

## ARTICLE 5: ZONING DISTRICTS

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**Section 5.01 Districts; Use.** For the purpose of this Ordinance, the Municipality is hereby divided into fifteen (15) districts, designated as follows:

(TA)	Transitional Agricultural
(R-1)	Single-Family Residential
(R-2)	Two-Family Residential
(R-3)	High Density Residential
(R-4)	Condominium Residential
(C-1)	General Commercial District
(C-2)	Shopping Center Commercial
(C-3)	Highway Commercial / Office Park District
(I-1)	Light Industrial
(I-2)	Heavy Industrial
(PUD-1)	Planned Unit Development
(R-M)	Mobile Home Residential
(GWAY)	Gateway Corridor Overlay
(FF/FW)	Flood Plain (overlay)
(MU-CC)	Mixed Use – City Centre

**Section 5.02 Districts; Boundaries.** The boundaries of the districts are hereby established as shown on the maps entitled "Official Zoning Map of the City of La Vista, Nebraska." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor, and attested by the City Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this Ordinance. Such changes shall be promptly indicated on the Zoning District Map with the Ordinance number, nature of change, and date of change noted on the map. (Ref. §19-904 RS Neb.)

**Section 5.03 Rules for Interpretation of District Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 5.03.01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- 5.03.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 5.03.03 Boundaries indicated as approximately following City limits shall be construed as following such City limits;
- 5.03.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 5.03.05 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as

approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

- 5.03.06 Boundaries indicated as parallel to or extensions of features indicated in subsections 5.03.01-5.03.05 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 5.03.07 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 5.03.01-5.03.06 above, the Board of Zoning Adjustment shall interpret the district boundaries;
- 5.03.08 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

**Section 5.04 Classification of Districts upon Annexation and Conformance with the Land Use Plan.** Areas annexed into the corporate limits of La Vista shall be zoned to conform to the Land Use Plan.

**Section 5.05 TA Transitional Agriculture District**

**5.05.01 Intent:** The Transitional Agriculture District is established to recognize these properties as agricultural at present with the understanding that they may be suitable for development in the future. This district allows for existing agricultural properties to continue using the land in that manner.

**5.05.02 Permitted Uses.**

- 5.05.02.01 Farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale of products raised on the premises, provided that no livestock feedlot or yard for more than twelve (12) animals shall be established.
- 5.05.02.02 Farm dwellings for the owners and their families, tenants, and employees.
- 5.05.02.03 Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
- 5.05.02.04 Railroads, not including switching, terminal facilities or freight yards.
- 5.05.02.05 Public overhead and underground local distribution utilities.
- 5.05.02.06 Single family dwelling.
- 5.05.02.07 Churches.
- 5.05.02.08 Hydrogenation process.
- 5.05.02.09 Public services.
- 5.05.02.10 Publicly owned and operated facilities.
- 5.05.02.11 Roadside stands offering for sale agriculture products on the premises.

**5.05.03 Permitted Conditional Uses:**

- 5.05.03.01 Radio, television and wireless communication towers and transmitters, as per Section 7.11.
- 5.05.03.02 Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
- 5.05.03.03 Wastewater treatment facilities.
- 5.05.03.04 Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), soccer fields, indoor and outdoor tennis courts, and swimming pools.
- 5.05.03.05 Home occupations, as per Section 7.10.
- 5.05.03.06 Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations.
- 5.05.03.07 Wind energy systems on tracts of more than ten (10) acres, as per Section 7.18.
- 5.05.03.08 Airports.
- 5.05.03.09 Campgrounds.
- 5.05.03.10 Water reservoir.

**5.05.04 Permitted Accessory Uses:**

- 5.05.04.01 Buildings and uses customarily incidental to the permitted and conditional uses.
- 5.05.04.02 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.05.04.03 Signs as provided for in Section 7.01 through 7.04.
- 5.05.04.04 Parking as provided for in Section 7.05 through 7.09.
- 5.05.04.05 Private outdoor swimming pool, and other similar facilities in conjunction with a residence.
- 5.05.04.06 Storage or parking of vehicles, boats, campers and trailer, as per Section 7.13.

**5.05.05 Height and Lot Requirements:**

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

Uses	Lot Area (Acres)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	20	660'	75'	25'	25'	45'	-
Permitted Conditional Uses	20	660'	75'	25'	25'	45'	-
Recreational Uses	20	330'	20'	20'	10'	75'	-
Accessory Buildings	-	-	100'	25'	10'	17'	-

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 (Ordinance No. 1118, 4-6-10)*

**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 <sup>4</sup> ) <sup>2</sup>	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development <sup>3</sup> ) <sup>2</sup>	7,000	70'	30'	10'	30'	35'	40%
<i>Other Permitted Uses</i>	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% <sup>1</sup>

<sup>1</sup> 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%

<sup>2</sup> 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.

<sup>3</sup> Future development shall be defined as all new subdivisions created after *the adoption of Ordinance No. 848 on November 20, 2001.*

<sup>4</sup> 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 (Ordinance No. 1118, 4-6-10)*

**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 (Ordinance No. 1118, 4-6-10)*
- 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 <sup>3</sup>	Rear Yard	Max. Height	Max. Building Coverage
<i>Single-family Dwelling (existing development<sup>5</sup>)<sup>2</sup></i>	5,000	50'	30'	5'	30'	35'	35%
<i>Single-family Dwelling (future development<sup>4</sup>)<sup>2</sup></i>	7,000	70'	30'	10'	30'	35'	40%
<i>Two-family Dwelling<sup>2</sup></i>	10,000	100'	30'	10'	30'	35'	40%
Single-family attached	4,500	50' per unit	30'	10'	30'	35'	40%
<i>Other Permitted Uses</i>	8,000	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,000	75'	30'	10'	30'	45'	30%
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

<sup>1</sup> 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%.

<sup>2</sup> 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.

<sup>3</sup> The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

<sup>4</sup> *Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.*

<sup>5</sup> *Existing development shall be defined as existing prior to the adoption of Ordinance No. 848 and shall not include any replating 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 (Ordinance No. 1118, 4-6-10)*
- 5.08.02.07 *Multiple family dwellings constructed prior to November 20, 2001 (Ordinance No. 1132, 12-7-10)*

**5.08.03 Permitted Conditional Uses:**

- 5.08.03.01 Multiple family dwellings *constructed after November 20, 2001.*
- 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 (Ordinance No. 1118, 4-6-10)*
- 5.08.03.08 *Congregate housing, senior apartments (age restricted to 55+ years old), or continuing care retirement community. (Ordinance No. 1118, 4-6-10)*

**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/Condominiums <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	2,250 per unit	100'	30'	( <sup>1</sup> )	30'	45' <sup>1</sup>	40%
<i>Other Permitted Uses</i>	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% <sup>2</sup>

<sup>1</sup> 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.

<sup>2</sup> 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%

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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)*
- 5.09.02.05 *Multiple family dwellings constructed prior to November 20, 2001. (Ordinance No. 1132, 12-07-10)*

**5.09.03 Permitted Conditional Uses:**

- 5.09.03.01 Multiple family dwellings *constructed after November 20, 2001.*
- 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 (Ordinance No. 1118, 4-6-10)*

**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:**

Uses	5.09.05.01	The height and minimum lot requirements shall be follows:						
		Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums <sup>4</sup>		2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>		2,250 per unit	100'	30'	(1)	30'	45' <sup>1</sup>	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% <sup>2</sup>

<sup>1</sup> 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.

<sup>2</sup> 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%

<sup>3</sup> 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 5.10 C-1 Shopping Center Commercial.**

**5.10.01 Intent:** *The purpose and intent of the City of La Vista in establishing the C-1 Shopping Center Commercial District is to provide convenient local retail shopping and service areas within the city for all residents and to provide for the development of new local commercial districts where so designated. This includes uses such as retail stores, banks, theaters, business offices, restaurants, and taverns. (Ordinance No. 1253, 6-15-15)*

This district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

**5.10.02 Permitted uses:**

- 5.10.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*
- 5.10.02.02 Child care center.
- 5.10.02.03 Dance studio, not including uses defined in Adult Establishment.
- 5.10.02.04 Meeting hall, not including uses defined in Adult Establishment.
- 5.10.02.05 Museum, art gallery.
- 5.10.02.06 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
1. Apparel shop.
  2. Appliance store.
  3. Antique store.
  4. Automobile parts and supply store.
  5. Bakery shop (retail).
  6. Barber and Beauty shop.
  7. Bicycle shop.
  8. Book store, not including uses defined in Adult Establishment.
  9. Brew-on premises store.
  10. Camera store.
  11. Communication services.
  12. Computer store.
  13. Confectionery.
  14. Dairy products sales.
  15. Drug store.
  16. Dry cleaning and laundry pickup.
  17. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
  18. Food Sales (Limited).
  19. Food Sales (General).
  20. Floral shop.
  21. Mortuary.
  22. Furniture store or showroom.
  23. Gift and curio shop.
  24. Gunsmith.
  25. Hardware store.
  26. Hobby, craft, toy store.
  27. Jewelry store.
  28. Liquor store.
  29. Locksmith.
  30. Meat market, retail.
  31. Music retail store.
  32. Newsstands, not including uses defined in Adult Establishment.
  33. Paint store.
  34. Photographer.
  35. Picture framing shop.
  36. Reservation center.
  37. Restaurants, cafes and fast food establishments.

38. Second hand stores.
39. Shoe store.
40. Sporting goods.
41. Stamp and coin stores.
42. Tailors and dressmakers.
43. Tanning salon.
44. Travel agencies.
45. Video store, not including uses defined in Adult Establishment.
46. Social club and fraternal organizations, not including uses defined in Adult Establishment.
47. Telephone exchange.
48. Telephone answering service.
49. Public overhead and underground local distribution utilities.
50. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
51. *Adult Day Care Services (Ordinance No. 1328, 9-18-18)*

**5.10.03 Permitted Conditional Uses:**

- 5.10.03.01 Recreational establishments.
- 5.10.03.02 Department Store.
- 5.10.03.03 Variety store, not including uses defined in Adult Establishment.
- 5.10.03.04 Amusement arcades.
- 5.10.03.05 Brew Pubs.
- 5.10.03.06 Coffee Kiosks.
- 5.10.03.07 Micro breweries when in conjunction with a restaurant.
- 5.10.03.08 Automated Teller Machines when not within the interior of a primary use.
- 5.10.03.09 Theater, indoor, not including uses defined in Adult Establishment.
- 5.10.03.10 Bowling center.
- 5.10.03.11 Business or trade school.
- 5.10.03.12 Commercial greenhouse.
- 5.10.03.13 Mail order services.
- 5.10.03.14 Pinball or video games business.
- 5.10.03.15 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.10.03.16 Totally enclosed, automated and conveyor-style car washes.
- 5.10.03.17 Convenience store with limited fuel sales.
- 5.10.03.18 Garden supply and retail garden center.
- 5.10.03.19 Outdoor storage in conjunction with another primary use.
- 5.10.03.20 Pet Health Services, provided the following:
  1. Said use is totally enclosed within a building.
  2. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
  3. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary, not exceeding 48 hours.
  4. Grooming shall only be associated with medical appointment.
  5. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons.
- 5.10.03.21 *Self-storage units, provided:*
  1. *Storage unit is an extension of an existing self-storage unit or facility.*
  2. *The topography and access of the property will limit the development of identified commercial uses.*
  3. *No outdoor storage.*
  4. *Unit or facility provides perimeter fencing in accordance with this ordinance and a vegetative screen of at least six (6) feet in height and twenty (20) feet in width to any adjacent residential zoned property.*
  5. *Lighting on site shall not be directed at or allowed to shine on any residential zoned property.*
  6. *Applications for self-storage units under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its affect on surrounding property and shall include a site plan defining the areas to be developed with buildings and/or structures, the areas to be developed for*

parking, driveways and points of ingress and egress, the location and height of walls and fences, the location and type of landscaping, and the location, size and number of signs.

7. Such use shall not be located adjacent to the intersection of two or more arterial streets.
8. The property shall have at least one boundary line that is adjacent to other property that is zoned I-1 Light Industrial or I-2 Heavy Industrial.
9. Such use shall not include storage of explosives or hazardous materials and shall be in accordance with the intent, purpose and spirit of this ordinance and the Comprehensive Development Plan of La Vista, Nebraska.

**(Ordinance No. 954, 7-5-05)**

5.10.03.22 Event center, provided:

1. A conditional use permit would need to include specifics to the design and operation of the proposed center and individual activities, including, but not limited to, a detailed site plan and floor plan, a complete list of appointed or designated managers for each event at the center, and a complete description and duration of each event submitted to the city prior to each event.
2. Lighting on site shall not be directed at or allowed to shine on any residential zoned property.
3. Buildings utilized as event centers shall be accompanied by evidence concerning the feasibility of the proposed request and its affect on surrounding property and shall include a site plan defining the areas to be developed with buildings and/or structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls and fences, the location and type of landscaping, and the location, size and number of signs.
4. All signage shall comply with the City's established regulations.

**(Ordinance No. 955, 7-19-05)**

5.10.03.23 Animal Specialty Services with or without overnight boarding of animals and outdoor exercise areas. **(Ordinance No. 1253, 6-16-15)**

5.10.03.24 Pet Shop. **(Ordinance No. 1253, 6-16-15)**

**5.10.04 Permitted Accessory Uses:**

- 5.10.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.10.04.02 Parking as allowed in Section 7.05 through 7.09.
- 5.10.04.03 Signs allowed in Section 7.01 through 7.04.
- 5.10.04.04 Landscaping as required by Section 7.17.

**5.10.05 Permitted Temporary Uses**

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter.* **(Ordinance No. 998, 7-18-06)**

- 5.10.05.01 Temporary greenhouses.
- 5.10.05.02 Temporary structures as needed for sidewalk and other outdoor sales events.
- 5.10.05.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.
- 5.10.05.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed.* **(Ordinance No. 998, 7-18-06)**
- 5.10.05.05 Temporary structure for festivals or commercial events.

**5.10.06 Height and Lot Requirements:**

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

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	-	150'	25' <sup>1</sup>	10'	25'	45'	60%
Permitted Conditional Uses	-	150'	25' <sup>1</sup>	10'	25'	45'	60%

<sup>1</sup>. 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

**5.10.07 Use Limitations:**

- 5.10.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district.
- 5.10.07.02 Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04.
- 5.10.07.03 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.

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

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

**5.11.02 Permitted Uses:**

- 5.11.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*
- 5.11.02.02 Child care center.
- 5.11.02.03 Dance studio, not including uses defined in Adult Establishment.
- 5.11.02.04 Meeting hall, not including uses defined in Adult Establishment.
- 5.11.02.05 Museum, art gallery.
- 5.11.02.06 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
1. Apparel shop.
  2. Appliance store.
  3. Antique store.
  4. Automobile parts and supply store.
  5. Bakery shop (retail).
  6. Barber and Beauty shop.
  7. Bicycle shop.
  8. Book store, not including uses defined in Adult Establishment.
  9. Brew-on premises store.
  10. Camera store.
  11. Communication services.
  12. Computer store.
  13. Confectionery.
  14. Dairy products sales.
  15. Drug store.
  16. Dry cleaning and laundry pickup.
  17. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
  18. Floral shop.
  19. Mortuary.
  20. Food Sales (Limited).
  21. Food Sales (General).
  22. Furniture store or showroom.
  23. Gift and curio shop.
  24. Gunsmith.
  25. Hardware store.
  26. Hobby, craft, toy store.
  27. Jewelry store.
  28. Liquor store.
  29. Locksmith.
  30. Meat market, retail.
  31. Music retail store.
  32. Music studio.
  33. Newsstands, not including uses defined in Adult Establishment.
  34. Paint store.
  35. Photographer.
  36. Picture framing shop.
  37. Reservation center.
  38. Restaurants, cafes and fast food establishment.
  39. Second hand stores.
  40. Shoe store.
  41. Sporting goods.

- 42. Stamp and coin stores.
- 43. Tailors and dressmakers.
- 44. Tanning salon.
- 45. Travel agencies.
- 46. Video store, not including uses defined in Adult Establishment.
- 47. Social club and fraternal organizations, not including uses defined in Adult Establishment.
- 48. Telephone exchange.
- 49. Telephone answering service.
- 50. Theater, indoor, not including uses defined in Adult Establishment.
- 51. Public overhead and underground local distribution utilities.
- 52. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*

**5.11.03 Permitted Conditional Uses:**

- 5.11.03.01 Recreational establishments.
- 5.11.03.02 Variety store, not including uses defined in Adult Establishment
- 5.11.03.03 Amusement arcades.
- 5.11.03.04 Bowling center.
- 5.11.03.05 Brew Pubs.
- 5.11.03.06 Micro breweries when in conjunction with a restaurant.
- 5.11.03.07 Coffee Kiosks.
- 5.11.03.08 Automated Teller Machines when not within the interior of a primary use.
- 5.11.03.09 Business or trade school.
- 5.11.03.10 Garden supply and retail garden center.
- 5.11.03.11 Commercial greenhouse.
- 5.11.03.12 Mail order services.
- 5.11.03.13 Pinball or video games business.
- 5.11.03.14 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.11.03.15 Totally enclosed, automated and conveyor-style car washes.
- 5.11.03.16 Convenience store with limited fuel sales.
- 5.11.03.17 Residences in conjunction with the principal use when located above the ground floor.
- 5.11.03.18 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.11.03.19 Car wash.
- 5.11.03.20 Retail building material sales; provided that the following minimum standards are present:
  - 1. All lumber shall be enclosed with the primary structure.
  - 2. All year round landscaping materials shall be enclosed within the primary structure.
  - 3. All outdoor storage shall be temporary and shall comply with the provisions for Temporary Uses, as per this Ordinance.
- 5.11.03.21 Service station with minor automobile repair services.
- 5.11.03.22 Tire store and minor automobile repair service.
- 5.11.03.23 *Animal Specialty Services with or without overnight boarding of animals and outdoor exercise areas. (Ordinance No. 1254, 6-16-15)*
- 5.11.03.24 *Pet Shop. (Ordinance No. 1254, 6-16-15)*

**5.11.04 Permitted Temporary Uses**

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. (Ordinance No. 998, 7-18-06)*

- 5.11.04.01 Temporary greenhouses.
- 5.11.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.
- 5.11.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.
- 5.11.04.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. (Ordinance No. 998, 7-18-06)*
- 5.11.04.05 Temporary structure for festivals or commercial events.

**5.11.05 Permitted Accessory Uses**

- 5.11.05.01 Buildings and uses customarily incidental to the permitted uses.
- 5.11.05.02 Parking as permitted in Section 7.05 through 7.09.
- 5.11.05.03 Signs allowed in Section 7.01 through 7.04.
- 5.11.05.04 Landscaping as required by Section 7.17.

**5.11.06 Height and Lot Requirements:**

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

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	-	25' <sup>1</sup>	15'	15'	45'	60%
Permitted Conditional Uses	10,000	-	25' <sup>1</sup>	15'	15'	45'	60%

<sup>1</sup> 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

**5.11.07 Use Limitations:**

- 5.11.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.
- 5.11.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

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

**5.12.01 Intent:** The Highway Commercial / Office Park District is intended for large scale commercial and office park development. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

**5.12.02 Permitted Uses:**

- 5.12.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*
- 5.12.02.02 Museum, art gallery.
- 5.12.02.03 Entertainment Venue, indoor, not including uses defined in Adult Establishment. *(Ordinance No. 1219, 7-15-14)*
- 5.12.02.04 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
  - 1. Book store, not including uses defined in Adult Establishment.
  - 2. Brew-on premises store.
  - 3. Dry cleaning and laundry pickup.
  - 4. Floral shop.
  - 5. Gift and curio shop.
  - 6. Jewelry store.
  - 7. Reservation center.
  - 8. Restaurants, cafes and fast food establishment.
  - 9. Travel agencies.
  - 10. Office Park developments.
  - 11. Video store, not including uses defined in Adult Establishment.
  - 12. Meeting Halls not including Adult Establishments.
  - 13. Theater, indoor, not including uses defined in Adult Establishment. *(Ordinance No. 1219, 7-15-14)*
  - 14. Coffee kiosks. *(Ordinance No. 1219, 7-15-14)*
  - 15. Department stores. *(Ordinance No. 1219, 7-15-14)*
  - 16. Retail trade centers. *(Ordinance No. 1219, 7-15-14)*
  - 17. Shopping centers. *(Ordinance No. 1219, 7-15-14)*
  - 18. Commercial strip shopping center. *(Ordinance No. 1219, 7-15-14)*
- 5.12.02.04 *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*

**5.12.03 Permitted Conditional Uses:**

- 5.12.03.01 Automobile display, sales, service, and repair.
- 5.12.03.02 Brew Pubs.
- 5.12.03.03 Micro breweries when in conjunction with a restaurant.
- 5.12.03.04 Entertainment Venue, indoor, but which may include outdoor events, not including uses defined in Adult Establishment. *(Ordinance No. 1219, 7-15-14)*
- 5.12.03.05 Automated Teller Machines when not within the interior of a primary use.
- 5.12.03.06 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.12.03.07 Convenience store with limited fuel sales.
- 5.12.03.08 Churches and temples.
- 5.12.03.09 Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
  
- 5.12.03.10 Outlet Shopping Center.
- 5.12.03.11 Health Clubs and tanning salon, not including uses defined in Adult Establishment.
- 5.12.03.12 Health Recreation Facilities, not including uses defined in Adult Establishment.
- 5.12.03.13 *Child Care Center. (Ordinance No. 1041, 7-17-07)*
- 5.12.03.14 *Colleges and Universities. (Ordinance No. 1169, 3-6-12)*

**5.12.04 Permitted Temporary Uses**

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4)*

temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. **(Ordinance No. 998, 7-18-06)**

- 5.12.04.01 Temporary greenhouses.
- 5.12.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.
- 5.12.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.
- 5.12.04.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed.* **(Ordinance No. 998, 7-18-06)**
- 5.12.04.05 Temporary structure for festivals or commercial events.

**5.12.05 Permitted Accessory Uses**

- 5.12.05.01 Buildings and uses customarily incidental to the permitted uses.
- 5.12.05.02 Parking as permitted in Section 7.05 through 7.09.
- 5.12.05.03 Signs allowed in Section 7.01 through 7.04.
- 5.12.05.04 Landscaping as required by Section 7.17.

**5.12.06 Height and Lot Requirements:**

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

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	-	25' <sup>1</sup>	15'	15'	90' <sup>2</sup>	60%
Permitted Conditional Uses	10,000	-	25' <sup>1</sup>	15'	15'	90' <sup>2</sup>	60%

<sup>1</sup> 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

<sup>2</sup> Any building within 100 feet of a residentially zoned district shall not exceed 45 feet in height. **(Ordinance No. 1082, 11-18-08)**

**5.12.07 Use Limitations:**

- 5.12.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.
- 5.12.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

**Section 5.13 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 without on-site sales (Ordinance No. 1292, 9-6-16)*

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

- 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 *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 with on-site sales (Ordinance No. 1292, 9-6-16)*

**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) <sup>2</sup>	Lot Width <sup>2</sup>	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100	35' <sup>1</sup>	30'	25'	45'	65%
Permitted Conditional Uses	10,000	100	35' <sup>1</sup>	30'	25'	45'	65%

- <sup>1</sup> 35' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of sixty (60) feet.
- <sup>2</sup> *Lots created before January 1, 2008 may have a minimum Lot Area of 10,000 square feet and may have less than the minimum 100 feet lot width. (Ordinance No. 1053, 1-15-08)*

**5.13.06 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.

Section 5.14 I-2 Heavy Industrial

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

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

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

- 5.14.02.01 Assembly, fabrication, *packaging*, and processing of products inside an enclosed building, except hazardous or toxic materials
- 5.14.02.02 Automotive services, except repair, towing and wrecking
- 5.14.02.03 Business services
- 5.14.02.04 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
- 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 equipment and components
- 5.14.02.14 Manufacture of light sheet metal products including heating and ventilation equipment.
- 5.14.02.15 Manufacturing of food and kindred products, limited to bakery items, dairy products, sugar and confectionary products, and beverages
- 5.14.02.16 Manufacturing stone, clay, glass and concrete products
- 5.14.02.17 Millwork; veneer, plywood and structural wood products manufacturing-
- 5.14.02.18 Publicly owned and operated facilities. **(Ordinance No. 950, 3-1-05)**
- 5.14.02.19 Special and vocational educational and training facilities. **(Ordinance No. 950, 3-1-05)**
- 5.14.02.20 Transportation services
- 5.14.02.21 Trucking and courier services, except air
- 5.14.02.22 Veterinary Services, including livestock
- 5.14.02.23 Wholesale trade of goods
- 5.14.02.24 Microbreweries without on-site sales **(Ordinance No. 1292, 9-6-16)**

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

- 5.14.03.01 Automotive rental / leasing and other heavy equipment rental
- 5.14.03.02 Manufacturing of food and kindred products, except bakery items, dairy products, sugar and confectionary products, and beverages
- 5.14.03.03 Lumber and other building materials dealer
- 5.14.03.04 Outdoor storage or display of merchandise
- 5.14.03.05 Radio, television and communication towers and transmitters, as per Section 7.11
- 5.14.03.06 Utility substations, terminal facilities, and reservoirs
- 5.14.03.07 Farm-implement sales and service
- 5.14.03.08 Temporary Batch plant for concrete, asphalt, or paving material, not to exceed 24 months of operations
- 5.14.03.09 Cabinetry millwork
- 5.14.03.10 Recycling center for computers, televisions and household items
- 5.14.03.11 Storage of bulk petroleum products
- 5.14.03.12 The manufacturing, compounding, processing, extruding, painting, coating and assembly of steel, metal, vinyl, plastic, paper and similar products and related outdoor and indoor storage activities. **(Ordinance No. 855, 3-5-02)**
- 5.14.03.13 Gasoline service stations

- 5.14.03.14 *Automotive repair services*
- 5.14.03.15 *Sale of recreational vehicles, including boats and jet skis*
- 5.14.03.16 *Indoor recreational facility (Ordinance No. 918, 10-6-03)*
- 5.14.03.17 *Self-service storage facility (Ordinance No. 1069, 8-19-08)*
- 5.14.03.18 **Adult Entertainment establishments**
1. No Adult business shall be closer than 500 feet to any similar use and no closer than 500feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use. In addition, no Adult establishment shall be located within the Gateway Corridor Overlay or within 500 feet of said Overlay Corridor.
  2. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
  3. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
  4. No adult business shall be open for business between the hours of one am and six a.m.
  5. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
  6. Such use shall not impair an adequate supply of light and air to surrounding property.
  7. Such use shall not unduly increase congestion in the streets or public danger of fire and safety.
  8. Any explicit signs shall not be seen from any point off-premises.
  9. Such use shall not diminish or impair established property values in adjoining or surrounding property.
  10. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of La Vista, Nebraska.
  11. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
  12. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
  13. Prohibited Activities of Adult Businesses
    - A. No adult business shall employ any person less than eighteen (18) years of age.
    - B. No adult business shall furnish any merchandise or services to any person who is under eighteen (18) years of age.
    - C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
    - D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.
- 5.14.03.19 *Industrial Condominiums (Ordinance No. 1247, 4-21-15)*
- 5.14.03.20 *Microbreweries with on-site sales (Ordinance No. 1292, 9-6-16)*

**5.14.03.21**      *Concrete Batch Plants (Ordinance No. 1329, 9-19-18)*

**5.14.04 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:

Use	Lot Area (SF) <sup>2</sup>	Lot Width <sup>2</sup>	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100	35' <sup>1</sup>	30'	25'	45'	75%
Permitted Conditional Uses	10,000	100	35' <sup>1</sup>	30'	25'	45'	75%

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

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

**5.14.06 Use Limitations:**

- 5.14.06.01      When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within *thirty (30)* feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04. **(Ordinance No. 1053, 1-15-08)**
- 5.14.06.02      Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- 5.14.06.03      *No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling. (Ordinance No. 1053, 1-15-08)*

**5.14.07 Performance Standards:**

See Section 7.16 of the Supplemental Regulations.

**Section 5.15 PUD PLANNED UNIT DEVELOPMENT DISTRICT (Overlay District)**

**5.15.01 Intent:** The intent of the PUD District is to encourage creative design in buildings, open space, and their inter-relationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

The PUD District is an overlay zone. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met. A specific PUD site plan shall be submitted by each applicant for “PUD” zoning in accordance with the provisions and conditions that follow.

**5.15.02 Recommendation, findings of fact and development sizes**

The planning commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a PUD District, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.

- 5.15.02.01 Said planned unit development shall be in general conformity with the provisions of the La Vista Comprehensive Plan.
- 5.15.02.02 Said planned unit development shall not have a substantially adverse effect on the development of the neighboring area.
- 5.15.02.03 The minimum size allowed for a PUD District shall be 3 acres.
- 5.15.02.04 Permitted uses, lot sizes, height limits, bulk, density, parking, and setback requirements may be varied so as to promote an efficient and creative PUD District.

**5.15.03 Use regulations.**

All uses in the underlying zoning district may be permitted or conditionally permitted, unless certain uses are limited by City Council. Additionally, other uses (outside the underlying zoning district) may be allowed by City Council to promote mixed-use development.

**5.15.04 Standards and conditions for development.**

A planned unit development shall be consistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, and public facilities.

- 5.15.04.01 The applicant shall submit a schedule of construction. The proposed construction shall begin within a period of twelve (12) months following the approval of the application by the City Council. A minimum of fifty (50) percent of the total planned construction shown on the final plan shall be completed within a period of five (5) years following such approval or the PUD plan shall expire. The period of time established for the completion of the development may be modified from time to time by the City Council upon review and recommendation by the Planning Commission upon the showing of good cause by the developer.
- 5.15.04.02 The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
- 5.15.04.03 The site shall be accessible from public roads and/or private roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
- 5.15.04.04 The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
- 5.15.04.05 The entire tract or parcel of land to be occupied by the planned unit development shall be held in single ownership or control, or if there are two (2) or more owners, the application for such planned unit development shall be filed jointly by all owners.
- 5.15.04.06 The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways shall be landscaped or left as common open space.
- 5.15.04.07 Adequate parking shall be provided for each building and use as per the regulations of the underlying zoning district. Planned Unit Development (PUD) plans may reduce the

- minimum parking requirements, in Section 7.06, if parking is shared by more than one land use or business.
- 5.15.04.08 PUD Districts shall abide by Section 7.17 (Landscaping Requirements) of this ordinance to ensure suitable screening between developments is maintained.
- 5.15.04.09 Except for the MU-CC district, all residential, commercial, and industrial buildings shall set back not less than twenty-five (25) feet from the right-of-way of any street and ten (10) feet from any district boundary lines that do not abut a street right-of-way. *PUD's within the MU-CC district shall abide by the setbacks of that district.* Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning Commission and City Council for the protection of health, safety, and general welfare.
- 5.15.04.10 Except for the MU-CC district, building coverage shall not exceed the following percentages of the net developable area of each individual parcel of the total development for each type of planned unit development:  
Residential, forty (40) percent maximum.  
Commercial, *sixty (60) percent maximum. (Ordinance No. 882, 11-19-02)*  
*Industrial, sixty-five (65) percent maximum. (Ordinance No. 882, 11-19-02)*  
*Uses within the MU-CC District, no requirement.*
- 5.15.04.11 Except for the MU-CC district, a minimum of thirty (30) percent of the net area of that part of a planned unit development reserved for residential use shall be provided for open space as defined by these regulations under Section 5.15.04.16 below. Common open space for the leisure and recreation shall be maintained, through a homeowner's association or other approved entity. *(Ordinance No. 950, 3-1-05)* Open space as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, or accessory structures, except recreational structures. Common open space as defined under this zoning district shall mean open space which is accessible and available to all occupants or their guests.
- 5.15.04.12 The PUD District shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community.
- 5.15.04.13 No single family residential lot shall have direct access onto an arterial street.
- 5.15.04.14 All commercial areas must have access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets, unless the access is shared among more than one lot or building.
- 5.15.04.15 Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be required which provides pedestrian access between each building or use in the planned unit development.
- 5.15.04.16 When a developer intends to design a new concept development, the Planning Commission and City Council may grant lesser front, side, and rear yard setbacks, including zero (0) lot line setbacks.
- 5.15.04.17 Architectural design and style are not restricted; however architectural style should be consistent throughout the PUD District. See Gateway Corridor District Design Guideline Booklet for examples of developments considered meeting this concept. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- 5.15.04.18 Building materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
- 5.15.04.19 All building within the PUD District shall use harmonious colors and shall use only compatible accents.
- 5.15.04.20 Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
- 5.15.04.21 Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and

adjacent areas. Lighting shall be directed downward and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas (i.e. Dark Sky compliant.)

5.15.04.22 Developments within the MU-CC District are exempt from Sections 5.15.04.17 through 5.15.04.21 of this ordinance.

**5.15.05 Application for approval of PUD plan.**

5.15.05.01 An application for a PUD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.

5.15.05.02 The applicant shall prepare the PUD plan for review and approval by the planning commission. Said PUD plan shall include a site plan showing:

1. Contours at intervals of two (2) feet or spot elevations on a one hundred (100) foot grid shall be required on flat land;
2. Location, size, height, and use of all proposed structures in conformance with the yard requirements;
3. All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
4. All pedestrian sidewalks and walkways for internal circulation among buildings within the PUD as well as existing and proposed perimeter sidewalks.
5. All streets adjoining subject property and the width of the existing right-of-way;
6. Areas set aside for public and private open space with the type of recreational facilities planned for each;
7. Designation of individual parcels if the proposed development is to be set up in separate construction phases;
8. Designation of individual lots if such lots are proposed to be sold to individual owners;
9. Location of required screening;
10. Location of natural features such as ponds, tree clusters, and drainageways;
11. Existing development on adjacent properties within two hundred (200) feet.

5.15.05.03 The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when said items are applicable:

1. Net area in square feet or acres. (*Note:* Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, designate net area by parcel as well as total net area.)
2. Density of dwelling units per acre of the total dwelling units for the entire plan.
3. Building coverage of the net area of the planned unit development by individual parcel or total development.
4. The percentage of the development plan provided for common open space as defined by this regulation.
5. If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
6. Required number of off-street parking spaces.
7. Gross floor area proposed for commercial buildings.

5.15.05.04 A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.

5.15.05.05 The full legal description of the parcels of the property or properties shall be included in the planned unit development.

5.15.05.06 A vicinity map, shall be included, showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed planned unit development.

5.15.05.07 A rendering or drawing of the general characteristics of the proposed buildings shall be submitted.

5.15.05.08 When a planned unit development includes provisions for common space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space be owned and/or maintained by any entity other than a

- governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.
- 5.15.05.09 Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.
  - 5.15.05.10 The Planning Commission shall hold a Public Hearing on the PUD after the PUD has been reviewed by City of La Vista staff after giving notice as required by Statute for hearings.
  - 5.15.05.11 Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the PUD plan complies with those regulations, together with its recommendations in respect to the action to be taken on the PUD.
  - 5.15.05.12 The City Council may or may not approve the PUD plan.
  - 5.15.05.13 Substantial or significant changes in the PUD shall only be made after rehearing and re-approval.
  - 5.15.05.14 After approval of a plan by the City Council, the applicant may apply for a building permit. The building permit shall include the same information as the plan.
  - 5.15.05.15 The Planning Department shall review the building permit for compliance with the approved plan.
  - 5.15.05.16 In the event that the building permit submitted contains substantial changes from the approved development plan, the applicant shall resubmit the original plan. This development plan shall be modified in the same manner prescribed in this division as for original approval.

#### **5.15.06 Enforcement**

The approved PUD site plan is binding and shall be a restriction on development which runs with the land. Any unauthorized deviation therefrom shall be punishable and enforceable as a violation of this title.

#### **5.15.09 Amendments.**

The PUD District ordinance or an approved PUD plan may be amended in the same manner prescribed in this section for approval of a PUD plan. Application for amendment may be made by the homeowner's association or fifty-one (51) percent of the owners of the property within the PUD District.

#### **5.15.11 Fees.**

For the following applications the indicated fee shall be paid to the City:

1. PUD; as set in the Master Fee Schedule.

The fee does not include any Preliminary and Final Plat Fees required by the City of La Vista. (*Ordinance No. 882, 11-19-02*)

**Section 5.16 R-M Mobile Home Residential - District**

**5.16.01 Intent:** The intent of the Mobile Home Residential District shall be to provide for mobile home dwellings on leased or owned property in areas where a mobile home park is appropriate, where such development is recognized as being in the best interests of the citizens and taxpayers of La Vista.

**5.16.02 Permitted Uses**

The following uses are permitted in the R-M Mobile Home Residential District.

- 5.16.02.01 Single family dwelling.
- 5.16.02.02 Mobile Home Dwellings.
- 5.16.02.03 Public School.
- 5.16.02.04 Private and public park, playground and recreational facilities.
- 5.16.02.05 Church, educational facilities and parish house.
- 5.16.02.06 Multi-unit dwellings provided such use is part of a Planned Unit Development-Residential.
- 5.16.02.07 Public buildings.
- 5.16.02.08 Child Care Homes.

**5.16.03 Permitted Conditional Uses**

- 5.16.03.01 Home occupation, subject to Section 7.10
- 5.16.03.02 Child Care Center
- 5.16.03.03 Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
- 5.16.03.04 Sewage disposal and water supply and treatment facilities.
- 5.16.03.05 Campgrounds.

**5.16.04 Permitted Accessory Uses.**

- 5.16.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.16.04.02 Parking as provided for in Section 7.05 through 7.09.
- 5.16.04.03 Signs as provided for in Section 7.01 through 7.04.

**5.16.05 Area and Lot Requirements**

- 5.16.05.01 A mobile home park shall have an area of not less than five (5) acres. No mobile homes or other structures shall be located less than eighty-three (83) feet from the road centerline when contiguous to or having frontage to a County road or state highway. The setback on all other court property lines shall be twenty-five (25) feet. These areas shall be landscaped. The minimum lot width for a mobile home park shall be two hundred (200) feet.
- 5.16.05.02 Each lot provided for occupancy of a single mobile home shall have an area of not less than five thousand (5,000) square feet, excluding road R.O.W., and a width of not less than fifty (50) feet for an interior lot, eighty (80) feet for a corner lot, or forty-five (45) feet when facing a cul-de-sac turnaround or curve on a minor loop street. Each individual lot shall have:
  - 1. Side yards shall not be less than ten (10) feet on one side and not less than ten (10) feet on the other side, except that on corner lots, the setback for all buildings shall be a minimum of thirty (30) feet on the side abutting a street/road.
  - 2. Front yard of not less than thirty (30) feet.
  - 3. A rear yard of not less than twenty-five (25) feet.
- 5.16.05.03 There shall be a minimum livable floor area of five hundred (500) square feet in each mobile home, when mobile home is owned and leased by the mobile home park owner.
- 5.16.05.04 Height of Buildings.
  - 1. Maximum height for principal uses: thirty-five (35) feet.
  - 2. Maximum height for accessory uses: twenty (20) feet.

- 5.16.05.05 Each lot shall have access to a hard surfaced drive not less than twenty-two (22) feet in width excluding parking
- 5.16.05.06 City water and sewage disposal facilities shall be provided with connections to each lot. The water supply shall be sufficient for domestic use and for fire protection.
- 5.16.05.07 Tie downs shall meet all manufacturers' recommendations.
- 5.16.05.08 Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.
- 5.16.05.09 Not less than 8% of the total court area shall be designated and used for park, playground and recreational purposes.
- 5.16.05.10 Limitations on Lot Coverage shall be no more than 45%.
- 5.16.05.11 Storm shelters shall be required and shall meet the following criteria:
  - 1. Shelter space equivalent to two (2) persons per mobile home lot,
  - 2. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
  - 3. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
- 5.16.05.12 All mobile home pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.
- 5.16.05.13 All mobile homes shall have skirting which is in good repair, meets manufacturer standards, and is in conformance with the color scheme of the trailer.
- 5.16.05.14 All off-street parking shall be hard surfaced.
- 5.16.05.15 All Mobile homes shall comply with all other City Ordinances.

**5.16.06 Plan Requirements**

- 5.16.06.01 A complete plan of the mobile home court shall be submitted showing:
  - 1. A development plan and grading plan of the court.
  - 2. The area and dimensions of the tract of land.
  - 3. The number, location, and size of all mobile home spaces.
  - 4. The number, location, and size of all hard surfaced pads shall be shown.
  - 5. The area and dimensions of the park, playground and recreation areas.
  - 6. The location and width of roadways and walkways.
  - 7. The location of service buildings and any other proposed structures.
  - 8. The location of water and sewer lines and sewage disposal facilities.
  - 9. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

## **Section 5.17 GATEWAY CORRIDOR DISTRICT (OVERLAY DISTRICT)**

### **5.17.01 Intent:**

The City of La Vista has established basic site and building development criteria to be implemented within the boundaries of this overlay district *for all multi-family, industrial, and commercial building projects*. The Gateway Corridor District has been established in order to implement the policies developed in the Future Land Use Plan portion of the Comprehensive Development Plan. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, and interior street development. The purpose for regulating these issues is to provide for cohesive and properly developed entrances into the City corridor. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the City, by providing quality design and construction which will also aid in the protection of past and future investment in the corridor. (*Ordinance No. 1172, 3-20-12*)

Within the Gateway Corridor Overlay District there is a sub-area secondary overlay centered on the intersection of 96th and Giles Road (see Official Zoning map). The purpose of this secondary overlay evolves around a partnership between the City of La Vista and Metropolitan Community College which have made a significant investment in the community with the new La Vista Public Library / MCC Sarpy Center. The City's desire is that this district be the standard of quality for all *multi-family, industrial, and commercial building projects* within this *geographically defined area*. See Section 5.17.06 for special design criteria for this sub-area. (*Ordinance No. 1048, 10-2-07*)

### **5.17.02 Purpose:**

The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of La Vista's environment. Pertinent to appearance is the design of the site, building and structures, planting, signs, street hardware, and miscellaneous other objects that are observed by the public.

The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the city, preserve taxable values, and promote the public health, safety and welfare.

### **5.17.03 Geographic Area:**

For a geographically defined area of the Gateway Corridor Overlay District, see the Official Zoning Map. If a site is partially covered by said overlay district, then the entire site is to be covered by these regulations. (*Ordinance No. 1048, 10-2-07*) (*Ordinance No. 1172, 3-20-12*)

The sub-area secondary overlay -area occurs within all developments that front on the 96th Street and Giles Road corridors including:

- Giles Road Corridor – from 90th Street to 108th Street.
- 96th Street Corridor – from Harrison Street to Portal Road

If a site is partially covered by said sub-area secondary overlay district, then the entire portion of the site facing 96<sup>th</sup> and/or Giles Road is to be covered by these regulations. See Section 5.17.06 for special design criteria for this geographic area. *For a geographically defined area, see the Official Zoning Map.* (*Ordinance No. 1048, 10-2-07*)

### **5.17.04 Criteria for Application:**

5.17.04.01 New construction and modification of existing buildings, including the structure and the surrounding property, are required to have compliance reviewed through the design review process.

5.17.04.02 Exceptions:

Conformance to this Building Criteria shall not apply if the project consists of one of the following:

1. Construction or modification of a single-family residence or duplex.
2. Structural Modification which will not be visible from outside the structure.
3. Modification of a property which:
  - a. The modification constitutes less than 25% of the existing building's main façade; or
  - b. The modification constitutes less than 25% of the building's overall elevations; or

- c. Building improvements are estimated to cost under \$25,000; or
- d. Site improvements are estimated to cost under \$10,000.

**5.17.05 Criteria for Appearance**

5.17.05.01 Relationship of Buildings to Site.

The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.

- 1. Site planning is encouraged to provide an interesting relationship between buildings.
- 2. Building and site designs shall relate to and promote pedestrian scale.
- 3. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways and adjacent properties.
- 4. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings. Multi-story facades shall be divided providing pedestrian scale.
- 5. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

5.17.05.02 Relationship of Buildings and Site to Adjoining Area (Outside Of Subdivision).

- 1. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
- 2. Attractive landscape transitions shall be designed to be compatible to adjoining properties.
- 3. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

5.17.05.03 Landscape and Site Treatment.

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

- 1. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good site design and development. All modifications to topography shall be designed to provide varied and more natural grading practices. Consistent, even topography that provides an engineered feel is not acceptable.
- 2. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
- 3. Landscape treatments shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
- 4. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. All projects need to use a minimum of the following listed plant varieties of the plants listed in Appendix A of the Gateway Corridor District Design Guideline Booklet.
  - A minimum of two species listed under the deciduous tree category
  - A minimum of one species listed under the coniferous tree category
  - A minimum of one species listed under the deciduous shrubs category
  - A minimum of one species listed under the coniferous shrubs category
- 5. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
- 6. The landscape plan shall be designed to provide natural undulating landscape forms. Avoid consistent straight line pairings.
- 7. Irrigation of all landscape elements as defined above and turf area is required. Provide specification or information showing compliance in the design submittal.
- 8. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.

9. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer.
10. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures for the parking areas and drives within the building area shall be similar in appearance and quality level as the light fixtures identified in Appendix B of the Gateway Corridor District Design Guideline Booklet. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Wall Pack lighting and exterior lighting with visible lamps is not permitted. Lighting shall be Dark Sky compliant and limit wash onto abutting properties. Exceptions to Dark Sky compliance may be made for specific emergency lighting situations. Fixture, poles, and/or other support cut sheets are required in the design submittal for all exterior lighting fixtures to be utilized.
11. Storm water management shall be integrated into the design of the site and landscaping. Storm water management criteria are found in the following reference materials:
  - Papillion Creek Watershed Partnership Storm Water Management Policies
  - Storm Water Management Regulations, Chapter 154 of the City of La Vista Municipal Code
  - City of La Vista Subdivision Regulations, 2003 edition and latest amendments.
  - Omaha Regional Storm Water Design Manual, Draft Revision of Chapter 8 dated June 2012, or latest edition.
  - Nebraska Bioretention and Rain Garden Plants Guide, 2010 or latest edition as published by the UNL Extension Office

Plant selection shall take into consideration the depth and duration of storm water ponding in water quality detention areas and shall take into consideration long term operation and maintenance requirements to remove accumulated pollutants and/or to replace amended soils.

5.17.05.04

Building Design.

1. Architectural style is not restricted: however, architectural style should be consistent throughout the subdivision. See Gateway Corridor District Design Guideline Booklet for examples of developments considered meeting this concept. **Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings and provide a comfortable pedestrian experience.**
2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
3. All buildings are to be designed from a four-sided (360 degree) structure perspective, thus requiring the same caliber of finishes and design attention on all facades of the building. Large areas of blank exterior are to be avoided and are grounds for non-compliance.
4. Building Materials: (i) The primary building material of all portions of the building shall be brick (clay or stone) with its color selected for harmony of the building with adjoining buildings within its subdivision. The La Vista staff and design review architect may allow other primary building material of good architectural character, such as integral colored split faced concrete block for industrial buildings or portions of the building not visible from public view (i.e. facades that back up to the landscape buffer between commercial and residential buildings). Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Prefinished metal is acceptable for upper levels of multi-story buildings. (ii) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways. (iii) Materials shall be of durable quality such as prefinished or integral color for long life with minimal maintenance. Any material requiring a field-applied finish shall have

long life, i.e. coatings such as “TNEMEC” or equal. Product data shall be submitted for review. (iv) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings..

5. Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
6. Colors shall be harmonious and shall include only compatible accents.
7. Portions of low slope roofs of less than 1/12 may be allowed. They may be either adhered or ballasted. If adhered, the membrane shall be in the lighter color ranges, such as white, to be more energy conscious and less absorptive. An SRI of 29 or greater is required.
8. Equipment Screening: Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from the elevation view and all angles associated with any public view. A section view shall be provided demonstrating appropriate screening. Mechanical screening shall match building elements and materials.
9. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Use of more energy conscious lamps, such as LEDs or similar, is encouraged.
10. If used, fencing and site furniture, including waste cans, directories, ash urns, bike racks, guard rails or railing enclosures, shall be similar to those as shown in Appendix C of the Gateway Corridor District Design Guideline Booklet. The color of the site furnishings shall blend with the colors of the rest of the building/site.
11. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening. Doors for access shall remain closed except when personnel are present. Designers may consider convenient alternate access for daily pedestrian use such as a side door with closer.
12. All landscaping shall be in compliance with the Landscaping Requirements from the City of La Vista Zoning Ordinance.
13. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
14. Exterior ladders are not allowed within the Gateway Corridor District.
15. Exterior bracing of parapets or other features shall be screened from elevation views. Screening shall match building elements and materials.
16. Drive-through locations. Transaction location at a drive through shall not be on an arterial street frontage. Exceptions may be granted due to site restraints.

#### 5.17.05.05

#### Signs.

1. Every sign shall have good scale and proportion in its design and in its visual relationship to the buildings and surroundings.
2. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
3. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and sit to which it principally relates.
4. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign’s major message and shall be composed in proportion to the area of the sign face.
5. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
6. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.
7. Menu Boards shall be incorporated as a site element and not be post mounted. No exposed utilities or conduit is allowed. Locate signs to minimize view from public ways and they are required to be screened with landscaping or by other means.

- 5.17.05.06 Maintenance – Planning and Design Factors.
1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
  2. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated into the design for protection against the elements, neglect, damage, and abuse.
  3. If prefinished metal is allowed, TNEMEC coated metal, or approved equal are required.

**5.17.06 Sub-area Secondary Overlay**

5.17.06.01 Special Criteria for Sub-area.  
 The criteria found in this section are intended to be supplemental to the design standards stated in previous sections of this Article. See section 5.17.02 and 5.17.03 for purpose and geographic area of the Sub-area.

- 5.17.06.02 Landscape and Site Treatment.
1. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. All projects need to use a minimum of the following listed plant varieties of the plants used at the La Vista Public Library / MCC Sarpy Center. See Gateway Corridor District Design Guideline Booklet for a listing of those plant materials.
    - A. A minimum of two (2) species listed under the deciduous tree category.
    - B. A minimum of one (1) species listed under the coniferous tree category.
    - C. A minimum of one (1) species listed under the deciduous shrub category.
    - D. A minimum of one (1) species listed under the coniferous shrub category.
  2. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures for the parking areas and drives within the commercial building area shall be similar in appearance and quality level as the light fixtures used at the La Vista Public Library / MCC Sarpy Center. See Gateway Corridor District Design Guideline Booklet for information on the required light fixture style. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

5.17.06.03 Building Design.  
 The primary building material of all portions of the building shall be brick (clay) with its color selected for harmony of the building with adjoining buildings within its subdivision. The La Vista staff and design review architect may allow other primary building designs (of good architectural character i.e. split faced concrete block) for portions of the building not visible from public areas (i.e. facades that back up to landscape buffer between commercial buildings and residential). Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.

**5.17.07 Factors For Evaluation**

The following factors and characteristics, which affect the appearance of a development, will govern the evaluation of a design submission:

- 5.17.07.01 Conformance to ordinances and the Design Guideline..
- 5.17.07.02 Logic of design.
- 5.17.07.03 Exterior space utilization.
- 5.17.07.04 Architectural character.
- 5.17.07.05 Attractiveness of material selection.
- 5.17.07.06 Harmony and compatibility.
- 5.17.07.07 Circulation-vehicular and pedestrian.
- 5.17.07.08 Maintenance aspects.
- 5.17.07.09 Pedestrian Scale

### 5.17.09 Resubmittal Requirements

After the initial submittal, digital submissions are acceptable, with the exception of material and color samples. A final hard copy submittal in 11" x 17" format shall be required after final approval.

### 5.17.08 Approval of Changes After Design Acceptance

It is the owner's responsibility to point out and submit any exterior modifications that occur between design acceptance and completion of construction to assure timely issuance of a Certificate of Occupancy.

### 5.17.10 Process.

- 5.17.10.01 Pre-application Conference (Optional):  
A pre-application conference with city staff to give the applicant an opportunity to discuss plans before a great deal of time or money is expended. If a certain design is inappropriate, the applicant will know beforehand. Although this step is optional, **it is highly recommended.**
- 5.17.10.02 Application for Design Review:  
The applicant needs to fill out the "Application for Design Review" and submit it along with the required submittals. A listing of required submittals is included as part of the application form. The application fee required for this submittal shall be in accordance with La Vista's Master Fee Schedule.
- 5.17.10.03 Design Review:  
The City of La Vista staff in association with the city design review architect will review the submittal documents for compliance with the Gateway Corridor District Design Guideline Booklet.
- 5.17.10.04 Schedule of Reviews  
A completed application will take approximately three weeks to review. Incomplete applications may cause a delay. Additional reviews will be necessary for all revised submittals until a Certificate of Approval is issued.
- 5.17.10.05 Certificate of Approval:  
Upon a successful review the City of La Vista will issue to the applicant a Certificate of Approval. A copy of this will need to be included with the Building Permit documents in order to receive a Building Permit.
- 5.17.10.06 Appeals:  
In the event where the applicant, City staff and City design review architect cannot come to an agreement within 180 days of initial application submission, the applicant request a meeting with the City Administrator regarding an appeal to the City Council. (**Ordinance No. 1172, 3-20-12**)
- 5.17.10.07 Certificate of Occupancy:  
After the building permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued for the building
- 5.17.10.08 Maintenance of Design Requirements:  
The applicant needs to maintain the design requirements for the life of the project. In the event that they fail to do so the City may revoke the Occupancy Permit.
- 5.17.10.09 Fees:  
Fees may apply to each individual step as established in the Master Fee Schedule.

## **Section 5.18 FF/FW Flood Plain Districts (Overlay District)**

### **5.18.01 STATUTORY AUTHORIZATION**

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety and general welfare. The Legislature, in Sections 31-1001 to 31-1022, R.R.S. 1943 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city or village with zoning jurisdiction over the flood-prone area. Therefore, the City Council of the City of LaVista, Nebraska, ordains as follows:

### **5.18.02 FINDINGS OF FACT**

#### **5.18.02.01 Flood Losses Resulting From Periodic Inundation**

The flood hazard areas of the City of La Vista, Nebraska, are subject to inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditure for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety, and general welfare.

#### **5.18.02.02 General Causes of Flood Losses**

Flood Losses are caused by: (1) The cumulative effect of obstruction in floodplains causing increases in flood heights and velocities, and (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise protected from flood damages.

#### **5.18.02.03 Methods Used to Analyze Flood Hazards**

These regulations use a reasonable method of analyzing flood hazards which consist of a series of interrelated steps:

1. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for these regulations is representative of large floods which are reasonable characteristic of what can be expected to occur on the particular streams subject to these regulations. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year, as delineated in the official Flood Insurance Study and illustrative materials dated May 3, 2010, and as may be amended.
2. Calculations of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and over-bank areas to convey the base flood.
3. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any water surface increase along the floodway profile.
5. Delineation of floodway fringe, i.e. that area outside the floodway encroachment lines, but which still is subject to inundation by the base flood.

**5.18.03 STATEMENT OF PURPOSE**

It is the purpose of these regulations to promote the public health, safety, and general welfare and to minimize those losses described in Section 5.18.02.01 by applying the provisions of these regulations for the following purposes.

- 5.18.03.01 Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- 5.18.03.02 Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- 5.18.03.03 Protect individuals from buying lands which are not suitable for intended purposes because of flood hazards.
- 5.18.03.04 Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance.

**5.18.04 LANDS TO WHICH THESE REGULATIONS APPLY**

This ordinance shall apply to all lands within the jurisdiction of the City of LaVista, Nebraska that are subject to a 1% or greater chance of flooding in any given year, now or in the future, as identified as numbered and unnumbered A Zones (including AE, AO and AH Zones) on the effective Flood Insurance Rate Map (effective FIRM) dated May 3, 2010, or best available data as determined by more recent hydrologic and hydraulic studies completed or approved by the City or other government agency. Requirements established in Section 5.18.16 of this ordinance shall apply to the Zoning Districts FW and FF based on the most restrictive information available. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 5.18.17, 5.18.18, and 5.18.19.

**5.18.05 ENFORCEMENT OFFICER**

The Chief Building Official is hereby designated as the Enforcement Officer for the City of La Vista, Nebraska, under these regulations.

**5.18.06 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map, the Flood Insurance Rate Map or Floodway Map, or on the Digital Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the flood fringe overlay district boundary on the land. The location of the floodway overlay district boundary may be based on a map completed or approved by the City or other government agency, provided the boundary is not less restrictive than that shown on the effective FIRM. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment and to submit his own technical evidence, if he so desires.

The boundaries of the FF/FW Flood Plain Districts (Overlay District) shall be determined by scaling distances on the official zoning map, the Flood Insurance Rate Map, or the Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Building Inspector shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his/her case to the Board of Adjustment and to submit his/her own technical evidence, if he/she so desires.

**5.18.07 COMPLIANCE**

No development located within identified special flood hazard areas of the community shall be located, extended, converted or structurally altered without full compliance with the terms of these regulations and other applicable regulations.

**5.18.08 ABROGATION AND GREATER RESTRICTIONS**

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where these regulations impose greater restrictions, the provisions of these regulations shall prevail. All other ordinances inconsistent with these regulations are hereby repealed to the extent of the inconsistency only.

**5.18.09 INTERPRETATION**

In their interpretation and application, the provisions of these regulations shall be held to minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statute.

**5.18.10 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas outside the boundaries of the FF/FW Flood Plain Districts or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of La Vista, Nebraska, of any officer or employee thereof for any flood damages that may result from reliance on these regulations or any administrative decision lawfully made thereunder.

**5.18.11 SEVERABILITY**

If any section, clause, provision or portion of these regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.

**5.18.12 APPLICATION FOR APPEAL**

Where a request for a permit to develop is denied by the Chief Building Official, the applicant may apply for such permit or variance directly to the Board of Adjustment. The Board of Adjustment may grant or deny such request in accordance with the provisions of the Zoning Ordinance governing the Board of Adjustment.

**5.18.13 PERMITS REQUIRED**

No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined by these regulations.

**5.18.14 ADMINISTRATION**

The Chief Building Official is hereby appointed to administer and implement the provisions of these regulations. The duties of the Chief Building Official shall include, but not be limited to the following:

- 5.18.14.01 Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of these regulations have been satisfied.
- 5.18.14.02 Review applications for proposed development to assure that all necessary floodplain permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
- 5.18.14.03 Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.

- 5.18.14.04 Notify adjacent communities, the Papio-Missouri River NRD, the U.S. Army Corps of Engineers, Sarpy County, and the Nebraska Department of Natural Resources, Flood Plain Management Section, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- 5.18.14.05 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- 5.18.14.06 Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
- 5.18.14.07 Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.
- 5.18.14.08 When flood-proofing is utilized for a particular structure, the Chief Building Official shall be presented certification from a registered professional engineer or architect.
- 5.18.14.09 Facilitate the approval of new Flood Insurance Rate Maps or best available data as necessary.
- 5.18.14.10 Maintain records of all floodplain development permits and or building permits within the floodway or flood fringe overlay district to ensure that structures are not substantial improvements.
- 5.18.14.11 Filling of the floodway fringe associated with new development within the Papillion Creek System shall be limited to 25% of the floodway fringe in the floodplain development application project area, unless approved mitigation measures are implemented. The remaining 75% of floodway fringe within the project area shall be designated as a restricted fill zone. For redevelopment, these provisions may be modified or waived in whole or in part by the local jurisdiction.

**5.18.15 APPLICATION FOR A PERMIT**

To obtain a floodplain development permit, the applicant shall first file an application, in writing, on a form furnished for that purpose. Every such application shall:

- 5.18.15.01 Identify and describe the development to be covered by the floodplain development permit.
- 5.18.15.02 Describe the land on which the proposed development is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
- 5.18.15.03 Indicate the use or occupancy for which the proposed development is intended.
- 5.18.15.04 Be accompanied by plans and specifications for proposed construction, including but not limited to the following information: 1) existing (natural) grades, 2) proposed grades as a result of proposed development, 3) the proposed lowest floor elevation and any higher floor elevations, including attached garage, of any proposed structures, 4) the lowest and highest adjacent grades next to any proposed structures, 5) the most restrictive base flood elevation nearest the proposed development.
- 5.18.15.05 Be signed by the permittee or his authorized agent who may be required to submit documentation to indicate such authority.
- 5.18.15.06 Comments from the Papio-Missouri River Natural Resources District shall accompany each application for a flood plain development permit.
- 5.18.15.07 Give such other information as may be reasonably required by the Chief Building Official.

#### **5.18.16 ESTABLISHMENT OF ZONING DISTRICTS**

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study, effective FIRM, or best available data. The zoning districts created by this resolution overlie other zoning districts and place additional restrictions upon the manner in which lands in such underlying district may be used. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

#### **5.18.17 STANDARDS FOR FLOODPLAIN DEVELOPMENT**

- 5.18.17.01 No permit for development shall be granted for new construction, substantial improvements and other development, including the placement of manufactured homes within all numbered and unnumbered A Zones (including AE, AO, and AH Zones) unless the conditions of this section are satisfied.
- 5.18.17.02 All areas identified as unnumbered A Zones on the effective FIRM or best available data are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of these regulations. If Flood Insurance Study data is not available, the City of La Vista shall utilize any base flood elevation or floodway data currently available from Federal, state or other sources.
- 5.18.17.03 Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard area unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the effective FIRM or best available data.
- 5.18.17.04 New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
1. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamics and hydrostatic loads, including the effects of buoyancy.
  2. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
  3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  4. All electrical equipment and sanitary facilities, including circuits, installed electric appliances, toilets, sinks, drains, in new developments and substantial improvements shall be located so as to not be subject to flooding or shall be floodproofed to prevent damage resulting from flood levels exceeding the base flood elevation by one foot. Backflow valves should be installed on all septic lines leading from the structure.
  5. The storage of material and equipment shall be regulated as follows:
    - (a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
    - (b) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that:
  - (a) All such proposals are consistent with the need to minimize flood damage;
  - (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located, elevated and constructed to minimize or eliminate flood damage;
  - (c) Adequate drainage is provided so as to reduce exposure to flood hazards; and
  - (d) Proposals for development of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposal the base flood elevation.

## **5.18.18 FLOOD FRINGE OVERLAY DISTRICT (INCLUDING AO AND AH ZONES)**

### **5.18.18.01 Permitted Uses**

Any use permitted in Section 5.18.19 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.18.17 are met.

### **5.18.18.02 Standards for the Flood Fringe Overlay District**

1. Require that new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the highest base flood elevation available, now or in the future.
2. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation available, now or in the future, or, together with attendant utility and sanitary facilities, to be flood-proofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Chief Building Official as set forth in Section 5.18.14.07.
3. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage. The area below lowest floor subject to flooding shall be a maximum of four (4) feet in height measured from the bottom of the floor joists, unless used for parking of vehicles. Areas other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. All electrical equipment and sanitary facilities, including circuits, installed electric appliances, toilets, sinks, drains, in new developments and substantial improvements shall be located so as to not be subject to flooding or shall be floodproofed to prevent damage resulting from flood levels exceeding the highest base flood elevation available, now or in the future, by one foot. Backflow valves should be installed on all septic lines leading from the structure.
5. Within AH Zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

6. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
  - (a) Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations. Manufactured homes less than fifty (50) feet long require one (1) additional tie per side.
  - (b) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points. Manufactured homes less than fifty (50) feet long require four (4) additional ties per side.
  - (c) All components of the anchoring system be capable of carrying a force of forty-eight hundred (4800) pounds.
  - (d) Any additions to manufactured homes be similarly anchored.
7. All manufactured homes to be placed or substantially improved within special flood hazard areas on the FIRM on sites outside of a manufactured home park or subdivision, or in a new manufactured home park or subdivision, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.18.18.02 (5) above.
8. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (i) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or (ii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.
9. Located within the areas of special flood hazard established in Section 5.18.04 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:
  - (a) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified).
  - (b) All new construction and substantial improvements of non-residential structures shall (i) have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the Building Inspector as set forth in Section 5.18.14.07.
  - (c) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

## **5.18.19 FLOODWAY OVERLAY DISTRICT**

### **5.18.19.01 Permitted Uses**

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. The following are permitted uses for the Floodway District:

1. Open space uses not requiring a closed building, such as agricultural cropland, livestock feeding and grazing, or open public and private recreation areas.
2. Wire fences or other appurtenances may be constructed which would not constitute an obstruction or debris-catching obstacle to the passage of flood waters.
3. Railroads, streets, bridges, public utility wire and pipelines for transmission and local distribution.
4. Commercial excavation of materials from pits, strips, or pools; provided, that no stockpiling of materials, products or overburden shall be such as to create a potential restriction to the passage of flood waters.
5. Non-restrictive improvements in stream channel alignment, cross section, and capacity in the normal maintenance thereof.
6. Uses of a type not appreciably damaged by flood waters; provided, no structures for human habitation shall be permitted..

### **5.18.19.02 Standards for the Floodway Overlay District**

The uses enumerated in 5.18.19.01 above shall only be permitted if certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of Sections 5.18.17 and 5.18.18. In Zone A unnumbered, obtain, review and reasonably utilize any flood elevation and floodway data available through Federal, State or other sources or Section 5.18.17.04 (6)(d) of this ordinance, in meeting the standards of this section.

## **5.18.20 VARIANCE PROCEDURES**

5.18.20.01 The Board of Adjustment as established by the City of La Vista, Nebraska, shall hear and decide appeals and requests for variances from the requirements of these regulations.

5.18.20.02 The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Chief Building Official in the enforcement or administration of these regulations.

5.18.20.03 Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court of Sarpy County as provided in Section 19-912, R.R.S. Nebraska 1943.

5.18.20.04 In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of these regulations, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
6. The compatibility of the proposed use with existing and anticipated development;

7. The relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water systems, and streets and bridges.

**5.18.21 CONDITIONS FOR VARIANCES**

- 5.18.21.01 Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size if contiguous to or surrounded by lots with existing structures constructed below the base flood level, providing the requirements of Sections 5.18.21.02 through 5.18.21.05 below have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.
- 5.18.21.02 Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.
- 5.18.21.03 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 5.18.21.04 Variances shall only be issued upon:
1. A showing of good and sufficient cause;
  2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 5.18.21.05 Any applicant to whom a variance is granted shall be given a written notice from the Building Inspector that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one-hundred dollars (\$100) of insurance coverage, and that such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by these regulations.

**5.18.22 NONCONFORMING USE**

- 5.18.22.01 A structure or the use of a structure or premises which was lawful before the passage or amendment of flood plain regulations, but which is not in conformity with the provisions of these regulations may be continued subject to the following conditions:
1. No such structure of use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
  2. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance.
  3. Uses or adjuncts thereof, which are or become nuisances, shall not be entitled to continue as nonconforming uses.

5.18.22.02 If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of these regulations. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations.

#### **5.18.23 PENALTIES FOR VIOLATION**

Violation of the provisions of these regulations or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than five hundred dollars (\$500), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of La Vista, Nebraska, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **5.18.24 AMENDMENTS**

The regulations, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action shall be taken until after a public hearing in relation thereto, at which interested parties and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of La Vista, Nebraska. At least ten (10) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Flood Plain Management Act.

#### **5.18.25 DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

**“Appeal”** – A request for a review of the Chief Building Official’s interpretation of any provision of this ordinance or a request for a variance.

**“Area of Shallow Flooding”** – A designated AO or AH Zone on a Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**“Area of Special Flood Hazard”** – The land in the flood plain within a community subject to one percent (1%) or greater chance of flooding in any given year.

**“Base Flood”** – The flood having one percent (1%) chance of being equaled or exceeded in any given year.

**“Basement”** – Any area of the building having its floor subgrade (below ground level) on all sides.

**“Best Available Data”** – means any hydrologic and hydraulic studies which result in a base flood elevation, now or in the future, that is higher than that shown on the Effective FIRM or Effective FIS. Such study must be completed or approved by the Village/City/County or other government agency.

**“Development”** – Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**“Existing Construction”** (for the purpose of determining rates) – Structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRM’s effective before that date. “Existing Construction” may also be referred to as “existing structures.”

**“Existing Manufactured Home Park or Subdivision”** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

**“Expansion to an Existing Manufactured Home Park or Subdivision”** – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and wither final site grading or the pouring of concrete pads.)

**“Flood or Flooding”** – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland waters; or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

**“Flood Fringe”** – That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every one-hundred (100) years, i.e. that has a one percent (1%) chance of flood occurrence in any one year.

**“Flood Insurance Rate Map (FIRM)” of “Effective FIRM”** – An official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

**“Flood Insurance Study (FIS)” or “Effective FIS”** – The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

**“Floodplain”** – Any land area susceptible to being inundated by water from any source (see definition of “flooding”).

**“Floodway” or “Regulatory Floodway”** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**“Freeboard”** – A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

**“Highest Adjacent Grade”** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**“Lowest Floor”** – The lowest floor of the lowest enclosed area (including basement.) An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**"Manufactured Home"** – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**"Manufactured Home Park or Subdivision"** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"New Construction"** – For floodplain management purposes, "new construction" means structures for which the "start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**"New Manufactured Home Park or Subdivision"** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**"Overlay District"** – A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

**"Principally Above Ground"** – At least fifty-one percent (51%) of the actual cash value of the structure is above ground.

**"Recreational Vehicle"** – A vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Special Flood Hazard Area"** – The land in the floodplain within a community subject to one percent (1%) or greater chance of flooding in any given year.

**"Start of Construction"** (for other than new construction or substantial improvements under the coastal Barrier Resources Act, Pub. L. 97-348) – Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one-hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

**"Structure"** – A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

**"Substantial Damage"** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**"Substantial Improvement"** – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**"Variances"** – A grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**"Violation"** – A failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

**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
<b>Residential:</b>	
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
<b>Public and Civic:</b>	
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
<b>Commercial:</b>	
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	P

Establishment.	
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
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
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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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.

**5.19.04 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 zone, 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 R-zoned property, 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.
- 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.

LOT AND AREA REQUIREMENTS ZONING DISTRICT	MINIMUM LOT AREA		MIN. YARD SETBACK			MAXIMUM HEIGHT		MAX. LOT COVERAGE
	LOT AREA	LOT WIDTH (feet)	FRONT (feet)	SIDE (feet)	REAR (feet)	IN STORIES	IN FEET	PERCENT OF LOT AREA
<b>TA: Transitional Agricultural</b>								
Residential dwellings	20 acres	660	75	25	25	2 ½	35	-
Other Permitted Uses	20 acres	660	75	25	25	3	45	-
Permitted Conditional Uses	20 acres	660	75	25	25	3	45	-
Accessory Uses	-	-	100	25	10	1 ½	17	-
<b>R-1: Single-Family Residential</b>								
Single-family detached (existing) <sup>1</sup>	5,000 s.f.	60	30	5	30	2 ½	35	35%
Single-family detached (future) <sup>2</sup>	7,000 s.f.	70	30	10	30	2 ½	35	40%
Other Permitted Uses and Conditional Uses	8,000 s.f.	75	25	25	25	3	45	25%
Accessory Uses	-	-	50	5	5	1 ½	17	10% <sup>2</sup>
<b>R-2: Two-Family Density Residential</b>								
Single-family detached (existing) <sup>1</sup>	5,000 s.f.	50'	30	5	30	2 ½	35	35%
Single-family, dwelling (future) <sup>2</sup>	7,000 s.f.	70	30	10	30	2 ½	35	40%
Two-family dwelling <sup>4</sup>	10,000 s.f.	100	30	10	30	2 ½	35	40%
Single-family, attached <sup>4</sup>	4,500 s.f. / du	50 per unit	30	10 <sup>1</sup>	30	2 ½	35	40% per unit
Townhouses/Condominiums	2,500 s.f. / du	25 per unit	30	10	30	2 ½	35	40%
Other Permitted Uses and Conditional Uses	8,000 s.f.	75	30	10	30	3	45	30%
Accessory Uses	-	-	50	5	5	1 ½	17	10% <sup>2</sup>
<b>R-3 High Density Residential</b>								
Single-family, detached <sup>4</sup>	7,000 s.f.	70	30	10	30	2 ½	35	40%
Single family, attached <sup>4</sup>	4,500 s.f./du	50 per unit	30	10 <sup>1</sup>	30	2 ½	35	40% per unit
Two-family dwelling <sup>4</sup>	10,000 s.f.	75	30	10	30	2 ½	35	40%
Townhouses	2,500 s.f.	25 per unit	30	( <sup>1</sup> )	30	2 ½	35	40%
Multi-family dwellings	2,250 s.f. / unit	100	30	( <sup>3</sup> )	30	3	45	40%
Other Permitted Uses and Conditional Uses	8,500 s.f.	75	30	10	30	3	45	30%
Accessory Uses	-	-	50	5	5	1 ½	17	10% <sup>2</sup>
<b>R-4: Condominium Residential</b>								
Single-family, detached <sup>4</sup>	7,000 s.f.	70	30	10	30	2 ½	35	40%
Single-family, attached <sup>4</sup>	4,500 s.f. / du	50 per unit	30	10 <sup>1</sup>	30	2 ½	35	40% per unit
Two-family dwelling <sup>4</sup>	10,000 s.f.	75	30	10	30	2 ½	35	40%
Condominiums	2,500 s.f.	25 per unit	30	( <sup>1</sup> )	30	2 ½	35	40%
Multi-family dwellings	2,250 s.f./unit	100	30	10	30	3	45	40%
Other Permitted Uses and Conditional Uses	8,500 s.f.	75	30	( <sup>3</sup> )	30	3	45	30%
Accessory Uses	-	-	50	8	10	1 ½	17	10% <sup>2</sup>
<b>C-1: Shopping Center Commercial</b>								
Permitted Uses	-	150	25 <sup>5</sup>	10	25	3	45	60%
Permitted Conditional Uses	-	150	25 <sup>5</sup>	10	25	3	45	60%
<b>C-2: General Commercial</b>								
Permitted Uses	10,000 s.f.	-	25 <sup>5</sup>	15	15	3	45	60%
Permitted Conditional Uses	10,000 s.f.	-	25 <sup>5</sup>	15	15	3	45	60%
<b>C-3: Highway Commercial / Office Park</b>								
Permitted Uses	10,000 s.f.	-	25 <sup>5</sup>	15	15	3	45	60%
Multi-family residential	10,000 s.f.	-	25 <sup>5</sup>	15	15	3	45	60%
Permitted Conditional Uses	10,000 s.f.	-	25 <sup>5</sup>	15	15	3	45	60%
<b>I-1: Light Industrial</b>								
Permitted Uses	10,000 s.f.	-	35 <sup>6</sup>	30	25	3	45	65%
Permitted Conditional Uses	10,000 s.f.	-	35 <sup>6</sup>	30	25	3	45	65%
<b>I-2: Heavy Industrial</b>								
Permitted Uses	10,000 s.f.	-	35 <sup>6</sup>	30	25	3	45	75%
Permitted Conditional Uses	10,000 s.f.	-	35 <sup>6</sup>	30	25	3	45	75%

<sup>1</sup> The Side Yard setback along the common wall shall be 0 feet and the common wall shall be along the adjoining lot line

<sup>2</sup> Provided total area of accessory structure for single family does not exceed 700 s.f. or all structures do not exceed 45% total coverage in the R-1 District and 50% total coverage in the remaining Residential Districts.

<sup>3</sup> For Multi-family units, the Side Yard setback shall be 10 feet if it is a max. of 3 stories, and 2 additional feet of Side Yard on each side for each additional story in excess of 3 stories.

<sup>4</sup> On corner lots: existing development = Street Side Yard may conform to existing setbacks along the street. Future Development = Street Side Yard setback shall equal Front Yard setback

<sup>5</sup> 25 ft Front Yard setback required if no parking otherwise there is a 50 ft Front Yard setback

<sup>6</sup> 35 feet Front Yard setback required if no parking otherwise there is a 60 feet Front Yard setback

**Additional requirements may apply to a Zoning District, please refer to the specific district, the General Requirements and the Supplemental Regulations for more information.**

**(Ordinance No. 875, 10-15-02) (Ordinance No. 900, 2-04-03) (Ordinance No. 968, 11-15-05)**