

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1118

AN ORDINANCE TO AMEND SECTIONS 5.06, 5.07, 5.08, AND 5.09 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.06, 5.07, 5.08, AND 5.09 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 Sections 5.06, 5.07, 5.08 and 5.09. Sections 5.06, 5.07, 5.08, and 5.09 of Ordinance No. 848 are hereby amended to read as follows:

Section 5.06 R-1 Single-Family Residential.

5.06.01 Intent: The Single-Family Residential District is intended to permit low to medium-density residential developments to accommodate residential and compatible uses.

5.06.02 Permitted Uses:

- 5.06.02.01 Single family dwellings.
- 5.06.02.02 Public and private schools.
- 5.06.02.03 Public Services.
- 5.06.02.04 Publicly owned and operated facilities.
- 5.06.02.05 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.06.02.06 *Group Care Home*

5.06.03 Permitted Conditional Uses:

- 5.06.03.01 Public and private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools.
- 5.06.03.02 Churches, temples, seminaries, convents, including residences for teachers and pastors.
- 5.06.03.03 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar public service uses.
- 5.06.03.04 Home Occupations, as per Section 7.10.
- 5.06.03.05 Child Care Center.

5.06.04 Permitted Accessory Uses:

- 5.06.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.06.04.02 Decks, elevated patios either attached or detached.
- 5.06.04.03 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.06.04.04 Parking for permitted uses as per Section 7.05 through 7.09.
- 5.06.04.05 Signs allowed in Section 7.01 through 7.04.
- 5.06.04.06 Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
- 5.06.04.07 Landscaping as required by Section 7.17.

5.06.05 Height and Lot Requirements:

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

| Uses | Lot Area (SF) | Lot Width | Front Yard | Side Yard | Rear Yard | Max. Height | Max. Building Coverage |
|---|---------------|-----------|------------|-----------|-----------|-------------|------------------------|
| Single-family Dwelling (existing development) ⁴ ² | 5,000 | 60' | 30' | 5' | 30' | 35' | 35% |
| Single-family Dwelling (future development) ³ ² | 7,000 | 70' | 30' | 10' | 30' | 35' | 40% |
| Other Permitted Uses | 8,000 | 75' | 25' | 25' | 25' | 35' | 25% |
| Other Conditional Uses | 8,000 | 75' | 25' | 25' | 25' | 45' | 25% |
| Accessory Buildings | - | - | 50' | 5' | 5' | 17' | 10% ¹ |

¹ Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

² On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

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- ³ Future development shall be defined as all new subdivisions created after *the adoption of Ordinance No. 848 on November 20, 2001.*
- ⁴ Existing development shall be defined as existing prior to the adoption of this regulation and shall not include any replatting or lot splits done after the date of original adoption.

Section 5.07 R-2 Two-Family Residential

5.07.01 Intent: The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.07.02 Permitted Uses:

- 5.07.02.01 Single family detached dwellings.
- 5.07.02.02 Single family attached.
- 5.07.02.03 Two-family, duplex, dwellings.
- 5.07.02.04 Public and private schools.
- 5.07.02.05 Publicly owned and operated facilities.
- 5.07.02.06 Public Services.
- 5.07.02.07 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.07.02.08 *Group Care Home*

5.07.03 Permitted Conditional Uses:

- 5.07.03.01 Bed and Breakfasts.
 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.07.03.02 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.07.03.03 *Nursing care and rehabilitation facilities, or assisted living facilities*
- 5.07.03.04 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.07.03.05 Home Occupations as per Section 7.10.
- 5.07.03.06 Child Care Center.

5.07.04 Permitted Accessory Uses:

- 5.07.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.07.04.02 Decks, elevated patios either attached or detached.
- 5.07.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.07.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.07.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.07.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.07.04.07 Landscaping as required by Section 7.17.

5.07.05 Height and Lot Requirements:

5.07.05.01 The height and minimum lot requirements shall be follows:

| | Lot Area (SF) | Lot Width | Front Yard | Side Yard ³ | Rear Yard | Max. Height | Max. Building Coverage |
|--|----------------|--------------|------------|------------------------|-----------|-------------|------------------------|
| <i>Single-family Dwelling (existing development⁵)²</i> | 5,000 | 50' | 30' | 5' | 30' | 35' | 35% |
| <i>Single-family Dwelling (future development⁴)²</i> | 7,000 | 70' | 30' | 10' | 30' | 35' | 40% |
| <i>Two-family Dwelling²</i> | 10,000 | 100' | 30' | 10' | 30' | 35' | 40% |
| <i>Single-family attached</i> | 4,500 per unit | 50' per unit | 30' | 10' | 30' | 35' | 40% |
| <i>Other Permitted Uses</i> | 8,000 | 75' | 30' | 10' | 30' | 35' | 30% |
| <i>Other Conditional Uses</i> | 8,000 | 75' | 30' | 10' | 30' | 45' | 30% |
| <i>Accessory Buildings</i> | - | - | 50' | 5' | 5' | 17' | 10% ¹ |

¹ Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

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- 2 On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- 3 The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.
- 4 *Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.*
- 5 *Existing development shall be defined as existing prior to the adoption of Ordinance No. 848 and shall not include any replatting or lot splits done after the adoption of Ordinance No. 848 on November 20, 2001.*

(Ordinance No. 895, 2-04-03) (Ordinance No. 968, 11-15-05)

Section 5.08 R-3 High Density Residential

5.08.01 Intent: The purpose of this district is to permit high density residential in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.08.02 Permitted Uses:

- 5.08.02.01 Townhouses and Condominiums.
- 5.08.02.02 Public and private schools.
- 5.08.02.03 Publicly owned and operated facilities.
- 5.08.02.04 Public Services.
- 5.08.02.05 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.08.02.06 *Group Care Home*

5.08.03 Permitted Conditional Uses:

- 5.08.03.01 Multiple family dwellings.
- 5.08.03.02 Bed and Breakfast.
 - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.08.03.03 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.08.03.04 Home Occupations, as per Section 7.10.
- 5.08.03.05 Child Care Center.
- 5.08.03.06 Charitable clubs and organizations.
- 5.08.03.07 *Nursing care and rehabilitation facilities, and assisted living facilities*
- 5.08.02.07 *Congregate housing, senior apartments (age restricted to 55+ years old), or continuing care retirement community.*

5.08.04 Permitted Accessory Uses:

- 5.08.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.08.04.02 Decks, elevated patios either attached or detached.
- 5.08.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.08.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.08.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.08.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.08.04.07 Landscaping as required by Section 7.17.

5.08.05 Height and Lot Requirements:

5.08.05.01 The height and minimum lot requirements shall be follows:

| Uses | Lot Area (SF) | Lot Width | Front Yard | Side Yard | Rear Yard | Max. Height | Max. Building Coverage |
|-------------------------------------|-------------------|-----------------|---------------|------------------|--------------|------------------|------------------------------|
| Townhouses/Condominium ⁴ | 2,500 per unit | 25' per unit | 30' | 10' ⁵ | 30' | 35' | 40% |
| Multi-family Dwelling ³ | 2,250 per unit | 100' | 30' | (1) | 30' | 45' ¹ | 40% |
| Other Permitted Uses | 8,500 | 75' | 30' | 10' | 30' | 35' | 30% |
| Other Conditional Uses | 8,500 | 75' | 30' | 10' | 30' | 45' | 30% |
| Accessory Buildings | - | - | 50' | 5' | 5' | 17' | 10% ² |

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- 1 For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- 2 Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%
- 3 On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- 4 This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- 5 Where there are three (3) or more units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall zero (0) at common walls.

Section 5.09 R-4 Condominium Residential

5.09.01 Intent: The purpose of this district is to permit high density residential, including condominium dwellings, in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.09.02 Permitted Uses:

- 5.09.02.01 Townhouses and Condominium dwellings.
- 5.09.02.02 Public and private schools.
- 5.09.02.03 Publicly owned and operated facilities.
- 5.09.02.04 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*

5.09.03 Permitted Conditional Uses:

- 5.09.03.01 Multiple family dwellings.
- 5.09.03.02 Bed and Breakfast.
 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.09.03.03 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.09.03.04 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.09.03.05 Home Occupations, as per Section 7.10.
- 5.09.03.06 Child Care Center.
- 5.09.03.07 Charitable clubs and organizations.
- 5.09.03.08 *Nursing care and rehabilitation facilities, and assisted living facilities*

5.09.04 Permitted Accessory Uses:

- 5.09.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.09.04.02 Decks, elevated patios either attached or detached.
- 5.09.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.09.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.09.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.09.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.09.04.07 Landscaping as required by Section 7.17.

5.09.05 Height and Lot Requirements:

5.09.05.01 The height and minimum lot requirements shall be follows:

| Uses | Lot Area (SF) | Lot Width | Front Yard | Side Yard | Rear Yard | Max. Height | Max. Building Coverage |
|--|-------------------|-----------------|---------------|------------------|--------------|------------------|------------------------------|
| Townhouses/Condominium s ⁴ | 2,500 per unit | 25' per unit | 30' | 10' ⁵ | 30' | 35' | 40% |
| Multi-family Dwelling ³ | 2,250 per unit | 100' | 30' | (1) | 30' | 45' ¹ | 40% |
| Other Permitted Uses | 8,500 | 75' | 30' | 10' | 30' | 35' | 30% |
| Other Conditional Uses | 8,500 | 75' | 30' | 10' | 30' | 45' | 30% |
| Accessory Buildings | - | - | 50' | 8' | 10' | 17' | 10% ² |

¹ For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

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- 2 Provided total area of accessory structures for single family does not exceed 700 sq. ft. and
the total lot coverage of all buildings and accessory structure does not exceed 50%
- 3 On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street
Side Yard setback may conform to existing setbacks of existing structures along that street. In
new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- 4 This applies to Condominiums and Townhouses where there are three (3) or more units
connected and where there is a minimum of two (2) common walls; otherwise the criteria for
single-family attached or two-family dwelling shall apply depending upon the appropriate
condition.
- 5 Where there are three (3) or more units connected the side yard at the ends shall meet these
criteria otherwise the side yard setback shall zero (0) at common walls.

(Ordinance No. 881, 11-19-02)

SECTION 2. Repeal of Sections 5.06, 5.07, 5.08 and 5.09 of Ordinance No. 848 as previously enacted are hereby repealed.

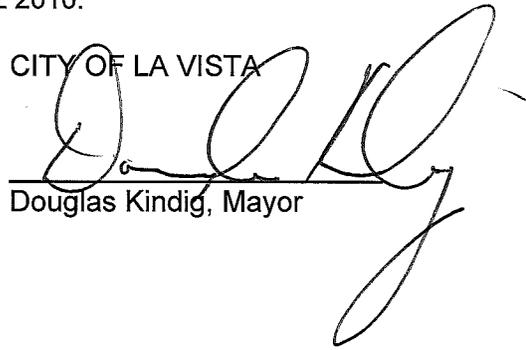
SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council 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 4. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Pamela A. Buethe, CMC
City Clerk