32 square feet	10 feet	One (1) per lot frontage
I-1	32 square feet	10 feet	One (1) per lot frontage
I-2	32 square feet	10 feet	One (1) per lot frontage
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

2. **Center Identification Signs**

- A. All Center Identification signs shall be a ground monument style sign.
- B. *A maximum of two Center Identification signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other on the same side of the street, measured along the edge of the street.*
- C. All Center Identification signs shall be constructed in a manner that is permanent.
- D. Acceptable materials include:
  - Exterior Insulation Finish System (EIFS)
  - Brick
  - Split face Concrete Masonry Units
  - Stone
  - Metal
  - Simulated Acrylic, or
  - Other materials provided said design is reflective of the character of the use.
- E. All Center Identification signs shall advertise only the name of the development *and/or major tenants*, unless in compliance with Subsection G below.
- F. Setbacks for all Center Identification Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street. Setback requirements shall not apply for Center Identification Signs within the Mixed-Use City Centre (MU-CC) Zoning District, given that such signs are not placed within the sight triangle area.
- G. Change panels and/ or changeable copy may be allowed provided:
  - Signs shall only include business names *or logos*
  - Fonts shall be similar to that of the development name
  - Said panels and / or copy match in color and material to the overall sign.
- H. *Electronic Message Boards shall only be allowed as part of a Center Identification Sign, provided the following:*

- No more than one-half of the permitted sign area shall be used for changeable copy or electronic message board signs.
  - The board may be double-faced.
  - Each board shall be permanently installed or located.
  - Electronic messages shall not be animated or flash continuously (blinking) in any manner.
  - Electronic message boards must use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the standards set forth in this sub-section. All electronic message boards must have installed ambient light monitors, and must at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions. Maximum brightness levels for electronic message boards may not exceed 5000 nits when measured from the signs face at its maximum brightness, during daylight hours, and 500 nits when measured from the signs face at its maximum brightness between sunset and sunrise, as those times are determined by the National Weather Service.
  - The message cannot change copy at intervals of less than one (1) minute. Changes of message image must be instantaneous as seen by the human eye and may not use fading, rolling, window shading, dissolving, or similar effects as part of the change.
- I. No more than 50% of the sign area or change panel area may be dedicated to advertise any single tenant.
- J. The following criteria apply to Center Identification signs:

District	Design Limitations for Center Identification Signs		
	Max. Size	Max. Height	Max. Number
TA			
R-1			
R-2			
R-3			
R-4			
C-1	100 square feet	20 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
C-2	100 square feet	20 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
C-3	150 square feet	24 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
MU-CC	150 square feet	24 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
I-1	100 square feet	20 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
I-2	100 square feet	20 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

(Ordinance No. 883, 11-19-02) (Ordinance No. 896, 2-04-03) (Ordinance No. 1145, 5-17-11)

3. **Wall Signs**

- A. All wall signs shall be mounted to the primary face of the use, *unless otherwise substituted by the Community Development Department. (Ordinance No. 988, 4-18-06)*
- B. For multi-tenant buildings, maximum sign size for each tenant will be based on the width of the storefront of the bay that they occupy.
- C. The following criteria apply to Wall Signs:

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District	Design Limitations for Wall Signs		
	Max. Permitted Sign Area	Max. Height	Max. Number
TA	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
R-1			
R-2			
R-3			
R-4			
C-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
C-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
C-3	2.5 square feet per lineal foot of building / storefront to a Max. of 600 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
MU-CC	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	90 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
I-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
I-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
PUD	The maximum allowed within the underlying zoning district, or otherwise prescribed in the approved P.U.D Plan of said lot/development.	The maximum <i>building height</i> allowed in the approved P.U.D Plan of said lot/development, or as otherwise prescribed in such P.U.D.	The maximum allowed within the underlying zoning district, or otherwise prescribed in the approved P.U.D Plan of said lot/development.

(Ordinance No. 988, 4-18-06)

4. **Incidental Signs**

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

District	Design Limitations for Incidental Signs		
	Max. Size	Max. Height	Max. Number
TA	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront

<b>R-3</b>	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
<b>R-4</b>	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
<b>C-1</b>	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
<b>C-2</b>	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
<b>C-3</b>	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
<b>MU-CC</b>	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
<b>I-1</b>	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
<b>I-2</b>	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
<b>PUD</b>	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

5. **Directional Signs**

- A. Directional signs may be erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic for purposes other than those of the Project Directory Signs. Example uses are arrow signs directing vehicles to a drive-thru lane or pedestrians to a building entrance.
- B. Directional signs shall contain no advertising, though may contain the business's logo.
- C. The following criteria apply to Directional Signs:

District	Design Limitations for Directional Signs		
	Max. Size	Max. Height	Max. Number
<b>TA</b>	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
<b>R-1</b>			
<b>R-2</b>			
<b>R-3</b>			
<b>R-4</b>			
<b>C-1</b>	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
<b>C-2</b>	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
<b>C-3</b>	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
<b>MU-CC</b>	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
<b>I-1</b>	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
<b>I-2</b>	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
<b>PUD</b>	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

(Ordinance No. 1358, 8-5-2019)

6. **Project Directory Signs (Ordinance No. 1145, 5-17-2011)**

*In order to maintain the flow of traffic on arterial and collector roads and to promote vehicular safety, emphasis is made to limit the number of ingress and egress points off of such roads. 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. Provisions are provided to allow project directory signs which identify the name of the particular development and/or the names of their tenants. Such signs would be supplemental to signage otherwise provided for such developments.*

*Directional signs may be erected under the following conditions:*

- A. Access to the development is restricted. Full ingress and egress to the development off an arterial or collector road is limited by access constraints or non-existent.
- B. Such signs may be placed on or off-premises. All such signs shall be constructed and located, however, so as to be visible by the motorist traveling on the arterial or collector road which intersects with the local road providing access to the development.
- C. Setbacks for all Project Directory Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street.
- D. A maximum of two project directory signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other on the same side of the street, measured along the edge of the street.
- E. No such sign shall be allowed further than one-thousand (1,000) feet from any entity advertising on the sign using the closest straight line measurement.
- F. The minimum distance between a sign location and any residential zoning district shall be 50 feet.

- G. The sign may contain the name of the development, names of tenants within the development, directional arrows and distance information. If off-premises, sign shall identify multiple businesses or industries.
- H. The size of each sign shall be a function of the number of tenants within the development. Each eight (8) square feet per principal use within the development, whichever is greater, with a maximum area of eighty (80) square feet.
- I. All such signs shall be a ground-mounted, monument-style sign.
- J. Such signs shall be subject to the design standards of the PUD or Gateway Corridor Overlay District, if within such district.

District	Design Limitations for Project Directory Signs		
	Max. Size	Max. Height	Max. Number
TA			
R-1			
R-2			
R-3			
R-4			
C-1	80 square feet	10 feet	One (1) per main entrance but not more than two (2)
C-2	80 square feet	10 feet	One (1) per main entrance but not more than two (2)
C-3	80 square feet	10 feet	One (1) per main entrance but not more than two (2);
MU-CC	80 square feet	10 feet	One (1) per main entrance but not more than two (2);
I-1			
I-2			
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

7. **Roof Signs**  
*Roof signs shall be permitted only in the Mixed Use – City Centre District provided:*
- A. Signs shall be allowed on multi-story buildings only.
  - B. A maximum of one (1) roof sign shall be allowed per lot.
  - C. Signs shall be a maximum of 11 feet in height above the highest point of the roofline.
  - D. Sign allowance shall be calculated at 2.5 square feet per lineal foot of building frontage to a maximum of 600 sq. ft.
  - E. The use of electronic message boards shall be prohibited. Sign animation shall be limited to the slow and gradual dimming or fading of individual lights. Flashing signs will be prohibited.
  - F. Where a wall sign is present on the building or structure façade, a roof sign shall be prohibited; where a roof sign is present on the building or structure façade, a wall sign shall be prohibited. This does not apply to wall signs of multi-tenant bays, or to roof signs advertising an entire development or district, rather than a specific use/occupant in the building on which the sign is placed. A maximum of two roof signs advertising the same development/district shall be permitted.
8. **Blade Signs**  
*Blade signs shall be permitted only in the Mixed Use – City Centre District provided:*
- A. Signs will only be allowed for the following uses: event center, meeting hall, or publicly owned and operated facility.
  - B. Signs shall be allowed on multi-story buildings only with frontage of at least 20 ft.
  - C. Signs shall conform to the vertical clearance requirements of this section of the Zoning Ordinance.
  - D. Animation of the message is prohibited.
  - E. Signs shall have two identical faces.
  - F. Only two Blade Signs shall be permitted per building.
  - G. Sign allowance cannot exceed 60 square feet.

9. **Marquee Signs**

- Marquee signs shall be permitted only in the Mixed-Use City Centre District provided:
- A. Signs will only be allowed the following uses: event center, meeting hall, or publicly owned and operated facility.
  - B. Signs shall conform to the vertical clearance requirements of this section of the Zoning Ordinance.
  - C. A maximum of one (1) marquee sign shall be allowed per building and may only be placed on the primary face of the building.
  - D. Sign allowance shall be limited to no more than ten percent (10%) of the area of the façade to which the marquee is attached.
  - E. No portion of a marquee sign shall extend vertically above the eave line.
  - F. Marquee signs with non-electronic change panels are prohibited.

10. **Other Permitted Signs**

- Canopy
- Identification
- Projecting
- Real Estate
- Nameplate
- Temporary (see Section 7.03.02)
- Window
- Subdivision (Ordinance No. 873, 10-15-02)
- Construction (Ordinance No. 873, 10-15-02)

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

<u>Sign Type</u>	<u>Zoning District</u>	<u>TA</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>MU-CC</u>	<u>I-1</u>	<u>I-2</u>
<b>Identification</b>												
Max. Size (Square Ft.)		2 <sup>1</sup>										
Max. Height (Ft.)		NA										
Number Allowed per building		1	1	1	1	1	1	1	1	1	1	1
<b>Real Estate</b>												
Max. Size (Square Ft.)		32	6	6	6	6	32	32	32	32	32	32
Max. Height (Ft.)		6	4	4	4	4	6	6	6	6	6	6
Number Allowed per lot		2	1	1	1	1	2 <sup>7</sup>					
<b>Subdivision</b>												
Max. Size (Square Ft.)		32	32	32	32	32	32	32	50	32	32	32
Max. Lot Coverage (Sq. Ft.)		2,500 <sup>4</sup>										
Max. Height (Ft.)		10	10	10	10	10	10	10	15	10	10	10
Number Allowed per lot		2 <sup>5</sup>										
<b>Construction</b>												
Max. Size (Square Ft.)		32	32	32	32	32	32	32	32	32	32	32
Max. Height (Ft.)		8	8	8	8	8	8	8	8	8	8	8
Number Allowed per lot		4 <sup>6</sup>										
<b>Canopy</b>												
Max. Size		25% <sup>2</sup>	N	N	N	N	25% <sup>2</sup>					
Max. Height (Ft.)		NA	N	N	N	N	NA	NA	NA	NA	NA	NA
Number Allowed per building		1	N	N	N	N	1	1	1	1	1	1
<b>Window</b>												
Max. Size		25% <sup>3</sup>	N	N	N	N	25% <sup>3</sup>					
Max. Height (Ft.)		NA	N	N	N	N	NA	NA	NA	NA	NA	NA
Number Allowed per building/storefront		2	N	N	N	N	2	2	2	2	2	2
<b>Projecting</b>												
Max. Size (Square Ft.)		N	N	N	N	12	12	12	12	12	N	N
Max. Height (Ft.)		NA										
Number Allowed per tenant		1	1	1	1	1	1	1	1	1	1	1
<b>Nameplate</b>												
Max. Size (Square Ft.)		2	2	2	2	2	N	N	N	N	N	N
Max. Height (Ft.)		NA	NA	NA	NA	NA	N	N	N	N	N	N
Number Allowed per building		1	1	1	1	1						

N: not permitted      NA: Not Applicable  
**(Ordinance No. 873, 10-15-02) (Ordinance No. 897, 2-04-03) (Ordinance No. 951, 3-15-05)**  
 1: Maximum letter height is equal to 12 inches

- 2: percentage of total Canopy area
- 3: percentage of total window area
- 4: When constructed as a landscaping element on an outlot or plat lot
- 5: Per Entrance
- 6: Maximum number equal to four (4) when every sign equals the maximum size, no maximum number when using six (6) square foot signs
- 7: *On corner lots or lots one (1) acre or greater, otherwise one (1) per lot (Ordinance No. 897, 2-04-03)*

**Note: All signs shall have a Vertical Clearance of nine (9) feet above any public sidewalk, private drive, or parking.  
All signs shall have a Vertical Clearance of twelve (12) feet above any Public Street.**

**11. Sign type, District Permitted**

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

Zoning District	TA	R-1	R-2	R-3	R-4	C-1	C-2	C-3	MU-CC	I-1	I-2
<b>Sign Type</b>											
Building Marker	P	P	P	P	P	P	P	P	P	P	P
Identification	P	P	P	P	P	P	P	P	P	P	P
Temporary	P	P	P	P	P	P	P	P	P	P	P
Construction	P	P	P	P	P	P	P	P	P	P	P
Real Estate	P	P	P	P	P	P	P	P	P	P	P
Incidental	P	P	P	P	P	P	P	P	P	P	P
Subdivision	P	P	P	P	P	P	P	P	P	P	P
Wall	P	N	N	N	N	P	P	P	P	P	P
Canopy	P	N	N	N	N	P	P	P	P	P	P
Window	P	P	P	P	P	P	P	P	P	P	P
Projecting	P	N	N	N	N	P	P	P	P	P	P
Name Plate	P	P	P	P	P	P	P	P	P	P	P
Monument	P	P	P	P	P	P	P	P	P	P	P
Billboard	N	N	N	N	N	N	N	N	N	N	N
Pole	N	N	N	N	N	N	N	N	N	N	N
Roof	N	N	N	N	N	N	N	N	P	N	N
Blade	N	N	N	N	N	N	N	N	P	N	N
Marquee	N	N	N	N	N	N	N	N	P	N	N

P: permitted N: not permitted C: Conditional Use

*(Ordinance No. 873, 10-15-02)*

**12. Special Signage Conditions**

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

- A. Stand-alone ATM's may have the following:
- One (1) wall sign on each exterior wall provided each wall sign does not exceed ten (10) percent of the applicable exterior wall and the total shall not exceed forty (40) square feet in size.
  - Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed twenty-four (24) inches. In addition, the overall size of all canopy signs shall not exceed forty (40) square feet.
  - Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
  - All signs are subject to the required permitting process of this Ordinance.
  - Said signage may be incorporated with lighting plan and backlit in order to provide for greater security on the premises.

- B. Coffee Kiosks and other Kiosks may have the following:
- ~~One~~ wall sign per frontage, provided each wall sign does not exceed ten (10) percent of the applicable exterior wall and the total shall not exceed forty (40) square feet in size.

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

**7.01.06 Permits Required**

1. If a sign requiring a permit under the provision of the ordinance is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 7.04.01.
2. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 7.04.09.
3. No signs shall be erected in the public right-of-way except in accordance with Section 7.03.01.
4. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Signage Plan in effect for the property.

**7.01.07 Design, Construction, Maintenance**

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

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

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**Section 7.02 Signage Plans**

**7.02.01 General Provisions**

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

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**7.02.02 Master Signage Plan.**

For any zoned lot on which the owner proposes to erect more than three (3) signs requiring a permit, the owner shall submit to the Community Development Department a Master Signage Plan containing the following:

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

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**7.02.03 Showing Window Signs on Master Signage Plan.**

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

**7.02.04 Limit Number of Free-Standing Signs Under Master Signage Plan.**

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

**7.02.05 Amendment.**

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

**7.02.06 Existing Signs Not Conforming to Master Signage Plan.**

1. If any new or amended Master Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within two (2) years, all signs not conforming to the proposed amended plan or to the requirements of this ordinance in effect on the date of submission.

**7.02.07 Binding Effect.**

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

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### **Section 7.03 Other Signage Provisions**

#### **7.03.01 Signs in the Public Right-of-Way**

No signs shall be allowed in the public right-of-way, except for the following:

1. **Permanent Signs.** Permanent signs, including:
  - A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, advertise community events, and direct or regulate pedestrian or vehicular traffic;
  - B. Bus stop signs erected by a transit company
  - C. Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and
  - D. Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of Section 1.16.

#### **7.03.02 Temporary Signs**

A permit for temporary signs shall be issued only in accordance to the Master Fee Schedule and for signs meeting the following criteria:

1. *Construction and real estate signs are exempt from a temporary sign permit provided they meet the requirements set forth hereafter and in Section 7.01.05(5) of this Ordinance.*
2. *Such signs shall not be in place for more than fourteen (14) consecutive days, except that Real Estate signs may be in place until the property sale is finalized and construction signs may be in place until that construction phase is completed;*
3. *No more than four (4) temporary permits shall be issued to an individual use in a calendar year;*
4. *Construction Signs shall be located on the property being constructed. Advertisement on business trailers or vehicles are exempt from a temporary sign permit and size restriction, except that such trailers or vehicles must be removed when construction by that company on said property is completed.*
5. *Any violation of this Section may void any future requested permits; and*
6. *No temporary sign shall be of such size, message, or character so to harm the public, health, safety or general welfare. Temporary signs shall not exceed thirty-two (32) square feet. (Ordinance No. 874, 10-15-02) (Ordinance No. 898, 2-04-03)*

#### **7.03.03 Emergency Signs (Permitted)**

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

#### **7.03.04 Other Signs Forfeited**

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

#### **7.03.05 Signs Exempt from Regulation Under this Ordinance**

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

- Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
- Any religious symbol;
- Any sign identifying a public facility or public / civic event, including signs for public school facilities;
- Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
- Holiday lights and decorations with no commercial message;
- Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
- A political sign exhibited in conjunction with the election of political candidates. Such signs may not exceed thirty-two (32) square feet in any zone. Only four (4) political signs shall be allowed per zone lot at any one time. All such political signs shall be removed no later than (10) days after the election. *(Ordinances No. 1184, 9-18-12)*

**7.03.06 Signs Prohibited Under These Regulations**

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

1. Beacons and flashing signs;
2. Video signs;
3. Portable signs, except as allowed by a Temporary Sign Permit;
4. Pole signs;
5. Suspended signs;
6. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section;
7. Off-premises signs, except for signs located on outdoor public or quasi-public recreational areas/facilities, provided such signs are located in a manner approved by the City (such as not facing adjacent street right-of-way or residential zoning districts) and are no larger than 32 square feet.” (Ordinance No. 951, 3-15-05)
8. Animated signs, except for roof signs and electronic message boards, as permitted by this ordinance; and
9. Audible Signs.

**Section 7.04 Permit Procedures**

**7.04.01 General Permit Procedures**

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

**7.04.02 Applications**

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

**7.04.03 Fees**

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

**7.04.04 Completeness**

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

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**7.04.05 Action**

Within fourteen (14) working days of the submission of a complete application for a sign permit, the Community Development Department shall either:

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

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**7.04.06 Permits to Construct or Modify Signs**

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

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**7.04.07 Permit for New Sign or for Sign Modification**

1. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure,

and location of each particular sign, to the extent that such details are not contained on a Master Signage Plan then in effect for the zone lot.

**7.04.08 Inspection**

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

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**7.04.09 Sign Permits — Continuing**

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

**7.04.10 Initial Sign Permit**

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

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**7.04.11 Lapse of Sign Permit**

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

**7.04.12 Assignment of Sign Permits**

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

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**7.04.13 Sign Removal Required**

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

**7.04.14 Violations**

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

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- D. To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.
  - E. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

**Section 7.05 Off-Street Automobile Storage.**

7.05.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall be used.

7.05.02 If vehicle storage space or standing space required in section 7.06 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the ~~Chief Building Official~~, the ~~Chief Building Official~~ may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. (Ordinance No. 975, 12-20-05)

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7.05.03 All parking spaces for residential, commercial, industrial, public or quasi-public uses shall be paved with asphalt or concrete. (Ordinance No. 975, 12-20-05) All parking spaces for permitted temporary uses not located on the same lot as a permitted principle use may be exempt from a paved surface but shall have access to a hard-surface road and have a rock drive for emergency vehicles. (Ordinance No. 994, 6-6-06)

7.05.04 Parking spaces for outdoor recreational uses in the Transitional Agriculture (TA) District may have a surface of compacted gravel or crushed rock contained within a distinct border and having a depth of four inches. However, upon rezoning to a district other than TA, these parking areas shall be paved with asphalt or concrete within three (3) years. Paved parking stalls, sidewalks, and other improvements, in both number and design to comply with the Americans with Disabilities Act (ADA), the Nebraska Accessibility Guidelines, and Section 7.08 of this Ordinance, shall still be constructed within and surrounding such crushed rock parking areas.

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7.05.05 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

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7.05.06 In Districts R-1, R-2, R-3, and R-4, required off-street parking shall be provided on the lot on which it is located the use to which the parking pertains. In other Districts, such parking may be provided either on the same lot or an adjacent or other lot provided the lot on which the use requiring them is located are not separated by more than three hundred (300) feet at closest points, measured along a street or streets.

7.05.07 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.

7.05.08 Some uses may require two (2) different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require a tabulation for classrooms and assembly areas)

7.05.09 In Districts R-3 and R-4, multi-family, apartment, and condominium dwellings shall have a minimum of 0.5 enclosed garages per unit. The required garages may count towards the total number of parking spaces required as per Section 7.06. Multi-family, apartment, and condominium developments approved by the City prior to May 17, 2011 shall be exempt of this requirement. (Ordinance No. 1146, 5-17-11)

**Section 7.06 Schedule of Minimum Off-Street Parking Requirements**  
**(Ordinance No. 1070, 8-19-08)**

Uses	Parking Requirements
Adult Entertainment Establishments	One (1) space per 100 sq. feet of gross floor area; plus one (1) space per employee on peak shift
Amusement Arcades	One (1) space for each 100 sq. feet of gross floor area, in addition to one (1) space for each employee on the maximum shift
Animal Specialty Services	One (1) space per 300 sq. feet of gross floor area
Bed and Breakfast/Boarding House	One (1) space per rental unit
Churches, Synagogues, and Temples	One (1) space per 4 seats in main worship area
Social clubs or Fraternal Organizations	One (1) space per 500 sq. feet of gross floor area
<b>Commercial Uses</b>	
Agricultural Sales / Service	One (1) space per 500 sq. feet of gross floor area
Automotive Rental / Sales	One (1) space per 500 sq. feet of gross floor area
Automotive Repair Services	Three (3) spaces per repair stall
Bars, Taverns, Nightclubs	One (1) space per 100 sq. feet of gross floor area, including outside seating; plus one (1) space per employee on peak shift
Equipment Rental / Sales	One (1) space per 500 sq. feet of gross floor area
Campground	One (1) space per camping unit
Communication Services	One (1) space per 500 sq. feet of gross floor area
Construction Sales / Services	One (1) space per 500 sq. feet of gross floor area
Convenience Store with Limited Fuel Sales	One (1) space per 200 sq. feet of gross floor area; spaces adjacent to fuel pump are included in total number
Food Sales (limited)	One (1) space per 300 sq. feet of gross floor area
Food Sales (general)	One (1) space per 200 sq. feet of gross floor area
General Retail Sales Establishments	One (1) space per 200 sq. feet of gross floor area
Laundry Services	One (1) space per 200 sq. feet of gross floor area
Restaurants w/ Drive-thru	One (1) space per 150 sq. feet of gross floor area; plus five (5) stacking spaces for drive through window
Restaurants (General)	One (1) space per four (4) seats or 1 per 100 sq. feet of gross floor area, including outside seating (whichever is greater); plus one (1) space per employee on peak shift
Nursing Home	One (1) space per 3 beds plus 1 per employee on the largest shift.
Child Care Center	One (1) space per employee plus (one) 1 space per 10 children.
Educational Uses, Primary facilities - Kindergarten, Elementary School, Junior High	Two (2) spaces per classroom
Educational Uses, Secondary Facilities - High School	Eight (8) spaces per classroom plus 1 space per teacher
Funeral Homes and Chapels	Eight (8) spaces per repose room
Group Care Home	One (1) space per 4 residents plus one additional space for each employee
Health Club	One (1) space per 200 sq. feet of gross floor area, plus one space for each employee on peak shift
Hospitals	One and one-half (1 1/2) spaces per 2 licensed beds; plus, .75 times the maximum number of employees during the largest shift
Hotels and Motels	One (1) space per rental unit
<b>Housing (Congregate)</b>	
Assisted-living facilities	One (1) space per dwelling unit plus 1 space per employee on the largest shift
Duplex	Two (2) spaces per dwelling unit
Multi-family / Apartments / Condominiums	One (1) space per bedroom ( <i>See Section 7.05.08 for additional requirements</i> ) ( <i>Ordinance No. 1146, 5-17-11</i> )
Industrial Uses / Flex Space for Industrial	One (1) space per 3,000 sq. feet of gross floor area
Libraries	One (1) space 500 sq. feet of gross floor area
Medical Clinics	One (1) space per 250 sq. feet of gross floor area
Mobile Home Park	Two (2) per dwelling unit
Offices and Office Buildings	One (1) space per 200 sq. feet of gross floor area
Recreational Facilities	One (1) space per four (4) occupants or, in the case of a nonstructural facility, one (1) space per four (4) persons the facility is intended to accommodate
Residential (Single-family, attached and detached)	Two (2) spaces per dwelling unit with 1 required to be enclosed
Roadside Stands	Four (4) spaces per stand
Special and Vocational Training	One (1) space per 500 sq. feet of gross floor area
Theaters, Auditoriums, and Places of Assembly	One (1) space per 4 seats
Veterinary Establishments / Pet Health Services	One (1) space for every 300 sq. feet of gross floor area (excluding floor area used for keeping and caring for large farm animals)
Wholesaling / Distribution Operations	One (1) space per 5,000 sq. feet of gross floor area

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**Section 7.07 Off-street Parking: Shared Parking requirements**

- 7.07.01 Notwithstanding the provisions of Section 7.06, in cases of shopping centers having 400,000 or more square feet of gross floor area and where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the Planning Commission and City Council. Said request for a decrease in parking spaces shall be accompanied by a rezoning to a Planned Unit Development (PUD) and the request is made during the PUD application process. All regulations of the PUD District shall be adhered to within the development.
- 7.07.02 Where convention centers, conference centers, assembly halls, ballrooms, or other similar facilities are built in conjunction with a hotel, office park, or shopping center, the Planning Commission and City Council may permit the construction of fewer parking spaces, due to overlapping usage of a portion of the parking spaces. Said request for a decrease in parking spaces shall be accompanied by a rezoning to a Planned Unit Development (PUD) and the request is made during the PUD application process. All regulations of the PUD District shall be adhered to within the development.

**Section 7.08 Off-Street Parking: Parking for Individuals with Disabilities**

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

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

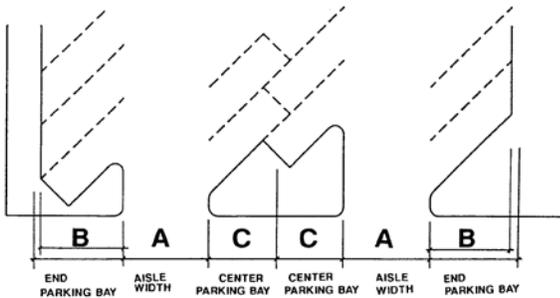
- 7.08.02 Except as provided in Section 7.08.02.01 of this Ordinance, access aisles adjacent to accessible spaces shall be sixty (60) inches (1525 mm) wide minimum. **(Ordinance No. 899, 2-04-03)**
- 7.08.02.01 One (1) in every eight (8) accessible spaces, but not less than one, shall be served by an access aisle ninety-six (96) inches (2440 mm) wide minimum and shall be designated “van accessible” as required by Section 7.08.04 of this Ordinance. The vertical clearance at such spaces shall comply with 7.08.05 of this Ordinance. All such spaces may be grouped on one (1) level of a parking structure.
- Parking access aisles shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle.
- Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2%) in all directions, except for angled parking spaces which must have access aisles located on the passenger side of the parking spaces.
- 7.08.02.02 If passenger-loading zones are provided, then at least one (1) passenger loading zone shall comply with 7.08.06 of this Ordinance.
- 7.08.02.03 At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 7.08 of this Ordinance shall be provided in accordance with 7.08.01 of this Ordinance; except as follows:

1. Outpatient units and facilities: ten percent (10%) of total number of parking spaces provided serving each such outpatient unit or facility;
  2. Units and facilities that specialize in treatment or services for persons with mobility impairments: twenty percent (20%) of the total number of parking spaces provided serving each such unit or facility.
- 7.08.02.04 Valet parking: valet parking facilities shall provide a passenger loading zone complying with 7.08.06 of this Ordinance located on an accessible route to the entrance of the facility. Sections 7.08.01, 7.08.02.01, and 7.08.02.03 of this Ordinance do not apply to valet parking.
- 7.08.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
- 7.08.03.01 In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
- 7.08.03.02 In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closet to the accessible entrances.
- 7.08.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 7.08.02.01 shall have an additional sign "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space. ADA mandates the sign height be at least sixty (60) inches above ground surface measured from the bottom of the sign.
- 7.08.05 Minimum vertical clearance of one hundred fourteen (114) inches (2895mm)at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 7.08.02.01, provide minimum vertical clearance of ninety-eight (98) inches (2490mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
- 7.08.06 Passenger Loading Zones shall provide an access aisle at least sixty (60) inches (1525mm) wide and twenty (20) feet (240inches) (6100mm) long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

**Section 7.09 Off-Street Parking Design Criteria**

7.09.01 Standard parking stall dimensions shall not be less than nine (9) feet by eighteen (18) feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five (5) feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two (2) feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

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



7.09.02 Minimum dimensions for a parallel parking space shall be nine (9) feet by twenty-three (23) feet.

7.09.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and City Council upon recommendation of the City Engineer.

**Section 7.10 Home Occupations**

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

- 7.10.01 No external evidence of the home occupation with the exception of one unlighted nameplate of not more than two (2) square foot in area attached flat against the building located on local or collector streets. However, four (4) square feet in area attached flat against the building located on arterial streets.
- 7.10.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 7.10.03 No more than twenty-five percent (25%) of the home, not to exceed four hundred (400) square feet, can be used for the home occupation, except for Child Care Home. This percentage is inclusive of any detached accessory buildings used for the Home Occupation.
- 7.10.04 Home occupations shall ~~be operated on-site by no more than one full-time or part-time employee, volunteer, or business partner~~, other than the resident(s) of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee, ~~volunteer, or business partner~~.
- 7.10.05 Unless expressly permitted by a Conditional Use Permit, no retail sales are permitted from the site.
- 7.10.06 No outdoor storage is permitted.
- 7.10.07 Additional off-street parking may be required for the business.
- 7.10.08 If home occupation is for a business office for services rendered at another location then not more than two (2) business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one

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*(1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.*

7.10.09 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.

7.10.10 *A Home Occupation License shall be required for Home Occupation I uses. Such license shall include, but not be limited to, the following:*

7.10.10.1 *Application fee in accordance with the Master Fee Schedule*

7.10.10.2 *For major Home Occupations requiring a Conditional Use Permit, a minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. A "no objections" signature form shall be provided by the City and said residents shall sign next to their respective address.*

7.10.10.3 *A Conditional Use Permit is required for Home Occupation I uses, except Child Care Homes.*

7.10.11 *A Conditional Use Permit is required, except for Home Occupation II uses and Child Care Homes.*

7.10.12 *Child Care Homes and Child Care Centers shall require a certificate (CRED 9911) signed by the State of Nebraska Fire Marshall.*

7.10.13 All fees shall be paid in accordance with the Master Fee Schedule.

7.10.14 All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebr. R. R. S. 1943, Sec. §71-1911. (**Ordinance No. 884, 11-19-02**)

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**Section 7.11 Wireless Communication Towers**

7.11.01 Purpose and Legislative Intent.

The Telecommunications Act of 1996 affirmed the City of La Vista’s authority concerning the placement, construction, and modification of wireless telecommunications facilities. The City of La Vista finds that wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare, character, and environment of the City and its inhabitants. The City also recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and of significant benefit to the City and its residents. In order to ensure that the placement, construction, or modification of wireless telecommunications facilities is consistent with the City’s land use policies, the City is adopting a single, comprehensive, wireless telecommunications facilities application and permit process. The intent of this section is to minimize impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the residents of the City of La Vista.

7.11.02 Definitions.

For purposes of this section, and where not inconsistent with the context of a particular subsection, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given here. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word “shall” is always mandatory, and not merely directory.

- 7.11.02.01 “Accessory Facility or Structure” means an accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- 7.11.02.02 “Applicant” means any wireless service provider submitting an application for a conditional use permit for wireless telecommunications facilities.
- 7.11.02.03 “Antenna” means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- 7.11.02.04 “Co-location” means the use of an existing tower or structure to support antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonable short time frame after the new tower is constructed.
- 7.11.02.05 “Commercial Impracticability” or “Commercially Impracticable” means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.
- 7.11.02.06 “Completed Application” means an application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.
- 7.11.02.07 “Distributed Antenna System or DAS” means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
- 7.11.02.08 “FAA” means the Federal Aviation Administration, or its duly designated and authorized successor agency.

- 7.11.02.09 “FCC” means the Federal Communications Commission, or its duly designated and authorized successor agency.
- 7.11.02.10 “Height” means, when referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, including antennas or lightening protection devices.
- 7.11.02.11 “Modification” or “Modify” means, the addition, removal or change of any of the physical and visually discernible components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernible components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a telecommunications tower or telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.
- 7.11.02.12 “NIER” means Non-Ionizing Electromagnetic Radiation.
- 7.11.02.13 “Personal Wireless Facility” See definition for ‘Wireless Telecommunications Facilities.’
- 7.11.02.14 “Personal Wireless Services” or “PWS” or “Personal Telecommunications Service” or “PCS” shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- 7.11.02.15 “Repairs and Maintenance” means the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernible components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
- 7.11.02.16 “Stealth” or “Stealth Technology” means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless Telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
- 7.11.02.17 “Telecommunications” means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- 7.11.02.18 “Telecommunication Site” See definition for Wireless Telecommunications Facilities.
- 7.11.02.19 “Telecommunications Structure” means a structure used in the provision of services described in the definition of ‘Wireless Telecommunications Facilities.’
- 7.11.02.20 “Temporary” means, in relation to all aspects and components of this section, something intended to, or that does not exist for more than ninety (90) days.
- 7.11.02.21 “Tower” means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
- 7.11.02.22 “Wireless Telecommunications Facilities” means and includes a “Telecommunications Site” and “Personal Wireless Facility”. It means a structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures,

including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

- 7.11.03 Overall Policy and Desired Goals for Conditional Use Permits for Wireless Telecommunications Facilities. In order to ensure that the placement, construction, and modification of wireless telecommunications facilities does not negatively impact the health and safety of the public, environmental features, the nature and character of the community and neighborhood, and other aspects of the quality of life specifically listed elsewhere in this section, the City hereby adopts an overall policy with respect to a conditional use permit for wireless telecommunications facilities for the express purpose of achieving the following goals:
- 7.11.03.01 Requiring a conditional use permit for any new, co-location or modification of a wireless telecommunications Facility.
  - 7.11.03.02 Implementing an application process for person(s) seeking a conditional use permit for wireless telecommunications facilities.
  - 7.11.03.03 Establishing a policy for examining an application for and issuing a conditional use permit for wireless telecommunications facilities that is both fair and consistent.
  - 7.11.03.04 Promoting and encouraging, wherever possible, the sharing and/or co-location of wireless telecommunications facilities among service providers.
  - 7.11.03.05 Promoting and encouraging, wherever possible, the placement, height and quantity of wireless telecommunications facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
  - 7.11.03.06 That in granting a conditional use permit, the City has found that the facility shall be the most appropriate site insofar as it is the least visually intrusive among those available in the City.
- 7.11.04 Exceptions from a Conditional Use Permit for Wireless Telecommunications Facilities.
- 7.11.04.01 Except as otherwise provided by this ordinance no person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, wireless telecommunications facilities as of the effective date of this ordinance without having first obtained a conditional use permit for wireless telecommunications facilities. Notwithstanding anything to the contrary in this section, no conditional use permit shall be required for those non-commercial exclusions noted in Section 7.11.05.
  - 7.11.04.02 All legally permitted wireless telecommunications facilities, constructed as permitted, existing on or before the effective date of this section shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing Wireless telecommunications Facility will require the complete facility and any new installation to comply with this ordinance.
  - 7.11.04.03 Repair and Maintenance of a Wireless Facility does not require an application for a conditional use permit.

7.11.05 Exclusions.

The following shall be exempt from Section 7.11:

- 7.11.05.01 The City's fire, police, public works or other public service facilities owned and operated by the local government and/or public entities in partnership with the local government.
- 7.11.05.02 Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
- 7.11.05.03 Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications.
- 7.11.05.04 Facilities used exclusively for providing unlicensed spread spectrum technology i.e. Bluetooth or a 'Hot Spot', where the facility does not require a new tower, where the service is not to be used for commercial purposes, where there is no fee or charge for the use of the service and where the service is intended to be useable for less than a distance of 200 feet.

7.11.06 Conditional Use Permit Application and Other Requirements

- 7.11.06.01 Unless noted elsewhere in this section, all tower Development permits are governed by the regulations in Article 6: conditional use permits.
- 7.11.06.02 No wireless telecommunications facilities shall be installed, constructed or modified until the application is reviewed and approved by the City, and the conditional use permit has been issued.
- 7.11.06.03 Any and all representations made by the applicant to the City on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the City.
- 7.11.06.04 The applicant shall include a statement in writing:
  - 1. That the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all conditions of the conditional use permit, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal laws, rules, and regulations;
  - 2. That the construction of the wireless telecommunications facilities is legally permissible, including, but not limited to the fact that the applicant is authorized to do business in the State.
- 7.11.06.05 In addition to all other required information as stated in Section 6 of this ordinance, all applications for the construction or installation of new wireless telecommunications facilities or modification of an existing facility shall contain the information hereinafter set forth.
  - a. A completed City of La Vista Planning and Zoning Application Form;
  - b. A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
  - c. Documentation that demonstrates and proves the need for the wireless telecommunications facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a

significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage;

- d. The location of nearest residential structure;
- e. The location, size and height of all existing and proposed structures on the property which is the subject of the application;
- f. The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure;
- g. The number, type and model of the antenna(s) proposed with a copy of the specification sheet;
- h. The make, model, type and manufacturer of the tower and design plan stating the tower's capacity to accommodate multiple users
- i. A site plan describing the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
- j. The frequency, modulation and class of service of radio or other transmitting equipment;
- k. The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;
- l. Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;
- m. A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
- n. A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities;
- o. A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing tower site and if existing tower or water tank site, a copy of the installed foundation design.

7.11.06.06 The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

7.11.06.07 In the case of a new tower, the applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing tower(s) or the use of alternative buildings or other structures within the City. Copies of written requests and responses for shared use shall be provided to the City in the application, along with any letters of rejection stating the reason for rejection.

7.11.06.08 In order to better inform the public, in the case of a new Telecommunication tower, the applicant shall, prior to the public hearing on the application, hold a "balloon test". The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the City. The applicant shall inform the City, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the

secondary date may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the application.

- 7.11.06.09 The applicant shall examine the feasibility of designing the proposed tower to accommodate future demand for at least four (4) additional commercial applications, for example, future co-locations. The tower shall be structurally designed to accommodate at least four (4) additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:
1. The foreseeable number of FCC licenses available for the area;
  2. The kind of wireless telecommunications facilities site and structure proposed;
  3. The number of existing and potential licenses without wireless telecommunications facilities spaces/sites;
  4. Available space on existing and approved towers.
- 7.11.06.10 The owner of a proposed new tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed tower by other Wireless service providers in the future, and shall:
1. Respond within 60 days to a request for information from a potential shared-use applicant;
  2. Negotiate in good faith concerning future requests for shared use of the new tower by other Telecommunications providers;
  3. Allow shared use of the new tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
  4. Failure to abide by the conditions outlined above may be grounds for revocation of the conditional use permit.
- 7.11.06.11 The applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, City, State and Federal structural requirements for loads, including wind and ice loads.
- 7.11.06.12 If the proposal is for a co-location or modification on an existing tower, the applicant is to provide signed documentation of the tower condition such as an ANSI report as per Annex E, tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.
- 7.11.06.13 All proposed wireless telecommunications facilities shall contain a demonstration that the Facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the wireless telecommunications facility.
- 7.11.06.14 If the proposal is for a new tower, an antenna attachment to an existing structure, or modification adding to a visual impact, the applicant shall furnish a Visual Impact Assessment, which shall include:
1. If a new tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.

2. Pictorial representations of “before and after” (photo simulations) views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to State highways and other major roads; parks; other public lands; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.
  3. A written description of the visual impact of the proposed facility including; and as applicable the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- 7.11.06.15 The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed wireless telecommunications facility.
- 7.11.06.16 The wireless telecommunications facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the City.
- 7.11.06.17 All utilities at a wireless telecommunications facilities site shall be installed underground whenever possible and in compliance with all laws, ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
- 7.11.06.18 At a Telecommunications Site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- 7.11.06.19 All wireless telecommunications facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- 7.11.06.20 A holder of a conditional use permit granted under this ordinance shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.
- 7.11.06.21 There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site.
- 7.11.06.22 An applicant shall submit to the City the number of completed applications determined to be needed at the pre-application meeting. Written notification of the application shall be provided to the legislative body of all adjacent municipalities as applicable and/or requested.

7.11.06.23 The holder of a conditional use permit shall notify the City of any intended modification of a wireless telecommunication facility and shall apply to the City to modify, relocate or rebuild a wireless telecommunications facility.

7.11.07 Location of Wireless Telecommunications Facilities

7.11.07.01 Applicants for wireless telecommunications facilities shall locate, site and erect said wireless telecommunications facilities in accordance with the following priorities, one (1) being the highest priority and six (6) being the lowest priority.

1. On existing towers or other structures on city owned properties, including the right-of-way.
2. On existing towers or other structures on other property in the City
3. A new tower on City-owned properties
4. A new tower on properties in areas zoned for Heavy Industrial use
5. A new tower on properties in areas zoned for Light Industrial use
6. A new tower on properties in areas zoned for Transitional Agricultural use

7.11.07.02 If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.

7.11.07.03 An applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the City why co-location is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability or hardship.

7.11.07.04 Notwithstanding the above, the City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.

7.11.07.05 The applicant shall submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.

7.11.07.06 Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an application for any of the following reasons.

1. Conflict with safety and safety-related codes and requirements;
2. Conflict with the nature or character of a neighborhood or district;
3. The use or construction of wireless telecommunications facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
4. The placement and location of wireless telecommunications facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;
5. Conflicts with the provisions of this ordinance.

7.11.08 Shared Use of Wireless Telecommunications Facilities and Other Structures

- 7.11.08.01 The City, as opposed to the construction of a new tower, shall prefer locating on existing towers or others structures without increasing the height. The applicant shall submit a comprehensive report inventorying existing towers and other suitable structures within two (2) miles of the location of any proposed new tower, unless the applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing tower or other suitable structure cannot be used.
- 7.11.08.02 An applicant intending to locate on an existing tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the applicant.
- 7.11.08.03 Such shared use shall consist only of the minimum antenna array technologically required to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.

7.11.09 Height of Telecommunications Tower(s)

- 7.11.09.01 The applicant shall submit documentation justifying the total height of any tower, facility and/or antenna requested and the basis therefore. Documentation in the form of propagation studies must include all backup data used to perform at requested height and a minimum of ten (10') feet lower height to allow verification of this height need. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.
- 7.11.09.02 No tower constructed after the effective date of this section, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with City, State, and/or any Federal statute, law, local law, city ordinance, code, rule or regulation.

7.11.10 Visibility of Wireless Telecommunications Facilities.

- 7.11.10.01 Wireless telecommunications facilities shall not be artificially lighted or marked, except as required by law.
- 7.11.10.02 Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this ordinance.
- 7.11.10.03 If lighting is required, applicant shall provide a plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

7.11.11 Security of Wireless Telecommunications Facilities.

- 7.11.11.01 All wireless telecommunications facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:
  - 1. All antennas, towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
  - 2. Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

7.11.12 Signage

- 7.11.12.01 Wireless telecommunications facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign

of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

#### 7.11.13 Lot Size and Setbacks

7.11.13.01 All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed tower or wireless telecommunications Facility structure plus ten percent (10%) of the height of the tower or structure, or the existing setback requirement of the underlying zoning district, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

#### 7.11.14 Retention of Expert Assistance and Reimbursement by applicant

7.11.14.01 The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any site inspections.

#### 7.11.15 Application Fee

At the time that a person submits an application for a conditional use permit for a new tower, such person shall pay a non-refundable fee as established in the Master Fee Schedule.

#### 7.11.16 Performance Security

The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 for a tower facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of this ordinance and conditions of any conditional use permit issued pursuant to this ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the conditional use permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original conditional use permit.

#### 7.11.17 Reservation of Authority to Inspect Wireless Telecommunications Facilities

In order to verify that the holder of a conditional use permit for wireless telecommunications facilities and any and all lessees, renters, and/or licensees of wireless telecommunications facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

7.11.18 Liability Insurance

- 7.11.18.01 A holder of a conditional use permit for wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the conditional use permit in amounts as set forth below:
1. Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
  2. Automobile Coverage: \$1,000,000 per each accident;
  3. Workers Compensation and Disability: Statutory amounts
- 7.11.18.02 For a wireless telecommunications facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, Councils, employees, committee members, attorneys, agents and consultants as additional insureds.
- 7.11.18.03 The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- 7.11.18.04 The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least ten (10) days prior written notice in advance of the cancellation of the insurance for non-payment or 60 days for all other reasons.
- 7.11.18.05 Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- 7.11.18.06 Before construction of a permitted wireless telecommunications facilities is initiated, but in no case later than fifteen (15) days after the granting of the conditional use permit, the holder of the conditional use permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

7.11.19 Indemnification

- 7.11.19.01 Any application for wireless telecommunication facilities that is proposed for City property, pursuant to this ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, Councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.
- 7.11.19.02 Notwithstanding the requirements noted in Section 7.11.19.01, an indemnification provision will not be required in those instances where the City itself applies for and secures a conditional use permit for wireless telecommunications facilities.

7.11.20 Default and/or Revocation.

If a Wireless telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this ordinance or of the conditional use permit, then the City shall notify the holder of the conditional use permit in writing of such violation. A permit holder in violation may be considered in default and subject to fines as in Section 25 and

if a violation is not corrected to the satisfaction of the City in a reasonable period of time the conditional use permit is subject to revocation.

7.11.21 Removal of Wireless Telecommunications Facilities.

- 7.11.21.01 Under the following circumstances, the City may determine that the health, safety, and welfare interests of the City warrant and require the removal of wireless telecommunications facilities.
1. Wireless telecommunications facilities with a permit have been abandoned (i.e. not used as wireless telecommunications facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
  2. Permitted wireless telecommunications facilities fall into such a state of disrepair that it creates a health or safety hazard;
  3. Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required conditional use permit, or any other necessary authorization and the conditional use permit may be revoked.
- 7.11.21.02 If the City makes such a determination as noted in Section 7.11.21.01, then the City shall notify the holder of the conditional use permit for the wireless telecommunications facilities within forty-eight (48) hours that said wireless telecommunications facilities are to be removed, the City may approve an interim temporary use agreement/permit, such as to enable the sale of the wireless telecommunications facilities.
- 7.11.21.03 The holder of the conditional use permit, or its successors or assigns, shall dismantle and remove such wireless telecommunications facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or Commercial Impracticability, within ninety (90) days of receipt of written notice from the City. However, if the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so with the approval of the City.
- 7.11.21.04 If wireless telecommunications facilities are not removed or substantial progress has not been made to remove the wireless telecommunications facilities within ninety (90) days after the permit holder has received notice, then the City may order officials or representatives of the City to remove the wireless telecommunications facilities at the sole expense of the owner or conditional use permit holder.
- 7.11.21.05 If, the City removes, or causes to be removed, wireless telecommunications facilities, and the owner of the wireless telecommunications facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the City may take steps to declare the wireless telecommunications facilities abandoned, and sell them and their components.
- 7.11.21.06 Notwithstanding anything in this Section to the contrary, the City may approve a temporary use permit/agreement for the wireless telecommunications facilities, for no more ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected wireless telecommunications facilities shall be developed by the holder of the conditional use permit, subject to the approval of the City, and an agreement to such plan shall be executed by the holder of the conditional use permit and the City. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the City may take possession of and dispose of the affected wireless telecommunications facilities in the manner provided in this Section.

7.11.22 Relief

Any applicant desiring relief, waiver or exemption from any aspect or requirement of this ordinance may request such, provided that the relief or exemption is contained in the submitted application for either a conditional use permit, or in the case of an existing or previously granted conditional use permit a request for modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove. The applicant shall bear all costs of the City in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the City, its residents and other service providers.

7.11.23 Periodic Regulatory Review by the City

- 7.11.23.01 The City may at any time conduct a review and examination of this entire ordinance.
- 7.11.23.02 If after such a periodic review and examination of this ordinance, the City determines that one or more provisions of this ordinance should be amended, repealed, revised, clarified, or deleted, then the City may take whatever measures are necessary in accordance with applicable law in order to accomplish the same. It is noted that where warranted, and in the best interests of the City, the City may repeal this entire ordinance at any time.
- 7.11.23.03 Notwithstanding the provisions of Sections 7.11.23.01 and 7.11.23.02, the City may at any time and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this ordinance.

7.11.24 Adherence to State and/or Federal Rules and Regulations

- 7.11.24.01 To the extent that the holder of a conditional use permit for wireless telecommunications facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a conditional use permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- 7.11.24.02 To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a conditional use permit for wireless telecommunications facilities, then the holder of such a conditional use permit shall conform the permitted wireless telecommunications facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

**Section 7.12 Fences**

No fence shall be constructed within the zoning jurisdiction of the City of La Vista unless a permit therefore is approved and issued by the Chief Building Official, and is constructed in conformance with the following requirements:

- 7.12.01 The height limitation for fences shall be six feet (6') above ground level except as provided herein.
  - 7.12.01.01 A fence constructed within a front yard of a residential lot and vegetation used as a barrier, screen, or fence along and parallel to the front line of a residential lot, shall not exceed forty-two (42) inches in height.
  - 7.12.01.02 A fence constructed within the portion of a side yard of a residential lot that lies in front of a line extending perpendicularly from the side lot line to the front corner of the structure that is closest to such side lot line, shall not exceed four feet (4') in height, except that if

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- the lot is located on a corner, as defined in Article 2 of this Ordinance, a fence constructed within a side yard along the side lot line which is adjacent to a street shall not exceed six feet (6') in height.
- 7.12.01.03 *The height limitation for fences in an Industrial District shall be eight feet (8') above ground level.* Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than eight feet (8') in height may be approved through a Conditional Use Permit **(Ordinance No. 1124, 07-20-10)**
- 7.12.01.04 Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet (8') in height.
- 7.12.01.05 Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet (8') in height.
- 7.12.02 Fences located within a front or side yard of a residential lot must qualify within the definition of an open fence, except that solid fences may be constructed along a side lot line parallel and adjacent to the lot line that is adjacent to a Commercial District or an Industrial District. A solid fence may be constructed in a side yard parallel and adjacent to the lot line that is adjacent to a street.
- 7.12.03 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.
- 7.12.04 The use of barbed wire in the construction of any fence is prohibited except:
- 7.12.04.01 Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
- 7.12.04.02 Farm fencing constructed for agricultural purposes on parcels of land twenty (20) acres or more in the Transitional Agricultural District.
- 7.12.05 All supporting posts for fence construction shall be set in concrete except for agricultural fencing.
- 7.12.06 All fences shall be maintained in good repair.
- 7.12.07 All fences shall be located inside the boundaries of the property upon which constructed except where two (2) adjacent property owners pursuant to written agreement filed with the City agree to build one (1) fence on the common lot line of adjacent side yards or back yards.
- 7.12.08 Electric Fences. No electric fence shall be constructed or maintained within the City of La Vista or within its extraterritorial zoning jurisdiction except in TA-Transitional Agriculture District as hereinafter provided. An owner or lessee of such property may, upon application to the City and approval by the Chief Building Official, maintain electrified fencing provided same shall not be energized to the extent that it is capable of causing bodily harm to persons, be they children or adults, or to animals. Before the Chief Building Official shall approve any electrified fencing, he shall determine that non-electrified fencing will not adequately protect the owner's property and the owner's application for approval of electrified fencing shall set forth in detail the reasons why non-electrified fencing will not adequately protect his property.
- 7.12.09 Facing. The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two (2) or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.
- 7.12.10 Perimeter Fencing. All fencing along an arterial or other perimeter road or street in a subdivision shall be consistent in style, type, material, height and color. Such fence shall be approved by the City based upon existing subdivision and adjacent subdivisions. If not prescribed within the subdivision agreement to be installed all at once, each fence shall require a fence permit and be consistent with the first fence on the perimeter, or in the case of an established subdivision, replacement fences shall be consistent with the dominant fence style, type, material, height, and color. Such requirements shall also pertain to street side yard fencing of lots on the corner of the subdivision entrance(s). **(Ordinance No. 1007, 9-19-06)**

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7.12.11 Any existing fence constructed pursuant to a permit issued and approved by the City of La Vista which was in conformity with the prior to the provisions of this Ordinance may remain without change in accordance with this section notwithstanding same may be in conflict with one (1) or more provisions of this section as amended; provided, however, and replacement or change of said existing fence or addition of a new fence, must hereby meet the requirements of this section as amended hereby.

**Section 7.13 Storage or parking of vehicles, boats, campers and trailers**

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

- 7.13.01 The storage or keeping of motor vehicles not having a property issued current motor vehicle registration and current motor vehicle license plate property displayed; provided, however, that the following shall not constitute a violation of this subparagraph.
- 7.13.01.01 The storage of unlicensed and/or unregistered motor vehicles in a fully enclosed garage.
- 7.13.01.02 The storage or keeping of operable off-highway farm or industrial vehicles on tracts zoned Transitional Agricultural Residence (TA) or any Industrial District and used in agricultural or industrial activity conducted on said premises.
- 7.13.01.03 The storage of not more than one (1) passenger type motor vehicle in good operable condition and shielded from view of the general public by a manufactured and fitted vehicle cover and located on a hard surfaced driveway pursuant to a permit to so store obtained from the City Clerk which permit shall be issued for a fee as established in the Master Fee Schedule to the applicant and shall:
1. Be issued for a period not to exceed six (6) months and shall be renewable upon application for like periods as long as such storage is in all respects in compliance herewith.
  2. Identify the vehicle by make, year of manufacture, model and manufacturer's identification number;
  3. State the reason the vehicle does not bear a current registration and license;
  4. Require owner to prove continued operability of the vehicle upon request of the Police Department; and
  5. Contain the property owner's and vehicle owner's consent for the City and its agents to enter upon the premises and vehicle for purpose of determining continued operability of the vehicle; and shall be revocable upon owner's failure to comply with any of the terms thereof.
- 7.13.02 The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, except in enclosed buildings or garages or where otherwise authorized by the La Vista zoning regulations.
- 7.13.03 Parking, storage, or keeping, other than in a fully enclosed garage, of any non-operable motor vehicle on any lot zoned residential, provided, however, that automobiles that are non-operable solely by reasons of repair work being done thereon may be parked on residential lots within the La Vista zoning jurisdiction occupied by the owner of said automobile, under the following conditions:
- 7.13.03.01 The automobile is owned by the occupier of the premises and registered to him/her at that address.
- 7.13.03.02 The period of said repair work does not exceed ten (10) days in duration;
- 7.13.03.03 Said repair work is at all times conducted on a hard surface driveway; and
- 7.13.03.04 No more than one (1) automobile in need of repair is situated on the premises at the same time.

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

- 7.13.04 No motor vehicle as defined by section 60-301 of Nebraska State Statutes (or boat, camper or trailer in excess of 15 feet in length or 10 feet in height) shall be parked in the front, side or rear yard of any lot zoned

residential except on paved driveways or other hard surfaced areas as designed and provided for in Article 2; provided that;

Boats, campers, trailers or any combination thereof not exceeding two (2) may be parked in the side or rear yard of lots zoned residential from October through April of each year without being parked on a hard surface. A camper or boat situated on a trailer shall be considered as one (1) vehicle.

Said boats, campers and trailers together with accessory structures shall not occupy more than thirty-five percent (35%) of the required rear yard.

Notwithstanding the foregoing, it shall be permissible to park motor vehicles in the yards of residential lots on areas which are not paved as driveways or otherwise hard surfaced for a period not to exceed seventy-two (72) hours, when on-street parking is illegal by reason of Section 5-708 of this code and as allowed by special permit to accommodate temporary guests or visitors for no more than fourteen (14) days. Any motor vehicle, boat, camper or trailer parked, stored or kept in violation of the provisions hereof may be removed by the City. All towing, storage and other costs of removal pursuant to this section shall be solely at the expense of the owner of the premises from which the vehicle, boat, camper or trailer is situated, and if the owner is different than the occupier of the premises, then both owner and occupier shall be jointly and severally liable. In addition, the City, upon certifying the same to the county treasurer, shall have a lien against the premises in the full amount of such removal costs, together with interest at the highest legal rate that the City is authorized by law to collect on special assessments.

#### **Section 7.14 Keeping of Animals**

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

- 7.14.01 No bees or livestock including but not limited to sheep, goats, cattle or swine shall be allowed within residential or commercial zoning districts.
- 7.14.02 No bird or fowl shall be allowed within residential or commercial zoning districts. Grandfather rights shall be granted upon application to the City so that this section will not apply to bird or fowl owned, kept or harbored prior to the original effect date of this section, subject to the following conditions:
- 7.14.02.01 No more than two (2) fowl of any one (1) species or a total of more than five (5) fowl shall be allowed on any one (1) residence or dwelling unit. All fowl shall be confined to the premises of the residence or dwelling unit of the person owning, keeping or harboring such fowl.
- 7.14.02.02 No fee will be charged for filing the permit application.
- 7.14.02.03 The permit application must be filed on or before October 1, 1981.
- 7.14.02.04 The rights granted under any such permit shall not be transferable to a replacement fowl.
- 7.14.03 Horses and other members of the horse family shall be allowed on any piece of property zoned Transitional Agricultural (TA) and containing at least one (1) acre of land. One (1) such animal is allowed on the first (1<sup>st</sup>) acre and an additional animal is allowed for each additional two (2) acres of land.
- 7.14.04 The keeping of dogs, cats, rabbits, pigeons and household pets shall be permitted accessory use in residential and commercial districts subject to the regulations for kennels as defined in Article 2 of this Ordinance and the provision found in Title 9, Chapter 95 of the La Vista Municipal Code. For the purposes of this section, a "household pet" is any animal or creature kept inside a residential dwelling not outside, and in no event shall include any of the following: any live monkey (non-human primate), raccoon, skunk, fox, poisonous or dangerous insect or reptile, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal which can normally be found in the wild state. The keeping of pigeons is subject to the following conditions.
- 7.14.04.01 Such birds shall be banded with some form of identification.
- 7.14.04.02 Such birds shall be confined in sanitary, secure structures subject to inspection and approval by the City of La Vista.
- 7.14.04.03 No more than ten (10) such birds shall be allowed on any one (1) piece of property.
- 7.14.04.04 Trained pigeons may be exercised under supervision of owner or trainer and be trained to recall on command.
- 7.14.04.05 A permit for the keeping of such birds shall be obtained from the City of La Vista.
- 7.14.05 The restrictions contained in this Section 7.14 shall not apply to any pet store or veterinary services.

**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.
- 7.15.01.06 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 **Chief Building Official** and Fire Marshall reserve the right to inspect a SECS for building or fire code compliance and safety. If upon inspection the **Chief Building Official** 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 **Chief Building Official** 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

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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 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.

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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 7.16 Performance Standards for Industrial Uses**

The following standards shall be met unless there are greater standards required by the United States Environmental Protection Agency or the Nebraska Department of Environmental Quality.

7.16.01 **Physical Appearance**: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be *displayed or* stored in the open, *if the applicable zoning district permits*. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the *outdoor* storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition. *However, allowable outdoor storage or display shall be visually screened from public roadways and residential properties. (Ordinance No. 1053, 01-15-08)*

- 7.16.02 **Fire hazard:** No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of La Vista.
- 7.16.03 **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume *or in excess of eighty (80) decibels, whichever is greater.* (Ordinance No. 858, 3-5-02). Noise shall be measured at the property line, with a suitable instrument. (Ordinance No. 1053, 01-15-08)
- 7.16.04 **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge *of waste* into a *storm sewer*, surface water, or the ground, *nor shall hazardous waste*, detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations, *be dumped into wastewater sewerage.* (Ordinance No. 1053, 01-15-08)
- 7.16.05 **Air Contaminants:**
- 7.16.05.01 Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one (1) four (4) minute period in each one-half (1/2) hour. Light colored contaminants of such an capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted
- 7.16.05.02 Particulate mater of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (1/2) hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.
- 7.16.05.03 Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
- 7.16.05.04 **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.
- 7.16.05.05 **Gasses:** The gasses sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million, carbon monoxide shall not exceed five (5) parts per million. All measurements shall be taken at the zoning lot line.
- 7.16.05.06 **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
- 7.16.05.07 **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

**Section 7.17 Landscaping Requirements**

**7.17.01 Intent:**

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment within the City of La Vista by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with the provisions of this section.

Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

**7.17.02 Application and Scope:**

The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following:

- 7.17.02.01 Agricultural buildings, structures and uses.
- 7.17.02.02 Replacement of lawfully existing structures or uses.
- 7.17.02.03 Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking is more than 4,000 square feet shall not be accepted. Where such enlargement is less than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.
- 7.17.02.04 Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.
  - 1. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the City.

**7.17.03 Landscaping Requirements:**

Landscaping shall be required and provided as follows:

- 7.17.03.01 Single-family and two-family dwellings shall provide and maintain a minimum of thirty percent (30%) of lot area as a permeable and uncovered surface that contains living material. Single-family and two-family dwellings shall be exempt from all other requirements of this section. The MU-CC District shall be exempt from all requirements of this section.

**7.17.03.02 Street Frontage:**

A landscaped area having a minimum depth of fifteen feet (15') from the property line shall be provided along the street frontage of all lots or sites including both street frontage of corner lots.

- 1. The required landscaped are fifteen feet (15') may be reduced to ten feet (10') if an equal amount of square feet of landscaped area, exclusive of required side and rear yard landscaped areas, is provided elsewhere on the site.
- 2. Exclusive of driveways and sidewalks not more than twenty five percent (25%) of the surface of the landscaped area shall have inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf.
- 3. A minimum of one (1) tree shall be planted for every forty lineal feet (40') or fraction thereof.

**7.17.03.03 Side Yard:**

A landscaped area having a minimum depth of ten feet (10') from the property line shall be provided along the side yard abutting any Residential District.

- 1. Exclusive of driveways and sidewalks, not more than ten percent (10%) of the surface of the landscaped area shall be inorganic materials such as brick, stone,

concrete, asphalt, aggregate, metal or artificial turf. If the slope of ground within the landscape area exceeds 2:1, not more than fifty percent (50%) of the surface shall be inorganic material.

2. Landscaping shall include a hedge screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet (6') within four (4) years. A landscaped earth berm not exceeding six feet (6') in height may be used in combination with the plant materials.
3. A six foot (6') solid wood and/or masonry fence or wall, may be used in lieu of or in combination with the plant materials required in section 7.17.03.03 (1), provided that such fence is at least five feet (5') from the property line.

**7.17.03.04 Rear Yard:**

A landscaped area having a minimum depth of ten feet (10') from the property line shall be provided along the rear yard abutting any Residential District or Transitional Agriculture District.

1. The landscape requirements for the rear yard shall be the same as for the side yard described in section 7.17.03.03.

**7.17.03.05 Off-Site Parking Lots:**

Parking lots not located on the property where the use served is located, shall conform to this section provided that a parking lot with an area of four thousand (4,000) square feet or less shall be exempt from the requirements of this section.

**7.17.03.06 Parking Area Interior Landscaping:**

Off-street parking lots, as defined in 7.17.03.05, and other vehicular use areas shall have at least ten (10) square feet of interior landscaping for each parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections of this Ordinance, and excluding all parking spaces which are directly served by an aisle abutting and running parallel to such perimeter.

The front of a vehicle may encroach upon any interior landscaped area when said area is at least four (4) feet in depth per abutting parking space and protected by curbing. Two (2) feet of said landscaped area may be part of the required depth of each abutting parking space. No more than two (2) drive aisles shall be placed parallel to one another without an intervening planter aisle of at least four (4) feet in width; eight (8) feet is required if parking spaces overlap the curbs of the aisle.

**7.17.03.07 Perimeter Landscaping:**

All commercial office and industrial developments, buildings, or additions thereto shall provide perimeter landscaping to include a minimum of one (1) tree for each forty (40) lineal feet of street frontage or fraction thereof. Such landscaped area shall consist of sufficient area for the species of tree to be planted. Other perimeter landscaping shall require approval of the City.

**7.17.03.08 Plant Materials:**

Landscape living plant materials shall consist of trees, shrubs, ground covers, vines, grasses, flowers, and any other plants.

1. The plant nomenclature shall conform with the recommendations and requirements of the "American Standard for Nursery Stock", as amended, published by the American Association of Nurserymen, Inc.
2. Size. The minimum size of plant materials to be installed shall be as follows:
  - A. ~~Deciduous trees shall have a minimum caliper of one and one-half inches (1-1/2").~~
  - B. Evergreen (conifer) trees shall have a minimum height of five feet (5').
  - C. Deciduous shrubs shall have a minimum size of three (3) gallons or a height of eighteen inches (18").
  - D. Evergreen shrubs shall have a minimum size of three (3) gallons or a spread of eighteen inches (18").

**Deleted:** <#>Deciduous trees having a mature height of twenty feet (20') or less shall have a minimum caliper of one and one-fourth inches (1-1/4").¶

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- E. Ornamental grasses shall have a minimum size of one gallon (1 gal).

**7.17.03.09 Planting Schedule:**

The plant materials shall be installed prior to the issuance of the certificate of occupancy. If, because of seasonal reasons, the landscaping cannot be installed, a surety satisfactory to the City of La Vista equal to the contract cost shall be submitted to the City. The City shall release the surety when the plant materials have been installed. If the plant materials have not been installed within twelve (12) months of the effective date of the certificate of occupancy, the City may install the required landscaping.

**7.17.03.10 Required Plans:**

Upon application of a building permit, a landscape-planting plan shall be submitted to the City of La Vista for review and approval.

1. Three copies of the plan shall be submitted.
2. The plan shall include, but not be limited to, the following:
  - A. Property lines and other physical features necessary to show the proposed installation of plants.
  - B. The location and spacing of plant materials.
  - C. The scientific name, common name, plant size, quantity and planting method.
  - D. The plan shall have a scale of not more than one-inch (1") equals one hundred feet (100').
  - E. When necessary, existing and proposed contours shall be provided.

**7.17.04 Screening Requirements**

7.17.04.01 All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three (3) feet.

7.17.04.02 All commercial and industrial uses that abut residential or office districts shall provide screening not less than six (6) feet in height along the abutting property line(s).

7.17.04.03 Screening required by this section shall be equivalent to the following:

1. Solid fences or walls as approved by the City on the final development plan.
2. Hedges, shrubs, or evergreen trees of thirty-six (36) inches in height at planting spaced appropriately to provide a solid screen within three (3) years after planting.
3. Berms of not less than three (3) feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in 7.17.04.03 (1) above.
4. All projects except one-and-two family dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters. All dumpsters or trash bins shall maintain a solid six (6) foot enclosure around each unit. Said enclosure shall be of complementary materials.
5. All plant material used for screening shall meet the standards in section 7.17.03.08.

7.17.04.04 The MU-CC District shall be exempt from all requirements of this section.

**7.17.05 Installation and Maintenance of Landscaping and Screening:**

**7.17.05.01 Installation:**

All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures. Landscaped areas shall require protection from vehicular encroachment. The Chief Building Official shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Chief Building Official.

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**7.17.05.02 Maintenance:**

The owner, developer, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a healthy condition by necessary and appropriate measures. When replacement is necessary all plants and other non-living landscape materials shall be equal

in size, density and appearance, at maturity, to those items requiring replacement when feasible . Underground sprinkler systems are encouraged to serve all landscaped areas except individual one and two family dwellings unless an equivalent watering system is approved by the Chief Building Official.

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All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris so as to present a healthy, neat and orderly appearance. Turf grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.

**7.17.06 Preliminary Plan Approval**

A landscape plan indicating both proposed and existing landscaping and screening shall be submitted, with the preliminary plat, PUD, or preliminary site plan for development, for review and recommendation by City Staff. Said Plan shall be in sufficient detail to provide the City with a reasonable understanding of what is being proposed. Site calculations used in computing quantities shall also be submitted which are proposed to be used to satisfy the required amounts of landscaping.

**7.17.07 Final Plan Approval**

A detail listing of all plant materials to be used, quantities, size, and spacing shall be submitted to the City on separate sheets for review and recommendation and approval by the City Staff along with a planting schedule at final development plan submission.

**7.17.08 Parking Lot Plan Approval**

A final site development plan shall be submitted to the Chief Building Official with the necessary landscaping and screening required herein for each of the following types of parking lot improvements:

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7.17.08.01 New construction.

7.17.08.02 Expansion of existing facilities.

7.17.08.03 Maintenance of existing facilities where an overlay is proposed at which time the landscaping and screening shall be required. Modifications to the required parking lot landscaping and screening may be granted by the Planning Commission after review of submitted plans and in consideration of surrounding uses.

7.17.08.04 No parking lot shall be exempted from these regulations; unless previously exempted.

**Section 7.18 Wind Energy Systems**

In any zoning district, a conditional use permit may be granted to allow wind energy conversion system, including such devices as wind charger, windmill, or wind turbine; subject to the following condition:

- 7.18.01 The distance from any tower support base to any tower support base of another wind energy device under other ownership shall be a minimum of five (5) rotor distances figured by the size of the largest rotor.
- 7.18.02 The wind energy system operation shall not cause interference to the radio and television reception on adjoining property.
- 7.18.03 To limit climbing access to the tower, a fence six (6) feet high with a locking portal shall be placed around the tower base or the tower climbing apparatus shall be limited to no more than twelve (12) feet from the ground, or the tower may be mounted on a roof top.
- 7.18.04 The setback distances from all lot lines to any tower support base shall be determined according to the following setback table:

7.18.05 SETBACK TABLE

<u>Rotor Diameter</u>	<u>Setback Distance</u>	<u>Minimum Lot Area<sup>1</sup></u>
5 feet	100 feet	1 Acre
10 feet	165 feet	2.5 Acres
15 feet	220 feet	4.5 Acres
20 feet	270 feet	6.75 Acres
25 feet	310 feet	9.0 Acres
30 feet	340 feet	10.75 Acres
35 feet or larger	365 feet	12.25 Acres

<sup>1</sup>: Where there are several towers under single ownership the minimum lot areas may be adjusted down provided the minimum setback distances are met on all perimeter units. In addition, the landing areas for all internal towers and rotors shall be within the property owned by the operator.

- 7.18.06 Data pertaining to the machine’s turbine safety and stability shall be filed with the application. Such data shall include turbine safety and acceptance results from tests conducted by a qualified individual or organization based upon standards set by the U.S. Department of Energy (DOE), Electric Power Research Institute (EPRI) Utility Wind Turbine Verification Program.<sup>1</sup>
- 7.18.07 The application shall provide covenants, easements, or similar documentation from the abutting owners providing access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on the site.

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<sup>1</sup> U.S. Department of Energy – EPRI Wind Turbine Verification Program  
Electric Power Research Institute – 3412 Hillview Avenue, Palo Alto, California 94304

## **ARTICLE 8: BOARD OF ADJUSTMENT**

### **Section 8.01 Members, Terms and Meetings**

Pursuant to Section 19-908, Reissue Revised Statutes of 1943 (in full): The board of adjustment shall consist of five (5) regular members, plus one (1) additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three (3) years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the board of adjustment shall be appointed from the membership of the planning commission, and the loss of membership on the planning commission by such member shall also result in his or her immediate loss of membership on the board of adjustment and the appointment of another planning commissioner to the board of adjustment. After September 9, 1995, the first vacancy occurring on the board of adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than two hundred persons reside within such area. Thereafter, at all times, at least one (1) member of the board of adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The board of adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

### **Section 8.02 Appeals to Board, Record of Appeal, Hearings and Stays**

As provided in Section 19-909, Reissue Revised Statutes of 1943 (in full): Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of the appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties, in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

### **Section 8.03 Powers and Jurisdiction on Appeal**

The Board of Adjustment shall have the following powers:

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

- 8.03.03.01 The Board of Adjustment shall authorize no such variance, unless it finds that:
  - 1. The strict application of the Ordinance would produce undue hardship;

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

In exercising the above mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

**Section 8.04 Appeals to District Court**

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may appeal as provided by Section 19-912, Reissue Revised Statutes of 1943 (in full).

**ARTICLE 9: AMENDMENT**

**Section 9.01 Amendments**

Pursuant to Section 19-905, Reissue Revised Statutes of 1943 (in full): This Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending three hundred (300) feet therefrom, and of those directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council. The provisions of this section of the Ordinance relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1 1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten (10) days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50) or more than one hundred dollars (\$100). The provisions of this section in reference to notice shall not apply: (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City.

**Section 9.02 Planning Commission Review**

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

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

- 1.02.01 At the time that application for a change of zoning district or amendment to the zoning test is filed with the Planning Commission, there shall be deposited the sum set in Article 4, Section 4.23 as a fee to cover investigation, legal notices, or other expenses incidental to the determination of such matter.
- 1.02.02 An application for a change of district to an Light Industrial District shall contain a minimum area of five (5) acres. The area, if more than one (1) parcel of land is involved, shall be contiguous, exclusive of any streets or easements.
- 1.02.03 The foregoing requirements in Subsection b shall not apply in the case of an extension of a Light Industrial District.

**Section 9.03 ~~Community Development Director and Chief Building Official~~**

The provisions of this Ordinance shall be administered and enforced by the ~~Community Development Director and Chief Building Official, or their designee(s)~~, who shall have the power to make inspection of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance.

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**Section 9.04 Building Permits**

The following shall apply to all new construction and all applicable renovations and remodels within La Vista's Zoning Jurisdiction:

- 9.04.01 It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the ~~Chief Building Official~~ has issued a building permit for such work.
- 9.04.02 Issuance of a building permit. In applying to the ~~Chief Building Official~~ for a building permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the

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Chief Building Official for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance, and other Ordinances of the City then in force, the Chief Building Official shall issue a building permit for such excavation or construction. If a building permit is refused, the Chief Building Official shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The Chief Building Official shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance. A building or zoning permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

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#### **Section 9.05 Certificate of Occupancy**

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Chief Building Official shall have issued a certificate of occupancy stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance. Within three (3) days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Chief Building Official to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance, or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application.

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#### **Section 9.06 Penalties**

Pursuant to Section 19-913, Reissue Revised Statutes of 1943 (in full), the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100) for any one (1) offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

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

#### **Section 9.07 Remedies**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Sections 19-901 to 19-914, Reissue Revised Statutes of 1943 (in full), or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

**ARTICLE 10: COMPREHENSIVE PLAN RELATIONSHIP**

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

**ARTICLE 11: LEGAL STATUS PROVISIONS**

**Section 11.01 Separability**

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

**Section 11.02 Purpose of Catch Heads**

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

**Section 11.03 Repeal of Conflicting Ordinances**

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

**Section 11.04 Effective Date**

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

ADOPTED AND APPROVED by the Governing Body of La Vista, Nebraska,

This \_\_\_\_\_ day of \_\_\_\_\_, 2001.

(Seal)

ATTEST: \_\_\_\_\_  
(CITY CLERK)

\_\_\_\_\_  
(MAYOR)

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND MUNICIPAL CODE §95.18 AND §95.99 ANIMAL EXCREMENT AND PENALTIES	RESOLUTIONS ◆ ORDINANCE RECEIVE/FILE	BOB LAUSTEN - CHIEF OF POLICE PAM BUETHE - CITY CLERK

**SYNOPSIS**

An ordinance has been prepared to amend La Vista Municipal Code §95.18 Animal Excrement; Removal Required and §95.99 Penalty to update and place all penalties for this Chapter under §95.99.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval

**BACKGROUND**

La Vista Municipal Code Section 95.99 was the original penalty provision involving animals – first dogs in the late 1960s, then cats and rabbits were added later. In the late 1990s/early 2000s the City purchased a service for a complete rewrite of the code and staff has determined that Section 95.18(E) was possibly added at that time.

Since both sections provide penalties for Chapter 95, staff is recommending Section 95.18(E) be eliminated and Section 95.99 fees be updated from those set in 1981.

Costs to prosecute code violations outweigh amounts potentially recoverable considering that any fines must be paid to the school district. Staff recommends that the City consider periodically increasing the fines under Section 95.99 to deter violations.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND SECTIONS 95.18 AND 95.99 OF THE LA VISTA MUNICIPAL CODE, RELATING TO ANIMAL EXCREMENT AND PENALTIES; TO REPEAL SECTIONS 95.18 AND 95.99 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

SECTION 1. Amendment of Section 95.18. Section 95.18 of the La Vista Municipal Code is hereby amended by deleting Section (E) and shall read as follows:

**§ 95.18 ANIMAL EXCREMENT; REMOVAL REQUIRED**

- (A) It shall be unlawful for the owner or custodian of any animal, or any person harboring any animal, to fail to remove feces, excrement, or droppings deposited by such animal on streets, sidewalks, parks, recreation areas, or any other public or private property, or in any water, immediately after the animal has deposited said feces, excrement, or droppings.
- (B) It is an affirmative defense to a violation of this section if a competent person in immediate control of the animal immediately removes and deposits the fecal matter, excrement, or droppings deposited by an animal in an appropriate trash container.
- (C) This section shall not apply to any person using a trained guide dog because of visual or other physical impairment.
- (D) Farm property and large tracts of land used as riding stables shall be exempt from this section.

~~(E) Unless otherwise specified in applicable state statute or in another chapter or section of this code with respect to a particular violation, any person, firm, or entity that violates any of the provisions of this chapter, including but not limited to any neglect or refusal to comply therewith or opposition to the enforcement thereof, shall be guilty of a misdemeanor and shall upon conviction thereof be subject to a fine in any amount not in excess of \$500, or imprisonment for any length of time not to exceed three months, or both, in the discretion of the court. Every day on which a violation continues shall be deemed a separate violation hereunder.~~

(Am. Ord. \_\_\_\_\_, passed 12-7-21) Penalty, see ' 95.99

SECTION 2. Amendment of Section 95.99. Section 95.99 of the La Vista Municipal Code is hereby amended to read as follows:

**95.99 PENALTY.**

Unless otherwise specified in applicable state statute or in another chapter or section of this code with respect to a particular violation, any person, firm, or entity that violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall upon conviction thereof be subject to a fine in the amounts set forth below, plus court costs:

- First Offense: A fine of not less than ~~\$45~~ **\$50** nor more than ~~\$50~~ **\$100**
- Second Offense: A fine of not less than ~~\$25~~ **\$100** nor more than ~~\$75~~ **\$200**
- Third Offense: A fine of not less than ~~\$50~~ **\$200** nor more than ~~\$400~~ **\$500**
- Fourth Offense (and any subsequent offense): A fine of ~~\$400~~ **\$500** ~~and any subsequent offense~~

(>79 Code, ' 6-120) (Am. Ord. 283, passed 4-11-81; AM. Ord. \_\_\_\_\_ passed 12-7-2021)



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMENDMENT TO THE DOUGLAS & SARPY MUTUAL AID INTERLOCAL COOPERATION AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

**SYNOPSIS**

A resolution has been prepared to approve an Amendment to the Douglas & Sarpy Mutual Aid Interlocal Cooperation Agreement adding the Village of Boys Town to the Agreement.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Cities of La Vista, Papillion, Omaha, Bellevue, Ralston, Valley, Waterloo, Bennington along with Sarpy and Douglas County entered into an agreement for Law Enforcement Mutual Aid in July 2020. The Village of Boys Town is requesting to join the Agreement.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT TO PROVIDE MUTUAL AID SUPPORT FOR LAW ENFORCEMENT SERVICES WITHIN THE JURISDICTION OF EACH OF THE OTHER COOPERATING AGENCIES.

WHEREAS, it has long been recognized that mutual aid between law enforcement agencies sharing similar demands is highly desirable; and

WHEREAS, On or about July 21, 2020 the City of La Vista entered into an Interlocal Agreement with the Cooperating Agencies (attached hereto as Exhibit "A" "Interlocal Cooperation Agreement") to implement the provisions of Neb. Rev. Stat. Sec. 29-215 (hereinafter "Sec. 29-215"), so as to empower law enforcement officers (hereinafter "Officers") of each of the Cooperating Agencies to exercise extraterritorial law enforcement authority, including arrest and enforcement under the laws of this state and legal ordinances of each Cooperating Agency, within the jurisdiction of each of the other Cooperating Agencies; and,

WHEREAS, the Cooperating Agencies wish to amend the current Agreement by this First Amendment to add the Village of Boys Town in Douglas County, Nebraska as a Cooperating Agency to provide for personnel backup and such other assistance as any of the Agencies may require in time of emergency or other time of need; and,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize the Mayor to execute the First Amendment to Interlocal Agreement presented with this resolution to amend and add the Village of Boys Town as a party to the Interlocal Cooperation Agreement between the law enforcement agencies of City of La Vista in Sarpy County, Nebraska (hereinafter "LVPD"); City of Bellevue in Sarpy County, Nebraska (hereinafter "BVPD"); City of Omaha in Douglas County, Nebraska (hereinafter "OPD"); City of Papillion in Sarpy County, Nebraska (hereinafter "PPD") ; City of Ralston in Douglas County, Nebraska (hereinafter "RPD"); City of Valley in Douglas County, Nebraska (hereinafter "VPD"); City of Waterloo in Douglas County, Nebraska (hereinafter "WPD"); City of Bennington in Douglas County, Nebraska (hereinafter "BPD"); Sarpy County, Nebraska (hereinafter "SCSO"), and Douglas County, Nebraska (hereinafter "DCSO"), herein collectively referred to as "Cooperating Agencies" to provide mutual aid maintenance and support for law enforcement services.

PASSED AND APPROVED THIS 7TH DAY OF DECEMBER 2021.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Buethe, CMC  
City Clerk

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**AGENDA ITEM  
REQUEST/JUSTIFICATION FORM**  
(To be completed by requesting Department)  
Forward all requests to Sharon Bourke, LC2 Civic Center  
**DEADLINE SUBMITTAL IS 3:00 P.M. WEDNESDAY  
BEFORE THE TUESDAY MEETING**

Agenda item: Consent  
(i.e. Consent/Recognition-Proclamation/Presentation/Public Hearing/Committee, etc.)

Date to be on agenda: October 26, 2021

Exact wording to be used for the agenda: Addendum to Mutual Aid Agreement  
between Douglas and Sarpy County  
law enforcement agencies to include  
Boystown

Action requested: Approve Mutual Aid Agreement

Amount requested: NA Object Code: \_\_\_\_\_

Is item in current year's budget? Yes X No \_\_\_\_\_

Does this item commit funds in future years? Yes \_\_\_\_\_ No X

If yes, explain: \_\_\_\_\_

If an agreement or contract\*, has the County Attorney reviewed and approved? Yes X No \_\_\_\_\_

*\*Provide County Clerk with contact info for outside organization*

Previous action taken on this item, if any: \_\_\_\_\_

Recommendations and rationale or action: \_\_\_\_\_

Will anyone speak on behalf of this item, if so who? Sheriff Wheeler, if necessary

If this is a rush agenda item, please explain why: \_\_\_\_\_

Submitted by (Name & Dept.): Tom Wheeler Ext. 6640

Date submitted: October 20, 2021

List Attachments: Resolution and Mutual Aid Agreement

(Attach resolution and all pertinent documentation; i.e. contract, agreement, memorandums, etc.)

Certified resolutions can be obtained at the County Clerk's website:  
<http://www.douglascountyclerk.org/county-board-records/search-for-resolutions>

Completed by receiving office	Received in Administrative Office:	Date <u>10/20/21</u>	Time _____
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Revised 4/4/2019

**BOARD OF COUNTY COMMISSIONERS**  
**DOUGLAS COUNTY, NEBRASKA**

**WHEREAS**, Douglas County and the Cooperating Agencies wish to implement to the extent hereafter provided, the provisions of Neb. Rev. Stat. Sec. 29-215 (hereinafter "Sec. 29-215"), so as to empower law enforcement officers (hereinafter "Officers") of each of the Cooperating Agencies to exercise extraterritorial law enforcement authority, including arrest and enforcement under the laws of this state and legal ordinances of each Cooperating Agency, within the jurisdiction of each of the other Cooperating Agencies; and,

**WHEREAS**, the Cooperating Agencies wish to provide for personnel backup and such other assistance as any of the Agencies may require in time of emergency or other time of need; and,

**WHEREAS**, the Cooperating Agencies have common goals, staffing needs, training needs and other needs in common in the area of law enforcement, and the joint cooperation contemplated by this Agreement will allow the Agencies each to provide improved law enforcement services at less cost; and,

**WHEREAS**, each of the Cooperating Agencies, as among themselves, wish to improve law enforcement services and implement, to the extent herein provided, the authority given by Sec. 29-215 to law enforcement officers of each of the Agencies hereto to enforce the laws of this state and legal ordinances of Cooperating Agencies; and,

**WHEREAS**, the Cooperating Agencies wish to amend their 2020 Agreement to include the Village of Boystown pursuant to the Interlocal Cooperation Act of the State of Nebraska, Neb. Rev. Stat. Sec. 13-801 *et seq.*, as amended (herein "Interlocal Cooperation Act").

**NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS, DOUGLAS COUNTY, NEBRASKA**, that the attached amendment to the agreement between the law enforcement agencies of City of Bellevue in Sarpy County, Nebraska (hereinafter "BVPD"); City of La Vista in Sarpy County, Nebraska (hereinafter "LVPD"); City of Omaha in Douglas County, Nebraska (hereinafter "OPD"); City of Papillion in Sarpy County, Nebraska (hereinafter "PPD") ; City of Ralston in Douglas County, Nebraska (hereinafter "RPD"); City of Valley in Douglas County, Nebraska (hereinafter "VPD"); City of Waterloo in Douglas County, Nebraska (hereinafter "WPD"); City of Bennington in Douglas County, Nebraska (hereinafter "BPD"); Sarpy County, Nebraska (hereinafter "SCSO"), Douglas County, Nebraska (hereinafter "DCSO"), and the Village of Boystown (hereinafter BTPD), herein collectively referred to as "Cooperating Agencies" to provide mutual aid maintenance and support for law enforcement services, and the Chair of this Board is authorized and directed to execute said agreement on behalf of Douglas County.

DATED this 26<sup>th</sup> day of October, 2021.

## FIRST AMENDMENT TO INTERLOCAL AGREEMENT

This First Amendment is made and entered into by and between the law enforcement Agencies of City of Bellevue in Sarpy County, Nebraska (hereinafter "BVPD"); City of La Vista in Sarpy County, Nebraska (hereinafter "LVPD"); City of Omaha in Douglas County, Nebraska (hereinafter "OPD"); City of Papillion in Sarpy County, Nebraska (hereinafter "PPD"); City of Ralston in Douglas County, Nebraska (hereinafter "RPD"); City of Valley in Douglas County, Nebraska (hereinafter "VPD"); City of Waterloo in Douglas County, Nebraska (hereinafter "WPD"); City of Bennington in Douglas County, Nebraska (hereinafter "BPD"); Sarpy County, Nebraska (hereinafter "SCSO"), and Douglas County, Nebraska (hereinafter "DCSO"), herein collectively referred to as "Cooperating Agencies" or "Agencies" pursuant to the authority granted to the parties under Nebraska Revised Statute 13-801, *et seq.*

WHEREAS, pursuant to the Interlocal Cooperation Act, Nebraska Revised Statute 13-801 *et seq.*, the Cooperating Agencies entered into an Interlocal Cooperation Agreement to exercise extraterritorial law enforcement authority, including arrest and enforcement under the laws of this state and legal ordinances of each Cooperating Agency, within the jurisdiction of each of the other Cooperating Agencies (hereinafter "July 17, 2020 Interlocal Agreement") on or about July 17, 2020.

WHEREAS, the Cooperating Agencies desire to amend the July 17, 2020 Interlocal Agreement by this First Amendment to add the Village of Boys Town in Douglas County, Nebraska as Cooperating Agencies to the July 17, 2020 Interlocal Agreement, and by executing this First Amendment, the Village of Boys Town Police Department desire to become a party to the July 17, 2020 Interlocal Agreement.

It is mutually agreed between the parties that the following terms and conditions of the July 17, 2020 Interlocal Agreement are hereby amended to read as follows:

21. **Terms of Agreement.** This Agreement shall be effective on the first day of the calendar month next following the completion of implementing action by all eleven Agencies as required by Paragraph 22(b) of this Agreement hereof and shall continue in full force and effect for a period of five (5) years thereafter unless terminated earlier by ordinance or resolution of the governing body of any Agency, the effective date of termination shall not be less than thirty (30) days following such terminating Agency's written notice to all other Agencies. The termination of this Agreement by one Agency does not terminate the Agreement between the remaining Agencies, which shall remain in full force and effect. A review of the Agreement may occur upon request of any of the Cooperating Agencies.

25. (O). **Authorized Representatives and Notice.** Except for any notice required under applicable law to be given in another manner, any notice or communication required or permitted hereunder shall be given in further consideration of the mutual covenants herein contained. The Agencies hereto expressly agree that for purposes of notice, during the term of this Agreement and for the period of any applicable statute of limitations thereafter, the head of each agency shall be the authorized representative of the Agencies.

Notice shall be in writing and shall be effective upon receipt. Delivery may be by hand, in which case a signed receipt shall be obtained, or by United States mail, registered or certified, return receipt requested, by facsimile with a signed return facsimile acknowledging receipt or via electronic mail with an acknowledging receipt.

The Village of Boys Town, by executing this First Amendment, shall become a party to, participate in, and be bound by, the July 17, 2020 Interlocal Agreement, as amended by this First Amendment.

The recitals above and July 17, 2020 Interlocal Agreement shall be incorporated into this First Amendment by reference.

Except as modified by this First Amendment, all other terms and conditions of the July 17, 2020 Interlocal Agreement shall remain in full force and effect and be binding on all Parties.

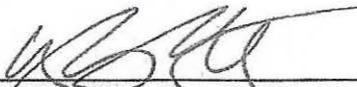
Executed by the Village of Boys Town, Nebraska, this 4<sup>th</sup> day of April, 2021.

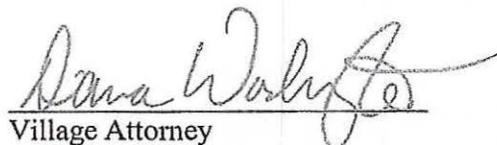
ATTEST:

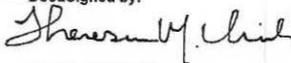
THE VILLAGE OF BOYS TOWN, NEBRASKA.



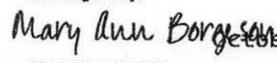
Village Clerk

By:   
Chair, Village Board of Trustees

  
Village Attorney

DocuSigned by:  
 October 26, 2021  
FA4C79814874494...

Approved AS To Form,  
Deputy County Attorney

DocuSigned by:  
 October 26, 2021  
E0A64E8A9C9D43E...

Chair

**RESOLUTION APPROVING FIRST )  
AMENDMENT TO INTERLOCAL )  
AGREEMENT TO PROVIDE MUTUAL )  
AID MAINTENANCE AND SUPPORT )  
FOR LAW ENFORCEMENT SERVICES )  
WITHIN THE JURISDICTION OF EACH OF )  
THE OTHER COOPERATING AGENCIES )**

WHEREAS on or about July 17, 2020 the City of Bennington entered into an interlocal agreement with Douglas County to implement the provisions of Neb. Rev. Stat. Sec. 29-215 so as to empower law enforcement officers to exercise extraterritorial law enforcement authority, including arrest and enforcement under the laws of this state and legal ordinances of each Cooperating Agency, within the jurisdiction of each of the other Cooperating Agencies; and

WHEREAS, the Cooperating Agencies desire to amend the July 17, 2020 Interlocal Agreement by this First Amendment to add the Village of Boys Town in Douglas County, Nebraska as a Cooperating Agency to the July 17, 2020 Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Bennington City Council and the Mayor of Bennington, Nebraska, that the attached first amendment to interlocal agreement to add the Village of Boys Town to the law enforcement agencies of the City of Bellevue in Sarpy County, Nebraska, City of La Vista in Sarpy County, Nebraska, City of Omaha in Douglas County, Nebraska, City of Papillion in Sarpy County, Nebraska, City of Ralston in Douglas County, Nebraska, City of Valley in Douglas County, Nebraska, City of Waterloo in Douglas County, Nebraska, City of Bennington in Douglas County, Nebraska, Sarpy County Nebraska, and Douglas County, Nebraska, to provide mutual aid maintenance and support for law enforcement services is approved, and the Mayor Bennington is authorized and directed to execute said amendment on behalf of the City of Bennington.

PASSED AND APPROVED this 8<sup>th</sup> day of November, 2021.

CITY OF BENNINGTON, NEBRASKA

BY: Kaye Bridgford  
~~Zac Johns, Mayor~~  
Kaye Bridgford,  
Council President

Attest:

Mindi Laaker  
Mindi Laaker, City Clerk

SIGNATURE PAGE FOR INTERLOCAL COOPERATION AGREEMENT

MADE and EXECUTED by and through the undersigned officers of the dates indicated below.

Signed this 8<sup>th</sup> day of November, 2021.

CITY OF BENNINGTON, a Municipal Corporation,

Ken Hedgford 11-8-21  
Mayor Date

Council President

Mindy Laaker 11-8-21  
City Clerk Date

Approved as to form:

[Signature]  
City Attorney

## FIRST AMENDMENT TO INTERLOCAL AGREEMENT

This First Amendment is made and entered into by and between the law enforcement Agencies of City of Bellevue in Sarpy County, Nebraska (hereinafter "BVPD"); City of La Vista in Sarpy County, Nebraska (hereinafter "LVPD"); City of Omaha in Douglas County, Nebraska (hereinafter "OPD"); City of Papillion in Sarpy County, Nebraska (hereinafter "PPD"); City of Ralston in Douglas County, Nebraska (hereinafter "RPD"); City of Valley in Douglas County, Nebraska (hereinafter "VPD"); City of Waterloo in Douglas County, Nebraska (hereinafter "WPD"); City of Bennington in Douglas County, Nebraska (hereinafter "BPD"); Sarpy County, Nebraska (hereinafter "SCSO"), and Douglas County, Nebraska (hereinafter "DCSO") , herein collectively referred to as "Cooperating Agencies" or "Agencies" pursuant to the authority granted to the parties under Nebraska Revised Statute 13-801, *et seq.*

WHEREAS, pursuant to the Interlocal Cooperation Act, Nebraska Revised Statute 13-801 *et seq.*, the Cooperating Agencies entered into an Interlocal Cooperation Agreement to exercise extraterritorial law enforcement authority, including arrest and enforcement under the laws of this state and legal ordinances of each Cooperating Agency, within the jurisdiction of each of the other Cooperating Agencies (hereinafter "July 17, 2020 Interlocal Agreement") on or about July 17, 2020.

WHEREAS, the Cooperating Agencies desire to amend the July 17, 2020 Interlocal Agreement by this First Amendment to add the Village of Boys Town in Douglas County, Nebraska as Cooperating Agencies to the July 17, 2020 Interlocal Agreement, and by executing this First Amendment, the Village of Boys Town Police Department desire to become a party to the July 17, 2020 Interlocal Agreement.

It is mutually agreed between the parties that the following terms and conditions of the July 17, 2020 Interlocal Agreement are hereby amended to read as follows:

**21. Terms of Agreement.** This Agreement shall be effective on the first day of the calendar month next following the completion of implementing action by all thirteen Agencies as required by Paragraph 22(b) of this Agreement hereof and shall continue in full force and effect for a period of five (5) years thereafter unless terminated earlier by ordinance or resolution of the governing body of any Agency, the effective date of termination shall not be less than thirty (30) days following such terminating Agency's written notice to all other Agencies. The termination of this Agreement by one Agency does not terminate the Agreement between the remaining Agencies, which shall remain in full force and effect. A review of the Agreement may occur upon request of any of the Cooperating Agencies.

**25. (O). Authorized Representatives and Notice.** Except for any notice required under applicable law to be given in another manner, any notice or communication required or permitted hereunder shall be given in further consideration of the mutual covenants herein contained. The Agencies hereto expressly agree that for purposes of notice, during the term of this Agreement and for the period of any applicable statute of limitations thereafter, the head of each agency shall be the authorized representative of the Agencies.

Notice shall be in writing and shall be effective upon receipt. Delivery may be by hand, in which case a signed receipt shall be obtained, or by United States mail, registered or certified, return receipt requested, by facsimile with a signed return facsimile acknowledging receipt or via electronic mail with an acknowledging receipt.

The Village of Boys Town, by executing this First Amendment, shall become a party to, participate in, and be bound by, the July 17, 2020 Interlocal Agreement, as amended by this First Amendment.

The recitals above and July 17, 2020 Interlocal Agreement shall be incorporated into this First Amendment by reference.

Except as modified by this First Amendment, all other terms and conditions of the July 17, 2020 Interlocal Agreement shall remain in full force and effect and be binding on all Parties.

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the date last written below.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

Date

ATTEST:

\_\_\_\_\_  
Pamela Buethe, CMC      Date

City Clerk

**CITY OF LA VISTA**  
**LA VISTA COMMUNITY DEVELOPMENT AGENCY REPORT**  
**DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
BID AWARD – DEMOLITION & SITE PREPARATION MIXED USE REDEVELOPMENT PROJECT AREA	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared to award a contract to NL&L Concrete, Inc., Ralston, Nebraska for the Demolition & Site Preparation with respect to the building and improvements on Lot 8 of La Vista City Centre Replat Three in an amount not to exceed \$87,700.00.

**FISCAL IMPACT**

The FY21/22 Biennial Budget provides funding for the proposed services.

**RECOMMENDATION**

Approval

**BACKGROUND**

On November 24, 2021, at 10:00am, bids were publicly opened for the Lot 8 Chili's Demolition project referenced above. One (1) bid was received for the project from NL&L Concrete, Inc., Ralston, Nebraska in the amount of \$87,700.00 which is 10.5% below the Engineers Estimate of \$98,000.00. Attached hereto is the bid tabulation for the project.

In review of the bid by staff, it is recommended that NL&L Concrete, Inc. be awarded the contract in an amount not to exceed \$87,700.00. If awarded, NL&L Concrete, Inc. is to commence work as soon as the building is vacated, which is anticipated to be in January of 2022. Work is to be completed within 30 calendar days of the Notice to Proceed.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO NL&L CONCRETE INC., RALSTON NEBRASKA FOR DEMOLITION & SITE PREPARATION ON LOT 8 OF LA VISTA CITY CENTRE REPLAT THREE IN AN AMOUNT NOT TO EXCEED \$87,700.00.

WHEREAS, the City Council of the City of La Vista has determined that the demolition & site preparation on Lot 8 of La Vista City Centre Replat Three is necessary; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed services; and

WHEREAS, bids were solicited, and one bid was received; and

WHEREAS Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures Council approval prior to authorizing any purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska award the contract to NL&L Concrete Inc., Ralston Nebraska for demolition & site preparation in an amount not to exceed \$87,700.00.

PASSED AND APPROVED THIS 7TH DAY OF DECEMBER 2021.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

SUBMITTED PROPOSALS & COSTS Date of Bid: Nov 24, 2021, 10:00am Client: La Vista CDA La Vista City Centre Lot 8 Chili's Demolition				NL&L Concrete, Inc. 5634 S. 85th Cir, Ste 202 Ralston, NE							
ITEM	DESCRIPTION	APPROX. QTY.	UNIT	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL
101	Structure Demolition	1	EA	\$35,000.00	\$35,000.00						
102	Pavement Removal	1,035	SY	\$12.00	\$12,420.00						
103	Sidewalk Removal	265	SY	\$12.00	\$3,180.00						
104	Small Tree Removal	2	EA	\$500.00	\$1,000.00						
105	Curb and Gutter Removal	535	LF	\$12.00	\$6,420.00						
106	Utility Removal	170	LF	\$78.00	\$13,260.00						
107	Transformer Removal	1	EA	\$1,000.00	\$1,000.00						
108	Light Pole Removal	4	EA	\$1,500.00	\$6,000.00						
109	Bollard Removal	3	EA	\$75.00	\$225.00						
110	Temporary Seeding	0.55	AC	\$6,000.00	\$3,300.00						
111	Erosion Control	0.75	AC	\$2,500.00	\$1,875.00						
112	Grading Fill	120	CY	\$18.00	\$2,160.00						
113	Grading Cut	124	CY	\$15.00	\$1,860.00						
	<b>Total Bid for Items 101 Through 113</b>				\$87,700.00						
					*						

Bid Bond, 5% of Bid, Yes or No

YES

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PROFESSIONAL SERVICES AGREEMENT CENTRAL PARK PAVILION & SITE IMPROVEMENTS BOUNDARY & TOPOGRAPHIC SURVEY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared authorizing a Professional Services Agreement with Thompson, Dreesen & Dorner, Inc, (TD2) to produce a boundary and topographic survey of the area in and around the Central Park Pavilion project in an amount not to exceed of \$8,875.00.

**FISCAL IMPACT**

The FY21/22 Biennial Budget includes funding for this project.

**RECOMMENDATION**

Approval

**BACKGROUND**

The rough grading work for the Astro Theatre project is nearing completion, which also completes a portion of the grading for the Central Park Pavilion and Site Improvements project. In order to finalize the design of the Pavilion in relation to the current topography, a boundary and topographic survey will need to be performed. TD2 has provided survey work in the vicinity on related projects, and therefore is recommended to perform the requested professional services. The survey work is anticipated to be completed in the month of December 2021, with a final deliverable to the City in early January 2022.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH THOMPSON, DREESEN & DONER, INC (TD2), OMAHA, NEBRASKA, TO PRODUCE A BOUNDARY AND TOPOGRAPHIC SURVEY IN AN AMOUNT NOT TO EXCEED \$8,875.00.

WHEREAS, the Mayor and City Council have determined that the boundary and topographic survey of the area in and around the Pavilion project is necessary; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed services;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a professional services agreement, in a form satisfactory to the City Administrator and City Attorney, be authorized with Thompson, Dreesen & Doner, Inc (TD2), Omaha, Nebraska, to produce a boundary and topographic survey in an amount not to exceed \$8,875.00.

PASSED AND APPROVED THIS 7TH DAY OF DECEMBER 2021.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

Email transmitted to: [td2@cityoflaista.org](mailto:td2@cityoflaista.org)

November 18, 2021

Mr. Patrik Doose  
City of La Vista  
9900 Portal Road  
La Vista, NE 68128

Re: **Proposal for Surveying Services [S-21363]**  
Central Park Pavilion and Site Improvements  
City of La Vista, Nebraska

Mr. Doose:

Thompson, Dreessen & Dorner, Inc. ("TD2") hereby notifies the opportunity to submit this proposal for the preparation of a boundary and topographic survey for Central Park Pavilion and Site Improvements to the City of La Vista, Nebraska.

**Scope of Work - Topographic Survey:**

- TD2 will prepare a survey in conformance with the attached Scope of Services / Tasks.
- TD2 will use GPS technology to obtain the location of topographic features and ground elevations if weather conditions permit such use to meet the project schedule. Other conventional survey methods will be utilized to complete the survey.

**Fee**

TD2's fee to provide the surveying services described under the Scope of Work is **\$8,875.00**.

Again, TD2 hereby notifies the opportunity to submit our proposal if it is acceptable. Please have a copy signed on behalf of the entity for which we would be working. Please contact me if clarifications are needed.

Respectfully Submitted,  
Thompson, Dreessen & Dorner, Inc.



Chris Dorner, SVP

Witnessed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

For: \_\_\_\_\_ by: \_\_\_\_\_  
Company or Person(s)

**Central Park Pavilion and Site Improvements – Topographical Survey**  
**City of La Vista, Nebraska**  
**11/12/21**

**Scope of Services/Tasks:**

The following services/tasks at a minimum, but not limited to, will need to be provided:

- 1) Complete a topographical survey. This should include the following features:
  - Elevation points shall be taken every 25 feet at designated locations, including spot grades at high points, low points, and grade changes. Points required are located at the sidewalks, driveways, back of curb, edge of pavement, top of curbs and gutter flowlines. Survey points with elevation information shall be shown to the nearest one-hundredth of a foot for shots taken on hard surfaces and to the nearest one-tenth of a foot for shots taken on soft ground features.
  - All above-ground features, such as light poles, utility poles, sidewalks, fences, retaining walls, mature trees and saplings (edge of canopy when appropriate) and signage.
  - Underground utilities, such as storm sewer, sanitary sewer and their respective appurtenances, etc. (location and elevation of inverts, rim elevations, flow direction, size and rim elevations labeled in the CAD file).
  - Underground utilities, such as gas, electric, water main, cable TV, telephone lines and their respective appurtenances. This information shall be obtained from a Nebraska811 locating request for survey purposes.
  - Right-of-way, property lines and other survey markers, etc. Survey shall be on the same coordinate system as the La Vista City Centre surveys.
  - Identify and show all utility easements from recorded subdivision plats.
  - Identify and show three settlement plates that exist on the Pavilion building pad
  
- 2) Aerial topographic survey portions of the work shall comply with the following:
  - Consultant shall perform aerial topographic survey of the site area. The horizontal mapping scale shall be 1" = 50 ft. Contour interval shall be 1 foot.
  - Consultant shall lay necessary flight cross or ground control targets placed on public property.
  - The horizontal and vertical ground control points shall be tied to the control points used in prior surveys for La Vista City Centre.
  - Consultant's topo contours shall match to the elevations of field survey spot elevations.
  - Contours in the Thompson Creek channel (wetlands area) are not required.
  
- 3) Deliverables include the following:
  - A topographic map electronic file showing the site area in AutoCAD Version 2019 or other City accepted version.
  - Topo lines shall be accurate to within 0.5 feet of the indicated elevation, that is, the actual elevation of a location on the site shall vary no more than 0.5 feet from the indicated elevation.
  - Contour lines shall be poly lines with widths set to 0.

- Consultant shall use individual layers for each class of features in the topo that are required in Section 1 above.
- Control points shall be identified in the topo on a separate layer titled “Survey Controls”
- One hard copy print of the topo. Consultant shall certify the topo to be accurate. The hard copy print shall list the survey control points and the datum reference.
- The Consultant shall provide ortho photos with aerial topographic survey. The photos shall be in color.
- The AutoCAD file and ortho photos shall be provided on a flash drive to the City.

4) General Requirements:

- The City will provide the Consultant with a benchmark using NAVD88 as a vertical datum and horizontal control points from a previous survey on La Vista City Centre.
- The Consultant shall provide a brief report describing the equipment, software and procedures used to perform the survey. All surveying instruments shall be kept in proper adjustment and calibration.
- All field notes shall be retained in a legible and orderly fashion that will be understandable to non-firm staff. Next to the CAD file, an electronic PDF file copy of all field notes shall be submitted with the final survey files.
- The Consultant shall obtain all required permits and licenses for compliance with FAA regulations and for the proximity to the Millard Airport to conduct aerial surveying activities.

**Tentative Project Schedule:**

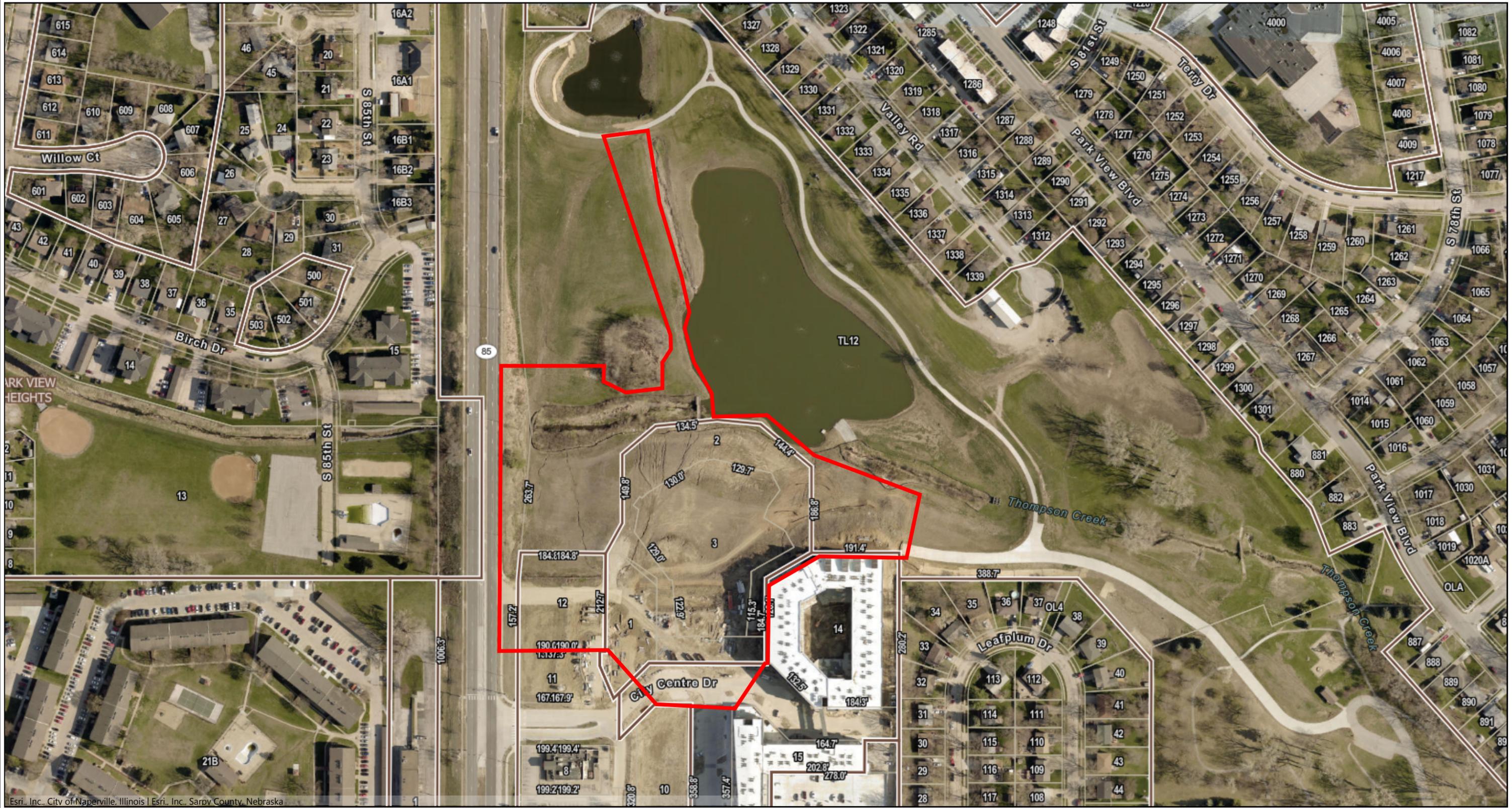
The anticipated dates for agreements and performance of the work are listed below:

- November 26, Scope of Work and Deliverables agreed upon in principle
- December 7, City Council Approval of Amended Contract
- December 17, 2021- Initial Deliverable Due to City for Review
- December 31, 2021- City Comments due to Consultant
- January 7, 2021 – Final Deliverable to City

**NOTE: The aerial survey must be performed prior to snow cover.**

**Appendices:**

- Exhibit A: Survey Area Map
- Exhibit B: Topo survey by TD2 dated
- Exhibit C: City/Olsson to provide topo from 84<sup>th</sup> Street Streetscape (not included, forthcoming)



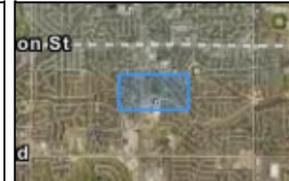
Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



Map Scale 1: 3185



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.



Notes

EXHIBIT "A" - SURVEY AREA MAP

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND SECTION 11.05 OF MUNICIPAL CODE - WARD BOUNDARIES	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

Two ward boundary map options have been created and corresponding ordinances prepared to amend Section 11.05 of the La Vista Municipal Code, bringing the legal description of the boundary lines for all wards of the City into compliance with the redistricting of wards after the 2020 Census.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Discussion, selection and approval of Option 1 or Option 2.

**BACKGROUND**

In August 2021 the U.S. Census Bureau released local-level 2020 census population information.

In September 2021 the Nebraska Legislature convened in special session to redraw Legislative and Congressional District boundaries for the entire State of Nebraska. In late September 2021 the Legislature approved the new boundaries and the Election Commissioner began the creation of new precinct boundaries (determined by the number of voters in the last election). On November 1, 2021 the Election Commissioner sent the new precinct boundaries to municipalities.

Staff has reviewed the U.S. Census block data and developed two options to equally divide the wards. These are presented for discussion and action at this meeting.

State Statute requires that the range of deviation between ward population shall not exceed 10% and each voting precinct cannot include more than 2 wards in its boundaries.

Municipality ward boundaries must be approved and sent to the Election Commission prior to December 30, 2021. Due to the short time frame given to adopt the new ward boundaries this year, the City Council may vote to waive the three separate readings and adopt the ordinance at this meeting.

As the city continues to grow and annex areas to the west, the east boundary line of Ward 4 will continue to move west. If the City annexes in the next 10 years we will need to look at Ward boundaries again and possibly redistrict a second time prior to the 2030 U. S. Census.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 11.05; TO REPEAL CONFLICTING ORDINANCES 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. Section 11.05 of the La Vista Municipal Code is amended to read as follows:

**§ 11.05 WARDS.**

(A) *Ward One*: shall be comprised of the specific area lying between the boundaries described as follows:

(1) *North Boundary*: North corporate limits from Gertrude Street to the northeast corner of Block 1003 of Census Tract 010615.

(2) *East Boundary*: East corporate limits from the northeast corner of Block 1003 of Census Tract 010615 to south corporate limits at 66<sup>th</sup> Street and Giles Road.

(3) *South Boundary*: South corporate limits from 66<sup>th</sup> Street to 72<sup>nd</sup> Street, 72<sup>nd</sup> Street to Valley Road, Valley Road to Edgewood Boulevard.

(4) *West Boundary*: Edgewood Boulevard from Valley Road to Park View Boulevard, Park View Boulevard to Lillian Avenue, Lillian Avenue to 76<sup>th</sup> Avenue, 76<sup>th</sup> Avenue to Terry Drive, Joseph Avenue from Terry Drive to 75<sup>th</sup> Avenue, 75<sup>th</sup> Avenue to Josephine Street, Josephine Street to 76<sup>th</sup> Street, 76<sup>th</sup> Street to Gertrude Street, Gertrude Street northwesterly to corporate limits.

(B) *Ward Two*: shall be comprised of the specific area lying between the boundaries described as follows:

(1) *North Boundary*: North corporate limits from 96<sup>th</sup> Street to Gertrude Street

(2) *East Boundary*: Beginning at north corporate limits and Gertrude Street, Gertrude Street to 76<sup>th</sup> Street, 76<sup>th</sup> Street to Josephine Street, Josephine Street to 75<sup>th</sup> Avenue, 75<sup>th</sup> Avenue to Joseph Avenue, Joseph Avenue to Terry Drive, 76<sup>th</sup> Avenue from Terry Drive to Lillian Avenue.

(3) *South Boundary*: Lillian Avenue to Park View Boulevard, Park View Boulevard to 78<sup>th</sup> Street, from 78<sup>th</sup> Street and Park View Boulevard along the southerly boundary of Block 3004 of Census Tract 010614 to 84<sup>th</sup> Street, from the southwest corner of Block 3004 of Census Tract 010614 continuing westerly along the south boundary of the Park View Heights and Park View Heights 2<sup>nd</sup> Addition subdivisions to Elm Drive, Elm Drive to Park View Boulevard, Park View Boulevard to 95<sup>th</sup> Street, 95<sup>th</sup> Street to Granville Parkway, Granville Parkway to 96<sup>th</sup> Street.

(4) *West Boundary*: 96<sup>th</sup> Street from Granville Parkway north to corporate limits at Harrison Street

(C) *Ward Three*: shall be comprised of the specific area lying between the boundaries described as follows:

(1) *North Boundary*: Brentwood Drive from 96<sup>th</sup> Street to 92<sup>nd</sup> Street, 92<sup>nd</sup> Street to Granville Parkway, Granville Parkway to Elm Drive, from Elm Drive continuing easterly along the south boundary of the Park View Heights 2<sup>nd</sup> Addition and Park View Heights subdivisions to 84<sup>th</sup> Street, from the southwest corner of Block 3004 of Census Tract 010614 at 84<sup>th</sup> Street continuing easterly along the southerly boundary of Block 3004 of Census Tract 010614 to 78<sup>th</sup> & Park View Boulevard, Park View Boulevard to Edgewood Boulevard, Edgewood Boulevard to Valley Road, Valley Road to 72<sup>nd</sup> Street

(2) *East Boundary*: 72<sup>nd</sup> Street from Valley Road to south corporate limits at Giles

Road.

(3) *South Boundary*: South corporate limits from 72<sup>nd</sup> Street to 96<sup>th</sup> Street.

(4) *West Boundary*: 96<sup>th</sup> Street from south corporate limits at Giles Road to Brentwood Drive.

(D) *Ward Four*: shall be comprised of the specific area lying between the boundaries described as follows:

(1) *North Boundary*: North corporate limits from Giles Road to 104<sup>th</sup> Street, continuing along the west and south boundaries of the Cimarron Woods subdivision to 96<sup>th</sup> Street, Granville Parkway from 96<sup>th</sup> Street to 95<sup>th</sup> Street, 95<sup>th</sup> Street to Park View Boulevard, Park View Boulevard to Elm Drive.

(2) *East Boundary*: Elm Drive from Park View Boulevard to Granville Parkway, Granville Parkway to 92<sup>nd</sup> Street, 92<sup>nd</sup> Street to Brentwood Drive, Brentwood Drive to 96<sup>th</sup> Street, 96<sup>th</sup> Street to south corporate limits.

(3) *South Boundary*: South corporate limits from 96<sup>th</sup> Street to I-80 and approximately West Giles Road, excluding land area bounded by corporate limits but not within the City.

(4) *West Boundary*: West corporate limits from approximately West Giles Road and Interstate 80 north to Giles Road and Harrison Street.  
(Ord. 796, passed 12-7-99; Am. Ord. 996, passed 6-20-06; Am. Ord. 1049, passed 11-6-07; Am. Ord. 1205, passed 11-17-13; Am. Ord. \_\_\_\_\_, passed \_\_\_\_\_)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. 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 or constitutionality 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, sentence, 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 in pamphlet form as provided by law.

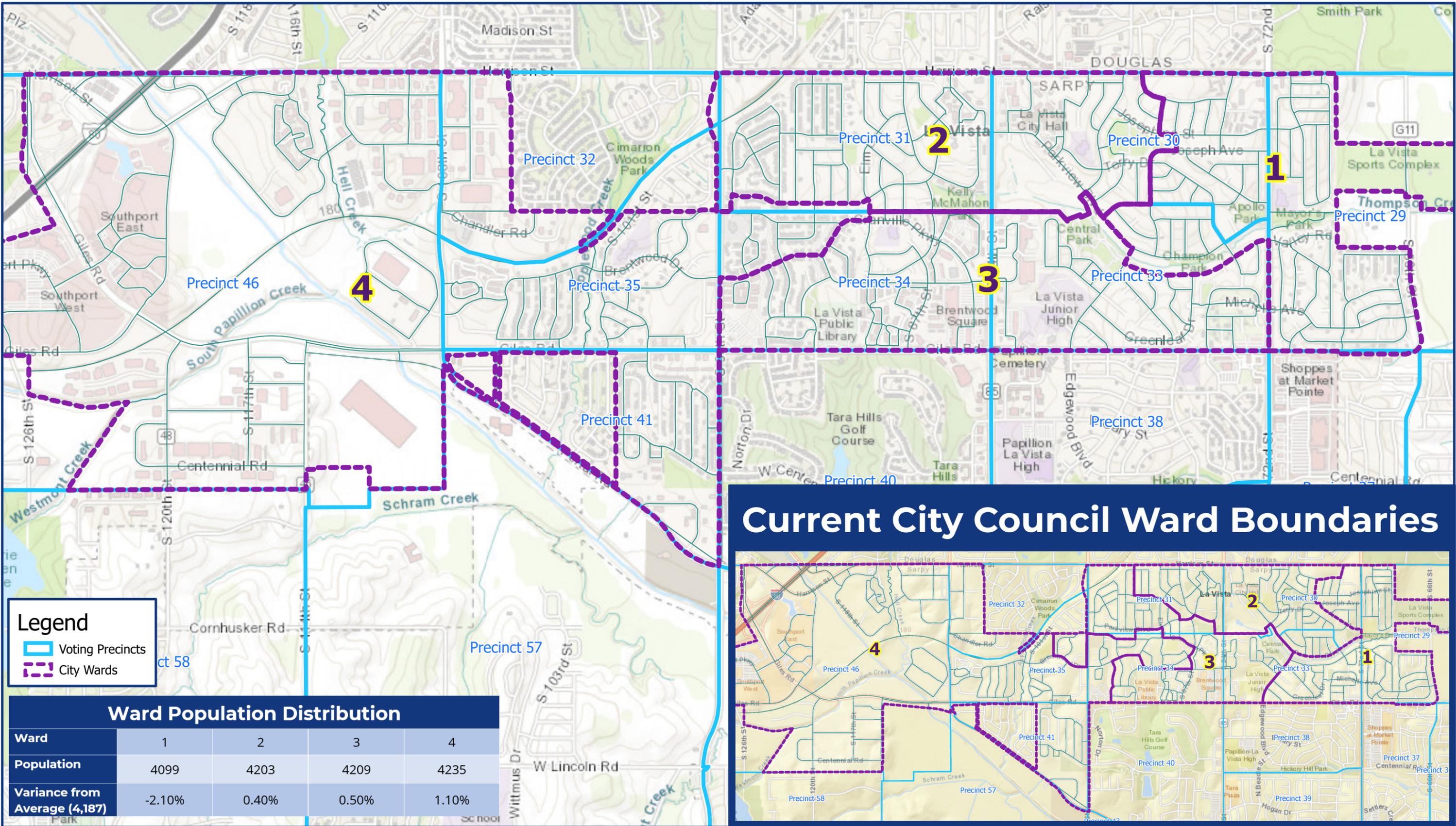
PASSED AND APPROVED THIS 7TH DAY OF DECEMBER 2021.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

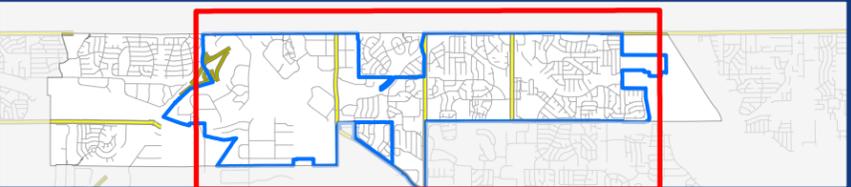
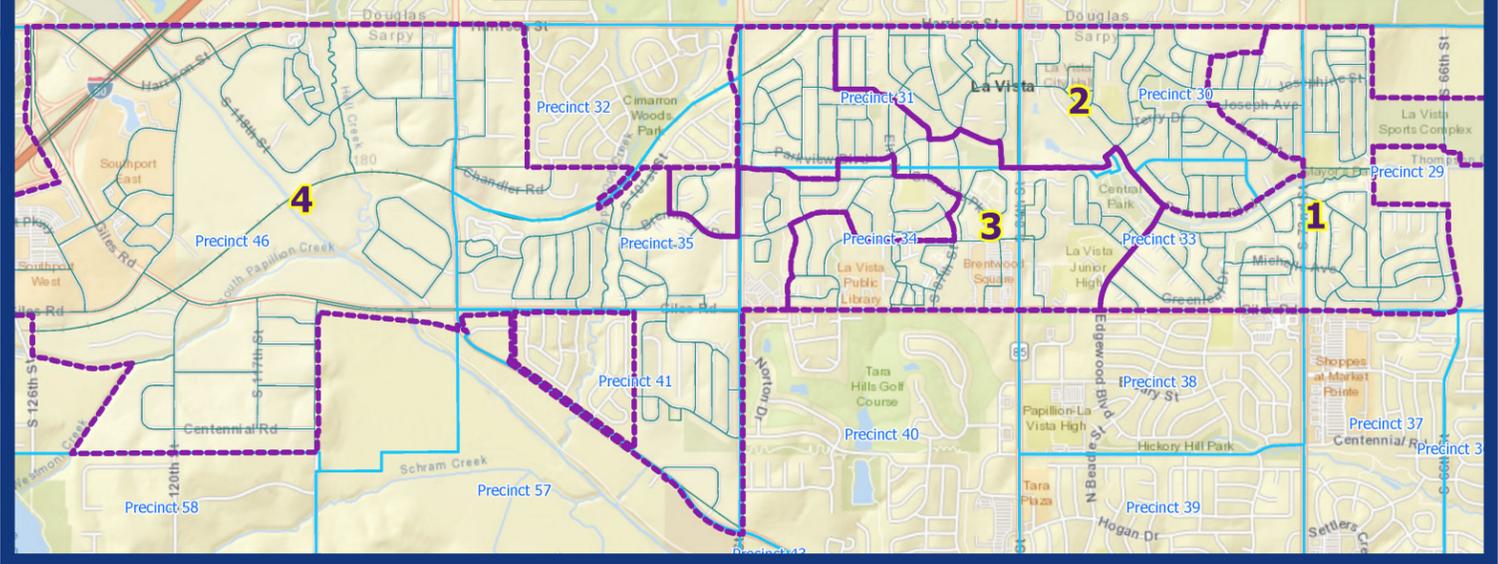


**Legend**

- Voting Precincts
- City Wards

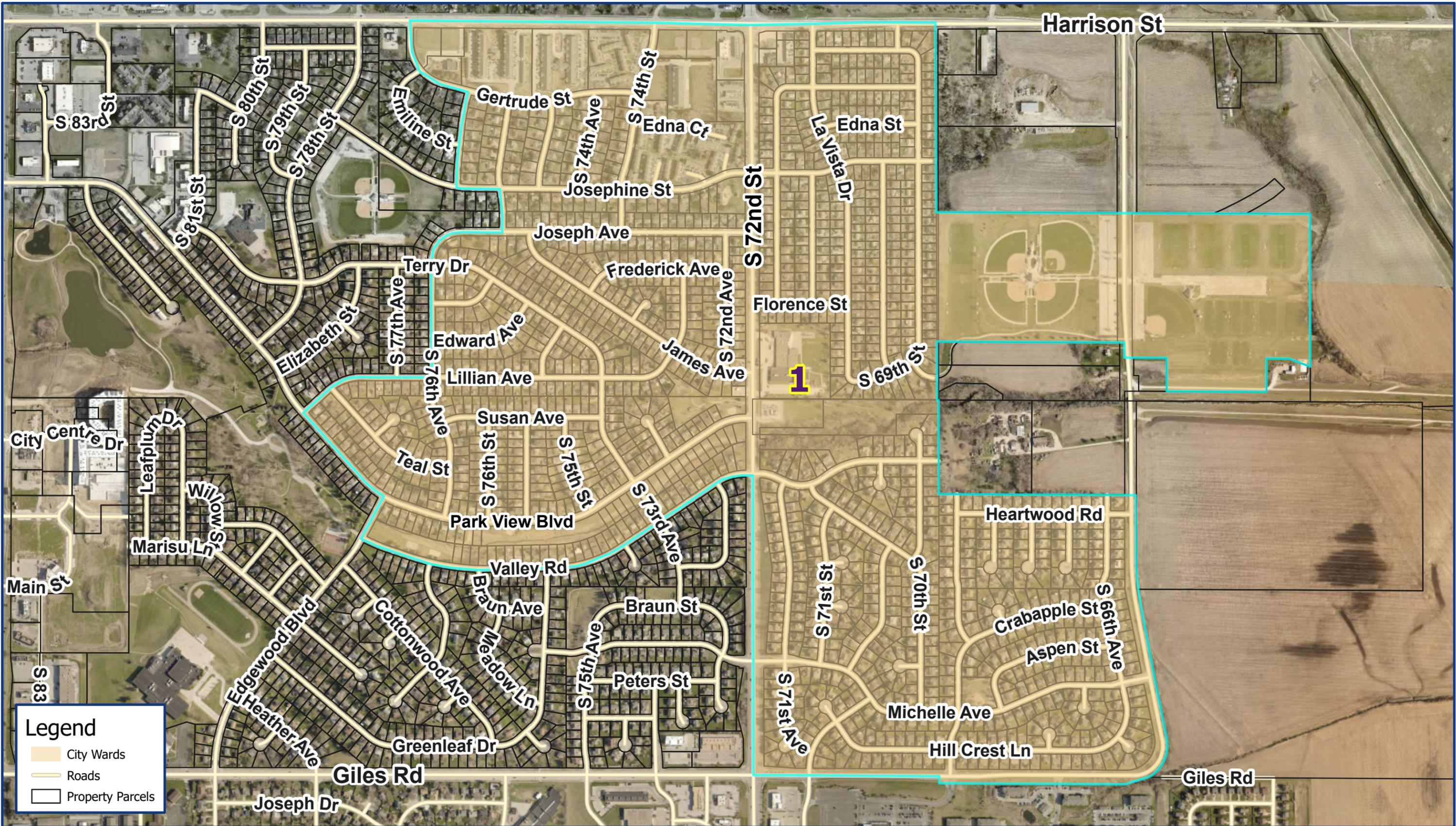
Ward Population Distribution				
Ward	1	2	3	4
Population	4099	4203	4209	4235
Variance from Average (4,187)	-2.10%	0.40%	0.50%	1.10%

## Current City Council Ward Boundaries



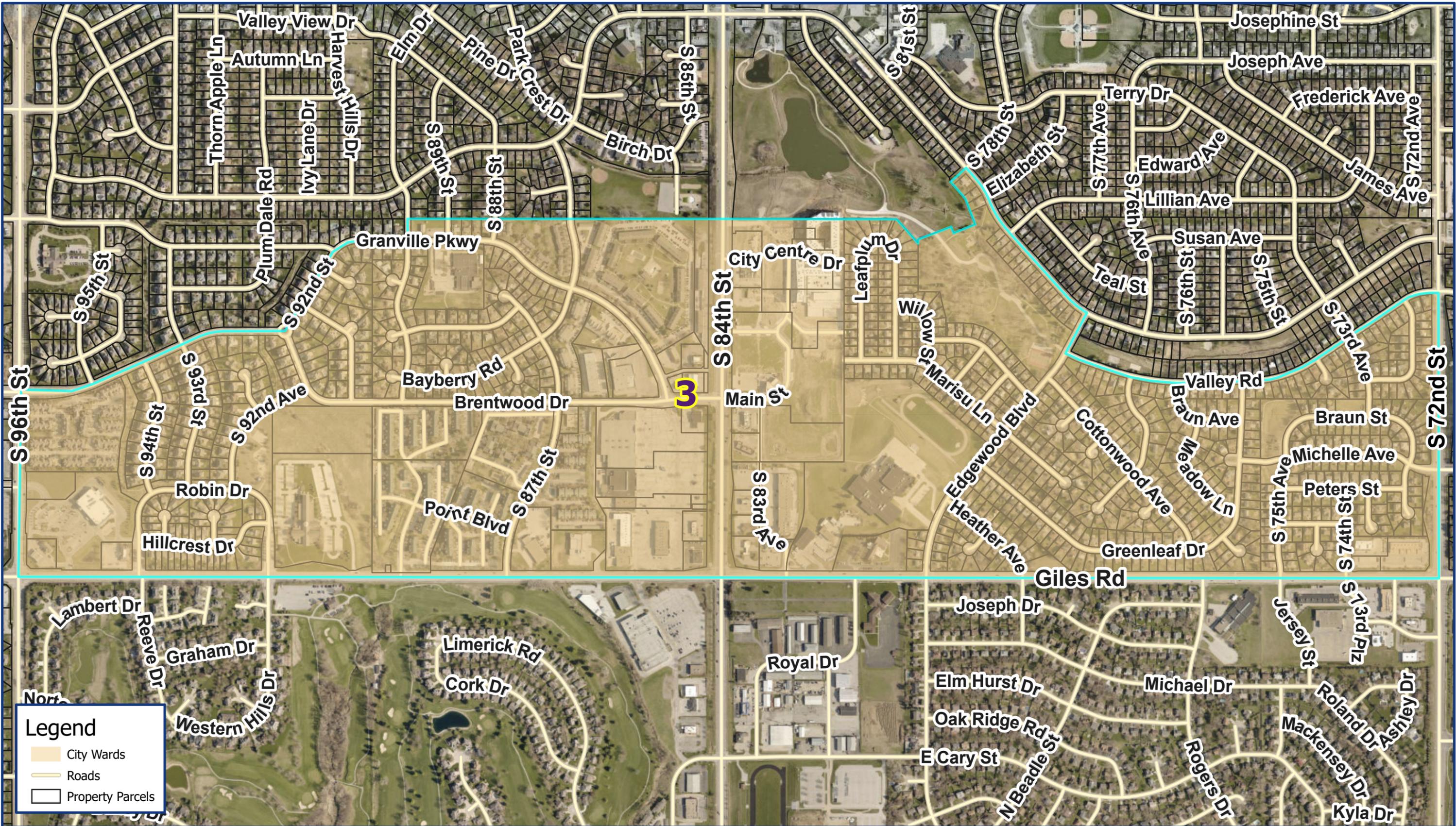
# Redistricting Map Option 1





# Option 1 - Ward #1





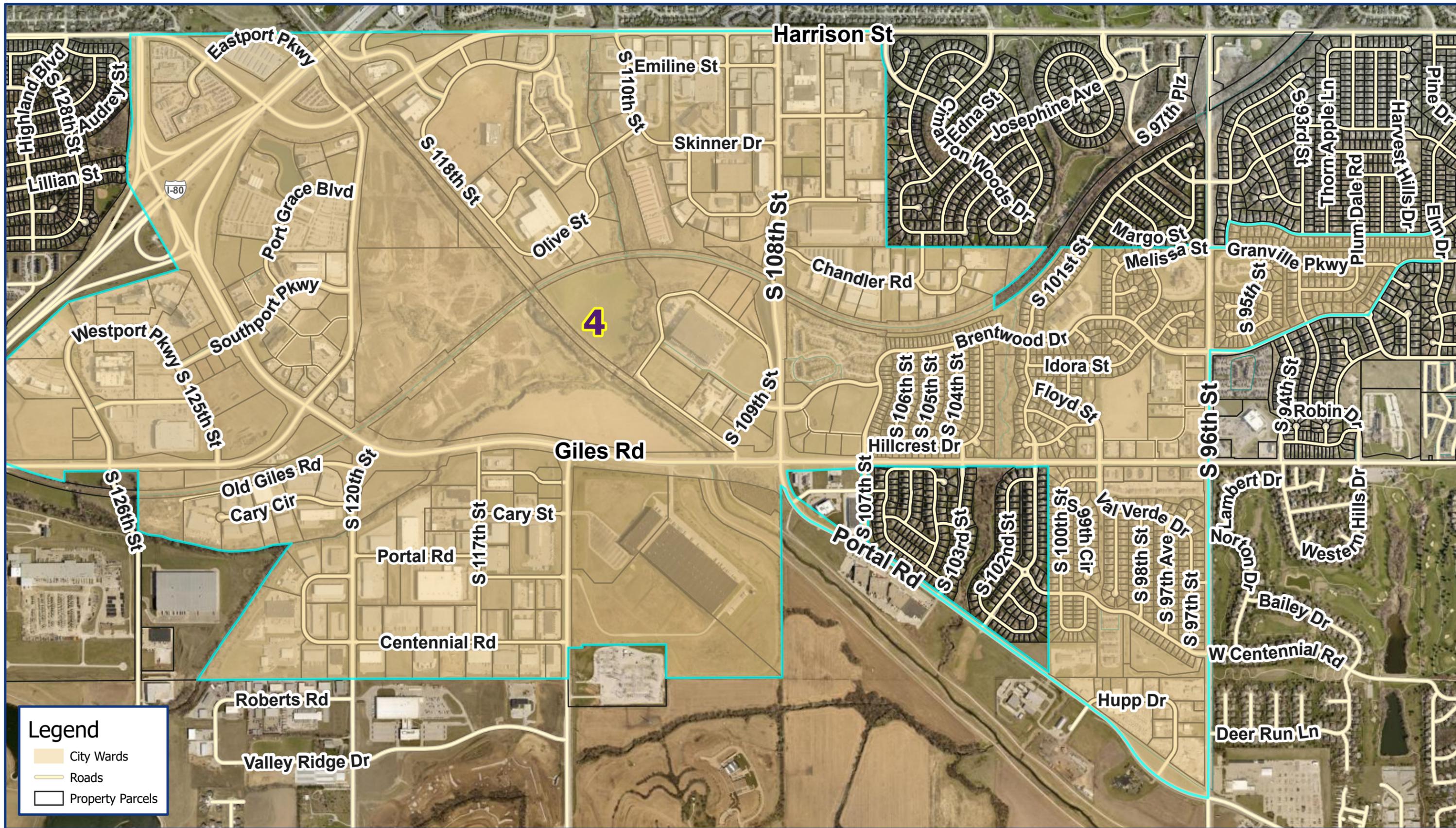
**Legend**

- City Wards
- Roads
- Property Parcels



# Option 1 - Ward #3





# Option 1 - Ward #4

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 11.05; TO REPEAL CONFLICTING ORDINANCES 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. Section 11.05 of the La Vista Municipal Code is amended to read as follows:

**§ 11.05 WARDS.**

(A) *Ward One*: shall be comprised of the specific area lying between the boundaries Described as follows:

(1) *North Boundary*: North corporate limits from Gertrude Street to the northeast corner of Block 1003 of Census Tract 010615.

(2) *East Boundary*: East corporate limits from the northeast corner of Block 1003 of Census Tract 010615 to south corporate limits at 66<sup>th</sup> Street and Giles Road.

(3) *South Boundary*: South corporate limits from 66<sup>th</sup> Street to 72<sup>nd</sup> Street, 72<sup>nd</sup> Street to Valley Road, Valley Road to Edgewood Boulevard.

(4) *West Boundary*: Edgewood Boulevard from Valley Road to Park View Boulevard, Park View Boulevard to Lillian Avenue, Lillian Avenue to 77<sup>th</sup> Avenue, 77<sup>th</sup> Avenue to Terry Drive, Terry Drive to Joseph Avenue, Joseph Avenue to 75<sup>th</sup> Avenue, 75<sup>th</sup> Avenue to Josephine Street, Josephine Street to 76<sup>th</sup> Street, 76<sup>th</sup> Street to Gertrude Street, Gertrude Street northwesterly to corporate limits.

(B) *Ward Two*: shall be comprised of the specific area lying between the boundaries described as follows:

(1) *North Boundary*: North corporate limits from 96<sup>th</sup> Street to Gertrude Street.

(2) *East Boundary*: Beginning at north corporate limits and Gertrude Street, Gertrude Street to 76<sup>th</sup> Street, 76<sup>th</sup> Street to Josephine Street, Josephine Street to 75<sup>th</sup> Avenue, 75<sup>th</sup> Avenue to Joseph Avenue, Joseph Avenue to Terry Drive, Terry Drive to 77<sup>th</sup> Avenue, 77<sup>th</sup> Avenue to Lillian Avenue.

(3) *South Boundary*: Lillian Avenue to Park View Boulevard, Park View Boulevard to 78<sup>th</sup> Street, from 78<sup>th</sup> Street and Park View Boulevard along the southerly boundary of Block 3004 of Census Tract 010614 to 84<sup>th</sup> Street, from the southwest corner of Block 3004 of Census Tract 010614 at 84<sup>th</sup> Street continuing westerly along the south boundary of the Park View Heights, Park View Heights 2<sup>nd</sup> Addition, S & S's Harvest Hill, and Southwind Two subdivisions to 96<sup>th</sup> Street.

(4) *West Boundary*: 96<sup>th</sup> Street from Granville Parkway north to corporate limits at Harrison Street.

(C) *Ward Three*: shall be comprised of the specific area lying between the boundaries described as follows:

(1) *North Boundary* – Brentwood Drive from 96<sup>th</sup> Street to 92<sup>nd</sup> Street, 92<sup>nd</sup> Street to Granville Parkway, Granville Parkway to Elm Drive, Elm Drive to the south boundary of Park View Heights 2<sup>nd</sup> Addition, from Elm Drive continuing easterly along the south boundary of the Park View Heights 2<sup>nd</sup> Addition and Park View Heights subdivisions to 84<sup>th</sup> Street, from the southwest corner of Block 3004 of Census Tract 010614 at 84<sup>th</sup> Street continuing easterly along the southerly boundary of Block 3004 of Census Tract 010614 to 78<sup>th</sup> & Park View Boulevard, Park View Boulevard to Edgewood Boulevard, Edgewood Boulevard to Valley

Road, Valley Road to 72<sup>nd</sup> Street.

(2) *East Boundary*: 72<sup>nd</sup> Street from Valley Road to south corporate limits at Giles Road.

(3) *South Boundary*: South corporate limits from 72<sup>nd</sup> Street to 96<sup>th</sup> Street.

(4) *West Boundary*: 96<sup>th</sup> Street from south corporate limits at Giles Road to Brentwood Drive.

(D) *Ward Four*: shall be comprised of the specific area lying between the boundaries described as follows:

(1) *North Boundary*: North corporate limits from Giles Road to 104<sup>th</sup> Street, continuing along the west and south boundaries of the Cimarron Woods subdivision to 96<sup>th</sup> Street, easterly along the south boundary of the Southwind Two, S&S's Harvest Hill, and Park View Heights 2<sup>nd</sup> Addition to Elm Drive.

(2) *East Boundary*: Elm Drive from the south boundary of the Park View Heights 2<sup>nd</sup> Addition subdivision to Granville Parkway, Granville Parkway to 92<sup>nd</sup> Street, 92<sup>nd</sup> Street to Brentwood Drive, Brentwood Drive to 96<sup>th</sup> Street, 96<sup>th</sup> Street to south corporate limits.

(3) *South Boundary*: South corporate limits from 96<sup>th</sup> Street to I-80 and approximately West Giles Road, excluding land area bounded by corporate limits but not within the City.

(4) *West Boundary*: West corporate limits from approximately West Giles Road and Interstate 80 north to Giles Road and Harrison Street.  
(Ord. 796, passed 12-7-99; Am. Ord. 996, passed 6-20-06; Am. Ord. 1049, passed 11-6-07; Am. Ord. 1205, passed 11-17-13; Am. Ord \_\_\_\_\_, passed \_\_\_\_\_)

**SECTION 2. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

**SECTION 3. Severability.** 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 or constitutionality 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, sentence, 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 in pamphlet form as provided by law.

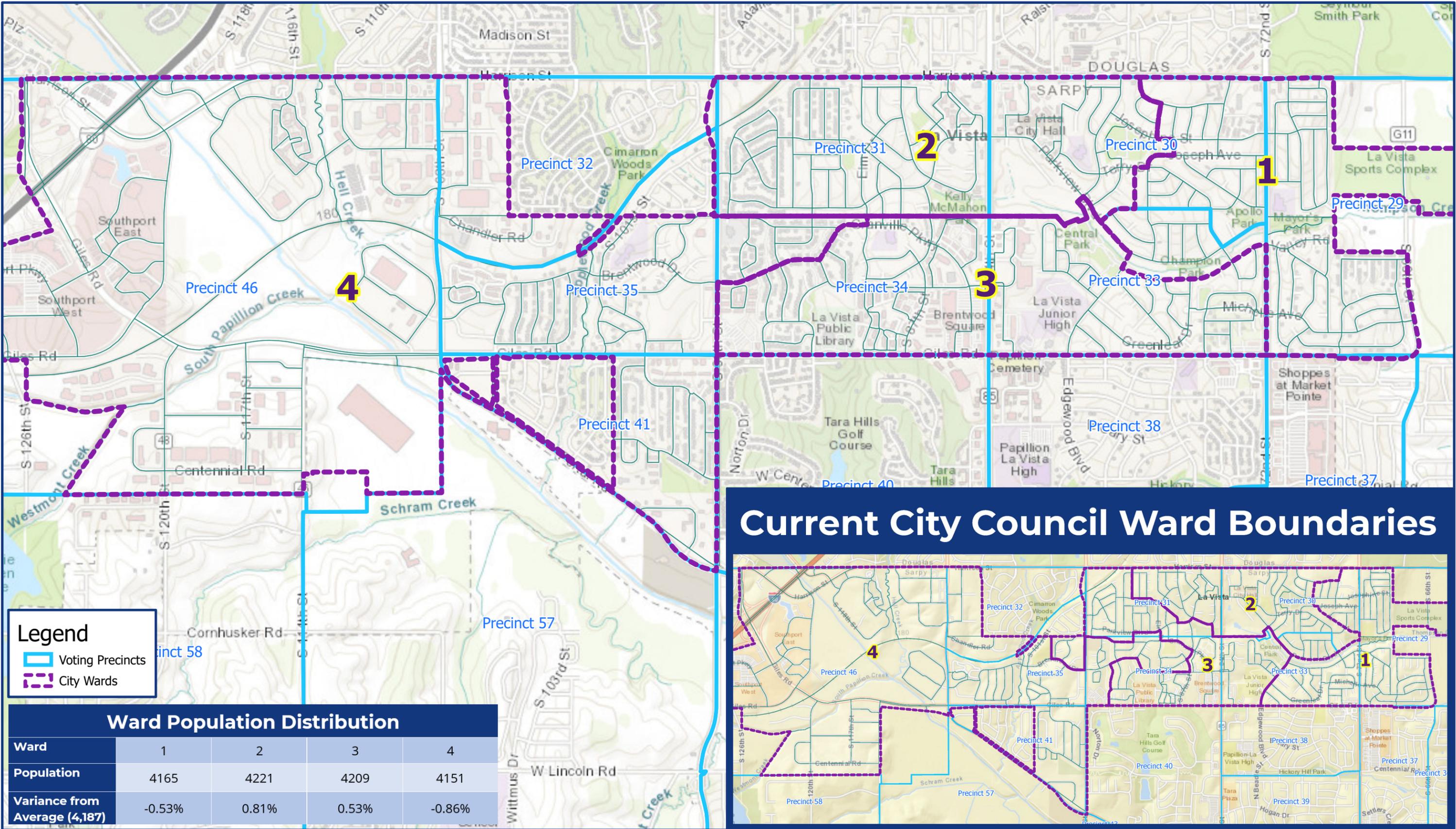
PASSED AND APPROVED THIS 7TH DAY OF DECEMBER 2021.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buehe, CMC  
City Clerk

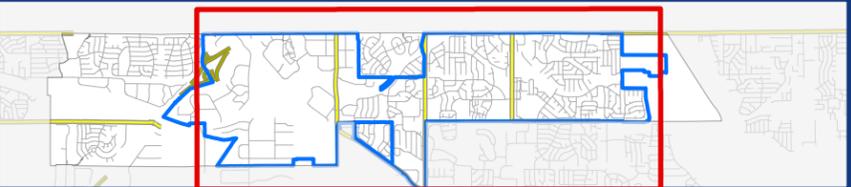
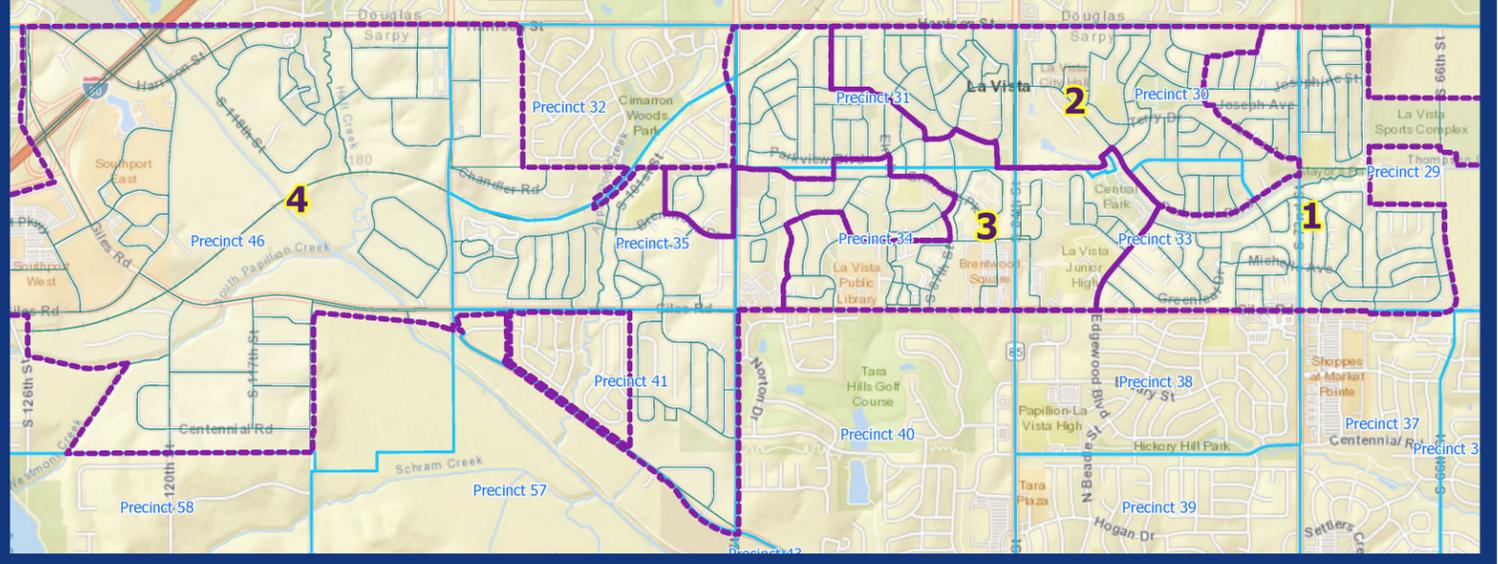


**Legend**

- Voting Precincts
- City Wards

Ward Population Distribution				
Ward	1	2	3	4
Population	4165	4221	4209	4151
Variance from Average (4,187)	-0.53%	0.81%	0.53%	-0.86%

## Current City Council Ward Boundaries

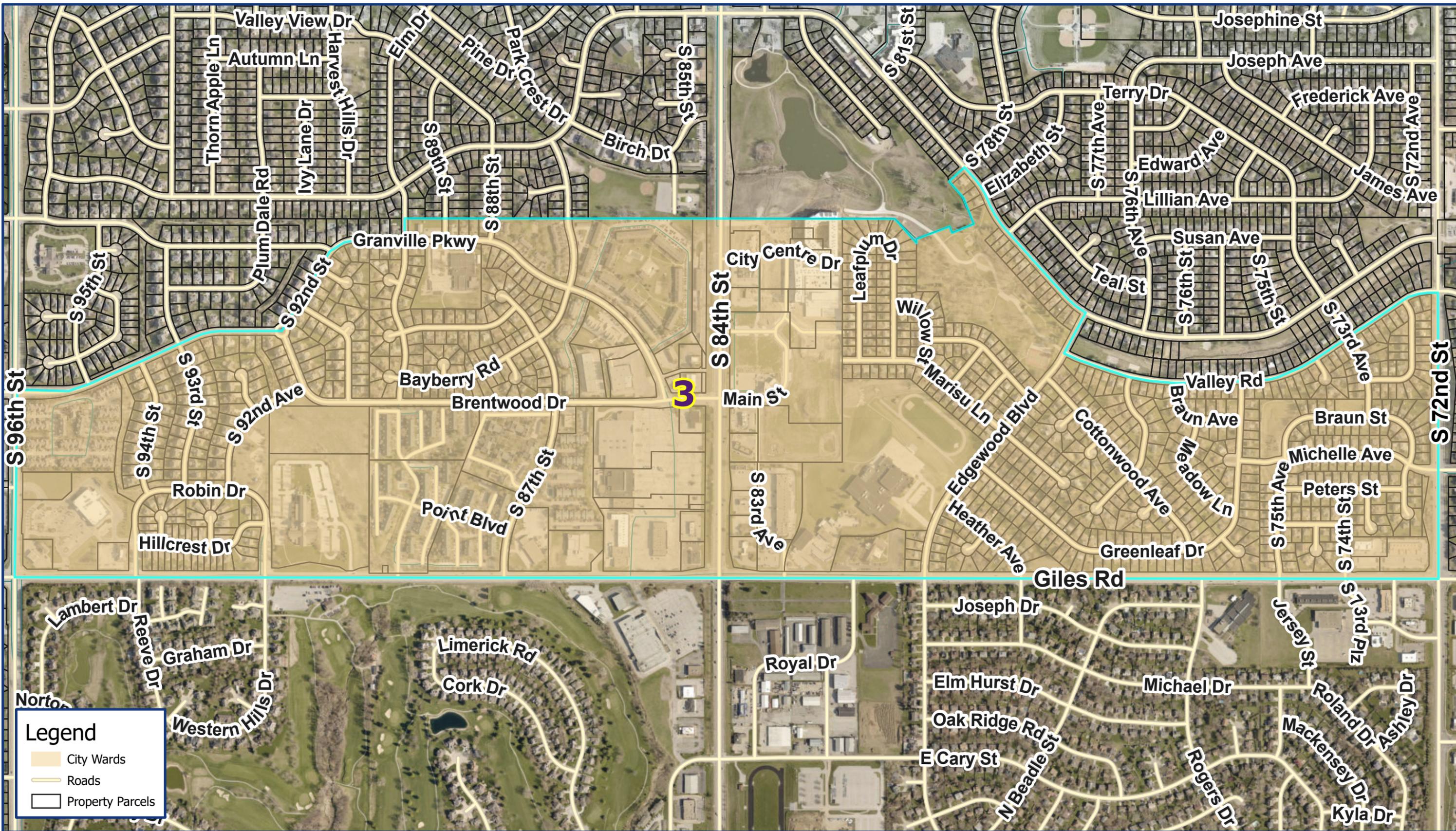


# Redistricting Map Option 2









3

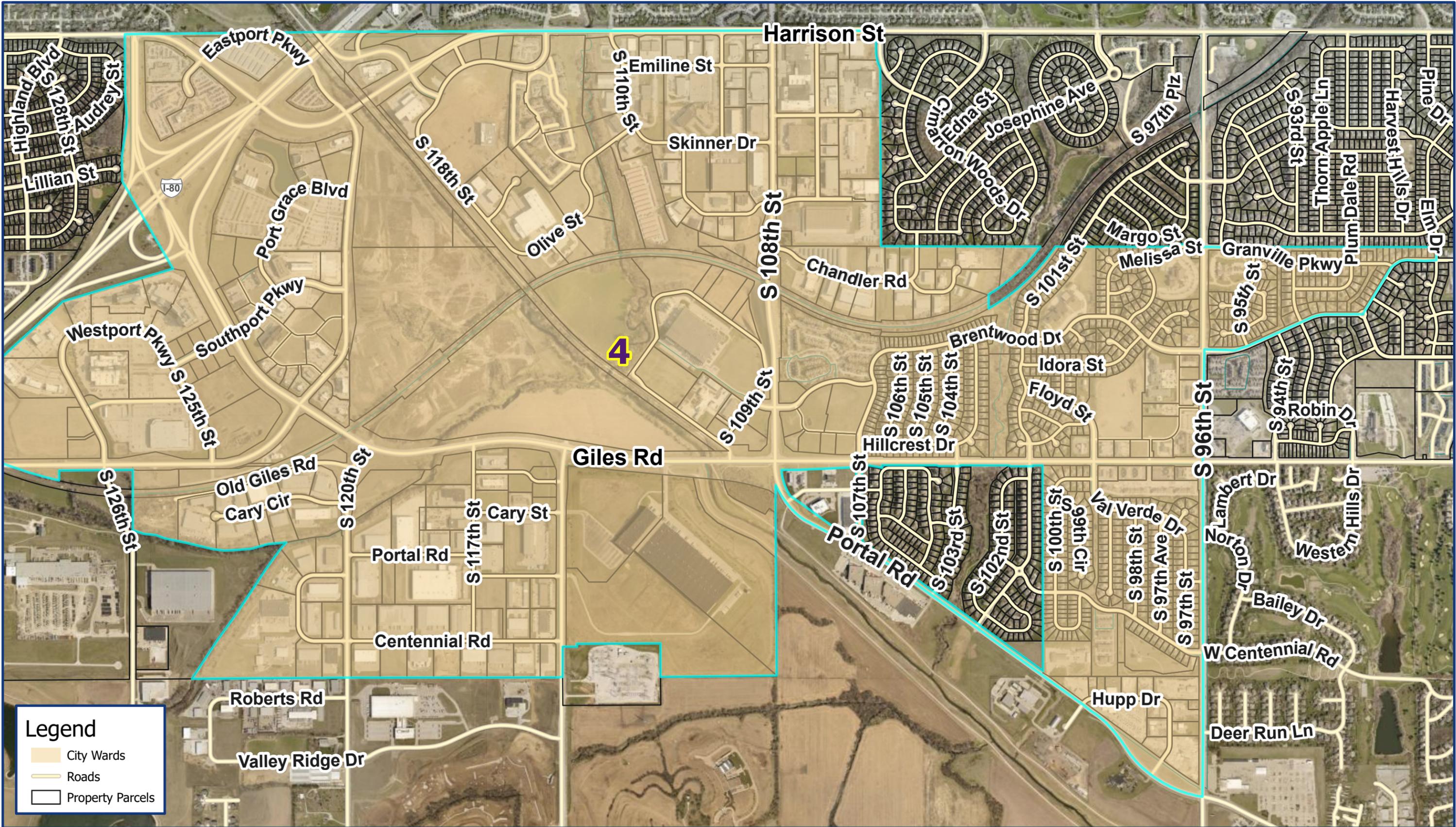
**Legend**

- City Wards
- Roads
- Property Parcels



# Option 2 - Ward #3





# Option 2 - Ward #4



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 7, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE MERCHANDISE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of branded merchandise in an amount not to exceed \$10,000.

**FISCAL IMPACT**

Funding is included in the General Fund budget for the annual Employee Appreciation Dinner. The costs for purchasing the merchandise will be offset by the savings of not holding the appreciation dinner.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Due to the continued pandemic, we will be unable to safely gather employees for the annual employee appreciation dinner. A virtual awards presentation is being planned, and in addition to awards, we would like to present our approximate 180 employees with a gift of branded merchandise. The purchase is not to exceed \$10,000. Due to supply chain issues, the merchandise cannot be guaranteed until the time of order, therefore we are not specifying the order contents as the order may need to change based on availability.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF MERCHANDISE IN AN AMOUNT NOT TO EXCEED \$10,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a merchandise is necessary; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed purchase through savings for events that cannot be held due to the continued pandemic; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the city administrator secure Council approval prior to authorizing any purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of merchandise in an amount not to exceed \$10,000.

PASSED AND APPROVED THIS 7TH DAY OF DECEMBER 2021.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk