

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

Subject:	Type:	Submitted By:
ZONING TEXT AMENDMENTS – SECTIONS 5.19 MIXED USE CITY CENTRE DISTRICT AND 7.05 OFF STREET AUTOMOBILE STORAGE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CHRIS SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and an ordinance prepared to amend Sections 5.19 and 7.05 of the La Vista Zoning Ordinance regarding parking to allow for the construction of temporary gravel-surfaced parking utilized in association with event centers in the Mixed Use City Centre Zoning District (MU-CC), when such event centers have a capacity for 2,000 or more persons.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

Staff is proposing a series of zoning text amendments to provide limited flexibility in the development of temporary parking in relation to large events at the Astro Event Center in La Vista City Centre to meet the short-term need for additional parking capacity. The proposed amendments will allow for the limited construction of temporary parking in a yet-to-be-developed area of La Vista City Centre to help contain event parking within the development. The proposed amendments will help to limit the overflow of parking into adjacent commercial and residential areas.

The zoning text changes proposed in this amendment allow for the construction of crushed rock or gravel temporary event parking specifically in relation to the event centers in the Mixed-Use City Centre Zoning District with the approval of a development agreement approved by City Council. Such a development agreement would outline details of requirements for the maintenance of the temporary parking and provide a sunset clause to limit the length of time that the temporary parking would be allowed.

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 Zoning Text Amendment.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 5.19 AND 7.05 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.19 AND 7.05 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 5.19. Section 5.19 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.19 MU-CC Mixed Use City Centre District

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

5.19.02 Permitted Uses:

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

Uses Allowed in the MU-CC Zoning District

Use Category (Specific Use Type)	MU-CC District
Residential:	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	P
Bed & breakfasts	P
Townhouses/condominiums	P
Multi-Family, above ground floor	P
Multi-Family, ground floor	C
Senior living: nursing care, rehab facility & assisted living facility	C
Public and Civic:	
Meeting hall	C
Museum	P
Publicly owned and operated facilities	P

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

Gunsmith	C
Hardware store	P
Health club or recreation facility, not including uses defined 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. (Ordinance No. 1369, 10-1-19)	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

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, unless in accordance with Section 7.05.05 of this ordinance.
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.

SECTION 2. Amendment of Section 7.05. Section 7.05 of the Ordinance No. 848 is hereby amended to read as follows:

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)**

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. **(Ordinance No. 1433, 12-7-21)**
- 7.05.05 Parking spaces utilized in association with event centers in the Mixed Use City Centre Zoning District (MU-CC), when such event centers have a capacity for 2,000 or more persons, may have a surface of compacted gravel or crushed rock on a temporary basis with an approved development agreement from the City of La Vista and shall be valid only for a specific amount of time as indicated in said agreement. Such compacted gravel or crushed rock parking shall be contained within a distinct border and be properly maintained.
- 7.05.06 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.
- 7.05.07 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.
- 7.05.08 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.
- 7.05.09 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)
- 7.05.10 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 3. Repeal of Sections 5.19 and 7.05 as Previously Enacted. Sections 5.19 and 7.05 of Ordinance No. 848 as previously enacted is hereby repealed.

SECTION 4. 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 5. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 6. 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

Kim J. Thomas, Acting Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

Section 5.19 MU-CC Mixed Use City Centre District

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5.19.02 Permitted Uses:

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Uses Allowed in the MU-CC Zoning District

Use Category (Specific Use Type)	MU-CC District
Residential:	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	P
Bed & breakfasts	P
Townhouses/condominiums	P
Multi-Family, above ground floor	P
Multi-Family, ground floor	C
Senior living: nursing care, rehab facility & assisted living facility	C
Public and Civic:	
Meeting hall	C
Museum	P
Publicly owned and operated facilities	P
Public services	P
Recreation areas/parks (public)	P
Social club/fraternal organizations	C
Parking Structures or Lots	P
Commercial:	
Antique store	P
Apparel shop	P
Art gallery	P
Attorneys	P
Automated Teller Machines	C
Bakery shop (retail)	P
Banks	P
Barber and beauty shop	P

Bicycle shop	P
Book store, not including uses defined in Adult Establishment.	P
Brew pubs	P
Brew-on premises store	P
Business or trade school	C
Business services	P
Camera store	P
Charitable organizations	C
Child care (center)	P
Coffee kiosks	P
Communication services	C
Computer store	P
Confectionery	P
Credit services	P
Dairy product sales	P
Dance studio	P
Dental office	P
Department store	P
Drug store	P
Dry cleaning & laundry pickup	P
Event center	C
Exercise, fitness & tanning spa	P
Finance/investment services	P
Fireworks stands	T
Floral shop	P
Food sales (general)	P
Food sales (limited)	P
Furniture store or showroom	P
Gift shop	P
Gunsmith	C
Hardware store	P
Health club or recreation facility, not including uses defined 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
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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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- 5.19.03.06 Solar Energy Conversion Systems as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

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- 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)**
- 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. **(Ordinance No. 1433, 12-7-21)**
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Clean Version

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Shoe store	P
Sporting goods	P
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3. All parking spaces shall be paved with asphalt, concrete or other approved hard surface, unless in accordance with Section 7.05.05 of this ordinance.
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.

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)**
- 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. **(Ordinance No. 1433, 12-7-21)**
- 7.05.05 Parking spaces utilized in association with event centers in the Mixed Use City Centre Zoning District (MU-CC), when such event centers have a capacity for 2,000 or more persons, may have a surface of compacted gravel or crushed rock on a temporary basis with an approved development agreement from the City of La Vista and shall be valid only for a specific amount of time as indicated in said agreement. Such compacted gravel or crushed rock parking shall be contained within a distinct border and be properly maintained.
- 7.05.06 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.
- 7.05.07 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.
- 7.05.08 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.
- 7.05.09 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)
- 7.05.10 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)**