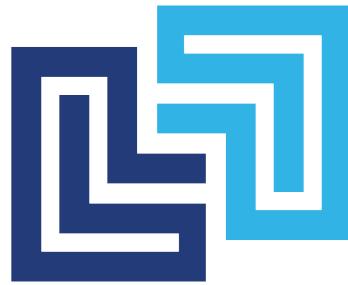


AGENDA ITEM 4A

**Zoning Ordinance Amendments – Catering Kitchens -
Section 2.04 – Definitions: C; Section 2.07 –
Definitions: F; and Section 5.13 I-1 Light Industrial**

MEMO



TO: Planning Commission

FROM: Cale Brodersen, AICP, Associate City Planner

DATE: 10/24/2023

RE: Zoning Ordinance Amendments – Catering Kitchens - Section 2.04 – Definitions: C; Section 2.07 – Definitions: F; and Section 5.13 I-1 Light Industrial

There has been a rising need both locally and nationally for commercial kitchens in industrial areas that are not related to restaurants where customers visit and consume food on-site. This use type, commonly referred to as catering kitchens or ghost kitchens are not currently permitted to operate in the I-1 Light Industrial zoning district through La Vista's zoning ordinance. Catering kitchens in industrial areas in other communities are used for:

- Caterers who prepare the food and deliver it to be consumed off-site
- Food truck vendors who need a commercial kitchen to prepare food and load up the food trucks prior to driving them to an event or sales location
- Artisan manufacturers of food products for small scale food distribution to grocery stores or farmers markets
- “Virtual restaurants” where food is only sold through the delivery model (made in the commercial kitchen, then delivered directly to the customer’s home through delivery drivers or services like Grubhub or UberEATS.)

The proposed zoning text amendments would introduce catering kitchens as an outright permitted use in the I-1 Light Industrial Zoning District. This use may include a small retail component, but shall not provide seating areas to allow for the consumption of food or food products on-site.

STAFF RECOMMENDATION:

Staff recommends approval of the zoning text amendments to Sections 2.04, 2.07 and 5.13 of the La Vista Zoning Ordinance.

**Catering Kitchens
Zoning Text Amendments
Redlined Version**

Section 2.04 - Definitions: C

CAMPGROUND shall mean a parcel of land intended for the temporary occupancy of tents, campers, and recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.

CAR WASH shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.

CARPORT shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

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CELLAR shall mean a building space having more than one-half (1/2) of its height below the average adjoining grade lines.

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CHANNEL shall mean the geographical area within either the natural or artificial banks of a watercourse or drainway.

CHARITABLE ORGANIZATION or CLUB shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals. *(Ordinance No. 1083, 2-17-09)*

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COMPREHENSIVE PLAN shall mean the Comprehensive Plan of La Vista, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 19-903, R.R.S. 1943, as the same may, from time-to-time, be amended.

CONCRETE BATCH PLANT shall mean an industrial facility used for the production of concrete, used in building or construction, and includes facilities for the administration or management of the business. (**Ordinance No. 1329, 9-18-18**)

CONDITIONAL USE shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.

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CONSERVATION shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

CONSERVATION AREA shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

CONSERVATION EASEMENT shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

CONSTRUCTION shall mean *on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping.* (*Ordinance No. 1083, 2-17-09*)

CONTIGUOUS shall mean the same as "Abut".

CONTINUING CARE RETIREMENT COMMUNITY shall offer services and housing packages that allow access to senior independent living, assisted living, and nursing care facilities. Seniors who are independent may live in a single-family home, apartment or condominium within the Continuing Care Retirement Community. When members of the community begin to need help with activities of daily living (e.g. bathing, dressing, eating, etc.), they may be transferred to an assisted living or nursing care facility on the same site.

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

FARM an area containing at least twenty (20) acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain; *storing of such products; and/or* raising farm animals. The term farming includes the operating of such area for two or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals. *(Ordinance No. 1083, 2-17-09)*

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FLOOD (see Section 5.18.25 of this Ordinance)

FLOOD PLAIN (see Section 5.18.25 of this Ordinance)

FLOODWAY (see Section 5.18.25 of this Ordinance)

FLOOR AREA whenever the term "floor area" is used in this Regulation as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

FOOD SALES shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops, and catering kitchens.

FOOD SALES (LIMITED) shall mean food sales establishments occupying 10,000 square feet or less of space.

FOOD SALES (GENERAL) shall mean food sales establishments occupying more than 10,000 square feet of space. Typically a supermarket.

FRONTAGE shall mean that portion of a parcel of property which abuts a dedicated public street or highway.

Section 5.13 I-1 Light Industrial.

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

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

- 5.13.02.01 Light Manufacturing
- 5.13.02.02 Automotive services, except repair, towing and wrecking
- 5.13.02.03 Business services
- 5.13.02.04 Facilities for building construction contractors
- 5.13.02.05 Landscape and horticultural services
- 5.13.02.06 Medical and dental laboratories
- 5.13.02.07 Assembly of electrical and electronic appliances
- 5.13.02.08 Miscellaneous repair services, not including automotive
- 5.13.02.09 Printing, publishing, and allied industries
- 5.13.02.10 Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste
- 5.13.02.11 General warehousing
- 5.13.02.12 Testing laboratories
- 5.13.02.13 Publicly owned and operated facilities (*Ordinance No. 950, 3-1-05*)
- 5.13.02.14 Special and vocational training facilities (*Ordinance No. 950, 3-1-05*)
- 5.13.02.15 Wholesale trade of goods
- 5.13.02.16 Microbreweries and microdistilleries without on-site sales (*Ordinance No. 1292, 9-6-16*)
- 5.13.02.17 Artist Studio Space(*Ordinance No. 1433, 12-7-21*)**
- 5.13.02.175.13.02.18 Catering kitchens**

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

- 5.13.03.01 Animal specialty services with or without overnight boarding of animals and outdoor exercise areas
- 5.13.03.02 Heavy equipment rental
- 5.13.03.03 Household furniture, furnishings, and equipment store
- 5.13.03.04 Hardware, lawn and garden supply store
- 5.13.03.05 Lumber and other building materials dealer
- 5.13.03.06 Outdoor display of merchandise
- 5.13.03.07 Radio, television and communication towers and transmitters, as per Section 7.11
- 5.13.03.08 Utility substations, terminal facilities, and reservoirs
- 5.13.03.09 Farm-implement sales and service
- 5.13.03.10 Cabinetry millwork
- 5.13.03.11 Gasoline service stations
- 5.13.03.12 Automotive repair services
- 5.13.03.13 Sale of recreational vehicles, including boats and jet skis
- 5.13.03.14 Indoor recreational facility (*Ordinance No. 918, 10-6-03*)
- 5.13.03.15 Veterinary Services, not including livestock
- 5.13.03.16 Self-service storage facility (*Ordinance No. 1069, 8-19-08*)
- 5.13.03.17 Industrial Condominiums (*Ordinance No. 1246, 4-21-15*)
- 5.13.03.18 Microbreweries and microdistilleries with on-site sales (*Ordinance No. 1292, 9-6-16*)
- 5.13.03.19 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

5.13.04 Permitted Accessory Uses

- 5.13.04.01 Buildings and uses customarily incidental to the permitted uses
- 5.13.04.02 Parking as permitted in Section 7.05 through 7.09
- 5.13.04.03 Signs allowed in Section 7.01 through 7.04

5.13.04.04 Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work

5.13.04.05 Landscaping as required by Section 7.17

5.13.04.06 Solar Energy Conversion Systems as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

5.13.05 Height and Lot Requirements:

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

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

¹ 35' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of sixty (60) feet.

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

5.13.06 Use Limitations:

5.13.06.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within *thirty (30)* feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04. (*Ordinance No. 1053, 1-15-08*)

5.13.06.02 No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.

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

5.13.06.04 *No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling. (Ordinance No. 1053, 1-15-08)*

5.13.07 Performance Standards:

See Section 7.16 of the Supplemental Regulations.

**Catering Kitchens Zoning
Text Amendments
Clean Version**

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FLOODWAY (see Section 5.18.25 of this Ordinance)

FLOOR AREA whenever the term "floor area" is used in this Regulation as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

FOOD SALES shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, candy shops, and catering kitchens.

FOOD SALES (LIMITED) shall mean food sales establishments occupying 10,000 square feet or less of space.

FOOD SALES (GENERAL) shall mean food sales establishments occupying more than 10,000 square feet of space. Typically a supermarket.

FRONTAGE shall mean that portion of a parcel of property which abuts a dedicated public street or highway.

Section 5.13 I-1 Light Industrial.

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

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

- 5.13.02.01 Light Manufacturing
- 5.13.02.02 Automotive services, except repair, towing and wrecking
- 5.13.02.03 Business services
- 5.13.02.04 Facilities for building construction contractors
- 5.13.02.05 Landscape and horticultural services
- 5.13.02.06 Medical and dental laboratories
- 5.13.02.07 Assembly of electrical and electronic appliances
- 5.13.02.08 Miscellaneous repair services, not including automotive
- 5.13.02.09 Printing, publishing, and allied industries
- 5.13.02.10 Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste
- 5.13.02.11 General warehousing
- 5.13.02.12 Testing laboratories
- 5.13.02.13 Publicly owned and operated facilities (*Ordinance No. 950, 3-1-05*)
- 5.13.02.14 Special and vocational training facilities (*Ordinance No. 950, 3-1-05*)
- 5.13.02.15 Wholesale trade of goods
- 5.13.02.16 Microbreweries and microdistilleries without on-site sales (*Ordinance No. 1292, 9-6-16*)
- 5.13.02.17 Artist Studio Space(*Ordinance No. 1433, 12-7-21*)
- 5.13.02.18 Catering kitchens

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

- 5.13.03.01 Animal specialty services with or without overnight boarding of animals and outdoor exercise areas
- 5.13.03.02 Heavy equipment rental
- 5.13.03.03 Household furniture, furnishings, and equipment store
- 5.13.03.04 Hardware, lawn and garden supply store
- 5.13.03.05 Lumber and other building materials dealer
- 5.13.03.06 Outdoor display of merchandise
- 5.13.03.07 Radio, television and communication towers and transmitters, as per Section 7.11
- 5.13.03.08 Utility substations, terminal facilities, and reservoirs
- 5.13.03.09 Farm-implement sales and service
- 5.13.03.10 Cabinetry millwork
- 5.13.03.11 Gasoline service stations
- 5.13.03.12 Automotive repair services
- 5.13.03.13 Sale of recreational vehicles, including boats and jet skis
- 5.13.03.14 Indoor recreational facility (*Ordinance No. 918, 10-6-03*)
- 5.13.03.15 Veterinary Services, not including livestock
- 5.13.03.16 Self-service storage facility (*Ordinance No. 1069, 8-19-08*)
- 5.13.03.17 Industrial Condominiums (*Ordinance No. 1246, 4-21-15*)
- 5.13.03.18 Microbreweries and microdistilleries with on-site sales (*Ordinance No. 1292, 9-6-16*)
- 5.13.03.19 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

5.13.04 Permitted Accessory Uses

- 5.13.04.01 Buildings and uses customarily incidental to the permitted uses
- 5.13.04.02 Parking as permitted in Section 7.05 through 7.09
- 5.13.04.03 Signs allowed in Section 7.01 through 7.04

5.13.04.04 Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work

5.13.04.05 Landscaping as required by Section 7.17

5.13.04.06 Solar Energy Conversion Systems as provided for in Section 7.15. (**Ordinance No. 1389, 3-3-2020**)

5.13.05 Height and Lot Requirements:

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

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

¹ 35' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of sixty (60) feet.

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

5.13.06 Use Limitations:

5.13.06.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within *thirty (30)* feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04. (**Ordinance No. 1053, 1-15-08**)

5.13.06.02 No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.

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

5.13.06.04 *No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling. (Ordinance No. 1053, 1-15-08)*

5.13.07 Performance Standards:

See Section 7.16 of the Supplemental Regulations.