

Memorandum



To: Planning Commission Members

CC:

From: Marcus Baker, City Planner

Date: 12/14/2007

Re: Revisions to the Zoning Ordinance

Agenda Item 4A: [Proposed Revisions to City of La Vista Zoning Ordinance - Section 5.13 I-1 Light Industrial, Section 5.14 I-2 Heavy Industrial, Section 2.02 Definitions, and Section 7.16 Performance Standards for Industrial Uses](#)

Revisions have been made to these sections of the Zoning Ordinance to create more generalized categories of uses; clarify and / or define uses and standards; and allow a greater diversity of services in the Industrial Zoning Districts. These revisions are shown in a final draft and are ready for Planning Commission review and recommendations. The following list highlights the major changes to the code:

- Definitions have been added for:
 - Animal Specialty Services
 - Automobile Repair Services
 - Automobile Services
 - Business Services
 - Coffee Kiosk (revision only)
 - Manufacturing, Light
 - Miscellaneous Repair Services; and
 - Transportation Services
- These defined uses have also been added as either Permitted Uses or Permitted Conditional Uses in the I-1 and/or I-2 Zoning Districts.
- Lot Area and Lot Width minimums have increased in both the I-1 and I-2 zones.
- Language regarding outdoor storage and display has been clarified and performance standards requiring screening are more defined.
- Heavy manufacturing has been limited to the I-2 district only.

Staff Recommendation Item 4A: Recommend approval of the proposed revisions with any added changes, if applicable.

2.02.22 **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

2.02.23 **AGRICULTURE** shall mean the use of land for agricultural purposes, of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.

2.02.24 **AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

2.02.25 **AIRPORT HAZARD ZONE** consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Zone is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the Approach and Turning Zones.

2.02.26 **ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.

2.02.27 **ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.

2.02.28 **ALTERATION, STRUCTURAL** (see Structural, alteration)

2.02.29 **AMENDMENT** shall mean a change in the wording, context, or substance of this Regulation, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

2.02.30 **AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

2.02.31 **AMUSEMENT PARK** shall mean a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

2.02.32 **ANIMAL HOSPITAL** (see Hospital, animal)

2.02.33 **ANIMALS, DOMESTIC** (see Household pet)

2.02.34 **ANIMAL SPECIALTY SERVICES** – shall refer to establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services. Does not include veterinary services or overnight boarding kennels.

2.02.35 **ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)

2.02.36 **ANTIQUE SHOPS** shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, belonging to the past, at least 30 years old.

2.02.53 **AUTOMOBILE SALES** shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales) (**Ordinance No. 891, 2-04-03**)

2.02.54 **AUTOMOBILE REPAIR SERVICES** shall refer to any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; major painting services; collision services; and tire service and sales.

2.02.55 **AUTOMOBILE SERVICES** shall refer to any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; and minor painting.

2.02.56 **AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

2.02.57 **BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub)

2.02.58 **BASEMENT** shall mean a building space partly underground, and having at least one-half (1/2) of its height, measuring from its floor to its ceiling, above the average adjoining finished ground grade line.

2.02.59 **BEACON** shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

2.02.60 **BED and BREAKFAST INN** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.

2.02.61 **BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

2.02.62 **BERM** shall mean a raised form of earth to provide screening or to improve the aesthetic character.

2.02.63 **BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not interest of the immediate neighborhood.

2.02.64 **BILLBOARD** (see Sign, Billboard)

2.02.65 **BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatte land, City-County boundaries, or adjoining property lines.

2.02.66 **BLOCK FRONTAGE** shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.

2.02.67 **BOARD OF ADJUSTMENT** shall mean that board that has been created by the city and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.

2.02.68 **BOARDING OR ROOMING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation.

shed roof, measured from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the building. (Also, see Height)

2.02.82 **BUILDING INSPECTOR** shall mean the Building Inspector of the City of La Vista, Nebraska.

2.02.83 **BUILDING PRINCIPAL** shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Principal Use)

2.02.84 **BUILDING SETBACK LINE** shall mean the minimum of distance as prescribed by this regulation between any property line and the closest point of the building line or face of any building or structure related thereto.

2.02.85 **BUSINESS SERVICES** shall mean establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services. (See also Standard Industrial Classification (SIC) Major Group 73, published by the U.S. Department of Labor.)

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

2.02.87 **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.

2.02.88 **CAR WASH, INDUSTRIAL** shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

2.02.89 **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.

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

2.02.91 **CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.

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

2.02.93 **CHARITABLE** 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.

2.02.94 **CHILD CARE CENTER** shall mean an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for thirteen (13) or more children under age 13, at any one time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

2.02.95 **CHILD CARE HOME** shall mean an operation in the provider's place of residence which serves at least four (4), but not more than eight (8) children at any one time, from families other than that of the provider. A Family Child Care Home I provider may be approved to serve no more than two (2) additional school-age children during non-school hours. A Family Child Care Home II operation may be either in the provider's own place of residence or a site other than the residence, serving twelve (12) or fewer children at any one time. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.

2.02.96 **CHURCH, STOREFRONT** shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation.

Structures adapted for congregations include barns, stores, warehouses, old public buildings, and single-family dwellings.

2.02.97 **CITY** shall mean the City of La Vista.

2.02.98 **CLEAR VIEW ZONE** shall mean the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (Also see Site Triangle)

2.02.99 **CLUB** shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

2.02.100 **CODE** shall mean the Municipal Code of the City of La Vista.

2.02.101 **COFFEE KIOSK** shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window or walk-up window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

2.02.102 **COHESIVENESS** shall mean the unity of composition between design elements of a building and/or a group of buildings and the landscape development.

2.02.103 **COMMISSION** shall mean the La Vista Planning Commission.

2.02.104 **COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a Planned Development or condominium development.

2.02.105 **COMMUNITY CENTER** shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

2.02.106 **COMPATIBILITY** shall mean harmony in the appearance of two or more external design features in the same vicinity.

2.02.107 **COMPATIBLE USES** shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.

2.02.108 **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.

2.02.109 **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.

2.02.110 **CONDITIONAL USE PERMIT** shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon, or required by said permit.

2.02.111 **CONDOMINIUM** shall be as defined in the Nebraska State Statutes Section 76-824 - 76-894, the Condominium Law, whereby four or more apartments are separately offered for sale.

2.02.248 **MANUFACTURED HOME PARK** shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.

2.02.249 **MANUFACTURED HOME SUBDIVISION** shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

2.02.250 **MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

2.02.251 **MANUFACTURING, LIGHT** shall mean an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials.

2.02.252 **MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the La Vista City Council.

2.02.253 **MASSAGE ESTABLISHMENT** shall mean any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing device. Said establishment shall comply with all state regulations as per §71-1,278 through §71-1,283, Nebr. R.R.S., 1943

2.02.254 **MASSAGE PARLOR** (See Adult Uses)

2.02.255 **MASTER FEE SCHEDULE** shall mean a fee schedule maintained by the City of La Vista and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.

2.02.256 **MECHANICAL EQUIPMENT** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

2.02.257 **MINI-STORAGE OR MINI-WAREHOUSE** (See Self-Service Storage Facility)

2.02.258 **MISCELLANEOUS REPAIR SERVICES** shall include electrical repair shops; watch, clock and jewelry repair shops; and re-upholstery and furniture repair. (See also Standard Industrial Classification (SIC) Major Group 76, published by the U.S. Department of Labor)

2.02.259 **MISCELLANEOUS STRUCTURES** shall mean structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities.

2.02.444 **TATTOO PARLOR / BODY PIERCING STUDIO** shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

2.02.445 **TAVERN** (See Bar)

2.02.446 **TEMPORARY USE** shall mean a use intended for limited duration to be located in a zoning district not permitting such use.

2.02.447 **THEATER** shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service.

2.02.448 **TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna)

2.02.449 **TOWNHOUSE** shall mean a one-family dwelling unit, with a private entrance, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

2.02.450 **TRAILER, AUTOMOBILE** shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

2.02.451 **TRANSPORTATION SERVICES** shall mean establishments providing services incidental to transportation, such as forwarding, packing, crating, or other means of preparing goods for shipping. (See also Standard Industrial Classification (SIC) Industry Group 473 and description 4783, published by the U.S. Department of Labor.)

2.02.452 **TRUCK REPAIR** shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one (1) ton and buses but excluding pickups and other vehicles designed for the transport of under eight (8) passengers.

2.02.453 **UPZONING** shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.

2.02.454 **USE, BEST** shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.

2.02.455 **USE, HIGHEST** shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

2.02.456 **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal)

2.02.457 **USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".

2.02.458 **UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

2.02.459 **UTILITY EASEMENT** shall mean the same as "Easement".

2.02.460 **UTILITY HARDWARE** shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

Section 5.13 I-1 Light Industrial.

5.13.01 Intent: It is the intent of the Light Industrial District Regulations to provide standards for area suitable for some limited industrial uses and services, including some retail businesses, wholesaling, and storage activities; to preserve land for the expansion of the basic economic activities; to free these areas from intrusion by avoid incompatible land uses, to serve that these areas should be served with adequate transportation facilities, and that user of this land to conduct activities that create prevent or low-to-moderate mitigate hazards to adjacent properties.

5.13.02 Permitted Uses:

- 5.13.02.01 Light Manufacturing-Assembly, fabrication, and processing of products inside an enclosed building, except hazardous or combustible materials.
- 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 Manufacture and assembly of electrical and electronic appliances
- 5.13.02.08 Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
- 5.13.02.09 Manufacture of light sheet metal products including heating and ventilation equipment.
- 5.13.02.10 Miscellaneous repair services, not including automotive
- 5.13.02.11 Printing, publishing business, and allied industries
- 5.13.02.12 Stone and monument works.
- 5.13.02.13 Public local distribution and main transmission utilities Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste
- 5.13.02.14 General warehousing and public self-storage wholesale businesses.
- 5.13.02.15 Building materials yards with enclosed and screened storage areas.
- 5.13.02.16 Highway maintenance yards or buildings.
- 5.13.02.17 Self storage units.
- 5.13.02.18 Veterinarian or animal hospitals.
- 5.13.02.19 Outdoor storage facilities.
- 5.13.02.20 Testing Laboratories
- 5.13.02.21 Publicly owned and operated facilities (Ordinance No. 950, 3-1-05)
- 5.13.02.22 Special and vocational educational and training facilities (Ordinance No. 950, 3-1-05)
- 5.13.02.23 Wholesale trade of goods

5.13.03 Permitted Conditional Uses

- 5.13.03.01 Animal specialty services
- 5.13.03.02 Automotive rental / leasing and other 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 Fertilizer transmission lines.
- 5.13.03.09 Utility substations, terminal facilities, and reservoirs
- 5.13.03.10 Auction Sales.
- 5.13.03.11 Construction and heavy equipment sales and service.
- 5.13.03.12 Farm-implement sales and service
- 5.13.03.13 Research facilities.
- 5.13.03.14 Truck terminal and dock facilities to include truck washing.
- 5.13.03.15 Auto body repair.
- 5.13.03.16 Live in quarters used by live in watchman or custodians during periods of construction or when necessary as an accessory to permitted use.
- 5.13.03.17 Cabinetry millwork
- 5.13.03.18 Gasoline service stations Service station with minor automobile repair services (Ordinance No. 872, 10-15-02)
- 5.13.03.19 Automotive repair services Tire store and minor automobile repair service. (Ordinance No. 872, 10-15-02)

5.13.03.20 Sale of recreational vehicles, including boats and jet skis

5.13.03.21 ~~Totally enclosed, automated and conveyor style car washes. (Ordinance No. 909, 6-17-03)~~

5.13.03.22 Indoor recreational facility (Ordinance No. 918, 10-6-03)

5.13.03.23 Veterinary Services, not including livestock

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

5.13.05 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	<u>20,000</u> <u>10,000</u>	<u>100'</u>	<u>35'</u> ¹	<u>30'</u>	<u>25'</u>	<u>45'</u>	<u>65%</u>
Permitted Conditional Uses	<u>20,000</u> <u>10,000</u>	<u>100'</u>	<u>35'</u> ¹	<u>30'</u>	<u>25'</u>	<u>45'</u>	<u>65%</u>

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.

5.13.06 Use Limitations:

5.13.03.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15-30) 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.

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

5.13.03.03 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.

5.13.03.04 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.

5.13.04 Performance Standards:

See Section 7.16 of the Supplemental Regulations.

Section 5.14 I-2 Heavy Industrial.

5.14.01 Intent: It is the intent of the Heavy Industrial District Regulations to provide standards for industrial uses and services, including area suitable for some limited industrial manufacturing, wholesaling and storage activities; to preserve land for the expansion of the basic economic activities; to free these areas from intrusion by avoid incompatible land uses; to serve that these areas should be served with adequate transportation facilities; and that user of this land conduct activities that create low to moderate to prevent or mitigate hazards to adjacent properties.

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:

- 5.14.02.01 Assembly, fabrication, packaging, and processing of products inside an enclosed building, except hazardous or combustible or toxic materials
- 5.14.02.02 Automotive services, except repair, towing and wrecking
- 5.14.02.03 Business services
- 5.14.02.04 Facilities for building construction contractors
- 5.14.02.05 Landscape and horticultural services
- 5.14.02.06 Medical and dental laboratories
- 5.14.02.07 Miscellaneous repair services, not including automotive
- 5.14.02.08 Printing, publishing, and allied industries
- 5.14.02.09 Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste
- 5.14.02.10 General warehousing and public self-storage
- 5.14.02.11 Testing Laboratories
- 5.14.02.12 Facilities for heavy construction contractors
- 5.14.02.13 Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic appliances equipment and components
- 5.14.02.14 Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
- 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 Printing and publishing business.
- 5.14.02.18 Stone and monument works. Manufacturing stone, clay, glass and concrete products
- 5.14.02.19 Public local distribution and main transmission utilities.
- 5.14.02.20 Warehouses and wholesale businesses.
- 5.14.02.21 Building materials yards with enclosed and screened storage areas.
- 5.14.02.22 Highway maintenance yards or buildings.
- 5.14.02.23 Self storage units.
- 5.14.02.24 Bottling works.
- 5.14.02.25 Dairy products processing.
- 5.14.02.26 Veterinarian or animal hospitals.
- 5.14.02.27 Ice Plant.
- 5.14.02.28 Laundry and dry cleaning plant.
- 5.14.02.29 Manufacturing, compounding, processing, packaging or treatment of articles or merchandising from previously prepared materials such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber, and paint.
- 5.14.02.30 Millwork; veneer, plywood and structural wood products manufacturing woodwork.
- 5.14.02.31 Storage of farm and agricultural products.
- 5.14.02.32 Tire retreading and recapping.
- 5.14.02.33 Processing of food products.
- 5.14.02.34 Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)
- 5.14.02.35 Special and vocational educational and training facilities. (Ordinance No. 950, 3-1-05)
- 5.14.02.36 Transportation services
- 5.14.02.37 Trucking and courier services, except air
- 5.14.02.38 Veterinary Services, including livestock

5.14.02.39 Wholesale trade of goods

5.14.03 Permitted Conditional Uses

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 Fertilizer transmission lines.
5.14.03.07 Utility substations, terminal facilities, and reservoirs
5.14.03.08 Auction Sales.
5.14.03.09 Construction and heavy equipment sales and service.
5.14.03.10 Farm-implement sales and service
5.14.03.11 Research facilities.
5.14.03.12 Truck terminal and dock facilities to include truck washing.
5.14.03.13 Auto body repair.
5.14.03.14 Auto Salvage.
5.14.03.15 Central mixing Temporary Batch plant for concrete, asphalt, or paving material, not to exceed 24 months of operations
5.14.03.16 Cabinetry millwork
5.14.03.17 Scrap and salvage yard. Recycling center for computers, televisions and household items
5.14.03.18 Storage of bulk petroleum products
5.14.03.19 Storage or processing of non hazardous material.
5.14.03.20 *Totally enclosed, automated and conveyor style car washes (Ordinance No. 909, 6-17-03)*
5.14.03.21 *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)*
5.14.03.22 Gasoline service stations Service station with minor automobile repair services (Ordinance No. 872, 10-15-02)
5.14.03.23 Automotive repair services Tire store and minor automobile repair service. (Ordinance No. 872, 10-15-02)
5.14.03.24 Sale of recreational vehicles, including boats and jet skis
5.14.03.25 Indoor recreational facility (Ordinance No. 918, 10-6-03)
5.14.03.26 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.

5.14.04 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

5.14.05 Height and Lot Requirements:

5.14.05.01	The height and minimum lot requirements shall be as follows:						
Max. Lot Coverage	Lot Area (SF)²	Lot Width²	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	40,000 10,000	150	35 ¹	30'	25'	45'	75%
Permitted Conditional Uses	40,000 10,000	150	35 ¹	30'	25'	45'	75%

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.

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 fifteen (15 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.

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.

5.14.07 Performance Standards:

See Section 7.16 of the Supplemental Regulations.

closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.

- 7.15.02 **Structural Requirements:** The physical structure and connections to existing structures shall conform to the applicable La Vista building codes.
- 7.15.03 **Plot Plan:** The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- 7.15.04 **Permit Fee:** A permit fee is required. This permit fee shall be paid prior to the issuance of the building permit. The amount of the fee shall be as established in the Master Fee Schedule.
- 7.15.05 **Preexisting Solar Panels:** Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to September 18, 1985, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

Section 7.16 Performance Standards for Industrial Uses

The following standards shall be met unless there are greater standards required by the United States Environmental Protection Agency or the Nebraska Department of Environmental Quality.

- 7.16.01 **Physical Appearance:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be displayed or stored in the open, if the applicable zoning district permits. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the outdoor storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition. However, allowable outdoor storage or display shall be visually screened from public roadways and residential properties.
- 7.16.02 **Fire hazard:** No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of La Vista.
- 7.16.03 **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume or in excess of eighty (80) decibels, whichever is greater. (Ordinance No. 858, 3-5-02). Noise shall be measured at the property line, and when the level of such noise cannot be determined by observation with the natural senses, with a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
- 7.16.04 **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge of waste into a stormsewer, water-course surface water, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are nor shall hazardous waste, detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations, be dumped into wastewater sewerage.
- 7.16.05 **Air Contaminants:**
 - 7.16.05.01 Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one (1) four (4) minute period in each one-half (1/2) hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
 - 7.16.05.02 Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (1/2) hour, at which time it may equal but not exceed six tenths

(0.6) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.

7.16.05.03 Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.

7.16.05.04 **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.

7.16.05.05 **Gasses:** The gasses sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million, carbon monoxide shall not exceed five (5) parts per million. All measurements shall be taken at the zoning lot line.

7.16.05.06 **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.

7.16.05.07 **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

Section 7.17 Landscaping Requirements

7.17.01 Intent:

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment within the City of La Vista by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with the provisions of this section.

Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

7.17.02 Application and Scope:

The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following:

7.17.02.01 Agricultural buildings, structures and uses.

7.17.02.02 Replacement of lawfully existing structures or uses.

7.17.02.03 Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking is more than 4,000 square feet shall not be accepted. Where such enlargement is less than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.

7.17.02.04 Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.

1. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the City.