

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENTS – SECTIONS 5.11 C-2 GENERAL COMMERCIAL, DISTRICT, 5.12 C-3 HIGHWAY COMMERCIAL /OFFICE PARK DISTRICT, 5.14 I-2 HEAVY INDUSTRIAL ZONING DISTRICT	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CHRIS SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared to amend Sections 5.11 and 5.12 of the La Vista Zoning Ordinance regarding the addition of “Pet Health Services” in those districts with regulations regarding the operation of the use. Also included in this ordinance is an amendment to Section 5.14 of the La Vista Zoning Ordinance regarding the removal of permanent concrete batch plants as an allowed use in the I-2 Zoning District.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Staff is proposing a series of zoning text amendments to address inconsistencies and provide additional land use flexibility in portions of La Vista’s zoning ordinance.

The zoning text changes proposed in this amendment are as follows:

- Add the use “Pet Health Services” and related regulations to the C-2 General Commercial and C-3 Highway Commercial / Office Park districts. “Pet Health Services” is already an allowed use within the C-1 Shopping Center Commercial district with the same related regulations. This provides more flexibility in the locating of this use in the City’s commercial districts. The Pet Health Services use allows for veterinary clinics.
- Remove the “5.14.03.21 Concrete Batch Plants” use from the I-2 Heavy Industrial Zoning district. This use is already present in Section 5.14.03.08 of the subject zoning district as a temporary use, creating conflicting references. Removal of this 5.14.03.21 helps to clarify the requirements for this use within the I-2 Heavy Industrial District.

A detailed staff report is attached.

The Planning Commission held a public hearing on September 7, 2023, and voted unanimously to recommend approval of the amendments.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND SECTIONS 5.11, 5.12, AND 5.14 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.11, 5.12, AND 5.14 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Amendment of Section 5.11. Section 5.11 of the Ordinance No. 848 is hereby amended to read as follows:

**Section 5.11 C-2 General Commercial District**

**5.11.01 Intent:** The General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

**5.11.02 Permitted Uses:**

- 5.11.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*
- 5.11.02.02 Child care center.
- 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.
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)*
- 5.11.03.25 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.
  - 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.

#### 5.11.04 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. Coverage	Lot
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 2. Amendment of Section 5.12. Section 5.12 of the Ordinance No. 848 is hereby amended to read as follows:

**Section 5.12 C-3 Highway Commercial / Office Park District**

**5.12.01 Intent:** The Highway Commercial / Office Park District is intended for large scale commercial and office park development 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. **(Ordinance No. 1433, 12-7-21)**
  10. Office Park developments.
  11. Drug Store. **(Ordinance No. 1433, 12-7-21)**
  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. **(Ordinance No. 1433, 12-7-21)**
- 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) **(Ordinance No. 1433, 12-7-21)**

### 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.
- 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**)
- 5.12.03.15 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.
  - 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.

### 5.12.04 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. Coverage	Lot
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 3. Amendment of Section 5.14. Section 5.14 of the Ordinance No. 848 is hereby amended to read as follows:

#### Section 5.14 I-2 Heavy Industrial

**5.14.01 Intent:** *It is the intent of the Heavy Industrial District Regulations to provide for industrial uses and services, including some manufacturing, wholesaling and storage activities; to preserve land for the expansion of the basic economic activities; to avoid incompatible land uses; to serve these areas with adequate transportation facilities; and to prevent or mitigate hazards to adjacent properties. (Ordinance No. 1053, 1-15-08)*

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

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

- 5.14.02.01 Assembly, fabrication, packaging, and processing of products inside an enclosed building, except hazardous or toxic materials  
 5.14.02.02 Automotive services, except repair, towing and wrecking  
 5.14.02.03 Business services  
 5.14.02.04 Data Center **(Ordinance No. 1433, 12-7-21)**  
 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 500feet 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 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 h <sup>2</sup>	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Coverage	Lot
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 4. Repeal of Sections 5.11, 5.12, and 5.14 as Previously Enacted. Sections 5.11, 5.12, and 5.14 of Ordinance No. 848 as previously enacted is hereby repealed.

SECTION 5. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 6. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 7. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

## **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.
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)*
- 5.11.03.25 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.
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.

#### **5.11.04 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. *(Ordinance No. 1433, 12-7-21)*
  - 10. Office Park developments.
  - 11. Drug Store. *(Ordinance No. 1433, 12-7-21)*
  - 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. *(Ordinance No. 1433, 12-7-21)*
- 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) *(Ordinance No. 1433, 12-7-21)*

#### **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.
- 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)*
- 5.12.03.15 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.
  - 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.

#### 5.12.04 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.

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## 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 *(Ordinance No. 1433, 12-7-21)*
- 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 500feet 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~~ 5.14.03.21 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.

# **Clean Version**

## **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.
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)*
- 5.11.03.25 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.
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.

#### 5.11.04 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. *(Ordinance No. 1433, 12-7-21)*
  - 10. Office Park developments.
  - 11. Drug Store. *(Ordinance No. 1433, 12-7-21)*
  - 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. *(Ordinance No. 1433, 12-7-21)*
- 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) *(Ordinance No. 1433, 12-7-21)*

#### **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.
- 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)*
- 5.12.03.15 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.
  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.

#### 5.12.04 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 5.14 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 *(Ordinance No. 1433, 12-7-21)*
- 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 500feet 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 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.